REGULAR MEETING OF AUGUST 13, 2018

The regular meeting of the Fair Lawn Planning Board on Monday, August 13, 2018 was called to order at 7:35 p.m. by Vice Chairman Ari Ludzki in the Council Chambers of the Fair Lawn Municipal Building.

The notice of the Open Public Meetings Law was read stating that the newspapers were notified and a notice posted on the first floor bulletin board of the Fair Lawn Municipal Building.

Roll Call

Present: Vice Chairman Ari Ludzki, Brent Pohlman, Deputy Mayor Gail Rottenstrich, Antonio Garcia, Joseph Mele, Amy Hummerstone, Joan Fragala, Edward Baldofsky, Jr., Larry Metzger

Also present: Board Attorney Gregg Paster, Board Engineer Lyra Knust and Board Secretary Cathryn Hochkeppel

Approval of minutes

Upon motion by Deputy Mayor Gail Rottenstrich and a second by Amy Hummerstone, the work session meeting minutes of July 9, 2018, were unanimously approved. AYES: Joseph Mele, Councilmember Gail Rottenstrich, Amy Hummerstone, Larry Metzger, Edward Baldofsky. Abstain: Joan Fragala, Vice Chairman Ludzki, Brent Pohlman, Antonio Garcia.

Public Comment

Vice Chairman Ludzki opened the matter to the public but no public wished to be heard.

Approval of escrow bills

Upon motion by Brent Pohlman and Edward Baldofsky, the escrow bills were unanimously approved. AYES: Vice Chairman Ari Ludzki, Brent Pohlman, Deputy Mayor Gail Rottenstrich, Antonio Garcia, Joseph Mele, Amy Hummerstone, Joan Fragala, Edward Baldofsky, Jr., Larry Metzger
AutoZone; 27-02 Broadway and 0-114 28th Street; Block 3210.01; Lots 2 & 7; major site plan

Frank DeVito, Esq. appeared on behalf of the applicant. He explained that this application includes only two variances, one for the existing side yard and for a freestanding sign. Mr. DeVito stated that this is the site of the Chase building which has remained vacant for some time. He further explained that AutoZone is a retailer of auto parts and only courtesy work is done on the premises.

Thomas Pugsley, 361 Route 31, Flemington, NJ, was sworn in and qualified as an expert engineer. The survey dated August 3, 2017 was marked as Exhibit A-1 which showed the existing conditions of the site. Mr. Pugsley explained the conditions of the site consisting of 0-114 28th Street and 27-02 Broadway. The existing site has 2400 square foot bank building. The property on 28th Street is a 1 ½ story building and attached garage. There are five access points to the property.

A colored version of the site plan dated July 31, 2018, with the landscaping superimposed was marked as Exhibit A-2. The building proposed is a 7,382 square foot building. AutoZone does not do any kind of mechanical work but will do courtesy service such as putting on a windshield wiper. There are no service bays to do any kind of mechanical service. This is a permitted use in the zone. The hours of operation will be Monday through Saturday 7:30 am to 10 p.m. and Sunday 8 am to 8 pm. There will be eight to fifteen employees with a maximum of 5-6 employees per shift. There is a front yard setback variance requested on 27th Street. The existing setback is 2.7 feet and they are pushing back the building to 4.6 feet. There will be 41 parking spaces and the access points have been improved. There is a reduction of one driveway on 27th Street, and the design is also improved on Broadway. The depressed curb clearly defines safe turning movements and also is designed for pedestrian safety. An application has been submitted to DOT. Mr. Pugsley testified that there is two way circulation throughout the property. The interior traffic flow is designed for low velocity. He noted that the entrances and exits off 27th Street and 28th Street were offset and explained the reasons for the design. The site has been designed for delivery vehicles and a truck turning template was submitted. The deliveries come in off hours when the store is closed. AutoZone owns its own trucks and controls its deliveries. He explained the trash enclosure. It is 16 feet from the property line where 20 feet is required. The enclosure is blocked by the building and there is landscaping around it. He testified that the intent of the ordinance is met. Public utilities are provided in this area. He explained the lighting fixtures. The lights will be flat and will comply with the ordinance. There was very little landscaping on the property and there will be a significant improvement to the landscaping. A waiver is being sought for landscaping between parking and building. Eight foot sidewalks are more comfortable for people carrying product back and forth to their car. The driveway cannot shift over any further and needs to comply with DOT regulations. There will be landscaping along the entire perimeter. It is shy of the 10%, but
the applicant is providing 8.7%. This will significantly improve the aesthetics of the site. The applicant is proposing two wall signs. One is on north façade and one is on 27th Street. The applicant is requesting a pylon sign in the northeast corner. The sign is compliant but the ordinance requires that it have a 200 feet width and the width is 150 feet. Mr. Pugsley stated he addressed most of the Board Engineer’s comments.

Brent Pohlman stated that there are significant amount of property improvements but noted that they did not meet the 10% landscaping requirement. He wanted to see some kind of sprinkler system to preserve the landscaping. Mr. DeVito said that there is a maintenance ordinance and the applicant will comply with the requirements. All of their stores maintain their landscaping. Amy Hummerstone was concerned with the fact that there were no elevations with the architectural. Mr. Pugsley presented a colored elevation dated January 5, 2018 which was marked as A-3. It showed the four elevations of the buildings. He explained the exterior of the building and the faux windows. Ms. Hummerstone stated that more should be done with the site, and it is not aesthetically pleasing. Deputy Mayor Gail Rottenstrich asked about the landscaping on the 27th Street side. Mr. Pugsley explained the plantings. The building cannot be shifted due to the DOT requirements. Deputy Mayor Rottenstrich suggested that perhaps parking spaces could be removed to comply with the landscaping requirements. She asked about the pylon sign and Mr. DeVito explained that the sign size complies but the width is 150 feet rather than 200 feet. Antonio Garcia asked how they selected this site, and was told that the demographics fit. The size of the site was also a fit for AutoZone. Mr. Pugsley pointed out that this permitted use that will generate low traffic. There are covenants on the land that allow only certain uses. It is a good neighbor that keeps it stores clean. Edward Baldofsky asked about a sprinkler system, and Mr. DeVito explained that it is not required and the type of use does not warrant a sprinkler system. Joseph Mele remarked that the applicant is seeking two variances, the set back and the sign. The second elevation is critical and will be seen by the public. He asked about the bottom portion of the building and was told it was a brick veneer. The next part will be split-faced block and the upper portion will be stucco. He questioned the need for the pylon sign and nature of the sign. Mr. Pugsley explained it will be internally lit and stated that it is a safety issue since it is on the highway, and is a way finder sign. Mr. Mele suggested adding additional faux windows. Mr. Mele asked about lighting along 27th Street, and was told there is an existing light pole. Mr. Mele asked if the trash enclosure be either split block or brick face since it faces 27th Street and was told the applicant can meet that requirement. Larry Metzger asked about the handicapped parking spaces and was told there were two next to the door. In response to Larry Metzger’s question, Mr. Pugsley explained that the entire parking lot will be redone.
Vice Chairman Ari Ludzki asked about the number of parking spaces, and asked if the applicant be willing to reduce the amount of parking to provide more landscaping. It was explained that their heaviest use is on Saturdays and the applicant would be willing to give up one space. Mr. DeVito explained that they would be willing to work with the Board’s engineering staff to comply with the landscaping requirement.

Lyra Knust stated that they could work with the applicant to reach the landscaping at 10%. Joan Fragala suggested lighting underneath the plants to enhance the area. The applicant said they would be willing to work with the Board’s engineer.

Brent Pohlman stated that this building has three faces of just wall. The bigger impact on Broadway is not 1½% greenery but the three brown walls. Amy Hummerstone added that there are opportunities for improvements at this site. Larry Metzger asked if all the stores look the same. Mr. DeVito explained that this store was specifically designed to break up the façade. This design was done specifically for this location. Mr. DeVito stated that aesthetics is not a land use issue. Lyra Knust asked about the removal of underground storage tanks, and Mr. DeVito explained that it will be done in accordance with the law. Ms. Knust asked about the footing of the light poles. Mr. Pugsley explained that the height of the footing of the light pole is raised up to three feet for the protection of the pole to prevent people from backing up on them.

Vice Chairman Ludzki opened the matter to the public for questions.

Mary Mancuso, 27-11 Pellack Drive, stated her property is adjacent to the south side of the building. She stopped at an AutoZone and there were cars on jacks and people were under them. She stated that she is happy to get rid of the empty building but wants to make sure the use is good for the community. Mr. DeVito stated that they do not do mechanical service in New Jersey. Her concern is also with trash. She requested appropriate trash receptacles. Mr. DeVito explained that the employees go out there every day and clean up their site.

Craig Miller, 5 Ramapo Terrace, asked about the sprinkler system. Mr. DeVito said the state determines whether or not sprinklers are required, and they are not. Mr. Miller asked about the tractor trailer deliveries and Mr. DeVito stated that they control their own deliveries. Mr. Miller asked about cooperative parking. Mr. DeVito stated the applicant could not make that commitment at this time.

Mary Mancuso, 27-11 Pellack Drive, commented that there is additional on-street parking that transverses from Broadway to Pellack Drive.
Chairman Pohlman stated that many of the operational issues were put on the record by counsel and he would prefer to hear testimony from sworn witnesses.

Vice Chairman Ludzki recessed the meeting for five minutes. Vice Chairman Ludzki reconvened the meeting at 9:15 p.m. with all members present as previously stated.

William Smith, 14-25 Eaton Drive; Easton, Pennsylvania, was sworn in and stated that he is a real estate development manager for AutoZone. He has been with AutoZone for 29 years, has been a store manager, district manager and regional manager for 110 stores. Mr. Smith testified that the comments made by Mr. DeVito and Mr. Pugsley relative to the operations of AutoZone were accurate and correct.

No one had any questions of the witness.

Lisa Phillips was sworn in and qualified as an expert professional planner. Mr. DeVito asked that a series of eight photographs be marked as Exhibit A-4. Ms. Phillips explained the photos which depicted the existing conditions and the general area. Buildings in the area do butt up against the side streets. The photos also showed signage in the area. Ms. Phillips testified that the front yard setback along 27th currently sits at 2.7 feet where 20 feet is required. The proposed building will be set back 4.67 feet. From the curb line to the property line, there is seven feet. The sidewalk needs to be within the seven foot right-of-way. It does give a visual appearance of closer to the 11 feet discussed in the master plan document. If the building was set back 20 feet, it would be out of character with the Broadway streetscape. Ms. Phillips testified that in a typical walkable pathway, you want the buildings on the property line as you don’t want to encourage parking within those areas. Ms. Phillips testified that this design is a benefit over providing the 20 foot setback. Ms. Phillips stated that the other variance requested is relative to the free standing sign. The applicant is providing 150 feet width where 200 feet is required. In a 200 foot width, the permitted signage is 72 square feet. Although the width is 75% of the requirement, the sign size is only 34.7 feet which is less than half of the permitted amount. Ms. Phillips stated that it is a scaled down proportionate sign. For the traveling traffic going westbound, the traveler needs to make a decision to get in the right lane to make the U-turn. The sign is not just an identifier but is also directional and serves an important safety aspect. Ms. Phillips testified that the variance requested meets the c(2) positive criteria as it provides a better planning alternative particularly with the side yard. Pursuant to case law, the project as a whole should be considered, not just the variances. For this type of project, these are two minor variances. This property has been marketed for almost a year. This type of use is a low traffic generator. When you consider the
whole project, the Board can grant the variances under in terms of the positive criteria under c(2) and c(1) as well. The applicant is reducing the amount of curb cuts from six to three and improving the landscaping. There are constraints as to the permitted use on the property. There is no substantial detriment to the public good under the negative criteria. There are several free standing signs in the area. This will not have negative effects on the aesthetics of the area and actually improves the aesthetics. Ms. Phillips testified that in terms of the master plan, the application is consistent with several of the goals particularly with regard to the Broadway Improvement District.

Ms. Hummerstone stated that she would argue the opposite with regard to aesthetics.

Mr. DeVito stated that he had no further witnesses and concluded that this project is an improvement to the area. This is a permitted use and the building is smaller than permitted.

Joan Fragala stated she is not happy with the look of the building and asked if there is any way to improve the façade. Mr. DeVito stated that this is not a warehouse rectangular building and is split face high-end attractive building. Larry Metzger stated that two more faux windows will help to break up the lines. Brent Pohlman stated that he does not think that the applicant has carried its burden relative to the pylon sign. Mr. DeVito stated that the sign is not large and is less than half the size permitted. Joseph Mele asked if there is a sign that is not internally lit that AutoZone normally uses and was told that all the signs are internally lit.

Vice Chairman Ludzki opened the matter to the public for comment.

Craig Miller, 5 Ramapo Terrace, asked if the applicant met with the Broadway Improvement District and was told that the applicant did meet with them and they were in favor of the application.

Antonio Garcia moved that the application be approved and Larry Metzger seconded the motion conditioned upon CME working with the applicant to achieve the 10% landscaping and with regard to the free-standing sign (not to exceed 36 square feet). Another condition of the resolution is that the applicant will daily clean its lot of any trash, identify locations where trash receptacles on the revised site plan, utilize brick or split faced block for the trash enclosure, compliance with the engineer’s review letter and adding two faux windows to the discretion of the Board Engineer. AYES: Deputy Mayor Rottenstrich, Antonio Garcia, Edward Baldofsky, Joseph Mele, Larry Metzger, Vice Chairman Ludzki NAYS: Joan Fragala, Brent Pohlman, Amy Hummerstone
Vice Chairman Ari Ludzki thanked all the Board members for their assistance.

Adjournment

Upon motion by Brent Pohlman and a second by Joan Fragala, the meeting was unanimously adjourned at a 10:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board