

REGULAR MEETING OCTOBER 15, 2012

The meeting of the Fair Lawn Planning Board on Monday, October 15, 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, Tom Carney, Vice-Chairman Brent Pohlman, Jim VanKruiningen, Cristina Cutrone, Joseph Mele, Larry Metzger, Joan Fragala, Todd Malkin, ABSENT: Kenesha Brathwaite,

Also present: Board Attorney Thomas Randall, Board Engineer Jeffrey Morris, 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, III, Deputy Mayor Edward Trawinski, Tom Carney, Vice-Chairman Brent Pohlman, Jim VanKruiningen, Larry Metzger, Joan Fragala, Todd Malkin, Joseph Mele.

Approval of Minutes

Upon motion by Todd Malkin and a second by Deputy Mayor Edward Trawinski, the minutes of the regular meeting of September 10, 2012, were unanimously approved. AYES: Chairman Peter Kortright, Deputy Mayor Edward Trawinski, Vice-Chairman Brent Pohlman, Jim VanKruiningen, Todd Malkin, Joan Fragala, Tom Carney, Larry Metzger. ABSTAIN: Joseph Mele.

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

Mr. Shimanowitz noted that Ms. Wagner and Mr. Arntz were questioned relative to environmental issues. He suggested that they continue with questions of Mr. Robbins and Ms. Brinkerhoff. Mr. Rosen stated that Ms. Brinkerhoff was not present. There was some discussion relative to the expert witness not being present. Deputy Mayor Trawinski asked the public if there was any questions of Ms. Brinkerhoff and no public responded. Deputy Mayor Trawinski asked Mr.

Shimanowitz if he had any objections and Mr. Shimanowitz said he had no objection provided he can reserve the right to question the witness at a later date, if necessary. Chairman Kortright opened the time for environmental questions to Mr. Robbins. No one, including Mr. Rosen wished to question the witness. Mr. Rosen's letter dated October 19, 2012 was marked as Exhibit O-2. A letter from Ronald Schimanowitz to Cathryn Hochkeppel dated October 10, 2012 was marked at Exhibit A-26. Mr. Schimanowitz explained that the first item in the letter was a submittal of the Plaza Road modification plan already marked as A-25 showing the narrowing of Plaza Road. Also enclosed was a schematic of the vapor intrusion system. Lastly, they are proposing landscaping along the railroad fence and on the railroad property. Mr. Schimanowitz noted that they don't have a signed license from NJ Transit but are committed to obtaining the license.

Mr. Robbins was reminded that he was still under oath. He explained the vapor intrusion system

Jeffrey Morris explained the effect of narrowing Plaza Road. Mr. Morris explained that there are some details to be worked out. Everything will be appropriately marked.

Larry Metzger asked about the fence and was told it will be six feet high. Joseph Mele suggested a black chain link fence with smaller mesh.

Joel Rosen asked about a vapor intrusion system for all units. Mr. Robbins stated it is not needed in all buildings and will be installed as required by the DEP. Mr. Schimanowitz stated that the applicant is not trying to trick anybody and will be doing everything necessary as required by DEP. The applicant will be proactive where there are areas for vapor intrusion.

Chairman Kortright opened the matter to the public regarding the three items presented.

Ron Coll, 10 Ramapo Terrace asked for clarification as to whether there was sufficient visibility at the Ramsey Terrace crossing. Jeffrey Morris explained that there was sufficient visibility. He was also concerned about traffic if a car was making a left turn into the site and no other traffic can flow north. Jeffrey Morris explained that Plaza Road will be narrower, but a car will still be able to get around. Deputy Mayor Trawinski explained that the narrowing of Plaza Road narrows the pedestrian crosswalk, enhances the site line, and also is a traffic calming device. He wants traffic to slow down and make it safer for pedestrians to cross.

Michael Alania, 11 Ryder Road, stated that he would never cross Plaza Road now and asked about the maintenance of the underbrush. Chairman Kortright stated that maintenance is always an issue.

Marshall Chandler, 18 Ramapo Terrace, asked about the possibility of restricting traffic from going straight across to Ramsey Terrace as he was concerned about the children playing in the street.

Walter Weglein, 18 Ramsey Terrace stated that cars should not be allowed to cross Plaza Road to Ramsey Terrace. Chairman Kortright stated that it cannot be prohibited because the roadways line up and it is a public road.

Rita Golding, 14 Rutgers Terrace, asked if there was anything the residents could do and Chairman Kortright stated that they could petition the Council to make Ramsey Terrace a one-way street.

Jane Diepeveen, 14 Ryder Road, asked if it was against the law to play in the street and Chairman Kortright stated she was correct but children still play in the street.

Pamela Coles, 13-34 George Street, asked about the striping and about the people who ignore the striping. Chairman Kortright stated that it is an enforcement issue.

Felice Koplik, 6 Reading Terrace, asked about the height of the fence and if the area would be terraced. Mr. Schimanowitz stated the railroad area is not terraced. It will be landscaped. Ms. Koplik was concerned about the Hayward tract and additional contamination and Mr. Schimanowitz replied that the applicant will do whatever is needed.

Mr. Schimanowitz referred to the landscaping and lighting plan revised through September 25, 2012, as Exhibit A-27. Mr. Schimanowitz stated that they have no further witnesses to present as to their affirmative application.

Joan Fragala asked when they thought they would have a concrete answer from NJ Transit. Mr. Schimanowitz replied that sometimes it takes a long time but they will do everything they can to expedite it.

Joel Rosen pointed out that the applicant has not submitted any environmental report concerning the history of the site. He also requested copies of documents outlining the obligations of the responsible party.

Deputy Mayor Trawinski stated that in an ordinary action, the ordinance would prevail; however in a builder's remedy a more specific Court Order governs and supercedes the broad law. The environmental issue was raised in Court many times and the Borough lost. Whatever areas of concern exist or found is not the Planning Board's jurisdiction, but that of DEP.

Chairman Kortright opened the time for general public comments.

Ron Coll, 10 Ramapo Terrace, was sworn in, asked if it has been determined whether there will be a new traffic light or a modification of the current light. Chairman Kortright stated that the signal is 40 years old and they won't know until the box is opened.

Marshall Chandler, 8 Ramapo Terrace, was sworn in and testified that he respects the fact the Council has aggressively pursued litigation. Over the last several months, there has been a lot of information disseminated and his impression is that at every juncture, the developer has pledged to do only what is necessary to meet legal requirements. Mr. Chandler added considering all of the different concerns there is room for improvement including redesigning for better parking for some of the residents. He also suggested requiring better dispersal of the affordable units. He stated his objective is that they want it to be as compatible with the community as possible and satisfy more than just legal requirements.

Rosalind Borodokin, 13-18 Plaza Road, was sworn in and stated that since Landmark will make money why they can't be responsible for the traffic light. Deputy Mayor Trawinski explained that there is a legal formula for their pro rata share of the traffic light. Their percentage of it is based on their impact on the traffic flow which is 4%. Ms. Borodokin also asked if the Board could require additional environmental information. Deputy Mayor Trawinski explained that there is a legal standard that has been set by the Courts. This is a site plan application. There are no variances. This Board is sitting administratively and determines if the site plan standards have been met. This body has no control over environmental aspects as that is the jurisdiction of the DEP. The best this Board can do is make lemonade out of lemons.

Eric Schutz, 20-40 Radburn Road was affirmed. He stated that he believes the design of the water retention basin will be difficult to maintain and will also be a breeding grounds for mosquitoes. He also asked for a better design for placement of COAH units. He also wanted to know how the public would be protected from the naphthalene and chromium. Chairman Kortright explained that the contractor will have a health and safety plan during excavation.

Larry Koplik, 6 Reading Terrace, was sworn in, and asked about the traffic calming devices. Jeff Morris explained in detail. He also asked about the site distances and Mr. Morris confirmed that the distances were accurate. Mr. Moriss also explained that the applicant is not required to show the site distances from the east side of the street on the plans, but those distances have been verified.

Pamela Coles, 13-34 George Street, stated she still has many questions, including what schools these children will attend, what are the health risks to the tenants and the environment. What will be the fees to the Radburn Association and what will be the community fees? There are still questions regarding the intersection as well. These issues should not be left unresolved. Ms. Coles added that the community does not want this property developed. She thanked the Board for their time and energy but understands that their hands are tied.

Marshall Chandler, 18 Ramapo Terrace, was sworn in, and asked if the vote is a simple yes or no. It was explained that the Board can impose conditions that are judicially acceptable. Deputy Mayor Trawinski added that the Board can impose reasonable conditions and hold the developer to the highest standard that they are legally allowed. Mr. Chandler encouraged the Board to use their ability to get the best possible result.

Jane Diepeveen, 14 Ryder Road, was sworn in, and stated that her concern is about the affordable units. She believed the spirit of the law was that the units not be segregated. She urged the Board to require, as far as they are able within the law, better distribution of the affordable units.

Felice Koplik, 6 Reading Terrace, as Chairman of Historic Preservation Committee, stated that on March 6, 2012, a letter was sent to the Board. Ms. Hochkeppel indicated that she distributed the letter to the Board Members. Ms. Koplik outlined the letter, a copy of which is attached.

Due to the late time, Chairman Kortright closed the time for public comments. Mr. Schimanowitz reserved the right to respond to the Historic Preservation letter of March 6, 2012.

The matter was continued to November 19th without further notice.

Request for Proposal for Master Plan

Todd Malkin thanked Brent Pohlman and Kenesha Brathwaite and explained the sub-committee narrowed the twelve RFPs to three RFPs they felt that best fit their needs. They all have pros and cons. Brent Pohlman added that the proposals selected break down the different elements. Deputy Mayor Trawinski emphasized the importance of the master plan that will guide Fair Lawn over the next decade or two decades. He added that all three firms are excellent and qualified. Deputy Mayor Trawinski thought it was creative for Taylor Design and Boswell Engineering to team together. Members expressed their agreement and confidence in Cheryl Bergailo. It was noted that the proposal is very thorough and not a generic template.

Upon motion by Todd Malkin and second by Brent Pohlman, it was unanimous consensus of the Board to award the contract to Taylor Design and Boswell Engineering. AYES: Chairman Peter Kortright, III, Deputy Mayor Edward Trawinski, Tom Carney, Vice-Chairman Brent Pohlman, Jim VanKruiningen, Larry Metzger, Joan Fragala, Todd Malkin ABSTAIN: Joseph Mele.

Adjournment

Upon motion by Todd Malkin and a second by Deputy Mayor Trawinski, the meeting was unanimously adjourned at 11:00 P.M.

Respectfully,

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