

REGULAR MEETING DECEMBER 9, 2013

The meeting of the Fair Lawn Planning Board on Monday, December 9, 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, Daniel Furphy, Amy Hummerstone, Amy Lefkowitz and Oliver Wilhelm

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

Chairman Pohlman acknowledged the years of volunteer service that Deputy Mayor Trawinski devoted to the Planning Board. He noted that his expertise in land use law and his legal knowledge will be missed. He presented Deputy Mayor Trawinski with a plaque in grateful appreciation.

Approval of Minutes

Upon motion by Joseph Mele and a second by Joan Fragala, the minutes of the meeting of November 4, 2013 were unanimously approved. AYES: Chairman Brent Pohlman, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Amy Hummerstone, Amy Lefkowitz ABSTAIN: Daniel Furphy, Peter Kortright, Deputy Mayor Trawinski

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.

PSE&G; Block 3408, Lots 23-29; 5-45 Banta Place

Richard Briigliodoro, partner at Weiner Lesniak, LLP; explained that he represented the applicant who is applying for preliminary and final site plan approval. He explained that the site has been in existence for fifty years. He stated that the substation needs to be improved to better serve the residents of Fair Lawn.

Bernadette Lafond, 4000 Harvey Road, South Plainfield, New Jersey, qualified as an expert in these types of facilities. Ms. Lafond stated that she is the project manager. She explained the

plans in detail. This is an upgrade to the existing facility and will have a greater capacity. She explained the landscaping plan that was submitted and stated that the barbed wire chain link fence is going to be replaced. She testified that the new transformers produce less noise. There is no new signage. Ms. Lafond testified that they will comply with Taylor Design's recommendations A-H in their letter of November 25, 2013. She explained that this is an unmanned facility. Occasionally, maintenance vehicles will park within the station. Mr. Wilhelm asked about the lighting, and Ms. Lafond explained that the lighting is existing. Peter Kortright suggested that they work with the neighbors regarding screening. It was noted that the sidewalk is in poor shape and needs to be replaced. Dan Furphy asked about security and Ms. Lafond explained that the new fencing is more difficult to climb. Joseph Mele and Amy Hummerstone asked if the buildings could be moved, and Ms. Lafond explained that they cannot be moved because a certain amount of clearance is necessary between the transformers. Chairman Pohlman suggested a light shield.

Chairman Pohlman opened the matter to the public to question the witness.

Armen Jesralyan, owner of 22-06 Morlot Avenue, questioned whether a shield was necessary on the commercial side. Ms. Lafond stated that they will be happy to work with the property owner and accommodate their needs.

Ronald Tkach, 400 Addley Road, South Plainfield, was sworn in and qualified as an expert planner. He explained that this facility produces approximate 72% of Fair Lawn's output. He also explained that it is a permitted use. Mr. Tkach explained the bulk variances required which included a front yard setback of 15 feet where 20 feet is required, a rear yard setback of 2 feet, where 20 feet is required, a side yard setback of 3 feet where over 30 feet is required, and a rear yard buffer of 2 feet where over 40 feet is required. He explained that the infrastructure is already in place so it makes sense to keep it in the same location and increase the reliability. Mr. Tkach testified to the benefits including better reliability, preventing black outs during high demand and less maintenance. He testified that this application meets the positive criteria in that the positives outweigh the negatives. There will be no increase in noise, there will be no waste generated, no increase in traffic, and he stated that the proposed upgrade will enhance the area while not creating any additional impact. This is also making the most efficient use of this property. Larry Metzger asked if other facilities were being upgraded, and Mr. Tkach testified that they are upgrading facilities throughout the state. Joseph Mele asked if they had any alternative plans and Mr. Tkach explained that it would not make sense to move the facility to another site as the infrastructure is in place. There is no other plan. Mr. Tkach explained that they will be increasing the power capability in Fair Lawn and the surrounding region. Vice Chairman Mele stated he thought they should have looked at other options.

Deputy Mayor Trawinski commented that the site has been there for decades. The costs for utility relocation are astronomical and are passed to the user. Certain distances are required between the buildings so they cannot be moved. This is a unique site and the proposal is an upgrade. Chairman Pohlman opened the matter to the public and there were no comments.

Attorney Briigliodoro asked that the Board look favorably on this application. There is a need to upgrade the site to better serve the population of Fair Lawn. The change to the fencing will be positive and will minimize any impacts on the neighborhood. This application can be granted without substantial detriment to the public.

Chairman Pohlman noted that the sidewalk along Banta Place should be repaired and PSE&G should work in cooperation with the neighbors regarding screening and planting.

Armen Jesralyan stated that he is concerned with where the equipment will go during construction as he does not want his property damaged. It was explained that PSE&G will not use his property without his permission and there is a claim process if any damage is caused by PSE&G.

Deputy Mayor Trawinski moved that the application be approved subject to a preconstruction meeting with the Borough Engineer and Construction Official prior to construction, irrigation of plant material during construction be discussed at preconstruction meeting, the extent of the sidewalk replacement to be discussed, down shields to residential neighbors, the applicant to provide preconstruction and post construction drawings. Deputy Mayor Trawinski noted that if matters could not be resolved at the preconstruction meeting, the applicant was to come back to the Board for resolution. Deputy Mayor Trawinski added that he believed that the application meets both the c(1) and c(2) criteria and he believes ultimately it is a better plan and the black fencing should also be an improvement. Peter Kortright seconded the application. AYES: Chairman Brent Pohlman, Peter Kortright, III, Deputy Mayor Edward Trawinski, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Daniel Furphy, Amy Hummerstone, Amy Lefkowitz

ADJOURNMENT

Upon motion by Deputy Mayor Trawinski and a second by Oliver Wilhelm, the meeting was unanimously adjourned at 9:15 p.m.

Respectfully,

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