The regular meeting of the Fair Lawn Planning Board on Monday, December 10, 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, Vice Chairman Joseph Mele, Amy Hummerstone, Larry Metzger, Joseph Baladi, Larisa Mendez Downes, Brent Pohlman, Edward Baldofsky, Antonio Garcia Absent: Joan Fragala

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

**Approval of minutes**

Upon motion by Edward Baldofsky and a second by Joseph Mele, the work session minutes of October 15, 2018 were unanimously approved. AYES: Chairman Ludzki, Joseph Mele, Amy Hummerstone, Larry Metzger, Joseph Baladi, Edward Baldofsky, Antonio Garcia. Abstain: Brent Pohlman, Deputy Mayor Rottenstrich. Upon motion by Larry Metzger and a second by Edward Baldofsky, the closed session minutes of October 15, 2018 were unanimously approved. AYES: Joseph Mele, Amy Hummerstone, Larry Metzger, Joseph Baladi, Edward Baldofsky, Antonio Garcia. Abstain: Brent Pohlman, Deputy Mayor Rottenstrich, Chairman Ludzki. Upon motion by Larry Metzger and a second by Edward Baldofsky, the regular meeting minutes of October 15, 2018 were unanimously approved. AYES: Chairman Ludzki, Joseph Mele, Amy Hummerstone, Larry Metzger, Joseph Baladi, Edward Baldofsky, Antonio Garcia. Abstain: Brent Pohlman, Deputy Mayor Rottenstrich. Upon motion by Joseph Mele and a second by Deputy Mayor Rottenstrich, the work session minutes of November 5, 2018, were unanimously approved. AYES: Chairman Ludzki, Joseph Mele, Amy Hummerstone, Larry Metzger, Joseph Baladi, Brent Pohlman, Deputy Mayor Rottenstrich. Abstain: Edward Baldofsky, Antonio Garcia. Upon motion by Larry Metzger
and a second by Joseph Mele, the regular meeting minutes of November 5, 2018, were unanimously approved. AYES: Chairman Ludzki, Joseph Mele, Amy Hummerstone, Larry Metzger, Joseph Baladi, Brent Pohlman, Deputy Mayor Rottenstrich. Abstain: Edward Baldofsky, Antonio Garcia.

**Escrow bills**

Upon motion by Joseph Mele and a second by Deputy Mayor Rottenstrich, the escrow bills were unanimously approved. AYES: Chairman Ari Ludzki, Deputy Mayor Gail Rottenstrich, Vice Chairman Joseph Mele, Amy Hummerstone, Larry Metzger, Joseph Baladi, Brent Pohlman, Edward Baldofsky, Antonio Garcia

**General Public Comment**

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

**Memorializing resolution; The Cohen Plaza; 11-16 Plaza Road; Block 3513, Lots 1-11 & 18-23**

Upon motion by Larry Metzger and a second by Edward Baldofsky, the memorializing resolution was unanimously adopted. AYES: Antonio Garcia, Joseph Mele, Edward Baldofsky, Joseph Baladi, Larry Metzger, Larisa Mendez Downes, Chairman Ludzki

**Memorializing resolution; Crossings at Radburn; Amendment to site plan**

Board Attorney Paster explained the resolution and indicated that the settlement resolution had been adopted at the last meeting but the Board needed to adopt the resolution relative to the design change. Upon motion by Deputy Mayor Rottenstrich and a second by Joseph Mele, the resolution was unanimously adopted. AYES: Deputy Mayor Gail Rottenstrich, Vice Chairman Joseph Mele, Amy Hummerstone, Larry Metzger, Larisa Mendez Downes, Brent Pohlman

**Arevik, LLC; 6-01 Plaza Road; major site plan**

Bruce Rosenberg appeared on behalf of the applicant. He explained the building that was built in 1926. Mr. Rosenberg explained that it is his client’s wish to convert it to an organic bakery use.

Frank Hall was sworn in and qualified as an expert architect. The floor plans dated July 31, 2018 revised through September 14, 2018 were marked as Exhibit A-1 (Sheet A-100) and Exhibit A-2
Mr. Hall also prepared a photo board consisting of four photographs which was marked as Exhibit A-3. Mr. Hall described the existing site conditions. It was previously used as an auto repair shop. Mr. Hall explained that the applicant is proposing to operate a bakery that supplies specialty bread products. Mr. Hall went over the floor plan for the bakery. There will be no tables or chairs. It is entirely a take-out facility. There are the savory products that are prepared to order. There will be the dessert products in the showcase. Mr. Hall explained the elevations. They will have one sign that is externally illuminated. The floor of the rear area will be brought up for accessibility. The roof will be raised about 28 inches to offset the raising of the floor. The hours of operation will be 6 a.m. to 8 p.m. There will be approximately four employees. Mr. Hall stated that the roof is technically a sloping facial roof and not a mansard roof. Mr. Hall stated that this use will be compatible with the historic nature of the building. Joseph Mele stated that his concern was with the neighboring resident. Mr. Hall explained it is a low noise facility. Amy Hummerstone stated that it is an attractive design. Mr. Pohlman commented that is a great design and good repurposing of the building.

Chairman Ludzki opened the matter to the public.

Roger Quinlan, 10-12 Bellair Avenue, stated that he had concerns about noise. He was also concerned about outdoor seating. The applicant agreed that if they wanted outdoor seating, they would come back to the Board. Mr. Hall explained that as business uses go, this is a quiet business. Mr. Quinlan was also concerned about exhaust and it was explained that the exhaust would be through the roof.

Susan Quinlan, 10-12 Bellair Avenue, explained that her mother lives on Morlot Avenue. She was concerned about pedestrian crossing. It is a very intense intersection. It is difficult to pull in and out of driveway. Chairman Ludzki stated that the engineer would be more suited to answer that question.

Andrea Piazza was sworn in and qualified as an expert engineer. The site plan consisting of three sheets was prepared by Ms. Piazza. The site plan dated September 10, 2018 was marked as Exhibit A-4. Sheet Number 2, Grading and drainage plan dated September 10, 2018 was marked as Exhibit A-5. Sheet Number 3, Site Lighting Plan was marked as Exhibit A-6. Ms. Piazza explained the site. There is a nonconforming lot area and nonconforming lot depth. The front yard setback is nonconforming, and the rear yard setback is also nonconforming. These are all existing conditions. The impervious coverage is presently nonconforming although the proposed design will bring the impervious coverage into conformity. They are removing concrete pavement and will be providing landscaping along the front of Plaza Road. There will no vehicular
They are reducing the driveway on Plaza Road to 24 feet and are restricting the turning movements. There will be no left turn onto Plaza Road south. In discussions with the County, they have suggested a no left turn sign into the site. They are completely eliminating two driveways and reducing the size of the third driveway. The plans are being submitted to the County since Morlot Avenue is a county road. Ms. Piazza explained that the design will provide a distinguishable walkway. They are providing five off street parking spaces and a handicapped space. Ms. Piazza explained the traffic flow on the site. They have increased the planting area. Ms. Piazza stated that she believed this is definitely an improvement to pedestrian safety. Ms. Piazza explained the drainage and lighting plans. Ms. Piazza stated that they are sensitive to the residential uses. Ms. Piazza reviewed the Board Engineer’s letter of December 4, 2018. The roof run off presently goes into the neighbor’s backyard. Her design includes a pipe that will be connected to the inlet onto Morlot Avenue provided the county allows the connection. There is a decrease in impervious surface so there will be less run off. Ms. Piazza stated she can provide the calculations requested. There is a front loading dumpster on the rear of the site. She testified that it is her experience on smaller properties, the fire trucks do not enter the site but remain on the street. There is a loading area for delivery trucks. They would be willing to install LED lights if the Board insisted but that is not the plan at this time. She explained the lighting in detail. The hours of operation of the lights are shown on the lighting schedule. Brent Pohlman commented that he agreed with the right turn only out of the lot but the County suggestion that there be no left turn in would be confusing. Mr. Paster commented that it would not be enforceable without a local ordinance. Ms. Hummerstone complimented the application. She asked about the drainage. Ms. Piazza explained that currently there is less than 1% slope. They have landscape areas which will be at grade. They are eliminating the leader that goes onto the neighbor’s property. Deputy Mayor Rottenstrich stated she believes that no left turn could cause more local traffic. It increases the number of movements. Ms. Piazza stated that there will also be a delivery service. Deputy Mayor Rottenstrich asked about the walkways, and Ms. Piazza explained them in detail. Deputy Mayor Rottenstrich asked about the LED lights and was told it would change the plan. Ms. Piazza indicated that this is a small site, and there are only three lights so there would not be much of a savings in the amount of electricity used. Joseph Mele stated it is a great application. His concern is along the back by the residential property. He also stated that there are many weeds growing in the pavement. Ms. Piazza explained that all the concrete areas and any damaged areas will be replaced. He asked about the trash enclosure. Ms. Piazza explained that she prefers the board on board fence next to a residential use. She believes it is more aesthetically pleasing. They are easier to replace than the concrete masonry unit. The concrete enclosures also get hit and a mason is required to fix it. Joseph Mele asked about the pavement behind the trash enclosure. Mr. Mele suggested that this area be included in the landscaping rather than pavement. Mr. Mele asked about the
remediation of the site. Mr. Rosenberg explained that the site received its clearance many years ago from the DEP and any use is allowed on the site. Chairman Ludzki complimented the closing of the driveways and asked about the traffic impact. Ms. Piazza stated they didn’t do a traffic study. Ms. Piazza stated that this type of use does not fit in with the standard uses. Mr. Rosenberg commented that this type of use would be less traffic than the former use as a service station. Chairman Ludzki asked about the location of the light pole. Ms. Piazza explained that the center of the light pole is about 19 feet from the curb line. Ms. Knust stated that the applicant will need to maintain an ADA sidewalk on Plaza Road. Mr. Paster stated that this certainly is an improvement over the existing site.

Roger Quinlan, 10-12 Bellair Avenue, stated that between 6 a.m. and 8 a.m. and 4 p.m. and 6 p.m., the traffic is extreme. He suggested that a traffic survey should be done.

Ms. Piazza stated that this intersection is a very busy one. The County might have studies since the intersection was recently improved. Mr. Baladi commented that on a site this small, the impact is very minimal. The applicant has proposed no left turn out of the driveway. The gap in the traffic will allow the right turns out onto Plaza Road. Mr. Quinlan asked about the no left turn into the site, and Mr. Baladi stated he believes that it is local jurisdiction since it is a local road. Mr. Paster stated that a local ordinance would have to be enacted for it to be enforceable. Chairman Ludzki stated the placement of the sign could be confusing. Mr. Baladi stated the turning maneuver could be reviewed at a later date.

Mr. Quinlan asked how the bus stops would be impacted. Ms. Piazza stated that there is a bus stop on Morlot on the eastbound lane by the church, and there is a bus stop on Plaza Road south of Morlot. Ms. Piazza stated that they are reducing the driveway width so if anything, there will be greater safety.

Chairman Ludzki recessed the meeting for a ten minute break at 9:30 p.m.

The meeting reconvened at 9:40 with all members present as previously indicated.

Jill Janosz was sworn in and qualified as an expert landscape architect. The landscape plan dated September 7, 2018, was marked as Exhibit A-7. Ms. Janosz explained the landscaping plan. She explained that all plants within the site triangle will be less than 30 inches tall. They chose plants that have interest throughout the year. Ms. Janosz reviewed the board engineer’s letter and explained why she chose the plant types. In the front of the building, they want to maintain an open entryway. This site is small and there was no ability to place trees on the site in a safe way.
Additional notes requested can be placed on the plans. Ms. Janosz stated that the site will be aesthetically pleasing.

Deputy Mayor Rottenstrich stated she was disappointed at the lack of trees but understands the explanation. Ms. Hummerstone stated it was an appropriate landscape plan. Chairman Ludzki stated he is happy with the site improvement. He would recommend a six month review of the left turn movement into the site.

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

Brent Pohlman stated that it is not a high trip generation business, and he doesn’t believe it is necessary to have a review. Mr. Paster stated that he could put a condition in the resolution. Chairman Ludzki was concerned about who would follow through. Ms. Hochkeppel stated when Johnny & Hanges was approved, there was a condition that the turning movement be reviewed in one year. Ms. Hochkeppel contacted the police department, and there were no incidents at the site. Mr. Baladi stated that it might not be our Board that needs to revisit it. The Council can always make that restriction. Mr. Paster agreed that action can be taken by the Council at any time.

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

Mr. Rosenberg stated that he is proud to have presented this application to the Borough. The building was built in 1926 and is being repurposed for an excellent use. He asked for the Board’s support and approval.

Chairman Ludzki stated in view of the Board’s comments, he was withdrawing his request that the left turn movement be reviewed. Joseph Mele suggested planting around the perimeter but was not making it a condition of the resolution. Deputy Mayor Rottenstrich stated she was also withdrawing her request for LED lighting. Brent Pohlman moved that the application be approved subject to compliance with the Board Engineer’s review letter and Amy Hummerstone seconded the motion. AYES: Antonio Garcia, Amy Hummerstone, Deputy Mayor Rottenstrich, Brent Pohlman, Joseph Mele, Edward Baldofsky, Joseph Baladi, Larry Metzger, Chairman Ari Ludzki.
Adjournment

Upon motion by Brent Pohlman and a second by Edward Baldofsky, the meeting was unanimously adjourned at 10:15 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board