

February 20, 2022

Attn: Ann Peck, Assistant Zoning Officer
Fair Lawn Zoning Board of Adjustment
8-01 Fair Lawn Avenue
Fair Lawn, NJ 07410

**Re: iLearn Schools, Inc.
Amended Site Plan and Variances
33-00 Broadway
Block 2218, Lot 13
Application No. 2021-37
Planning Review # 1
BFJ File No. 26654**

Dear Board Members:

BFJ Planning ("BFJ") is pleased to provide this Planning Review letter as it pertains to review and analysis of the materials for the above-referenced site ("Subject Site"), which include the following:

- Application package and cover letter from Wells, Jawarski & Liebman, LLP, dated October 6, 2021
- Denial letter dated October 19, 2021
- Cover letter for revised plans submission, Wells, Jawarski & Liebman, LLP, dated November 24, 2021
- Preliminary and Final Major Site Plan iLearn Schools, Block 2218, Lot 13 #33-00 Broadway, consisting of six (6) sheets, prepared by Dykstra Walker Design Group, revised 11/19/2021
- Response Letter prepared by Wells, Jaworski & Liebman, LLP, dated February 10, 2022
- Response Letter prepared by Dykstra Walker Design Group, P.A., dated February 3, 2022
- Updated Preliminary and Final Major Site Plan ("Site Plans") iLearn Schools, Block 2218, Lot 13, #33-00 Broadway, consisting of six (6) sheets, prepared by Dykstra Walker Design Group, revised February 2, 2022

As this project was reviewed by the previous consultant, CME Associates ("CME"), we have excerpted sections of the CME Review Letter, dated December 16, 2021,

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SUSAN FAVATE AICP, PP

BUCKHURST FISH
& JACQUEMART, INC.
115 FIFTH AVENUE
NEW YORK, NY 10003
T. 212.353.7474
F. 212.353.7494

and commented on same in order to build off of the work completed to date and save costs for the Applicant. In addition, we have supplemented the excerpts from the CME letter with additional comments for certain items, as appropriate.

We offer the following comments for the Board’s consideration:

1. Project Description

The Amended Preliminary and Final Site Plan application for the property located at 33-00 Broadway, known as Block 2218, Lot 13 on the Borough’s Tax Maps, proposes the addition of a secondary egress point from the existing surface parking lot onto 34th Street. Both right and left turning movements onto 34th Street are proposed. Other minor improvements are also proposed such as five picnic tables being located along the southerly portion of the Subject Site as well as Electric Vehicle (“EV”) charging stations to serve four vehicles, and other minor changes in response to review letters issued to date.

The most recent Preliminary and Final Major Site Plan set (“Site Plans”), dated February 2, 2022, changes the proposal that the 142 space parking lot be reconfigured and result in a reduction in parking spaces to 139 to instead provide 135 parking spaces, including four “make ready” EV parking spaces. The four “make ready” EV parking spaces each count as two parking spaces, which enables the equivalent of four additional parking spaces to be added to the 135 spaces generating a total parking equivalent of 139 spaces (The current State regulations and the calculation of EV parking spaces is discussed in more detail in Section 5, Planning Comments).

In addition, the two (2) existing ADA parking spaces will be relocated and replaced with five (5) ADA spaces. One (1) tree shall be removed along the 34th Street frontage to facilitate the installation of the secondary egress, and shall be replaced with a maple tree southeast of the existing tree’s location. Impervious coverage is proposed to be reduced by 53 square feet, resulting in an impervious coverage of 69.4%. Signage is proposed related to the proposed exit. No changes to existing lighting, drainage, grading utilities or landscaping (except for the proposed replacement tree) are indicated.

2. Site Description and surrounding uses

The property is comprised of 1.862 acres (81,112 square feet) and is a corner lot with frontage along Broadway and 34th street. The Subject Site is split zoned, as portions of the property are located in the B-2 (General Business) and R-1-3 (One-Family Residential) zones.

Existing improvements on the Subject Site include an existing three-story commercial building (“building”) containing 32,606 square feet of gross floor area with a lobby and building equipment on the first floor and occupied commercial space on floors 2 and 3. Portions of the parking lot are located in an unscreened area underneath the second floor. Landscaped areas are located along both frontages. Access and egress to the site are provided from the southern (eastbound) side of Broadway via an existing 25-foot wide entranceway located in the western corner of the property. The northern and southern sides of this section of Broadway are separated by a concrete divider. A stone and concrete wall is located along the southwestern side lot line abutting Block 2219, Lots 15 and 16.

The building, majority of property and most of the parking lot are located within B-2 zone. Portions of the parking lot located within the R-1-3 zone contain a total of 62 parking spaces, 45 of which exist 20 feet or more from the boundary of these two zones. The rear yard area located within the R-1-3 zone contains a wooded area abutting R-1-3 zoned areas located to the south and east (Block 2219, Lot 15, Elden Place and Block 2218, Lots 6 & 7).

Contiguous zoning is B-2 for a depth of 200 feet along the southern side of Broadway and an irregular depth along the north side and R-1-3 north and south of these B-2 zones. There are a mix of conforming business uses along Broadway, with non-conforming residential uses located north of the property along 34th Street (Block 2215 Lots 22 & 23). Uses south and east of the site along Elden Place and 34th Street consist of one-family residential homes reflective of the underlying R-1-3 zone.

3. Prior Approvals

As noted within the Resolution adopted on July 5, 1983, the applicant was granted the following approvals:

- a) Preliminary and Final Major Site Plan approval to construct an office building with a maximum height of 40 feet and off-street parking for 142 vehicles;
- b) A use variance pursuant to N.J.S.A. 40:55D-70(d)(1) to permit non-residential parking in a residential area for portions of the parking lot located in the R-1-3 zone.

As noted in the Resolution adopted on November 7, 1983, the applicant was granted the following approvals:

- a) Amended Preliminary and Final Major Site Plan approval to construct

an office building with a maximum height of 40 feet and off-street parking for 142 vehicles;

- b) A variance pursuant N.J.S.A. 40:55D-70(c) to permit a seven (7) foot high vinyl clad fence along the southerly and westerly property lines, exceeding the permitted maximum fence height of six (6) feet.

4. Zoning Compliance

The bulk standards applicable to the Subject Site are summarized within the tables below

Table 1: Bulk Standards (General Business and Mixed Uses, B-2 Zone, R-1-3 Zone)					
Standard	Required / Permitted		Existing	Proposed	Ordinance Section
	B-2	R-1-3			
Minimum Lot Area	10,000 sq.ft.	6,500 sq.ft.	81,112 sq.ft.	81,112 sq.ft.	§ 125-12 *
Minimum Lot Width (Corner Lot)	50 ft.	75 ft.	236.1 ft.	236.1 ft.	§ 125-12 *
Minimum Lot Depth	100 ft.	100 ft.	342.4 ft.	342.4 ft.	§ 125-12 *
Maximum Height	35 ft. (45 feet including rooftop equipment)	30 ft., 2 ½ stories	44.5 ft.	44.5 ft.	§ 125-12 *
Minimum Front Yard (Corner lot)					
1. Broadway	13.9 ft. (E)	25 ft.	20.2 ft.	20.2 ft.	§ 125-12 *
2. 34 th Street	20 ft. (E)	25 ft.	51 ft.	51 ft.	§ 125-12 *
Minimum Side Yard (Interior)	10 ft.**	10 ft.	40.2 ft.	40.2 ft.	§ 125-42.C(1): B-2 zone; § 125-12: R-1-3 Zone *

Table 1: Bulk Standards (General Business and Mixed Uses, B-2 Zone, R-1-3 Zone)					
Standard	Required / Permitted		Existing	Proposed	Ordinance Section
	B-2	R-1-3			
Safety Access (F)	10 ft. **	N/A	>10 ft. **	>10 ft. **	§ 125-12 *
Minimum Rear Yard	66.75 feet (B)**	20 ft. **	182.2 ft.	182.2 ft.	§ 125-12 *
Maximum Building Coverage	35 %	25 % **	19.8 %	19.8 %	§ 125-12 *
Maximum Impervious Coverage	90 %	35 % **	69.5 % (PA)	69.4 %	§ 125-12 *
Maximum Fence Height	N/A	3 ft.	7 ft. (PA)	7 ft. (PA)	§ 125-38.A
Off Street Parking:					
Office (4 spaces per 1,000 GFA)	95.2**	N/A			§ 125-48.A ***
Medical Office (5 spaces per 1,000 GFA)	43.9	N/A			§ 125-48.A ***
Total	139 (139.1 Rounded down)	N/A	144	139 (V)**	§ 125-48.A ***
Loading Zones	1	N/A	0	0 (V)	§ 125-48.B

Table 1: Bulk Standards (General Business and Mixed Uses, B-2 Zone, R-1-3 Zone)					
Standard	Required / Permitted		Existing	Proposed	Ordinance Section
	B-2	R-1-3			
Parking areas under a building on piers	Decorative masonry or other architectural treatment	N/A	None	None (W)	§ 125-48.C(5)
<p>* § 125-12: Schedule of Area, Yard and Building Requirements. ** Differs from Site Plan Bulk Table *** § 125-48A(2): Off-Street Parking Schedule II B: Minimum Front Yard Setbacks, Note B, Schedule of Area, Yard and Building Requirements E: Minimum Front Yard Setbacks, Note E, Schedule of Area, Yard and Building Requirements F: Minimum Safety Access, Note F, Schedule of Area, Yard and Building Requirements PA: Previously Approved V: Variance W: Waiver</p>					

Variances

A “c” variance for loading zones has been noted within Table 1 (Bulk Standards), as this item was not specifically addressed in the Prior Approvals. The variance for fence height that was granted previously as part of the Prior Approvals is acknowledged as well.

With regard to the proposed egress to 34th Street, based upon a review of §125-42.B (Transition requirements), it does not appear that a variance is required as it pertains to this Ordinance section.

Waivers

We note waivers listed below as applicable to this application. BFJ defers any required waivers related to engineering or traffic to the Board's engineering and traffic professionals.

- As contained in §125-47.1.0(8) (General design standards for commercial, mixed-use and multifamily residential development/Parking) one shade tree is required for every 10 parking spaces. No shade trees exist or are proposed in the open-air parking areas. This is an existing non-conforming condition.
- Ordinance section § 125-48.C(5) requires that any parking areas under a building on stilts, piers or otherwise raised shall have the sides facing any street screened by decorative masonry or other architectural treatment at least 70% solid or by dense evergreen planting or berming or a combination of methods so that at least 70% of said parking area is shielded from view. While some landscaping is present on-site, which provides screening to a minor extent, the majority of the parking area under the building is visible from 34th Street and Broadway. This is an existing non-conforming condition.

5. Planning Comments

a) Parking Areas and Loading Zones

- i. The Applicant calculated that a total of 139 parking spaces are required for the existing uses located on the Subject Site. Applicant should provide a more detailed list of current uses in the building and clearly demonstrate parking calculations for each use.
- ii. The Applicant proposes a total of 135 parking spaces, including four "make ready" EV parking spaces. As per P.L. 2021, c. 171 and the associated mandatory model EV ordinance published and implemented statewide by NJDCA ("Electric Vehicle Supply/Service Equipment (EVSE) & Make-Ready Parking Spaces" model ordinance), these four parking spaces are required to be counted as eight parking spaces, which yields a 139 parking space equivalent. As shown within the language from Section E. of the model EV ordinance, below, each EV parking space counts as at least two parking spaces for the purpose of complying with a minimum parking space requirement. The four EV spaces enable a parking space

equivalent of four additional parking spaces to be added to the 135 physical parking spaces, yielding a 139 parking space equivalent.

“E. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.”

- iii. Applicant should discuss the required screening of the parking area under the building and either provide the screening, or justify this omission of parking area screening in testimony and request a waiver for same.
- iv. The trash enclosure is proposed to be located in the southwestern portion of the parking area to facilitate access.
- v. Applicant should provide testimony to support the continued absence of the required loading zone for the site. § 125-48.B requires that in space be provided for buildings of 2,000 square feet of floor area or more. This is an existing non-conformity; however, as the prior approvals do not appear to discuss loading zones, it is recommended that this non-conformity be addressed in testimony. A variance may be required to formally address this non-conformity.

b) Building Height

- i. Applicant should provide testimony regarding how the building height was calculated and with respect to the reason for the difference between the previously approved building height of 40 feet and the existing building height of 44.5 feet as measured from street grade.

c) Green Design Features

- i. Provide testimony regarding the provision of green design features and amenities as described in § 125-47.1.B (Green building practices), such the provision of bikeracks, establishing and maintaining pedestrian connections, as well as providing electric vehicle charging stations (EV Stations) as recommended in the Master Plan (pg. 45, Item 5). The inclusion of four EV parking spaces is noted.
- ii. In regards to EV Stations, per the recently passed and signed S-3223 (P.L. 2021,c.171) , municipalities are required to follow a model ordinance (“An Ordinance Authorizing and Encouraging

Electric Vehicle Supply/Service Equipment (EVSE) & Make-Ready Parking Spaces”) for electric vehicle Make-Ready and Electric- Vehicle Supply/Service Equipment (EVSE) parking spaces. As mentioned previously, four “make ready” EV parking spaces are proposed.

d) Architectural & Landscaping

- i. No changes are proposed to the existing building.
- ii. Applicant should provide justification for a waiver from providing one (1) shade tree per parking area, or revised the site plan to provide these trees. As noted in §125-47.1.0(8):
 - a. At least 50% of the parking area should be shaded at tree maturity which should be demonstrated by the applicant.
 - b. This can be accomplished through the use of landscaped peninsulas, endislands and linear strips.
- iii. Applicant should provide testimony and demonstrate compliance with landscaping requirements for parking areas as well as those of § 125-47.1.I (Circulation) regarding Street Trees and §125-47.1.M (Landscaping).
 - a. The site plan should be revised to show compliance with landscaping and circulation requirements, or request and provide justification for a waiver.

e) Impervious Coverage.

- i. The existing impervious surface area in the R-1-3 portion of the site is 44.3% where a maximum of 35% is permitted. This is an existing non-conformity. The applicant should discuss the materials proposed to be used for the steps to access the picnic tables as it pertains to impervious coverage, as any additional impervious coverage on this portion of the site will require a “c” variance.

f) Zone Limit Line

- i. Applicant should confirm the accuracy of Zone Limit Line as indicated on Sheet 3 of the site plans. Our review of the Zoning Map indicates the B-2 Zone extends 200 feet south from Broadway in this area of the Borough. The Zone Limit Line indicated on the site plans follows the side Lot line of Block 2215 Lot 21, a parcel located east of the property abutting 34th Street that appears to be less than 200 feet from Broadway. **This comment has been addressed.**

g) Zoning Table:

- i. There are discrepancies between the Schedule of Area, Yard and Building Requirements (General Business and Mixed Uses, B-2 Zone, 1 Family Dwelling R-1-3) and that listed within the Bulk Table on Sheet 1 of the site plans, as well as additional information requested Review and revise as follows **(The comments below have been addressed)**:
 - a. Minimum Lot Width (Corner Lot – R-1-3 Zone): revise to indicate 75 feet required (150 feet is currently indicated).
 - b. Minimum Lot Depth (Corner Lot – R-1-3 Zone): revise to indicate 100 feet required (120 feet is currently indicated).
 - c. Add Front Yard Setback requirements and calculations for 34th Street FrontYard Area.
 - d. Add Safety Area requirements (Note F, Schedule of Area, Yard and Building Requirements) and calculations for the interior side yard area (B-2 section) abutting Block 2219 Lot 16.
 - e. Minimum Rear Yard (B-2 Zone): revise to indicate 1 ½ times the height of the building, as indicated in Note B, Schedule of Area, Yard and Building Requirements required (25 feet is currently indicated). Our current calculation in Table 1 (Bulk Standards) of 66.75 feet is based uponapplicant’s current height calculation of 44.5 feet.
 - f. Maximum Building Coverage (R-1-3 Zone): revise to indicate 25% permitted (20% is currently indicated)
 - g. Maximum Impervious Coverage (R-1-3 Zone): revise to indicate 35% permitted (45% is currently indicated)

h) Miscellaneous

- i. Except for traffic signage related to the proposed exit onto 34th Street, no additional signage is proposed at this time. A separate application will be needed for any building identification signage associated with the development.
- ii. The Board should retain jurisdiction on signage if the Board acts favorably on the proposal.
- iii. Confirm all utility wiring will be located underground. All utilities will be screened and generators and transformers located below grade or within a building enclosure.
- iv. We defer to the Board Engineer and Traffic Engineer regarding lighting, grading, drainage, utilities and traffic.
- v. Provide testimony regarding the status of outside agency approvals.

We reserve the right to present additional comments, variances, and/or design waivers pending the receipt of revised plans and/or the testimony of the applicant before the Board.

Should you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,
BFJ Planning



Peter Van den Kooy, PP, AICP
Zoning Board of Adjustment Planner

cc: Marc E. Leibman, Esq., Kaufman Semeraro & Leibman, LLP
Paul Azzolina, P.E., Azzolina & Feury Engineering Group
Brian Intindola, Negia Engineering
Stuart D. Liebman, Wells, Jaworski & Liebman, LLP (Applicant's Attorney)