REPUBLIC MEETING OF SEPTEMBER 17, 2018

The regular meeting of the Fair Lawn Planning Board on Monday, September 17, 2018 was called to order at 7:45 p.m. by 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: Chairman Ari Ludzki, Deputy Mayor Gail Rottenstrich, Antonio Garcia, Vice Chairman Joseph Mele, Amy Hummerstone, Joan Fragala, Larry Metzger, Joseph Baladi, Larissa Mendez Downes  Absent: Edward Baldofsky, Brent Pohlman

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

Approval of minutes

Upon motion by Joan Fragala and a second by Deputy Mayor Gail Rottenstrich, the work session meeting minutes of August 13, 2018, were unanimously approved. AYES: Vice Chairman Joseph Mele, Deputy Mayor Gail Rottenstrich, Amy Hummerstone, Larry Metzger, Joan Fragala, Antonio Garcia, Chairman Ludzki. Abstain: Larissa Mendez Downes, Joseph Baladi. Upon motion by Joan Fragala and a second by Joseph Mele, the regular meeting minutes of August 13, 2018 were unanimously approved. AYES: Vice Chairman Joseph Mele, Deputy Mayor Gail Rottenstrich, Amy Hummerstone, Larry Metzger, Joan Fragala, Antonio Garcia, Chairman Ludzki. Abstain: Larissa Mendez Downes, Joseph Baladi.

Approval of escrow bills

Upon motion by Joseph Mele and a second by Larry Metzger, the escrow bills were unanimously approved. AYES: Vice Chairman Joseph Mele, Deputy Mayor Gail Rottenstrich, Amy Hummerstone, Larry Metzger, Joan Fragala, Antonio Garcia, Chairman Ludzki, Larissa Mendez Downes, Joseph Baladi.
Public Comment

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

Memorializing Resolution

AutoZone; 27-02 Broadway and 0-114 28th Street; Block 3210.01; Lots 2 & 7; major site plan

Upon motion by Joseph Mele and a second by Deputy Mayor Rottenstrich, the memorializing resolution was unanimously approved. AYES: Joseph Mele, Larry Metzger, Deputy Mayor Rottenstrich, Antonio Garcia, Chairman Ludzki

12-01 River Road; Block 5611, Lots 42-47; major site plan

Mark Madaio appeared on behalf of the applicant. He explained that the property is the old Bank of America property. It is a proposed to be a mixed use building. They are not seeking a height variance. It is consistent with what is currently on River Road.

Engineer Michael Dipple was sworn in and qualified as an expert engineer. Mr. Dipple stated that he was the supervisor and project engineer of the plans dated August 8, 2018, revised per reviewing engineers letter of July 19, 2018 that were labeled Exhibit A-1. He described the site plans in detail. A colorized version of the site plan was marked as Exhibit A-2. They are proposing two driveways. They will be eliminating a driveway. Sixteen apartments are proposed with retail space on the first floor. They are asking for a variance for a loading space. They do not see a need for the space as small retail stores do not require a large loading dock. It also leads to a more fluid traffic pattern. Engineer Dipple testified that they do not believe they require a parking variance. He explained his parking calculations. He calculated the spaces at 42 with a 25% parking reduction results in 32 spaces. Engineer Dipple explained the access points. He explained the grading and drainage of the property. He sees no issue with complying with the Board Engineer’s comments in this regard. He explained the proposed lighting to the property. The LED lights can be adjusted. Lackland survey form dated 4/24/2018 was marked as Exhibit A-3. It is a survey of existing conditions and a boundary survey. The existing site is 89% impervious coverage. The proposed plan is 93% impervious coverage which is a very slight increase. He prepared a traffic impact statement. There is a significant reduction in the amount of peak hour trips as compared to the Bank of America. It was also noted that the uses are permitted. They are proposing additional landscaping. The bus stop will be moved slightly closer to the property line. An aerial photograph was marked as Exhibit A-4.
Joan Fragala asked about residents moving into the property. Mr. Madaio replied that a loading dock would be impractical for the occasional tenant moving in. Joseph Baladi asked about the density of the other properties further north, and Mr. Dipple stated he did not know the density of the other buildings. Amy Hummerstone asked about the parking. Mr. Madaio stated that they were proposing shared parking for the site. Amy Hummerstone asked if they had entered into a cooperative parking agreement and was told no. Amy Hummerstone stated that she is concerned about the parking and the additional run-off and believes they need to take another look at it. Ms. Hummerstone also asked about the lighting on the building. She also asked about the traffic and Mr. Dipple explained the traffic patterns in more detail. She also asked about the parking under the building and the applicant stated they would be seeking a waiver.

Deputy Mayor Rottenstrich asked about the lighting in the back and Mr. Dipple explained it in detail indicating that they would be able to point the light away from the residence. She asked about turning restrictions. They have filed an application with Bergen County and they are working together with the County. The left turn would not be permitted onto Berdan, and they will be bound by the County on River Road. Joseph Mele stated that the uses make sense and they are suitable. He was concerned about the density. Building coverage, impervious coverage and parking all require variances. He was also concerned about the snow placement. Vice Chairman Mele stated that the building just doesn’t seem to fit the site. He asked about parking spaces for the residents and was told that typically, one space is assigned per residence. He is also concerned about the east side next to the residential properties and the lack of buffering. Mr. Madaio suggested a 6 foot fence. There was some discussion about moving the building closer to River Road. Larry Metzger asked about the number of spaces required. Mr. Dipple stated the Borough offers a cooperative parking plan that reduces it by 25%. Mr. Metzger asked about proof of the cooperative parking. Mr. Madaio stated that they will be coming back and investigating all the options available. Mr. Metzger asked how many stores would be on the lower level. Mr. Madaio replied that it might be one or two stores but according to the Borough’s Code, it doesn’t matter how many stores because parking is based upon square footage which is typical.

Chairman Ludzki asked if the gravel was calculated as impervious coverage plan on the existing conditions plan and Mr. Dipple stated it was included in the impervious calculation. Mr. Dipple also explained that the building was pushed back a little to allow for site triangles and safe driveways. Chairman Ludzki stated that he is also concerned about the parking and believed there is a variance required for the parking. Borough Engineer Lyra Knust pointed out that even if the applicant was granted the 25% reduction, they are still deficient since the Borough’s ordinance requires two parking spaces per residence and that those spaces shall be designated. Mr. Madaio replied that the RSIS applies statewide and supersedes local ordinance. Mr. Paster stated that he
consulted with Ms. Knust and the RSIS standard does not necessarily apply where the commercial and residential are not physically separated. Mr. Paster also added that the Board Secretary pointed out that the affordable housing obligation has not been addressed as the property is in the overlay zone.

Chairman Ludzki opened the matter to the public.

Gary Santana, 7-13 Berdan Avenue, asked about the barriers on the east wall. Mr. Dipple explained that the landscaping would be on the east side of the curb. The height would be six to seven feet. He asked about the grade. He questioned that the pole could be 18 to 20 feet higher than the residential area. Mr. Santana explained that the west side of the house is where the bedrooms are located. Mr. Dipple explained that the light is pointed downward. If there was an adjustment to be made six months after installation, Mr. Dipple explained that they can be dimmed after a certain hour or they could be dimmed if they were too bright. Mr. Santana asked if there is a town ordinance on what times deliveries can be made. Ms. Hochkeppel explained there is a noise ordinance which would cover deliveries. Mr. Madaio stated that they would schedule deliveries accordingly. Mr. Santana asked if there was a certain amount of buffer between residential and commercial. Mr. Dipple stated he is not aware of any requirement. Mr. Santana was concerned about spillage of parking onto Berdan Avenue. He asked about drainage spilling onto Berdan Avenue, and Mr. Dipple explained that it goes into an inlet and towards the river. He asked about the large tree, and Mr. Dipple explained it was being removed. Mr. Santana stated the noise and lighting is a big issue for him and asked if there is an issue with the lighting, how would it be adjusted. Mr. Dipple stated that if it does not comply with their site plan, it would have to be fixed. Chairman Ludzki added that Vice Chairman Mele pointed out that there appears to be a five foot buffering requirement.

Chairman Ludzki opened the matter to the public.

Lorraine Wilson, 7-18 Berdan Avenue, stated she has two major concerns, one being the parking as she is concerned about overflow from the site onto the street. Her other major concern is drainage. She explained that she had sewerage in her basement and it was discovered that the sewer lines were cracked. Her concern is that this development will create the same circumstance. Ms. Wilson described the location of her house which is across the street. Mr. Dipple explained that what she described was a sanitary sewage problem. It is disconnected from the storm sewer. It is disconnected from the storm sewer. The site has a trench drain and it will be captured before it goes into the inlet on Berdan. Mr. Dipple stated that he believes that the drainage from this site would not affect her home.
John Coleman, 11-15 River Road, stated that he is concerned that River Road does not have adequate drainage. When the rain is ended, there is debris on their sidewalks. He stated that the road is in terrible shape but the County ignores their complaints. He complimented Mr. Santana who made his home beautiful and stated whatever the applicant can do blend their site in with his home would be appreciated. Mr. Coleman stated that they need more parking and cooperative parking is not reality.

No other public wished to question the witness.

It was agreed among all parties that this matter would be carried to the October 15, 2018, meeting date without further notice.

**Adjournment**

Upon motion by Deputy Mayor Gail Rottenstrich and a second by Antonio Garcia, the meeting was unanimously adjourned at a 10:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board