SPECIAL MEETING OF OCTOBER 1, 2018

The special meeting of the Fair Lawn Planning Board on Monday, October 1, 2018 was called to order at 7:40 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, Brent Pohlman, Larissa Mendez Downes (8:45 pm) Absent: Edward Baldofsky

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

River Lofts, LLC; Block 5616, Lot 1; 12-44 & 12-28 River Road

Stuart Liebman appeared on behalf of the applicant. He explained the current site including the post office. The property is in the special improvement district. The plan was presented to the RRIC, and they were in favor of the plan. Mr. Liebman stated that the mixed use building is permitted. He explained that development of this site was difficult due to the post office. There are variances and waivers needed to fit both buildings on the property. The parking is sufficient although it does not meet the local ordinance standard without a cooperative parking agreement. Mr. Liebman indicated that he had approached the Council relative to entering into a cooperative parking agreement with the town although this has not yet been finalized. Mr. Liebman stated that even without the 25% deduction, the parking still works and a variance can and should be granted. There are some design waivers that will also be requested. There are residential properties to the rear, and the applicant will be providing the required buffer. He explained that there are three witnesses available. The first witness is the architect, Rafael Danon.

Rafael Danon, 14-25 Plaza Road, was sworn in and qualified as an expert architect. He explained that he was familiar with the plans and the property in question. He explained that the lot is an irregular shape so the building is slightly irregular. The existing post office is going to remain as it is today. The building will be built on the lot line similar to the current building. The architectural plans were marked as Exhibit A-1. The height of the building is 3.3 feet higher than the 35 feet permitted. It allows for a mezzanine for amenities for the residents. They plan on having a small
gym. The height also allows better access for emergency vehicles under the building. There were some limitations due to keeping the post office. This new building is facing in the same direction as the current building. It was noted that they are seeking building coverage variance, and the post office is included in the calculation. The new building will be a three story building. The retail space will have a mezzanine and a small cellar for utilities and storage. There will be eight one bedroom and five two bedroom residences for a total of 13 apartments on each floor which brings the total to 26 residential units. Mr. Danon explained that it will be a beautiful structure. The façade has different material. He explained the windows and the canopy. The signage for the building will be compliant with the ordinance. He used a lot of glass in the design. The front balconies have a glass railing and it will provide positive energy. The heating and cooling will be hidden and will not be seen from the street. He explained the lay-out of the building. The lobby area will be over 18 feet high. They are anticipating two retail tenants. They are not stepping back the third floor five feet from the second floor. They are stepping back vertically, and believe this will be more aesthetically pleasing. There will not be mechanical equipment on the roof for the residences. Each apartment will have its own heating and cooling unit. There will be two or three small condenser units on the roof that will be placed in the center of the building. They will not be visible on the street or by the residential properties to the rear. Currently, the building has large mechanicals on the roof that are exposed. They will be using recyclable materials when possible as well as local contractors. They are going to insulate the entire building. They will be using high efficiency appliances. All toilets will have dual flush features. Tankless hot water heaters will be installed. There will be savings on energy. They will also have outlets for hybrid or electric cars. The entire building will comply with ADA requirements.

Mr. Danon explained the plans in detail. He explained the elevations and the parking. There are parking garages for the residences, and there will be tandem spaces behind the garages. Mr. Liebman pointed out that the zoning ordinance does not permit parking underneath the building but in the design standards applicable to all commercial zones, there is a provision that the parking should be located within the footprint of the building whenever possible to minimize the view. It is somewhat conflicting. Mr. Danon stated that all the mixed use buildings in the B-4 zone have parking underneath the building. Mr. Danon explained that the building was designed with aesthetics in mind. He explained the interior of the building. Revised sheet A-100 last revised September 28, 2018 was marked as Exhibit A-2. He explained the lay-out of the interior. All utilities will be underground.

Larry Metzger asked about the height of the building. Mr. Danon explained the decorative element. He also asked about the glass and Mr. Danon explained that it is 100% glass floor to ceiling for the retail space. Mr. Baladi asked about the buffer to shield the residences. Mr. Danon
replied that the engineer could explain it. Mr. Baladi was also concerned about the proximity of the building to the utility poles. Joseph Mele asked about the height of the roof, and stated he believed that the decorative piece would require a variance. Mr. Mele asked about the mezzanine. Mr. Danon explained that since the mezzanine is less than one-third of the floor below, it is not considered a floor. Mr. Mele said that the view from River Road is attractive, but he was concerned about the side facing the post office. Mr. Mele suggested a rendering of that side. Mr. Danon explained that there is a room just for bicycles. Mr. Danon stated that you could store 15 bicycles in that space. Mr. Mele asked about lighting underneath the building and suggested that a lighting plan be presented. It was noted that Larissa Mendez Downes arrived. Deputy Gail Rottenstrich stated that it is a beautiful building. Amy Hummerstone agreed that it is an attractive building but she was concerned about the third floor not being setback the 5 feet as required in the ordinance. She stated that the building is very tall and she thought it seemed out of scale for River Road. Ms. Hummerstone asked about recycling. Mr. Danon stated that it is in their best interest to recycle. Mr. Liebman added that it can be a condition of the resolution. Ms. Hummerstone commented that there is a little too much going on in this site. She was also concerned about the apartments on the south side of the building that do not have windows. Mr. Danon explained the current design and stated that they could possibly provide a skylight. Ms. Hummerstone suggested that they remove the tower. Brent Pohlman asked about the fire suppression system. Mr. Danon explained that it will be a dry system. Mr. Pohlman also stated that Mr. Danon had testified that the extra height was needed for the amenities for the residents. Mr. Pohlman added that this did not meet the standard for granting a variance as he believes it is more a desire than a need. Mr. Pohlman stated that if they reduced the residential area, the height and the parking would work itself out. Mr. Pohlman asked about the lease on the post office. Mr. Liebman stated that there is a lease that is guided by federal regulations. Joan Fragala asked about the trellis on the roof. Mr. Danon said that the trellis will be removed. Ms. Fragala commented that there are a number of post office trucks that are parked in the lot. She also questioned the size of the retail space compared to the residential space.

Chairman Ludzki stated he is concerned about the height of the building. He also suggested that they look into the third floor off-set. He was also concerned with the site triangles. Mr. Liebman stated that there will be testimony that they comply with all required site triangles. Mr. Danon stated that the third floor setback of five feet is not a nice feature. He believed it was more aesthetically pleasing the way it was designed. Board Engineer Knust asked about the mezzanine space for the retail space. Mr. Danon stated that the commercial portion will be storage or an office for the retail space below.

Chairman Ludzki opened the matter to the public and no public wished to be heard.
Chairman Ludzki recessed the meeting for 10 minutes. The meeting reconvened with all members present as previously indicated.

Daniel LaMothe was sworn in and qualified as an expert engineer. Mr. LaMothe explained the existing conditions. Currently, the impervious coverage is 96%. The post office dictates the layout as the driveway has to remain in the same location. The side yards are currently zero set back. The site plan set was marked as Exhibit A-3. A colorized version of the site plan was marked as Exhibit A-4. Mr. LaMothe explained the commercial area and the mezzanine area. The post office will remain. The applicant is proposing 67 parking spaces that include 24 tandem spaces. No variances are required for the parking stalls. A design waiver is required for the tandem spaces. Site access would remain the same. All new curbs and sidewalks are planned for River Road. The height of the building requires a variance. The proposed building is 38.3 feet where 35 feet is permitted. The applicant is seeking a waiver as the third story is required to offer a front yard setback that is greater than the second floor by at least five feet. The architect has testified that the streetscape will be attractive, and this is a better design than if the third story was set back. The building will be placed 7 feet from the property line. A rear yard variance is also required. Fifty-seven and a half feet is required, and the applicant is proposing 45 feet. The maximum building coverage is 40% where 50.5% is proposed. Impervious coverage currently is 96.2%. The applicant is proposing a reduction to 94½% reduction where 90% is permitted. The applicant is also seeking relief for one loading space. There will be one loading space remaining for post office. Mr. LaMothe explained that there is a prohibition of parking below the building; however, the design standards suggest that the parking be within the footprint of the building whenever possible. Mr. LaMothe testified that this makes more efficient use of the site and is good use of the area. All of the other mixed use buildings in the B-4 zone have parking beneath the building. The existing side yards are zero. The proposal is a zero side yard which is the current condition due to the two buildings on the site. Mr. LaMothe stated that there is still access to the site. Mr. LaMothe explained that they will be improving the drainage. A new retention system will be created behind the new building and it will be a big upgrade from what exists today. Mr. LaMothe explained that currently there is no rear buffer, and the applicant is proposing a five foot buffer. He explained the landscaping. All utilities will be underground. He stated that they believed they had ten feet separation from the power line. Mr. LaMothe testified that they must maintain the ten feet. Mr. LaMothe explained the lighting plan. He stated that the LED lights are more efficient and the lighting can be adjusted. Mr. LaMothe stated that he can comply with the Engineer’s review letter. A letter from Equity Environmental Engineering dated July 27, 2018 addressed to Mr. Wrubel relative to the Phase II report was marked as Exhibit A-5 and was given to the Board Engineer.
Mr. Liebman stated that he has made inquiry to the Borough Council relative to the cooperative parking. An email dated September 24, 2018 sent to the Municipal Clerk relative to cooperative parking was marked as Exhibit A-6. Exhibit A-7 is a draft of the cooperative parking agreement which shows the intent of the applicant to enter into a cooperative parking agreement. The pipe size will be upgraded. Mr. LaMothe said that they will work together with the Board Engineer to comply with the site grading and drainage comments. There are several design waivers relative to landscaping and parking lot shading as the site is not suitable for a great deal of shading. The applicant can comply with the lighting requirements. The applicant will change the plant species as requested and will provide the additional information requested. The applicant will comply with the affordable housing requirements. Utility meters will be housed in the building.

Amy Hummerstone commented that if they reduced the height of the building, they may not need a rear yard variance. Ms. Hummerstone also added that the landscaping and shade in the parking area should not be disregarded. Ms. Hummerstone asked for clarity on the cooperative parking. Mr. Liebman stated that the applicant has approached the Borough regarding entering into a cooperative parking agreement. Mr. Liebman stated that they will provide testimony that the parking proposed is sufficient but they hope to enter into the parking agreement and eliminate the need for a parking variance. Deputy Mayor Rottenstrich commented that the landscaping is important. Joseph Mele stated that the plans are a bit confusing the way existing and proposed are designated. He also suggested additional landscaping in the front. Joseph Mele commented that there are many variances being requested and that it was a great deal to consider. Joseph Baladi asked if the post office would be renting the building from the applicant, and was told yes. The tandem spaces will be marked for specific units. Board Engineer Knust stated that the five foot landscaping does not permit the two foot overhang so a variance might be needed for those parking spaces.

The matter was carried to the November 5th meeting without further notice and the applicant consented to the extension of time.
Adjournment

Upon motion by Joan Fragala and a second by Joseph Mele, the meeting was unanimously adjourned at 10:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board