

REGULAR MEETING OF MAY 12, 2008

The regular meeting of April 14, 2008, was called to order by Chairman Peter Kortright III, at 7:35 p.m. The notice of the Open Public Meetings Law was read.

Roll Call

Present: Chairman Peter Kortright III, Deputy Mayor Lisa Swain, Joseph Baladi, Barry Winston, Philip Cassidy, Larry Metzger, Michael Cohen, Joseph D'Arco and Alan Neggia
Absent: Vice-Chairman Todd Malkin and Honey Morgenstern

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern and Board Secretary Cathy Hochkeppel

Approval of Minutes

Upon motion by Deputy Mayor Lisa Swain and a second by Michael Cohen, the minutes of the April 14, 2008, work session were unanimously approved. Upon motion by Philip Cassidy and a second by Deputy Mayor Lisa Swain, the minutes of the regular meeting of April 14, 2008, were unanimously approved. AYES: Chairman Peter Kortright III, Deputy Mayor Lisa Swain, Joseph Baladi, Philip Cassidy, Larry Metzger, Michael Cohen, Joseph D'Arco and Alan Neggia Abstain: Barry Winston

General Public Comments

Harvey Rubinstein, 28 Rutgers Terrace, Fair Lawn, explained the ordinance that Council had introduced regarding the greenway.

Alan Neggia commented that the old Jewish War Veteran Memorial seems lost. He stated that the building and landscaping are very nice, but the memorial is not noticed. Barry Winston suggested perhaps a veterans group can get together and take over the maintenance. Alan Neggia asked if the owner could be required to dress up that area and Ms. Hochkeppel indicated that she recalled that the applicant agreed to maintain it but didn't believe anything else was required. Ms. Hochkeppel indicated she would check the resolution.

River House Condominiums, 13-21 & 13-29 River Road; major site plan

Jeffrey Kantowitz appeared on behalf of the applicant and noted that this was a continuation. He stated two major things happened in the interim. The applicant made

several revisions to the site plan. The second issue has to do with cooperative parking. With the cooperation of the Borough Manager and the Borough Attorney, a cooperative parking agreement was discussed enabling the applicant to rent spaces at the George Street lot. The Borough acted quickly and the bottom line is that up to seven parking spaces will be made available to the applicant.

Chairman Peter Kortright III, stated he is looking for answers with regard to affordable housing. Mr. Kantowitz stated that it will be addressed by the planner. They have also had conversations with the neighboring property owner to the south.

Board Engineer Kevin Tichacek, asked if the leased spaces were to be a credit toward the 25% reduction and Ms. Hochkeppel explained that it was not the intent of the ordinance.

Mr. Kantowitz stated that the Council was very clear to say that simply because they are making the parking spaces available, it did not mean they endorsed this application.

Raphael Dano, 15 Beekman Place, Fair Lawn was sworn in and qualified as an expert architect. He testified to the plans in detail. He explained the various views. Exhibit A-2 is the colored rendering prepared by the architect. Mr. Danon explained the appearance of the structure, the staggered façade and some of the architectural elements. There is a side entry for the residents. The brown area is brick material. The ground floor material will be stucco material. The ground area will be pavers. There is an indentation on the corner for planting. The top façade of the building is to create an attractive building.

Philip Cassidy asked about the air conditioning units and was told they will be placed either inside the retail portion and on top. He asked if fire escapes were required if there is a third floor. Mr. Danon stated he did not think so since there will be a sprinkler system.

Joseph Baladi asked how far the balcony extended as he was concerned about utility poles. It was explained that there are no utility poles nor a utility easement. Joseph D'Arco asked how the buffer could be increased from 5 feet to 7 feet if the aisle widths stayed the same. It was explained that the building was brought forward two feet.

Alan Neggia asked if the garages will be sprinklered and was told yes. Deputy Mayor Lisa Swain asked how the building could be brought forward two feet. Mr. Danon explained that they lost under 2% of square footage. He explained the various apartments and varying sizes. Chairman Peter Kortright III, opened the matter to the public.

Pamela Coles, 13-34 George Street, Fair Lawn, commented that the neighboring architecture is tudor so why use stucco. Mr. Danon explained that some people like tudor

style. This will be a classic style similar to the new buildings existing on River Road. Ms. Coles commented that there is a huge trend toward greening and wondered if the applicant would be having any green material in terms of architecture. Mr. Danon explained that the building will be energy efficient. In response to Ms. Coles question about the height, Mr. Danon explained the height is to comply with duct works for the sprinklers. Ms. Coles asked about the noise from the air conditioners. Mr. Danon stated the units will be in the middle of the roof. They are much less intrusive then residential units in a side yard.

A resident of Raymond Street asked about the brick materials and Mr. Danon explained it will be real brick. It is in the interest of the owner to have an appealing building and it will be real brick so it can last a long time.

Robert Menist, 13-40 George Street, Fair Lawn, stated he can hear his neighbors fans now. He doesn't want to listen to air conditioning units. Mr. Menist added that there will be no large trees left standing. There is nothing for the buffer. In response to Mr. Menist's question, Mr. Danon explained that the units are going to be smaller units, not on a side yard like the neighbors. The furnace will be in a closet. Small units do not make the same noise as big units. There is a parapet that will border the entire structure and will provide a noise barrier. Mr. Menist asked if there would be traffic conflict with the garages on the south side of the building. Mr. Danon said it was not a problem as there is low traffic at a slow speed.

Deputy Mayor Lisa Swain commented that there is a tree ordinance and the developer will be required to plant two trees for every one removed.

Anna Di Nardo, asked about the actual height of the building located on the old Arts Center site. Mr. Danon stated that this building is similar to that building but this is a bigger property and will be wider. Mr. Danon explained that there will be more green around the building.

Harry Postner, 13-10 Second Street; Fair Lawn, questioned the circulation and stacked parking configuration. Mr. Danon explained that with every project, new elements are created. He stated that you can create new elements in every project.

Harvey Rubinstein, 28 Rutgers Terrace, Fair Lawn, suggested that the utilities be moved to the northern section. Mr. Danon explained that there were a lot of options and many alternatives were considered prior to these final design, but he believed that this was the best design for the space. Mr. Harvey Rubinstein suggested that the garbage be stored inside the building.

Greg Miller, 5 Ramapo Terrace, asked if there are any other structures in the River Road district that have garages on the side with traffic.

Joe Landym, 7-11 Hopper Avenue, Fair Lawn, asked about the balconies. He asked if there will be balconies facing the residential section and he was told no. He asked about the trash collection and Mr. Danon stated it will probably be two days a week.

Pam Coles, 13-34 George Street, Fair Lawn, asked why the buffer is only seven feet when ten feet are required. She was also concerned about drainage.

Anna Di Nardo commented that people will use garages to store things and there will not be enough parking. Mr. Danon stated that the residents will be told that the garage cannot be used for storage and this will be enforced by the management.

Chairman Peter Kortright III, recessed the meeting for 10 minutes at 9:35 p.m. The meeting was reconvened at 9:45 p.m. with all members present as previously indicated.

Art Bernard, 77 North Union Street, Lambertville, New Jersey, was sworn in and qualified as an expert planner. Mr. Bernard explained that he reviewed the Master Plan and land use ordinances and is familiar with the area and the surrounding properties. This building will replace two buildings and a garage. If the affordable units are for rent, a 15% set aside is required which equates to three moderate income units. The applicant wants to place them in its other building down the block. Mr. Bernard testified that the use is compatible with the surrounding uses since it bridges the gap between commercial uses and single family home. He testified that the B-4 zone allows housing on the second and third floor. Variances are required for impervious coverage, building height, minimum rear yard set back and building coverage. A loading space is required and is not being provided. There is parking below a building and the third story is not being setback an additional five feet. Mr. Bernard explained that Fair Lawn is in Planning Area 1 of the State Plan which encourages compact forms of growth. This proposal is assembling two pieces of property and adds to the economic development of the property. This proposal promotes many of the goals of the River Road Master Plan. This is exactly the type of building and housing that was contemplated for the downtown area. One story residential housing is not encouraged. With regard to architecture, the River Road Master Plan addresses similar signage, careful attention to facades and special emphasis to side facades. The Master Plan talks about elimination of curb cuts and this application will eliminate curb cuts. It also fulfills the need for an internal drive aisle parallel to River Road to eliminate traffic and to encourage cooperative parking. Mr. Bernard also testified that the aesthetic improvements were consistent with the reexamination report. He stated that apartments will also help fulfill the need for affordable housing. Mr. Bernard stated that the public

benefits from this application are clear. It helps promote the state development plan. It addresses the master plan goals and the River Road Master Plan goals. It will help generate more tax ratables.

Mr. Bernard testified that he does not believe there is any substantial negative impact. From a planning perspective, this building will be the same height as the building down the block. It will not deprive the neighbors of air and light.

The parking below the building is similar to the B&B building. It promotes the goal of the River Road master plan. The requirement that the third floor be pushed back 5 extra feet is to avoid a canyon-like appearance. The architect has taken care of this with his design of the façade. A parking variance is not required if the applicant purchases two more spaces.

Mr. Bernard testified that the public welfare is advanced by this application and the benefits far outweigh any detriments.

Chairman Peter Kortright III, asked about the unmet need that the commercial area will create. Mr. Bernard stated that they are complying with the ordinance and the ordinance requires 15% set aside for rentals. Mr. Bernard stated it is possible to get an extra credit for rental. Jeffrey Kantowitz added that compliance with the current ordinance is required. He stated that case law dissuades discussion beyond that.

Barry Winston stated that the applicant is stating that the public benefits from affordable housing but then is not willing to provide the entire need. Mr. Kantowitz stated that providing affordable housing is expensive to the applicant particularly due to the absence of guiding standards. Chairman Peter Kortright III, stated that the applicant needs to fulfill the unmet need for the commercial component as well. Michael Cohen asked if it is customary to provide the affordable units in another building. Mr. Bernard stated that it is becoming more prevalent and there are other situations where there has been housing built off site. Philip Cassidy asked about the timing if there are not vacant apartments in the other building. Mr. Bernard stated there would be a phasing mechanism. Philip Cassidy asked if there would be a negative connotation by putting them in the other building. Mr. Bernard explained that they would exceed C.O.A.H. standards and the apartments would still be mixed. Less than half would be affordable.

Harry Poster, 13-10 Second Street, Fair Lawn, asked how Mr. Bernard could say that the Council on Affordable Housing encourages the granting of variances. Mr. Bernard explained that C.O.A.H. does encourage boards to grant variances to create affordable

housing. C.O.A.H. does not get involved in what variance should be granted nor do they get involved in each application.

Pam Coles, 13-34 George Street, Fair Lawn, stated that you quoted the ordinance yet your requesting variance from the ordinances. She asked why put the burden on the town with excessive parking. Mr. Bernard stated that the applicant doesn't need a variance for parking.

It was agreed among the parties that the matter would be carried to the June 16th meeting and extension of time was granted until that date.

Upon motion by Philip Cassidy and a second by Deputy Mayor Lisa Swain, the meeting was unanimously adjourned at 11:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Land Use Administrator/
Secretary of the Planning Board

CH:blcl