

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME



TIMOTHY W. GILLEN, PE, PP, CME  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

August 12, 2011

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

**Re: A&M Medical Amended Parking  
Amended Preliminary and Final Site Plan  
177 Lincoln Avenue  
Block 6906, Lots 1-2, 76-82  
Application No. 2017-24  
Our File No. HFLZ6906.01  
Planning Review # 2**

Dear Board Members:

Our office has reviewed materials for the above-referenced property, including the following:

In accordance with your authorization, our office has previously reviewed materials for the above-referenced property. We are providing this revised Planning Review based on additional information and material presented at the 8/11/2021 hearing (the "8/11 ZBA Hearing") regarding this application. Updates and material revisions to our review are indicated in **bold text**.

Materials reviewed include the following:

- Application Package
- Application Cover Letter, Camili Law, LLC, dated November 11, 2020
- Letter to the Borough of Fair Lawn with exhibits/photos, Camili Law, LLC, dated October 9, 2019
- Email correspondence: Camili Law, LLC, Borough of Fair Lawn Fire Prevention Bureau, last dated November 14, 2019
- Proposed Site Plan: Ambulance Parking Lot, 177 Lincoln Avenue Block 6906 Lots 1, 2, & 76-82, containing one (1) sheet, prepared by Page Consultants, Inc., rev. through 3/5/20
- **Proposed Site Plan: Ambulance Parking Lot, 177 Lincoln Avenue Block 6906 Lots 1, 2, & 76-82, containing one (1) sheet, prepared by Page Consultants, Inc., rev. through 8/9/21)**
- Consolidation Plan: A&M Medical Parking Lot, 177 Lincoln Avenue, containing one (1) sheet, prepared by Page Consultants, Inc., rev. through 9/13/19



**Amended Site Plan with Variances**  
**RE: 177 Lincoln Avenue**  
**Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021**  
**Our File No. HFLZ6906.01**  
**Page 2**

- Survey: As-Built – Ambulance Parking Lot 177 Lincoln Avenue Block 6906 Lots 1, 2 & 76-82, prepared by Page Consultants, Inc., rev. through 6/3/19

The property is subject to a prior approved application, materials for which were provided for review:

- Preliminary/Final Site Plan – Ambulance Parking Lot, 177 Lincoln Avenue containing thirteen (13) sheets, prepared by Page Consultants, Inc., rev. through 3/1/18
- Resolution of Approval: Application No. 2017-24, A&M Medical Ambulance Services, 177 Lincoln Avenue, adopted 11/27/2017

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

### **1. Project Description**

The amended preliminary and final site plan for 177 Lincoln Avenue being Block 6906 Lots 1-2, 76-82 (the "property") proposes to remove an approximate 12' x 30' striped fire lane ("Fire Lane") within an existing parking lot in order to facilitate the **re-design of an existing parking area and approval for an additional** overflow parking area.

The site was subject to a prior application approved by the Zoning Board of Adjustment ("ZBA") on October 19, 2017, with the Resolution of Approval ("Resolution") adopted on November 27, 2017. This prior approval ("Prior Approval") is more fully described in Section 3 (Prior Approvals) below.

### **2. Site Description and surrounding uses**

The property is a 23,852 square foot irregularly-shaped corner lot located in a B-2 (General Business) and R-1-2 (One-Family Residential) zone in the northwestern portion of the Borough. The property has frontage along Lincoln Avenue, Harristown Road and Heights Avenue to the west, north and east, respectively, with Lincoln Avenue and Harristown Road bordering the Boroughs of Hawthorn and Glen Rock. The property consists of an existing 2,291 square foot one-story masonry building and an accessory parking lot. Access to the site is provided from Lincoln Avenue, and egress via a 12 foot wide driveway ("driveway") connecting the parking lot to Heights Avenue. All of the parking lot and a portion of the driveway are located in the B-2 zone, with the remainder of the driveway located in the R-1-3 zone. Egress times from Heights Avenue are further limited by a condition of approval, further described in Section 3 (Prior Approvals) below



**Amended Site Plan with Variances**  
**RE: 177 Lincoln Avenue**  
**Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021**  
**Our File No. HFLZ6906.01**  
**Page 3**

Contiguous zoning is B-2 along Lincoln Avenue and R-1-3 along Heights Avenue. There are a mix of conforming business and non-conforming residential uses along Lincoln Avenue, while uses along Harristown Road are reflective of permitted one-family residential homes.

### **3. Prior Approvals**

As noted in the Resolution the applicant was granted applicant the following approvals:

- a) Preliminary and Final Major Site Plan approval;
- b) A use variance pursuant to N.J.S.A. 40:55D-70(d)(1) to permit overnight outdoor storage of ambulance vehicles which is not a permitted use in the B-2 General Business district;
- c) A use variance, pursuant to N.J.S.A. 40:55D-70(d)(1) to allow an access roadway for business/commercial use through a residential zone which is not a permitted use in the R-1-3 zone;
- d) A variance pursuant N.J.S.A. 40:55D-70(c) to permit a 6 foot high solid vinyl fence within a front yard setback area of existing Lot 2 (Heights Avenue) and segmented retaining wall having a maximum height of 8.5 feet with a 4 foot high decorative fence constructed along the top of the wall across portions of existing Lots 1 & 2

The Prior Approvals were granted subject to specific conditions note in the Resolution of Approval, including the following:

- a) Deed Notice to be recorded in the Bergen County Clerk's Office providing the following restrictions:
  - a. All egress from the premises by ambulances prior to 8:00 a.m. shall be onto Lincoln Avenue only;
  - b. There shall be no backup lights or beepers operating on the premises prior to 8:00 a.m. and as no time until vehicles are offsite
  - c. Ambulance and employee parking will be prohibited on Heights Avenue
  - d. At all times, only left turn movements shall be permitted onto Heights Avenue.

### **4. Zoning Compliance**

The existing and proposed use **is a use permitted by variance** involving the storage of ambulance vehicles which is prohibited use in the B-2 zone pursuant to § 125-24.D(4) (B-1



**Amended Site Plan with Variances**  
**RE: 177 Lincoln Avenue**  
**Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021**  
**Our File No. HFLZ6906.01**  
**Page 4**

Restricted Business, B-2 General Business and B-3 Business Zones/Prohibited uses) and utilizes a driveway located in the R-1-3 zone which is not permitted pursuant to § 125-42.B (Transition requirements/Business Entrances on Residential Streets).

The current proposed changes to the previously-approved site plan appear to be limited to the removal of the fire lane and creation of additional parking spaces.

- **As such, amended preliminary and final site plan approval is required.**

The bulk or “c” variance for fence and wall height previously granted as part of the Prior Approvals is noted in Section 5 (Variances and Waivers) below. We are noting a “c” variance for loading zones in Table 1 (Bulk Standards), as this item was not specifically addressed in the Prior Approvals.

## **5. Variances and Waivers**

“d” variances

In regards to the (d)1 use variances **previously granted**, as per applicable case law, the applicant **required** a “Special Reasons” Use Variance pursuant to N.J.S.A. 40:55D-70d. Per the State Supreme Court’s decision in the case of Medici v. BPR Co., 107 N.J. 1 (1987), testimony is required demonstrating that there are special reasons to permit a use in a district restricted against such use, that the site in question is particularly suited to the use, and provided an enhanced quality of proof that the variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance.

**As noted in the Resolution** the applicant provided testimony demonstrating the following:

### a. Positive Criteria

- i. That the site is particularly suited to the use.
- ii. That there are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D(2)), and should promote the purposes of the municipality’s Master Plan and the State Development and Redevelopment Plan.

### b. Negative Criteria

- i. That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding



**Amended Site Plan with Variances**  
**RE: 177 Lincoln Avenue**  
**Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021**  
**Our File No. HFLZ6906.01**  
**Page 5**

properties and a determination as to whether or not it causes such damage to the character of the neighborhood, as to constitute a substantial detriment to the public good.

- ii. That the variance can be granted without substantially impairing the Zone Plan or Zoning Ordinance.

“c” variances

For this application the bulk standards for General Business and mixed uses in the B-2 zone have been utilized in this Planning Review Letter.

While the property is located in 2 districts, the majority of the lot, the principal use, all of the accessory parking areas and a portion of the driveway are all within the B-2 zone. Specific Ordinance regulations for lots in two districts noted in § 125-42 (Transition requirements) are not applicable to the property or this application.

The B-2 standards are summarized within Table 1 (Bulk Standards) below:

<b>Table 1: Bulk Standards (General Business and Mixed Uses, B-2 Zone)</b>				
<b>Standard</b>	<b>Required / Permitted</b>	<b>Existing</b>	<b>Proposed</b>	<b>Ordinance Section</b>
Minimum Lot Area	10,000 s.f.**	23,852 s.f.	23,852 s.f.	§ 125-12 *
Minimum Lot Width (Corner Lot)				
Lincoln Avenue	50 ft.	125.98 ft.**	125.98 ft.**	§ 125-12 *
Harristown Road	50 ft.	184.37 ft.**	168.38 ft.**	§ 125-12 *
Heights Avenue	50 ft.	55.89 ft.**	55.89 ft.**	§ 125-12 *
Minimum Lot Depth	100 ft.	112.68 ft.**	112.68 ft.**	§ 125-12 *
Maximum Height	35 ft.	< 35 ft.**	< 35 ft.**	§ 125-12 *
Minimum Front Yard (corner lot):				
Lincoln Avenue	20 ft. (E)	20.4 ft.***	20.4 ft.***	§ 125-12 *
Harristown Road	20 ft. (E)	>20 ft.**	>20 ft.**	§ 125-12 *



**Amended Site Plan with Variances**  
**RE: 177 Lincoln Avenue**  
**Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021**  
**Our File No. HFLZ6906.01**  
**Page 6**

<b>Table 1: Bulk Standards (General Business and Mixed Uses, B-2 Zone)</b>				
<b>Standard</b>	<b>Required / Permitted</b>	<b>Existing</b>	<b>Proposed</b>	<b>Ordinance Section</b>
Heights Avenue	20 ft. (E)	>20 ft. **	>20 ft. **	§ 125-12 *
Minimum Side Yard (Interior)				
Side Yard	20 ft. **	1.5 ft. (NC)	1.5 ft. (NC)	§ 125-12 *
Safety Access (F)	10 ft. **	>10 ft. **	>10 ft. **	§ 125-12 *
Minimum Rear Yard	25 feet **	28 ft. ***	28 ft. ***	§ 125-12 *
Maximum Building Coverage	35 %	9.61 %	9.61 %	§ 125-12 *
Maximum Impervious Coverage	90 %	62.2 %	62.2 %	§ 125-12 *
Maximum Fence Height	3 ft.	6 ft. (PA)	6 ft. (PA)	§ 125-38.A
Off Street Parking (1 space per 200 s.f.)	12	<b>24 **</b>	28 **	§ 125-48.A ****
Loading Zones	1	0	<b>0 (V)</b>	§ 125-48.B

\* § 125-12. Schedule of Area, Yard and Building Requirements.  
 \*\* Differs from Site Plan Bulk Table  
 \*\*\* Denoted on previously-approved site plan  
 \*\*\*\* § 125-48 Off-Street Parking Schedule 1  
 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  
 NC: pre-existing non-conformity  
 V: Variance

**Waivers**

**§ 125-47.1.J(6) (General design standards for commercial, mixed-use and multifamily residential development/accessory structures and areas): trash enclosure required, none**



**Amended Site Plan with Variances  
RE: 177 Lincoln Avenue  
Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021  
Our File No. HFLZ6906.01  
Page 7**

**proposed. We defer to the Board's Engineer on this item, addressed during the 8/11/21 ZBA hearing and within his 8/10/21 review letter.**

## **6. Planning Comments**

### **a) Prior Approvals**

- i) As applicant is requesting to amend only a portion of its site plan, we recommend that testimony be offered to address how applicant's use compares to that described in prior testimony, and how the site continues to be appropriate for the use if the site plan is amended as proposed.**

- i. Update (8/12/21): Testimony was provided by Applicant's Engineer/Planner at the 8/11/21 ZBA Hearing. No additional comments.**

- ii) Applicant should confirm for the record that the Deed Notice related to the Prior Approvals were recorded in the Bergen County Clerk's Office.**

- i. Update (8/12/21): we recommend applicant provide the Board a copy of the deed notice listing the specific conditions noted in the Resolution of Approval. Both the Board Engineer and Planner confirmed the existence of this deed during the 8/11/21 ZBA hearing for this application.**

### **b) Revised Plans**

- i) Applicant should clarify why the Consolidation Plan was submitted. While containing similar information as Sheet 4 (Consolidation Plan) of the previously approved site plan, it doesn't contain any site plan information which is the subject of this application, nor does it appear to be materially changed from that previously approved.**

- i. We note the MLUL doesn't consider consolidation of existing lots by deed or other recorded instrument as being a subdivision.**

- ii. Update (8/12/21): the history, background and status of the Consolidation Plan was addressed Board Engineer during the 8/11/21 ZBA hearing and within his 8/10/21 review letter. We defer to the Board's Engineer to address any additional items related to this item,**



**Amended Site Plan with Variances**  
**RE: 177 Lincoln Avenue**  
**Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021**  
**Our File No. HFLZ6906.01**  
**Page 8**

**including but not limited to recordation of this Consolidation Plan with the Bergen County Clerk's Office.**

- ii) Applicant should revise previously-approved Sheet **9** of 13 (Landscape Plan and Details) to reflect its proposed changes to the site plan i.e. the removal of the fire lane and reconfiguration of the parking lot.
  - i. **Update (8/12/21): we continue to recommend this Landscape Plan be revised to reflect any approved changes to the site plan.**
- c) Parking Areas and Loading Zones
  - i) Applicant should reconcile discrepancies between proposed site plan, which indicates that 24 spaces are being proposed in the main parking area, and the Bulk Table which indicates 25. Our review indicates that one of the shaded parking spaces (which indicates a new space) in the row containing 8 spaces was already included and shown on the previously-approved site plan.
    - i. **Update (8/12/21): Testimony was provided by Applicant's Engineer/Planner at the 8/11/21 ZBA Hearing, confirming that 24 parking spaces are proposed as shown on the revised site plan dated 8/9/21.**
  - ii) Applicant should amend the site plan and application materials to indicate that two (2) new parking spaces are being proposed in the main area. As noted previously in the prior paragraph, it appears that an existing space is incorrectly identified as a new space (shaded area) on the site plan.
    - i. **Update (8/12/21): this item has been satisfactory addressed. As noted above, the 8/9/21 site plan and supporting testimony clarified that a total of 24 parking spaces exist and are proposed within the main parking area.**
  - iii) We defer to the Board's Engineer regarding the design of the gravel area for the four (4) "overflow" parking spaces being proposed, and if it meets Ordinance and Code requirements. We have included these additional spaces in Table 1 (Bulk Standards) of this Review Letter.
    - i. **Update (8/12/21): the Board Engineer confirmed during the 8/11/21 ZBA hearing and within his 8/10/21 review letter that this section of**





**Amended Site Plan with Variances  
RE: 177 Lincoln Avenue  
Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021  
Our File No. HFLZ6906.01  
Page 9**

**the property was designated a grassy area as part of the previously-approved site plan. We will defer to the Board's Engineer regarding design-related items related to this item.**

- iv) 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 proved for buildings of 2,000 square feet of floor area or more. The Survey and Site Plan indicates the one-story building on-site has 2,291.81 square feet of floor area.
  - v) We recommend testimony be provided to clarify if waivers were granted regarding the compliance with § 125-47.1.O (General design standards for commercial, mixed-use and multifamily residential development/Parking), as these items were not specifically noted in the Resolution.
    - i. **Update (8/12/21): Testimony was provided by Applicant's Engineer/Planner at the 8/11/21 ZBA Hearing indicting that a Landscape Plan was part of the previous site plan approvals.**
  - vi) **Should the Board approve the proposed overflow parking area, we recommend consideration be given to providing additional mitigation to buffer the impact on adjacent residential uses from this new parking location, which was contemplated as a grassed open-space area in the original site plan approvals.**
- d) Impervious and Building Coverage.
- i) Applicant should clarify if the area proposed for the four overflow parking spaces was previously counted as impervious area. The prior site plan did not note the composition of this area, which is noted as a "gravel area" on the current site plan. Amend the site plan as needed to reflect if this is pervious or impervious area.
    - i. **Update (8/12/21): the Board Engineer confirmed during the 8/11/21 ZBA hearing and within his 8/10/21 review letter that this section of the property was designated a grassy area as part of the previously-approved site plan. We will defer to the Board's Engineer regarding design-related items related to this item.**
  - ii) The Bulk Table should be revised to indicate the correct amount of permitted building and impervious coverage, which is indicated as 1,750 s.f and 4,500 s.f,



**Amended Site Plan with Variances  
RE: 177 Lincoln Avenue  
Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021  
Our File No. HFLZ6906.01  
Page 10**

respectively. Our calculations (based on a lot size of 23,852 s.f) is that permitted building coverage is 8,348 s.f ( $23,852 \times 0.35 = 8,348$ ) and impervious is 21,466.80 s.f ( $23,852 \times 0.90 = 21,466.80$ ).

- i. We note that while building and impervious coverage as expressed in square feet is not normally provided.
  - ii. As these item were included in the previously-approved site plans we recommend that corrected calculations remain as part of the Bulk Table for consistency.
- e) Lot Frontage, Depth and Yard requirements
- i) Applicant should indicate lot width, depth, and required yard setbacks on the amended site plan. Including all front yards for this corner lot, which has three (3) street frontages (Lincoln Avenue, Harristown Road and Heights Avenue). We note that the previously-approved site plans clearly indicated measurements for front yard (from Lincoln Avenue) and rear yard.
  - ii) Applicant should denote the provided safety access along the side lot line with Block 6906 Lot 75 to the south on the site plan, and add to the Bulk Table. A minimum of 10 feet is required between buildings on at least one side of the side lot line per Schedule of Area, Yard and Building Requirements Note F. Table 1 of this Review letter currently indicates that the safety access is more than the 10 foot minimum required.
- f) Building Height
- i) Amend the bulk table to provide the height of the existing building, which is currently expressed as a one story building. The Schedule of Area, Yard and Building Requirements only regulates height requirements for non-residential buildings in the B-2 zone in feet. Table 1 of this Review Letter currently indicates that the building height is less than the 35 foot maximum permitted.
- g) Zoning Table
- i) There are discrepancies between the Schedule of Area, Yard and Building Requirements (General Business and Mixed Uses, B-2 Zone) and that listed within the Bulk Table. In addition, select information in the Bulk Table needs to be verified. Review and revise as follows:



**Amended Site Plan with Variances**  
**RE: 177 Lincoln Avenue**  
**Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021**  
**Our File No. HFLZ6906.01**  
**Page 11**

- i. Minimum Lot Area: revise to indicate 10,000 s.f. required (5,000 s.f. is currently indicated)
  - ii. Minimum Lot Width: confirm and provide lot width along all street frontages (Lincoln Avenue, Harristown Road and Heights Avenue). Table 1 of this Review letter has provided estimates based on the survey submitted as part of this application.
  - iii. Maximum Height: revise to 35 feet permitted (26 ft. currently indicated)
  - iv. Side Yard: revise to indicate 20 ft. required (25 ft. is currently indicated)
  - v. Rear Yard: revise to indicate 25 ft. required (20 ft. is currently indicated)
- h) Miscellaneous
- i. No signage is proposed at this time. A separate application will be needed for any building identification signage associated with the development. The Board should retain jurisdiction on signage if the Board acts favorably on the proposal.
  - ii. 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.
  - iii. We defer to the Borough of Fair Lawn Fire Prevention Bureau regarding removal of the Fire Lane **and location of parking spaces**, and the Board Engineer and Traffic Engineer regarding lighting, grading, drainage, utilities and traffic.
  - iv. Provide testimony regarding the status of outside agency approvals.
-



**Amended Site Plan with Variances**  
**RE: 177 Lincoln Avenue**  
**Block 6906 Lots 1-2, 76-82; Planning Review #2**

**August 12, 2021**  
**Our File No. HFLZ6906.01**  
**Page 12**

---

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,

**CME Associates**

Ronald J Reinertsen, PP, AICP  
*Professional Board Planner*

RJR:rr

cc: Marc E. Leibman, Esq., Kaufman Semeraro & Leibman, LLP  
Paul Azzolina, P.E., Azzolina & Feury Engineering Group  
Brian Intindola, Negia Engineering  
Krenar Camili, Esq., Camili Law (Applicant's Attorney)  
William B. Page, Page Consultants, Inc. (Applicant's Engineer)