

## WORK SESSION OF MAY 27, 2008

Mayor Weinstein called the meeting to order at 7:00 p.m.

**PRESENT:** Mayor Weinstein, Deputy Mayors Swain and Tedeschi, and Councilmember Baratta.

**RECUSED:** Councilmember Trawinski

**ALSO PRESENT:** Manager Metzler, Municipal Clerk Kwasniewski and Attorney Rosenberg:

### **Rezoning of Block 4801, Lot 1 - 16-31 Route 208 North:**

Mayor Weinstein introduced Cheryl Bergailo, Planner and Peter Kortright, Planning Board Chairman. He asked for input regarding the proposed Zoning ordinance.

Ms. Bergailo stated that the Planning Board discussed the zone change request. A letter was sent to Council with their input and her comments. The proposed mixed use zone is similar to what was proposed in the Route 208 Corridor Study.

She presented a graphic showing the differences. Many of the standards are the same, such as lot width and depth and the minimum lot area is 3 acres. The developer proposed 50 feet which she did not recommend for all buildings, but certain components could be that high if they were set back from Route 208. There isn't a set building height for the industrial zone since those buildings are usually one story. If it is developed as a single project, they would need a perimeter set back from Route 208.

Ms. Bergailo stated that the current standard for maximum impervious coverage is 60% and they were asking for 80%. Once all the components of the buildings and surface parking were added the site will not be as large as it appears. If they are going to be asked to do affordable housing they will need to leave room. She felt an impervious coverage of 80% would be acceptable if they compensate with internal green space, a perimeter buffer and setback from Route 208. Those items needed to be looked at more closely.

Ms. Bergailo stated they proposed a maximum floor area ratio of .65%. The Route 208 Study suggested a ratio of .35% and a larger number if structured parking was used. The developer requested a residential density of 15 units an acre and a higher density if more than 20% affordable housing was requested. The COAH set aside was proposed at 30%.

Ms. Bergailo stated that the proposal was not consistent with the current master plan, which would need to be amended to provide a strong foundation for future zoning. She and Attorney Rosenberg had discussed expanding the scope to look at those sites that were in the Route 208 study, instead of looking at just this one site. The Planning Board had comments on the report. They did not want to adopt it carte blanche as an amendment to their master plan without fine tuning it, especially with respect to the

recommended uses and some of the bulk standards. If this goes to a master plan amendment, the whole area should be looked at comprehensively.

Ms. Bergailo stated they proposed a list of uses that appear reasonable and consistent with the 208 Corridor Study. She wanted to know what the Council would like to see on that site in terms of non-residential use, and also what the Planning Board and public think.

Ms. Bergailo stated that there has to be a balance. There cannot be more than 50% residential and the rest must be commercial. It does not specify whether the commercial is office or retail space. If they wanted to target the site for more office than retail, they should increase the percentage required for office. The 208 Study recommended that high end office be created on this site and that retail be more accessory. She noted that they could not fit a modern Shop Rite on this site. The developer was thinking of a smaller gourmet store with prepared items. Mr. Kortright stated they were proposing 18,000 square feet for a niche market. Ms. Bergailo stated that they needed to decide the types of uses they wanted.

Ms. Bergailo stated the mix of market rate and affordable units needs further review. The proposal is for a majority of market rate units with a set aside of 30%, which would cover their self-generated obligation under COAH round three rules. They need to think about how many market rate units they would like on the site and what the bedroom distribution should be. She felt the site was better suited to fulfill the round two plan. She will have her COAH recommendations later in the month.

Ms. Bergailo stated that in addition to thinking about what their set aside should be, they needed to decide what their tolerance was for both marketable and affordable residential units. There are socio-economic benefits to having market rate units. She noted that affordable units were required to have one, two and three bedrooms.

The concept plan was attractive, but the buildings turned their backs on Pollitt Drive. She suggested they consider orienting more of the buildings toward Pollitt Drive. They are asking for shared parking. Sharing between residential and retail was not as optimal as sharing between residential and offices, which have opposite peak hours. They need to determine a parking standard. She thought shared parking should be allowed, but felt it should be relocated so that residential could better share with the office component.

Ms. Bergailo stated that common outdoor gathering spaces did not have to be green. There could be a plaza or fountain where people can come and sit outside.

Ms. Bergailo stated they needed to look at the circulation of the site. She has not had an opportunity to look at the traffic study. She pointed out that Croucher Lane is not a public street.

Mr. Kortright stated that although the Planning Board felt there were merits to rezoning the property, the Board wanted additional information. Mixed use would be beneficial to Fair Lawn. The Planning Board recommended changes be made to the proposed

ordinances based on Ms. Bergailo's letter. The Board wanted a comprehensive traffic study that would address the existing industrial use and the proposed use.

Mr. Kortright stated that the Board recommended performance zoning, which means the development is tailored made to the needs of the area. The Board discussed the building orientation.

Mr. Kortright stated the Board strongly felt the proposal should be greener in the front and along the 208 corridor, which was consistent with the EDC's study. They discussed the road alignment to Pollitt Drive. They wanted the developer to add a deceleration and acceleration lane on Route 208 for safety reasons, which would require additional widening.

The Board was cognizant of the Fair Lawn Commons' residents. There was conceptual approval to connect the roads. Croucher Lane would become a pedestrian access, with landscaping, to encourage walking and would not have to be made into a public road. There are no signals there and the Board did not want to encourage additional traffic.

Several Board members mentioned bonding requirements for environmental cleanup and remediation at the time of site plan application and development. It was necessary for the development to have some contingencies so that the Borough is not stuck with the bill if something goes wrong. Their last recommendation was that the buildings have some "green" initiatives, although currently there was no ordinance.

Mr. Kortright stated the Board wants to look at the master plan and make appropriate amendments before they look at the development. The Board recommended that the Council rezone the property after the master plan is updated. They will have to look at the whole corridor.

Mr. Kortright concluded by stating the proposed zoning amendment was inconsistent with the current master plan. The Board anticipates amending the master plan in the next few months rendering the ordinance consistent. The Board feels that the EDC's recommendations are generally consistent with the master plan, but there some changes that they have recommended.

Councilmember Baratta clarified that it was the Board's recommendation that they look at the EDC's plan first and make a decision before moving forward. Mr. Kortright stated that the EDC's planning study would be within the jurisdiction of the Planning Board. He stated that the Borough, as a whole, should do this properly in steps as opposed to piece meal.

Mayor Weinstein suggested they should form an ad hoc committee consisting of the Borough Attorney, the Planning Board Attorney, Ms. Bergailo, Mr. Kortright, Todd Malkin, a member of the Environmental Commission and the Open Space Committee. Wendy Dabney, chairperson of the Environmental Commission and a member of the Open Space Committee, did not think there was enough open space in the Route 208 study. She could be present to give input. Mr. Kortright explained that the Board will have

formal recommendations and possible dates of public hearings by the end of the summer. They may want to schedule meetings for September to make sure they get everyone's input.

Ms. Bergaillo stated that the EDC study did most of the leg work. They asked the Planning Board to adopt the study as a master plan amendment. The Board does not want to adopt it carte blanche. This would be a step toward tailoring it so that it is adoptable by the town and is the foundation for ordinances that are acceptable to everyone. Fine tuning should be done with respect to affordable housing obligation that will be accrued by redeveloping this area. That study recommends rezoning two sites in the corridor. One is already used by Nabisco, so they cannot put that in the housing plan. The work that has been done is good.

Councilmember Baratta questioned whether it would be beneficial to have a hotel and a residential component. Mr. Kortright stated there are ways to tailor this so it will work. Ms. Bergaillo stated that a hotel was a huge generator of COAH obligation.

Deputy Mayor Swain realized they needed to balance the development for the Kodak property and the Route 208 corridor. She felt they should look at both properties together, so that they compliment each other.

Councilmember Baratta wondered if the acceleration and deceleration lane was discussed when the developer came before the Planning Board. Mr. Kortright stated that all the recommendations discussed were presented to the developer, who will need to address each issue. Councilmember Baratta noted that currently a car exits right off Fair Lawn Avenue and is in the right hand lane. This creates a dangerous situation with traffic coming in and out.

Mr. Kortright stated that the State has been very slow so the Borough needs to take the initiative and make sure the improvements are done. The developer has to address the safety issues.

Elaine Winshell, 7 Beekman Place stated that a summary of the League's findings was sent to Council on April 22<sup>nd</sup>. Some comments may no longer be valid due to the new traffic study. The League looked at the draft ordinance proposed by the developer. They also reviewed Fair Lawn Promenade. The Committee consisted of four or five people. They were very concerned about the traffic impact on Route 208 and Fair Lawn Avenue. They were also concerned about the environmental status of the property. She noted that the standards for residential were different from those for industrial and commercial. Before any approval can be given the environmental status of the property has to be cleared up.

They expressed concern about the lack of green space in the development. They felt the residential parking was insufficient, as it was shared with retail that would be open evenings. There was no allotment of spaces for visitors to the residences.

She suggested senior housing or some other less intensive use instead of a hotel. They suggested putting in smaller food stores for the residents so that they would not have to drive to Maple Avenue or River Road.

Ms. Winshell concluded by stressing the League's concern about traffic impact on Fair Lawn Avenue and Harristown Road and the lack of green space. They suggested they encourage the use of sustainable design and green design.

Mr. Kortright stated there was a discussion from the developer about adding a parking garage with amenities regarding a possible jitney bus service for Fair Lawn, which would reduce traffic. It did not seem the developer was adverse to more shared parking and a commuter bus. A bus stop could be added at the train station for the mini bus.

It was the consensus of Council that a sub-committee consisting of Attorney Rosenberg, the Planning Board Attorney, a representative from the EDC, Planning Board Chairman and representatives from the Environmental Commission and Open Space Committee be formed to review the proposed plans.

Deputy Mayor Swain thanked the League for their efforts on the Borough's behalf.

**Public Comments:**

Harvey Rubenstein, 28 Rutgers Terrace mentioned notices in May 19th issue of The Record stating that the Mayor and Council would be attending the Fair Lawn Economic Development Corporation Meeting on May 29<sup>th</sup>. He asked if that meeting was cancelled. Mayor Weinstein stated it was not. It was an open meeting to hear comments regarding the townwide EDC. Deputy Mayor Tedeschi felt it should be an open public meeting, but was not sure that was the plan. The initial purpose of the meeting was to invite property owners and business people. Mayor Weinstein clarified that those individuals were receiving specific invitations but they all knew the meeting was going to be sunshined. Mr. Rubenstein clarified that the public could attend. Council confirmed this.

**ADJOURNMENT:**

Upon motion by Councilmember Baratta and second by Deputy Mayor Swain the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Joanne M. Kwasniewski, RMC/CMC/MMC  
Municipal Clerk

The undersigned have read and approve the foregoing minutes.

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Mayor Steven Weinstein

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Councilmember Jeanne Baratta

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Deputy Mayor Lisa Swain

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Deputy Mayor Joseph Tedeschi

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Absent  
Councilmember Ed Trawinski