

REGULAR MEETING AUGUST 13, 2012

The meeting of the Fair Lawn Planning Board on Monday, August 13, 2012, was called to order at 7:00 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, Vice-Chairman Brent Pohlman, Jim VanKruiningen, Joseph Mele, Todd Malkin, Kenesha Brathwaite
Absent: Larry Metzger, Joan Fragala, Tom Carney

Also present: Board Engineer Jeffrey Morris, Planner Cheryl Bergailo and Board Secretary Cathryn Hochkeppel.

Approval of Escrow Bills

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

Approval of Minutes

Upon motion by Jim VanKruiningen and a second by Cristina Cutrone, the minutes of the Special Meeting of June 25, 2012, were unanimously approved. AYES: Chairman Peter Kortright, Kenesha Brathwaite, Jim VanKruiningen, Vice-Chairman Brent Pohlman, Joseph Mele, Cristina Cutrone. ABSTAIN: Deputy Mayor Edward Trawinski and Todd Malkin. Upon motion by Deputy Mayor Edward Trawinski and a second by Jim VanKruiningen, the minutes of the Regular Meeting of July 9, 2012 were unanimously approved. AYES: Chairman Peter Kortright, Deputy Mayor Edward Trawinski, Jim VanKruiningen Vice-Chairman Brent Pohlman, Joseph Mele, Cristina Cutrone. ABSTAIN: Kenesha Brathwaite and Todd Malkin.

Memorializing Resolution

Fair Lawn 22-08 Route 208, LLC; site plan and variance application, Block 4904, Lot 1

Upon motion by Vice-Chairman Brent Pohlman and a second by Jim VanKruiningen, the memorializing resolution was unanimously adopted. AYES: Cristina Cutrone, Jim VanKruiningen, Kenesha Brathwaite, Vice-Chairman Brent Pohlman, Joseph Mele, Chairman Peter Kortright.

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 and noted that it is a continuation of the hearing with regard to Landmark site.

Eric Keller, Engineer, was reminded he was still under oath. He explained that the archway is being removed from the project reducing the number of signs. No variance will be required. They also reviewed Ms. Bergailo's letter with regard to screening, on the north side of Buildings A and along portion of Building F. They are now proposing evergreen trees in that entire stretch. Mr. Keller added that they have eliminated the variances associated with this application. The design waiver requested is for the storm water detention basin. These are invisible retaining walls. They meet the intent of the waiver. Mr. Keller stated that it maximizes the volume of the basin and they are exceeding the reductions that are required. Mr. Keller further testified that although this is a design waiver and not a variance, he believes it fits the C(2) criteria. There are no detriments. The benefits, better storm water management, less maintenance requirements, less impact to homeowners association far outweigh any detriments. Mr. Keller further stated that the plans show a 4 foot fence but the applicant agreed to raise the height to 6 feet at the Board's behest.

Mr. Keller added that the engineers met at the intersection on Wednesday, July 25th. The removal of underbrush will improve the site distance at this existing intersection. Narrowing the street also helps the site distance. This was confirmed by Board Engineer, Jeff Morris. Mr. Keller indicated that Ms. Bergailo has also asked about HVAC units. The units will be placed on small islands. Each of the units will be screened with a removal lattice. They will be suitably landscaped and will be screened year round.

Deputy Mayor Edward Trawinski asked about the site distance with the curb narrowing and Mr. Keller explained that it improves site distance on both sides approximately 30 feet. A conceptual design of the road narrowing was marked as Exhibit A-25.

Mr. Keller stated that Ms. Bergailo reminded the applicant that they had received landscape comments. The open items go to some of the plant species and notes. The design is suitable for an urban environment. The plantings will be replaced in first two years if they die. Mr. Keller explained that they improved the plan and included other species.

Mr. Shimanowitz noted the variances initially requested. The plans have been amended so no variances are now required. Initially, several design waivers were also requested. The only design waiver now being requested is a waiver for the detention basin walls and testimony was placed on the record regarding that waiver request.

Joel Schwartz, Princeton, New Jersey, was sworn in and qualified as an expert architecture. He described the location and location of the affordable units. Affordable units are often in apartment type buildings and can be mixed in. These units are flat units. If all the units are the same, you can readily randomly distribute them. If the units are two different types, it is not possible physically. He explained the history of the application and the Court approved plan. Landmark reduced the plan from 200 units to 165 units and eliminated the 4 story apartment building. Mr. Schwartz explained that the affordable units are located in two buildings, Buildings K and L. The market units are all one type. The two units are not interchangeable. All of the units blend together and that is the intent. They also provided covered parking for the affordable units. It is not possible to intersperse the units without having them stand out. Also, the site is not large enough. Mr. Schwartz stated that the requirement to integrate the units where feasible is flexible. These units are integrated in that the residents have access to all the same amenities and the units do not stand out. Chairman Kortright questioned why they were placed against the railroad tracks and Mr. Schwartz explained that it was the most logical place for the car ports. The units have a similar façade as the market rate units.

Joseph Mele commented that the market rate units have access to green space where the affordable units are placed between two roads. Brent Pohlman commented that Board members and the public would like to hear more specifics as to why different options couldn't be implemented and why the units could not be dispersed throughout the complex. Mr. Schwartz stated that it was not physically possible as the units are not interchangeable. This plan was developed over many months with a great deal of thought and hard work. The applicant voluntarily accepted the burden of trying to come up with a site which is virtually all townhouses. Deputy Mayor Trawinski added that the ordinance also recites that the site be substantially similar to the 2006 Landmark plan. This plan is not in accordance with the 2006 Landmark plan. That plan included 200 units. The 40 affordable units were in a four story apartment building. Deputy Mayor Trawinski felt that was overdevelopment of the site but the Borough lost that issue in Court. This plan is better than that Court approved plan. Deputy Mayor Trawinski added that because of the nature of this application and the affordable units he would like to information regarding the economic impact of integrating the units throughout the site. He questioned the economic feasibility. Deputy Mayor Trawinski added that he was pleased with the efforts to eliminate the variances and many waivers. Mr. Schwartz replied that there are many economic factors. He also pointed out that it is not clear yet whether these units will be sold or rented because it is extremely difficult to qualify an affordable housing buyer for a mortgage. The units will then need to be managed, and they are managed more efficiently if they are grouped in some reasonable proximity to each other. This was designed as the economy was deteriorating. He added that there is an element of compromise. The applicant have carried the burden of this property to get to this point and tried to take the high road. The site has constraints. Mr. Schwartz added that he is proud of

this design. In order to achieve the covered parking, it is necessary to design a complex building. The affordable units are a complex structure.

Ms. Cutrone asked about the facade and Mr. Schwartz explained that the facades are very similar and it is difficult to tell the difference between the market and affordable units.

Eric Keller explained that the floor elevation of the ground floor of both the affordable units and townhomes are in the same range of elevation of 81 to 82 feet. The railroad tracks are at 87 feet. No one will be looking out at a railroad. Ms. Cutrone also thought the affordable units should have some green space. Cheryl Bergailo asked how the units will be integrated in the community. Mr. Schwartz stated they have the same development name. Everyone has the same benefits, rights and privileges, part of one association, one community, same type of heating and cooling. It is a challenge when there are different types of units. Ms. Bergailo commented that she agreed with Deputy Mayor Trawinski that it would be helpful to have a little more economic analysis to support the design. Ms. Bergailo also commented that the word "integrated" is not defined in COAH's rules or in the ordinance. Many older projects pushed the affordable units into a far reaching section and they didn't have the same roads, same community or even the same project name.

Chairman Kortright recessed the meeting for ten minutes at 9:15 p.m.

The meeting reconvened at 9:25 p.m. with all present as previously indicated.

Chairman Kortright opened the matter to the public.

Mark Wahl, 14 Allen Place, asked why the units do not easily accommodate senior living. Mr. Schwartz stated that the developer chose a townhouse design that could accommodate a lift. The ordinance does not require that type of design.

Pamela Coles, 13-34 George Street, asked about the townhouses in Buildings K and L that will also see open ports toward the back. Mr. Schwartz replied that the covered parking along the railroad is only slightly visible. They can't be made 100% invisible, but it is matter of degree not absolutes.

Maureen Moriarty, 14 Burnham Place, asked if the affordable units have basements. Mr. Schwartz explained that the affordable living unit is on one level with no garage but there are carports to lock their bicycles, etc.

Marshall Chandler, 18 Ramapo Terrace, stated that it is the element of compromise that is being questioned. Mr. Schwartz said the developer already made an enormous compromise by removing 35 units when 200 were Court ordered. It was not driven by marketability.

June Meyerson, 15 Beekman Place, asked if it might be a problem to sell the market units. Mr. Schwartz explained that a buyer of a COAH unit has to fit through a difficult keyhole. The problem

with selling affordable housing is that there may be many people who qualify for it, but only a small number can get a bank to grant them a mortgage.

Felice Koplik, 6 Reading Terrace, asked if the parking requirement that it shall not be set on piers meets the ordinance. Mr. Schwartz stated it most definitely meets the ordinance.

Eric Schutz, 20-14 Radburn Road, asked whether the project would be built in stages. Mr. Schwartz stated that they haven't gotten to that point. Mr. Schutz questioned the possibility of not completing the project. Ms. Hochkeppel explained that only a certain percentage of the units can be completed before the affordable units are built. No Certificate of Occupancy would be issued until the affordable units were ready to be occupied. There is a process that allows for them to be completed and occupied in stages but it cannot be without the affordable units

Joel Rosen, Esq., of Bloomfield, NJ, representing a group of objectors asked if the analysis or placement of the affordable units was only based upon economics. Mr. Schwartz replied there were a multitude of issues considered including structure, zoning, long term value, safety, design, economic feasibility. Mr. Rosen also asked for the association by-laws and Deputy Mayor Trawinski stated that it is premature to ask for such a document. The resolution could be conditioned upon the document being satisfactory to the Board Attorney.

Maureen Moriarity, 14 Burnham Place, asked if the affordable units are going to be subject to a lot more noise and Chairman Kortright stated this was previously testified to by the architect.

As no other public wished to ask Mr. Schwartz any other questions, Chairman Kortright indicated if the public had additional questions of Mr. Keller regarding the changes, they should come forward at this time.

Eric Schutz, 20-14 Radburn Road, asked about the water retention basin and the tiered walls. Mr. Keller explained the design and why he felt this was a better design. He explained that maintenance can be reasonably done by a typical groundskeeper. The basin is designed to drain within less than 72 hours. There is no standing water in this basin except after a rainstorm.

Larry Koplik, 6 Reading Terrace, asked if the retention basin has to be installed before any units get built. Mr. Keller explained that it is typically one of the first things constructed.

Marshall Chandler, 18 Ramapo Terrace, asked if he can meet the standards if the retention basin was terraced. Mr. Keller explained that he has exceeded the volume required and he could meet the standards with terraced walls but believes his design is better.

Pamela Coles, 13-34 George Street, asked if the curbing around Ramsey Terrace will impact the turning land and was told no.

Joel Rosen, Esq., asked how narrowing Plaza will impact the site distance and Mr. Keller said it will be an improvement.

Maureen Moriarty, 14 Burnham Place, asked who would be paying for the road. Chairman Kortright explained that the applicant would bear that cost.

No other public wished to be heard.

The Board discussed scheduling a Special Meeting.

Adjournment

Upon motion by Todd Malkin and a second by Joseph Mele the meeting was unanimously adjourned at 10:30 p.m.

Respectfully,

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