

REGULAR MEETING JULY 9, 2012

The meeting of the Fair Lawn Planning Board on Monday, July 9, 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 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: Chairman Peter Kortright, III, Deputy Mayor Edward Trawinski, Cristina Cutrone, Tom Carney, Vice-Chairman Brent Pohlman, Jim VanKruiningen, Joseph Mele, Absent: Todd Malkin, Larry Metzger, Kenesha Brathwaite, Joan Fragala

Also present: Board Attorney Thomas Randall, Board Engineer Jeffrey Morris, Planner Cheryl Bergailo, Board Secretary Cathryn Hochkeppel.

Approval of Escrow Bills

Upon motion by Deputy Mayor Trawinski and a second by Cristina Cutrone, the escrow bills were unanimously approved. AYES: Chairman Peter Kortright, Vice-Chairman Brent Pohlman, Tom Carney, Deputy Mayor Edward Trawinski, Joseph Mele, Cristina Cutrone, Jim VanKruiningen.

Approval of Minutes

Upon motion by Tom Carney and a second by Cristina Cutrone, the minutes of the Work Session of June 11, 2012, were unanimously approved. AYES: Chairman Peter Kortright, Deputy Mayor Edward Trawinski, Tom Carney, Vice-Chairman Brent Pohlman, Joseph Mele, Cristina Cutrone. ABSTAIN: Jim VanKruiningen. Upon motion by Vice-Chairman Brent Pohlman and a second by Tom Carney, the minutes of the Regular Meeting of June 11, 2012 were unanimously approved. AYES: Chairman Peter Kortright, Deputy Mayor Edward Trawinski, Tom Carney, Vice-Chairman Brent Pohlman, Joseph Mele, Cristina Cutrone. ABSTAIN: Jim VanKruiningen.

General Public Comment

Chairman Kortright opened the time for public comments. No public wished to be heard and the time for public comment was closed.

Landmark at Radburn, LLC, Block 3609, Lot 21, Block 3610, Lots 1-2; Major Subdivision and Site Plan

Ron Shimanowitz, Esq., appeared on behalf of the applicant. Chairman Kortright stated that the Board Engineer and he went to Ramsey Terrace to verify the sight distance. Jeffery Morris stated that the trees are to be trimmed to a height of 6 feet and the bushes to 30 inches. There is a lot of

underbrush in the public right of way. There is little maintenance and the corners need to be cut back. Deputy Mayor Trawinski stated that after the June 11, 2012 meeting, he reported concerns about the underbrush. As soon as D.P.W. can do it, they will trim back the underbrush and the trees in public right of way.

Chairman Kortright opened the matter to the public for continued questions.

David Stahl, 8 Ramsey Terrace, asked about making a left into the development while driving north on Plaza Road and was told it was legal. He asked if it would be safe and Mr. Keller stated that if the underbrush is removed, there will be better sight distance. He added that coming out the development there is more than adequate sight distance. Mr. Keller does not believe it will create any adverse safety issues and pointed out that the Ramsey Terrace intersection currently exists.

Ron Coll, 10 Ramapo Terrace, asked if Mr. Keller personally measured the sight distance and Mr. Keller explained that it was one of my staff engineers who uses measuring wheel. Mr. Coll stated that he did not come to the same conclusion.

Wolf Turner, 5 Remington Road, stated that there was no underbrush in Lot 3. Chairman Kortright disagreed. Mr. Turner challenged the method of measuring sight distance.

Craig Miller, 5 Ramapo Terrace, asked about the dedicated left turns on Berdan and was told there would be dedicated lefts in both direction.

Joel Rosen, Esq., explained that he was retained by a group of Radburn residents to assist them. He named Mr. and Mrs. Roney, Mr. and Mrs. Hayden and Ms. Moore. He asked about vehicle access and was told it is accessible to emergency vehicles. He asked why Warren Road was not included in the traffic study and was told that question had been answered many times. Mr. Rosen also asked why the numbers were projected for 2014 and it was explained that they hope to be built by that date.

Stuart Goldring, 14 Rutgers Terrace, asked who is responsible to make sure public safety is paramount. Deputy Mayor Trawinski replied that without regard to politics, every member of the Board and the Council understands and makes their decision with public safety as a priority.

As no other public wished to question the witness, that portion was closed.

Rob Larsen, was sworn in and qualified as an expert architect. There were no questions from opposing counsel. Mr. Larsen explained that they are proposing 165 dwelling units including 33 affordable units. A drawing entitled Park and Plaza Townhouses Building A front elevation was marked as Exhibit A-11. Building A rear elevation was marked as Exhibit A-12. He explained the buildings in detail. Each of the homes is a three bedroom home. He stated that they would be using high quality resilient materials. Building C drawing depictions front elevation and rear elevation was marked as Exhibit A-13. He explained the design elements including the pedestrian

access. The Crossover Elevation was marked as Exhibit A-14. The Parking Plaza crossover drawing was marked as Exhibit A-15.

A drawing of the western townhouses, Building K was marked as Exhibit A-16. The western townhouses rear elevation was marked as Exhibit A-17. A drawing of the affordable homes front elevation was marked as Exhibit A-18, rear elevation drawing was marked as Exhibit A-19. He explained the affordable units ranging from one bedroom to three bedrooms. Each home has a single covered parking space and accessible routes to entrances for some of the units. All ground units are ADA accessible.

A drawing of the entire elevation of Building K front and rear was marked as Exhibit A-20. A drawing depicting the entrance signs was marked as Exhibit A-21. Mr. Larsen explained the signs in detail. A streetscape with building elevations and trees was marked as Exhibit A-22. The same drawing with solid trees was marked as Exhibit A-23.

Cheryl Bergailo asked about the building colors depicted on the streetscapes. Mr. Larsen said they are representative as they have not yet picked the materials but intend on using muted and earth tones.

Chairman Kortright asked about the Radburn sign at Berdan that is in the existing right of way. Mr. Larsen stated that they were going to leave it as is. Chairman Kortright asked if the applicant was willing to refurbish it and Mr. Larsen said they would discuss it.

Joseph Mele pointed out that the entrances are not consistent with the site plan. It was agreed that the site plan would govern. Joseph Mele asked about the crossovers and the concept was explained in detail. He also stated he would like to see a greater evergreen buffer.

Deputy Mayor Trawinski asked about the affordable units and Mr. Larsen explained that the plans do not have a table reflecting the affordable units. It was agreed that the plans would be amended to reflect the bedroom distribution. Deputy Mayor Trawinski commented that it was his expectation that section 49-143 would be complied with regarding evergreens. Deputy Mayor Trawinski stated he has some safety concerns about the sign because it might mislead the public into believing it is a vehicular entrance. Deputy Mayor Trawinski suggested plans could reflect that in the event there are any conflicts between the architectural plans and the site plan, the site plan would control.

Cristina Cutrone asked about using environmentally friendly products. Mr. Larsen said that they were discussing it but have not selected particular products.

Chairman Kortright opened the matter to the public.

Jane DiPieveen, 14 Ryder Road, asked if the stucco would be real and the architect stated that was correct. Ms. DiPieveen asked about the bedrooms for the market townhouses and Mr. Larsen explained they are three bedroom units. Mr. Larsen stated there are 2 whole baths and 2 half

baths in the market townhouses. Ms. DiPieveen also asked about the integration of the affordable units into the development. Mr. Shimanowitz explained that the issue was raised by the Board members but there will be a witness addressing that issue specifically. She asked about senior citizen housing and Mr. Shimanowitz explained that it would require the entire development to be age restricted. Ms. DiPieveen thought 25% could be senior housing, and Mr. Shimanowitz explained that it refers to the municipality's entire housing plan rather than specific sites. Deputy Mayor Trawinski added that in the course of the litigation, the council's request for senior units was rejected.

Susan Goldring, 14 Rutgers Terrace, stated that Radburn is a historical site and asked if applicant met with them. The applicant stated they have met with Radburn several times over the course of this development.

Mark Wahl, 14 Warren Road, asked about the nonmarket rate units and asked about the price ranges for these units. Deputy Mayor Trawinski explained that a nonmarket rate is fixed by COAH regulations and varies from county to county and is based upon number of bedrooms.

Mr. Cohen asked when the segregation of COAH units will be discussed. Mr. Shimanowitz said it will definitely be addressed at a future date and questions could be asked of that witness. Mr. Larsen explained the affordable units and stated that there are no common areas. Mr. Cohen asked about specifics including the fire walls, and Mr. Larsen explained that type of detail is not yet designed. Mr. Cohen thought it should already be determined. He asked if the site is RSIS compliant and Mr. Larsen stated that the engineer has so testified.

Eric Schutz, 20-14 Radburn Road asked if the COAH units would be rented or for sale and Mr. Shimanowitz stated that it depends on the market place and that determination has not yet been made. He asked about the controls on the affordable units. Ms. Hochkeppel explained that there is an administrative agent that income qualifies the individuals. Reports are required to be filed and there is an ongoing monitoring. The units are also deed restricted, usually thirty years. Mr. Schutz asked about illegal rental of the units. Ms. Hochkeppel explained that there is a great deal of monitoring, severe penalties but that does not preclude anyone from doing something illegal. Mr. Schutz asked about noise from the train, and Mr. Larsen stated that it is their intention to address sound through materials but there will not be a sound barrier. The exact materials have not yet been chosen but there are many options to address noise. Mr. Schutz asked about the plantings along the railroad and Mr. Larsen explained that it will be landscaped but they will be meeting with NJ Transit to develop a mutually acceptable plan.

Chairman Kortright recessed the meeting for 10 minutes at 9:45 p.m. The meeting was reconvened at 10:00 p.m. with all members present as previously indicated.

Eileen Kahn, 16 Owen Avenue, asked about the dormer space. Mr. Larsen said that the dormer space has not been fully developed. She was asking about fourth level. Mr. Larsen said these are details not yet determined. Mr. Larsen explained that the market units will be 2,355 square feet.

Ms. Kahn suggested that if they are going to refurbish the Radburn sign, the other sign should match the existing Radburn sign.

Larry Koplik, 6 Reading Terrace, asked if there are any market rate ADA units and was told no. Mr. Larsen explained that townhouses are not required to be ADA compliant.

Felice Koplik, 6 Reading Terrace, asked about the height of the buildings. Mr. Larsen explained that it is approximately 43 feet high. Ms. Koplik commented that these new units will be 20 feet higher than neighboring houses. Ms. Koplik asked about the historic sign and requested that the sign not be touched without consultation. Chairman Kortright stated that it has not yet been determined and the issue is restoration. Deputy Mayor Trawinski added that Radburn's historic site review is Radburn Association business. Ms. Koplik asked about access to the fourth floor and Mr. Larsen stated there will be some sort of access but the plans are not developed to that detail at this point. Mr. Larsen further explained that a fourth bedroom in a townhouse would not require additional parking under RSIS. Ms. Koplik asked if the Board was concerned about the height and Deputy Mayor Trawinski explained that the litigation was not successful in limiting the height to less than four stories.

Wolf Turner, 5 Remington Road, asked who was responsible for the pathways between the buildings. He was informed it would be maintained by the association similar to any other condo association.

Mark Wahl, 14 Allen Place, asked about accommodations for lifts in the interior since there are no elevators. Mr. Larsen explained that there are spaces available for devices to provide assistance for traversing stairs.

Ron Coll, 10 Ramapo Terrace asked about the process of approval by the Radburn Association. The applicant has been in contact with the Board of Trustees. The applicant is aware that the architectural committee will review the plans and recognizes they have to. Mr. Coll added that there is a prohibition on balconies in Radburn.

Felice Koplik, 6 Reading Terrace, asked what type of heating system will be in these units and Mr. Larsen stated that it has not been fully developed but he believes it would be a forced hot air/cold air system. She asked about the compressors and Mr. Larsen explained that they will be screened and will be architecturally harmonious. Ms. Koplik asked about parking for the handicapped. Mr. Larsen explained that there are handicapped spaces throughout the site but individuals would park in the spaces adjacent to their unit.

Mr. Cohen asked if the affordable product has ever been designed by him previously. Mr. Larsen explained that he has designed many similar products throughout the state, but this is unique in that it is designed specifically for the site. Mr. Cohen questioned why Mr. Larsen did not have details on the fire walls. Deputy Mayor Trawinski commented that no one doing a project this size would develop plans with that level of detail until and unless approval is granted. If there is a

conflict with the site plan in complying with the Building Code, the applicant will have to come back to the board. No developer is going to hire an architect to develop a plan that can't be built.

Ros Borkman, 13-18 Plaza Road, asked about where the garbage would be located. Chairman Kortright stated that it was previously discussed. She had concerns about garbage being stored in the garage area. Mr. Larsen explained that they are separate spaces and it is no different from many homes that store their cans in the garage.

Eric Schutz, 20-14 Radburn Road, asked if the balconies were necessary structurally and was told no.

Mr. Wahl suggested that a time limit be placed on each questioner.

Jane DiPieveen, 14 Ryder Road, asked about the Borough's role in establishing senior housing, and Chairman Kortright stated that it is not part of this application. Deputy Mayor Trawinski explained that the housing element includes a senior element. The Council has requested the Court approve a senior development by the new CVS site.

As no other public wished to be heard, the time for public questions was closed.

It was announced that the matter would be continued to August 13th without further notice.

Deputy Mayor Trawinski suggested that the Board Engineer together with the applicant's engineer review the site lines in the context of the underlying survey. They should also review whether the site lines would be improved or hindered by the narrowing of the area. It was the consensus of the Board to proceed accordingly and the applicant agreed.

Adjournment

Upon motion by Deputy Mayor Trawinski and a second by Brent Pohlman the meeting was unanimously adjourned at 10:45 p.m.

Respectfully,

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