

REGULAR MEETING APRIL 8, 2013

The meeting of the Fair Lawn Planning Board on Monday, April 8, 2013, was called to order at 7:35 P.M. by Chairman Brent Pohlman 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 Brent Pohlman, Peter Kortright, III, Deputy Mayor Edward Trawinski, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Jim VanKruiningen, Amy Hummerstone, Amy Lefkowitz and Oliver Wilhelm ABSENT: Tom Carney

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

Approval of escrow bills

Upon motion by Deputy Mayor Trawinski and a second by Joan Fragala, the escrow bills were unanimously approved. AYES: Chairman Brent Pohlman, Peter Kortright, III, Deputy Mayor Edward Trawinski, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Jim VanKruiningen, Amy Hummerstone, Oliver Wilhelm.

Approval of Minutes

Upon motion by Jim VanKruiningen and a second by Vice-Chairman Joseph Mele, the minutes of the regular meeting of February 4, 2013 were unanimously approved. AYES: Chairman Brent Pohlman, Deputy Mayor Edward Trawinski, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Peter Kortright, Amy Hummerstone, Jim VanKruiningen ABSTAIN: Oliver Wilhelm

Upon motion by Joan Fragala and a second by Vice-Chairman Joseph Mele, the minutes of the work session of March 11, 2013 were unanimously approved. AYES: Chairman Brent Pohlman, Deputy Mayor Edward Trawinski, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Peter Kortright, Amy Hummerstone and Amy Lefkowitz ABSTAIN: Oliver Wilhelm and Jim VanKruiningen.

General Public Comment

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

Landmark at Radburn, LLC, Plaza Road and Coopers Way Block 3609, Lot 1, Block 3610, Lots 1-2 – Major Site Plan and Subdivision

Attorney Thomas Randall explained the memorializing resolution setting forth the testimony and the exhibits. In its final form, it incorporates all the amendments and the conditions of the Board except the integration of the affordable housing units. Deputy Mayor Edward Trawinski requested that the resolution include a provision that the conditions be recorded in the chain of title as provided by ordinance. Chairman Pohlman stated that he was contacted relative to the cutting back of the shrubbery on public land. Ms. Hochkeppel was asked to look into it and send a memo to Council requesting that the landscaping be trimmed.

Deputy Mayor Edward Trawinski moved that the resolution, as amended, be approved and Larry Metzger seconded the motion. The vote was unanimously approved. AYES: Chairman Brent Pohlman, Deputy Mayor Edward Trawinski, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Peter Kortright, Jim VanKruiningen ABSTAIN: Oliver Wilhelm, Amy Hummerstone and Amy Lefkowitz

Landmark at Radburn, LLC, Plaza Road and Coopers Way Block 3609, Lot 1, Block 3610, Lots 1-2 – Integration of Affordable Housing Units

Board Attorney Thomas Randall explained the resolution amending the plan. Based upon the testimony, the board determined that the applicant had made a better effort to integrate the affordable units. The sole focus was to review and approve the revised plan relative to the affordable units. Deputy Mayor Edward Trawinski suggested Paragraph 3 be amended to reflect the need for the fire chief's review and approval. Item 4 should add that Resolution 1-2013 is hereby ratified and confirmed in all respects. Deputy Mayor Edward Trawinski moved that the resolution, as amended, be approved and Vice-Chairman Joseph Mele seconded the motion. The vote was unanimously approved. AYES: Chairman Brent Pohlman, Deputy Mayor Edward Trawinski, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Peter Kortright, Amy Hummerstone

Ahmed, Muhammed M., 20-01 Maple Avenue, Block 5828, Lots 30-33, Minor Site Plan

Alfred Acquaviva, Esq., 100 Hamilton Plaza, Paterson, New Jersey, appeared on behalf of the applicant.

Bruce Rigg, 1000 Maple Avenue, Glen Rock, New Jersey, was sworn in and upon motion by Deputy Mayor Edward Trawinski and a second by Vice-Chairman Joseph Mele, unanimously qualified as an expert engineer and planner. Bruce Rigg explained that the building is an existing two-story frame building with a paved parking lot. There currently exist approximately 10 parking spaces. The building also has some nonconformities. The proposal is to add new fencing, an enlarged parking lot and a generator on the southerly side between Chester Street and the building

proper. The site plan dated August 23, 2010 was marked as Exhibit A-1. The first floor of the current building is for medical offices. He explained the enlarged parking area which will include new parking spaces. The generator is located directly opposite the new utility pole. He explained that it is 26 feet from Maple Avenue where 50 feet is required and the side yard is 7 feet instead of 20 feet. The generator will be on a concrete pad with a fence enclosure. Mr. Rigg testified that computer hosting is a part of the business so the generator becomes paramount. It will not be visible from the street. He explained the existing conditions which include the front yard setback, side yard setback and building height. Mr. Rigg explained the parking area in detail. He testified that the main variance conditions that the applicant is requesting is due to the generator.

Larry Metzger asked about the trash area and generator. Mr. Rigg explained that the uses have very little trash but the area is enclosed. The generator is on a weekly testing schedule. The drainage system is designed to take the overflow. It meets all the standards with zero discharge. Joan Fragala asked about the air conditioning units and was told there are three now and they are adding one. The applicant has added one fixture on the north side. The light proposed meet the requirements. There is an existing sign that will remain. No new signs are proposed.

At the Board's suggestion, Mr. Rigg agreed that the applicant can add a shade tree in back. It was suggested that the dumpster be moved and Jeffrey Morris concurred.

Chairman Brent Pohlman opened the matter to the public for questions.

Dale Buonogurio, 7-09 Chester Street, Fair Lawn, New Jersey, explained that the existing fence along the property line is hers. She asked about barriers and how the vehicles would fit in spaces. She explained that her fence has been damaged by vehicles in the applicant's lot. There was some discussion relative to eliminating the entryway to the north and shifting the parking to accommodate a curb on the east side of the property.

Mohammed Meraj Ahmed, 20-01 Maple Avenue, Fair Lawn, New Jersey, was sworn in and testified that he is the President of an IT technology company. Their focus is vertical health care. He testified that there is no retail business and no storefront business taking place on the property. Most of their work involves truck rolls. They also provide support remotely. Mr. Ahmed explained that his company hosts data for different businesses and they need to make sure there is no interruption. The generator is a back up if the power goes out. Public Service has provided a new pole. He stated that the generator would be tested once a month. It will have a muffler and will run about 15 minutes, approximately once a month. They are using a natural gas generator. A fence will be installed to camouflage the generator. Mr. Ahmed explained that his father owns the building and is an orthopedic surgeon. He sees patients once or twice a week on Mondays and Thursdays. The medical waste is handled by Stericycle. Mr. Ahmed explained that the plan calls for putting cameras on the outside of the building. Larry Metzger asked about employees and Mr. Ahmed explained that there are four employees. The standard hours are between 9:00 A.M. and 5:00 P.M. Larry Metzger asked about full occupancy and the applicant stated that his father has no intentions of retiring but he would be willing to come back to the Board if there is a different use.

He stated normal hours are Monday through Saturday but he does sometimes work on Sunday. Members expressed concern regarding the impact on residential neighbors. Additional landscaping was discussed. Mr. Ahmed added that the company owned ten vehicles. Two pickup trucks and two small sedans are kept on the property. The employees leave their car and use the vehicles. One of the trucks is used for wiring jobs.

Jennifer Lynn Buonagurio, 7-09 Chester Street, Fair Lawn, New Jersey, asked what is the name of the business. Mr. Ahmed stated that the name is Merum International and was incorporated July 17, 1981 by his father.

Joan Fragala asked about the late hours that seem to happen frequently. Mr. Ahmed stated sometimes they are in the building late. If they get really busy, it might happen twice a month and they stay as late into the night as needed.

Chairman Brent Pohlman opened the matter for public comment.

Dale Buonagurio, 7-09 Chester Street, Fair Lawn, New Jersey, she showed pictures of vehicles in the parking lot. They were marked as Exhibits O-1 and O-2. Exhibit O-1 was taken within the last 2 years. Exhibit O-2 was taken today. Ms. Buonogurio pointed out that the trucks were also parking on the street. Jennifer Buonoguro added that his trucks are idling at 2 or 3 o'clock in the morning. She added that he does not have any shades on the second floor and the lights shine into her bedroom. He uses the parking lot for storage of landscaping vehicles and to repair cars. He parks his yellow truck on the street. The trash is overflowing in the dumpster. They have deliveries at 2:30 A.M. The vehicles are running while they are in building. All of his workers are constantly in and out. She has no idea who these people are. They are sometimes there until midnight. Her fence was damaged, obviously by a vehicle in the lot, and was not repaired.

Peter Kortright noted that the pictures showed a landscaping truck and snowplow. Chairman Pohlman asked Mr. Ahmed if he also ran a landscaping and snowplowing business. Mr. Ahmed stated it was for his personal use. It was noted that they could not be stored at the site.

Ms. Buonagurio asked for a postponement so she could hire a lawyer.

Chairman Pohlman stated that the neighbors are seeking relief. The applicant is not obligated to do so but he suggested that they consider the request considering how long this application was delayed by the applicant and the possible result if the Board was forced to vote this evening.

Mr. Acquaviva asked his client to address some of the issues raised. Mr. Ahmed explained that 3 or 4 years ago they did a brake job on a family member's car. Art Cummings told him that they are not permitted to do that and they have not since. Mr. Ahmed explained that when they come back from a job site, some of the vehicles are diesel and need charging. Mr. Ahmed also explained that some of the IT services cannot be provided between 9:00 A.M. and 5:00 P.M. If they can do it remotely, they work from the building. They are trying to cut down on truck rolls and fuel costs.

Sometimes they can get into situations where they work until five or six in the morning. There is a separate medical practice. He stated that the landscaping is a hobby and they do work on respective family properties. Peter Kortright commented that the applicant should have resolved some of these issues with the neighbors ahead of time. There are legitimate concerns. Deputy Mayor Edward Trawinski commented that some of the testimony, particularly regarding hours of operation, appear contradictory. Mr. Ahmed added that normal maintenance can go until about 7:00 P.M. It was suggested that Mr. Ahmed talk to his neighbor and alleviate some of her concerns. It was stated that certainly putting curtains or shades on windows is a simple solution. Landscaping and plow trucks cannot remain permanently on the lot.

Chairman Pohlman stated that quality of life issues don't normally fall in the Board's jurisdiction but some of the issues raised can be addressed by this Board. He suggested that the plans be revised to address concerns. It was agreed among the parties that the matter would be carried to May 13th at 7:30 P.M. without further notice.

Adjournment

Upon motion by Deputy Mayor Edward Trawinski and a second by Vice-Chairman Joseph Mele, the meeting was unanimously adjourned at 10:15 P.M.

Respectfully,

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