

REGULAR MEETING OF JULY 8, 2013

Chairman Brent Pohlman called the meeting to order at 7:40 p.m.

Roll Call: Amy Hummerstone, Peter Kortright, Joan Fragala, Vice Chairman Joseph Mele, Daniel Furphy, Oliver Wilhelm, Amy Lefkowitz, Chairman Brent Pohlman, Deputy Mayor Trawinski Absent Larry Metzger

Also present: Board Engineer Jeffrey Morris, Attorney Steve Paul; Board Secretary Cathryn Hochkeppel

Approval of escrow bills

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

Approval of Minutes

Upon motion by Amy Lefkowitz and a second by Joan Fragala, the minutes of the work session of June 10, 2013, were unanimously approved. AYES: Chairman Brent Pohlman, Vice-Chairman Joseph Mele, Peter Kortright, Joan Fragala, Amy Hummerstone, Amy Lefkowitz, Oliver Wilhelm, Daniel Furphy Abstain: Deputy Mayor Trawinski

Upon motion by Oliver Wilhelm and a second by Vice-Chairman Joseph Mele, the minutes of the regular meeting of June 10, 2013 were unanimously approved. AYES: Chairman Brent Pohlman, Vice-Chairman Joseph Mele, Peter Kortright, Joan Fragala, Amy Hummerstone, Amy Lefkowitz, Oliver Wilhelm, Daniel Furphy Abstain: Deputy Mayor Trawinski

Memorializing Resolution

Ahmed; 20-01 Maple Avenue; Block 5828, Lots 30-33; minor site plan

Attorney Steve Paul explained the memorializing resolution. Upon motion by Joseph Mele and a second by Joan Fragala, the memorializing resolution was unanimously adopted. AYES: Chairman Brent Pohlman, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Peter Kortright, Amy Hummerstone, Amy Lefkowitz, Oliver Wilhelm, Daniel Furphy

General Public Comment

Chairman Pohlman opened the matter to the public.

Jane Diepeveen, 14 Ryder Road, asked about the status of the master plan. Chairman Pohlman stated that the hope is to begin having hearings in the fall although this is very ambitious. He hopes to have it adopted by the end of the year.

As no other public wished to be heard, Chairman Pohlman closed the time for public comment.

Edward and Frances Bergen; 17-16 River Road; Block 5723; Lots 1 and 5; major site plan

William Soukas appeared on behalf of the applicant. Deputy Mayor Trawinski stated that due his relationship with the applicant's attorney, he was recusing himself because he did not want the appearance of a conflict. Joan Fragala also recused herself.

Mr. Soukas explained that this was a continuation of the hearing begun last month. He explained that there were some modifications to the plan based upon the Board's comments. He also indicated that they met with the RRIC and were received warmly. Mr. Soukas explained that he received an email today from Don Smartt indicating their support. That email was marked as Exhibit A-14. A rendering of the elevations prepared by Anthony Garrett was marked as Exhibit A-15. A photograph depicting the current use of the site was marked as Exhibit A-16. The architectural floor plans last revised May 9, 2013, were marked as Exhibit A-17.

Anthony Garrett, 161 Main Street, Ridgefield Park, NJ was sworn in and qualified as an expert architect. He explained the elevations, articulation, peak roofs and the atrium space with an office. He testified that there will be three signs which creates a variance. A variance is also needed for the size of the letters which are 21 inches high. Mr. Garrett testified that smaller lettering will get lost with the mass of the building. The free standing sign is 10 feet off the ground and is in compliance with the Code. He testified that the free standing sign is needed so it can identify the site clearly when approached.

Amy Hummerstone asked about the atrium space, and Mr. Garrett explained it in detail. He further explained that they will be using the waste oil to heat the building. The height of the building does not require a variance. Joseph Mele suggested base plantings around the sign. He also asked if the facility could

accommodate tractor trailers. Mr. Garrett explained that tractor trailers would not fit through the car wash but small trucks could be accommodated.

Chairman Pohlman recessed the meeting for 10 minutes so that the public had the opportunity to review the plans.

The meeting reconvened with all members present as previously indicated.

Mr. Wilhelm asked the architect if it would hurt the facility to reduce the door size. Mr. Garrett explained it would be an imposition. He added that this is the standard height in a modern facility. Daniel Furphy asked if they could accommodate ambulances since they have difficulty at most car washes. Mr. Garrett stated that the facility will definitely accommodate ambulances.

Craig Peregoy, 17 Tremont Drive, East Hanover, NJ was sworn in and qualified as an expert traffic engineer. Mr. Peregoy explained the traffic report and the traffic conditions in the area. An additional report dated May 9, 2013, was marked as Exhibit A-18. A letter from the County indicating that they have jurisdiction was marked as Exhibit A-19. Mr. Garrett explained that traffic counts were taken from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m. which are the peak hours. The analysis shows that there will be no significant impact on the intersection due to the operation of this facility. He testified that the site circulation works well and there will be no stacking on to River Road. He further testified that a car wash does not generate any parking. He stated there is more parking than necessary on the site. The detail area will not generate much parking because the cars will be in the bays. He further testified that he believed that on off hours, there would be no problem making a left out of the facility. During peak hours, the left-hand turn movement will be self-policed.

Peter Kortright stated he doesn't believe in self-policing. There are counter left turns at that intersection, and he does not want that conflict. Mr. Kortright also suggested that the curb line be redesigned so that cars exiting would be prevented from making left turns or going straight through to Shop Rite. Joseph Mele had concerns regarding the accessible space and it was agreed that the signage could be placed to the left. There was some concern about two vehicles exiting the site at the same time and Mr. Garrett stated that cars normally take turns.

Chairman Pohlman opened the matter the public for questions of the witness.

Irene Kahn, 360 Owen Avenue; Fair Lawn, asked if there is an opportunity to review the left hand turn after one year. Chairman Pohlman stated that the Board wants to prevent problems from the outset.

No other public wished to be heard.

David Karlebach, 38 East Ridgewood Avenue; Ridgewood, NJ was sworn in and qualified as an expert planner. He testified that he reviewed all the materials, visited the site, and reviewed the Borough's zoning ordinances and master plan. This proposal does not conflict with any aspect of the master plan. Mr. Karlebach testified that there is a River Road streetscape design plan, and the project has been redesigned to conform to that plan. He explained the area in detail. He stated that this proposal is to demolish a derelict building, improve the site and increase the landscaping. A car wash is a conditional use in the zone, and Mr. Karlebach testified that this application meets all of the conditions. He stated that some C variances are being sought. The applicant is not claiming a hardship, rather the applicant has demonstrated that the purposes of the MLUL will be advanced by deviating from the zoning ordinance, that the variances can be granted without substantial detriment to the public good and that the benefits far outweigh any detriment. He further testified that granting the variances will not impair the purpose of the zoning ordinance.

Mr. Karlebach stated that the applicant is requesting three signs and there arguably are two different uses on the same site. The sign ordinance does not contemplate this large of a lot. He testified that the Walgreens site has a total of nine signs and is a comparable size. The aggregate for all three signs is 30 square feet. The Walgreens signs total 700 square feet. He also stated that any lettering smaller than 21 inches would be absorbed into the master building. The additional signage is necessary to announce the use. He stated that due to the use, the building must be set back and could not work if it were setback only 10 feet. Mr. Karlebach testified that parking in the front and side yards is common along this segment of River Road. Mr. Karlebach testified that he does not believe a parking variance is required because the code does not address carwashes. If a parking variance is required, Mr. Karlebach stated that anything over 16 spaces would be superfluous. Car wash employees typically do not drive. Cars do not park to go to a carwash. The detailing area has room for many cars.

Mr. Karlebach testified that there will be no detriment to the area. It does not abut any residential zones and there is no spillover onto local roads. Mr. Karlebach commented that although this Board is focused on what is being proposed, it should also consider what is being removed which is an older building, excessive signage and broken pavement. Exhibit A-20 is a photograph depicting the site today and Exhibit A-21 is a photograph showing the surrounding uses. Mr. Karlebach added that the proposal also calls for a reduction in the curb cut.

Mr. Karlebach testified that there is no substantial impairment, the use is compatible with existing uses and it advances the purposes of the state planning board by concentrating development with a more efficient use of the land. Mr. Karlebach added that the signage is appropriate considering the scale of the development. Mr. Karlebach stated that the Board should be comfortable

granting the variances requested since there are numerous benefits and no substantial detriments.

There were no questions of the witness.

Bruce Rigg was reminded that he was sworn in. He testified that there were changes to the plan. They were marked as Exhibit A-22. Mr. Rigg stated that landscaping has been added. Parking spaces three and four will be marked as employee only spaces. He testified that the driveway cannot be moved to the right because of a utility pole. The exit will be right turn only. The barrier free space will be to the left. The grading and utility plan prepared by Mr. Rigg was marked as Exhibit A-23. He testified that he added the trench drain at the county's request. The applicant will be adding plantings at the rear of the property by the steep slope. Page four of the site plan is the landscaping and lighting. It was marked as Exhibit A-24. He noted the details in front including the pavers. There will also be concrete sidewalk. The entire island is landscaped. The tree grates and poles are in accordance with the River Road master plan. There will be arrows on the pavement to direct the traffic.

The meeting was recessed for 15 minutes at 9:50 p.m. so members and the public had time to review the revised plans. The meeting was reconvened at 10:05 p.m. with all members present as previously indicated.

There was some concern about the exiting traffic. Peter Kortright suggested that exit be reduced in size. Peter Kortright was also concerned about the guiderail at the last few parking spaces. Mr. Rigg stated that a fence can be added. Joseph Mele suggested that the trash enclosure be moved to the east in the peninsula area, and Mr. Rigg stated that it could be done. It was also suggested that a speed bump be constructed for safety purposes.

Chairman Pohlman opened the matter to the public and there were no questions for the witness.

Mr. Soukas stated that this application is good for River Road and the community and has the support of the RRIC. The applicant will be removing an unsightly building and constructing a new facility that is attractive and safe. He asked that the Board approve the application, granting the variances requested as testified to by the expert witnesses.

Chairman Pohlman opened the matter to the public.

Jane Diepeveen, 14 Ryder Road, stated that she was concerned about the free-standing sign and thought it was excessive. She also stated that she did not believe the applicant met the C(3) [*sic*] requirements.

Amy Hummerstone asked the Board members their thoughts about the free standing sign. Joseph Mele stated that he felt that the pylon sign was necessary for the branding of the facility which is the main sign. He thought for identification and safety purposes it was necessary. Mr. Mele added that he believed the scale and number of signs are appropriate particularly considering what is going on across the street.

Chairman Pohlman summed up the application noting that the applicant is seeking relief from the building setback (50 feet where a maximum of 10 feet is permitted), off-street parking in the front and side yards, number of parking spaces, three signs rather than two, and 21 inch letters where 16 inch letters are permitted. He noted the conditions including plantings on and around the pylon sign, left turn exit being prohibited, directional arrows on the pavement, barrier free parking sign moved to the left, a fence by the parking spaces with the guiderail, the exit to the facility to be reduced, speed bumps, the location of the trash enclosure to be repositioned and erosion control in the rear by the steep slope. Joseph Mele moved that the application be approved with the conditions noted and Oliver Wilhelm seconded the motion. Peter Kortright noted that he appreciated the adjustments made by the applicant. Chairman Pohlman stated that this application is a benefit to the town and welcomed the business to Fair Lawn. AYES: Amy Hummerstone, Peter Kortright, Vice Chairman Joseph Mele, Daniel Furphy, Oliver Wilhelm, Amy Lefkowitz, Chairman Brent Pohlman. Deputy Mayor Trawinski was recused.

Adjournment

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

Respectfully,

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