

SPECIAL MEETING OF MAY 7, 2012

The meeting of the Fair Lawn Planning Board on Monday, May 7, 2012, was called to order at 7:30 p.m. by Chairman Peter Kortright 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: Vice-Chairman Brent Pohlman, Larry Metzger, Jim VanKruiningen, Joseph Mele, Kenesha Brathwaite, Cristina Cutrone, Chairman Peter Kortright, Joan Fragala, Tom Carney, Absent: Deputy Mayor Edward Trawinski and Todd Malkin.

Also present: Attorney Thomas W. Randall, Esq., Board Engineer Jeffrey Morris, Board Secretary Cathy Hochkeppel

16-00 Pollitt Drive; Block 4804, Lot 4 – Gan Aviv Nursery

Andrew Kohut appeared on behalf of the applicant. He indicated that the application was for a child care facility in a mixed use area. He explained that at peak times there would be 90 students and 25 employees maximum. The play area is to be in the front yard rather than the rear as required. He also noted a five yard buffer strip in the rear is required. The buffer is to protect the neighbors. This proposed location is significantly away from the rear yard. The existing side yard setback is 44.9 feet rather than 65 feet as required. This is an existing condition.

Wayne Adler, 75 Lincoln Avenue, Bergenfield and Karen Adler, 75 Lincoln Avenue were sworn in and stated that they own a nursery/daycare center in Bergenfield. It is a full day nursery school. Mr. Adler explained that drop off is the most intense between 7:30 a.m. to 8:30 a.m. The site plan prepared by Thomas Donohue dated April 4, 2012 was marked as Exhibit A-1. There are five designated drop off parking spaces. The parents walk the children in and disperse them to the classrooms. Mr. Adler explained that working parents are their clientele. None of the employees will park in the drop off spaces. Even if the five spaces are being used, there are additional parking spaces. There are surveillance cameras outside and inside. For security, there is a key fob at both entrances and the parents swipe it. Each key fob has their own computer so they

know who is entering the building. Mr. Adler stated that in his experience five spaces are sufficient. The fence will be a six foot high fence and there will be a guard rail as a buffer. There will be no food preparation on site. Ms. Adler explained that she graduated from Fair Lawn High School and selected this site because it is a good, safe location.

Tom Carney asked about the other tenants in the building. Mr. Adler explained that the state does not allow any chemical uses in a building with childcare.

Joseph Mele asked about the play equipment and Mr. Adler explained that the play equipment is approved by the state. There will be a gate.

Kenesha Brathwaite asked about security and cameras in the play area and was told it was very secure. Joan Fragala asked about the entrance to the play area and was advised that the gate has a special latch.

Chairman Kortright opened the time to question the witnesses and no public wished to be heard.

Brent Pohlman asked about an evacuation area. Mr. Adler explained that they will have a plan and will do a fire drill every month. Tom Carney suggested he consult with the fire marshall.

Joseph Sterba, 87 Lackawanna Avenue, Totowa, NJ was sworn in and qualified as a professional architect. Plans dated March 26, 2012, were marked as Exhibit A-2. He explained the interior of the building in detail. All equipment is approved by the state. He explained the latch to the gate that is mounted on the inside. He stated that the building is a handicap accessible facility. The remaining areas of the building are separated.

No public wished to question the witness.

Thomas Donohue, 110 Warren Avenue, Ho-Ho-Kus, NJ, was sworn in and qualified as a professional engineer. Mr. Donohue explained the property and location. He explained the driveways. He explained the non-conforming side yard that currently exists. The property was granted site plan approval for a certain number of parking spaces. The applicant is leasing 10,025 square feet of the building. The parking is more than adequate and a parking variance is not required. He explained that 231 spaces are required and 251 will be provided. He testified to the buffer strip waiver and

need for the variance for the location of the playground. It is more practical for safety reasons to have it in the front yard. The intent for buffering is for protection from neighbors. There is vegetation that exists and they are proposing a fence. The main entrance will be on the western side of the building and there is another entrance on the northern side for handicapped use. He explained the changes to the area marked as drop off. There is no additional impervious area and no additional landscaping or lighting. He explained the traffic flow to and from the site. A guard rail in accordance with DOT requirements will be installed. There is not much room for landscaping around the perimeter. Jeffery Morris suggested black poles and black fabric for the fence.

Joseph Mele asked about the lighting. Alexander Opper, 65 Harristown Road, Glen Rock, NJ, stated all the exterior lights are working. They never had a problem.

Joan Fragala was concerned about parents being aware of the drop off area.

Mr. Adler explained that the peak time is between 7:30 a.m. and 8:15 a.m. They are at full capacity at their other facility. About five cars come in and go out during peak hours. They have additional parking but it has been their experience that five drop off spaces are sufficient.

The shrubs against the building will be removed but the intent is to keep the trees on the side.

No public wished to question the witness.

Larry Metzger asked about the other uses in the building. Mr. Opper explained that there is an insurance company, a distributor of food, a label company and a company selling children's jewelry. The last space is vacant and a possible tenant is a medical wellness facility. As a property owner, he has no problems with prohibiting any type of hazardous use. It doesn't fit with image of the building.

Chairman Kortright asked that a stop sign and stop bar be installed at Pollitt Drive extension. Chairman Kortright asked that the small portion of chain link fence along Chadwick Place be removed.

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

Cristina Cutrone moved that the application be approved subject to ramps in compliance with ADA, the designation of drop off spaces, signage on the western side, stop sign and stop bar to be added on Pollitt Drive extension, removal of chain link fence on Chadwick Place, black vinyl and black poles on playground fencing, porous playground materials and a key fob on recreation gate. Kenesha Brathwaite seconded the motion that was unanimously approved. AYES: Vice-Chairman Brent Pohlman, Larry Metzger, Jim VanKruiningen, Joseph Mele, Kenesha Brathwaite, Cristina Cutrone, Chairman Peter Kortright, Joan Fragala, Tom Carney

Adjournment

Upon motion by Larry Metzger and a second by Joan Fragala, the meeting was unanimously adjourned at 9:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Municipal Housing Liaison/
Land Use Administrator/
Secretary of the Planning Board

CH:mc