

REGULAR MEETING JANUARY 14, 2013

The meeting of the Fair Lawn Planning Board on Monday, January 14, 2013, was called to order at 7:40 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, Tom Carney, Amy Hummerstone, Amy Lefkowitz ABSENT: Jim VanKruiningen,

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

Swearing in of Deputy Mayor Edward Trawinski as the Class III Member

Board Attorney Thomas Randall swore in Deputy Mayor Trawinski.

Approval of Minutes

Upon motion by Deputy Mayor Trawinski and a second by Joan Fragala, the minutes of the regular meeting of November 19, 2012, were unanimously approved. AYES: Chairman Brent Pohlman, Deputy Mayor Edward Trawinski, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Tom Carney, Peter Kortright ABSTAIN: Amy Hummerstone and Amy Lefkowitz

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, Block 3609, Lot 21, Block 3610, Lots 1-2, Affordable Housing Integration

Ronald Schimanowitz, Esq. on behalf of Landmark at Radburn stated that after numerous public hearings this Board approved the site plan and subdivision consisting of 165 units affordable units. The reason the applicant has come back to the Board has to do with dispersal of affordable units, to the extent feasible. During the application, the Board deliberated and felt the affordable units were not integrated enough. Landmark disagrees with that but realizes it may be easier to comply with the condition than fight in Court. The applicant is seeking satisfaction of the condition

regarding dispersal of the units. The approval that the Board granted included 33 affordable units. Those were located in two buildings. Building K had 15 affordable units and 11 market rate units. In Building L, the entire building was 18 affordable units. The applicant has rearranged the units. Building K remains the same. Nine of the units from Building L were moved to Building C.

Edward Keller was sworn in and qualified as an expert engineer and traffic expert. He referred to the site plan rendering that was marked as Exhibit A-3 on March 26, 2012. It is now marked as Exhibit A-1 and dated January 14, 2013. Mr. Keller discussed the original plan and where the affordable units were located. Exhibit A-2 dated January 14, 2013, is entitled "Alternate Affordable Housing Plan" and is a colorized version of the plans submitted to the Board. He explained the changes to the plan. The town homes have a slightly different configuration. He explained the carport changes. Due to the reconfiguration, there are four less parking spaces, but the applicant is still providing more than required. Mr. Keller testified that other than a slight change in the parking, there is no material change and no relief is sought.

Board Attorney Thomas Randall explained that this site plan application is approved. This is a return to the Board for the limited purpose of integration of the affordable housing. That is the entire scope. The questions should remain focused to the plan presented tonight.

Larry Metzger asked why the units were on Plaza Road rather than Cooper's Way. Mr. Keller said the applicant was directed to put them on Plaza Road or Cooper's Way and it was a better fit on Plaza Road. Vice-Chairman Mele asked about the carports. Mr. Keller explained that the carports are facing garage spaces so basically it is garage spaces facing garage spaces. Vice-Chairman Mele also suggested review by the Fire Chief.

Deputy Mayor Trawinski suggested the applicant investigate the feasibility of handicapped spaces at the southern end of Building C and northern end of Building K. If it is doable without losing any spaces, he would suggest that change. The applicant agreed to investigate it during construction. Joan Fragala asked whether the bedroom count remained the same and was told yes.

Chairman Pohlman asked about the applicant's decision placing the affordable units in Building C compared to Building D. Mr. Keller explained that in designing it, they wanted to tuck the carports into the interior and that is why they picked that location. They wanted a uniform view from the park.

Robert Larsen, Architect, 100 Matawan Road, Matawan, New Jersey was sworn in and qualified as expert architect. Front and rear elevations of Building C were marked as Exhibit A-3. New elevations of Building C dated January 14, 2013 was marked as Exhibit A-4. Elevations of Building K were marked as Exhibit A-5 and Elevations of Building L were marked as Exhibit A-6. Mr. Larsen testified that the texture, massing, and scale of the architecture is similar. He showed the difference in the front elevation and stated it has changed very little on Plaza Road. The rear has

changed more because of the carports. He explained the architecture and the integration of the units.

Larry Metzger asked about green elements and Mr. Schimanowitz stated it is not unusual to use high efficiency material. He questioned the height of the buildings and was told there was no change in height. Chairman Pohlman asked about the integration into Building C. Mr. Larsen explained that the crossovers will remain. Board Engineer Jeffrey Morris suggested that the fronts of the units in Building C be recessed a few feet. Mr. Larsen explained their design but was agreeable to the suggestion. Ms. Bergailo asked if the applicant was going to submit revised landscaping plans and was told they would. Ms. Bergailo asked about the trash areas and Mr. Larsen explained the enclosures.

Chairman Pohlman opened the matter to the public for questions of the witnesses.

Walter Weglein, 18 Ramsey Terrace, asked how this could be considered integration when the only change is moving 9 units. Mr. Schimanowitz explained that the law stated integration to the extent feasible. Mathematical precision is not required, and that would not be good because the units would be very noticeable.

Since no other public wished to ask questions, Chairman Pohlman closed the time for questions to the witnesses.

Chairman Pohlman opened the matter to the public for their comments.

Joel Rosen, Esq., representing Daley Field Neighbors in opposition to the project, stated that the same problem exists today as in the original application. Are the affordable units integrated with the same rate units? There is no case law on the standard. Mr. Schwartz stated that these units could not be further integrated and now the applicant has come up with a plan. Mr. Rosen asserted that the applicant still hasn't gotten it right. Only nine units are not up against the railroad. Of the 33 affordable units, 75% remain in the back. Mr. Rosen stated it can be done better.

Erik Schutz, 20-14 Radburn Road, was affirmed and commended the applicant on managing to relocate some of the units. He stated that he doesn't think they went far enough. Breaking up another long row of building in the same manner would improve the appearance.

Ron Coll, 10 Ramapo Terrace, stated that it is the applicant's opinion that moving 25% of the affordable units satisfies the integration to the extent feasible. It basically comes down to the opinion of the Board.

Since no other public wished to be heard, Chairman Pohlman closed the period for public comments.

Board Attorney Randall stated that it is up to the Board Members whether they believe the applicant has properly integrated the units.

Chairman Pohlman noted that conditions would include a revised landscaping plan to the extent possible, adding handicapped spaces at Buildings C and K, if feasible, and review of hydrant placement with the fire chief.

Deputy Mayor Trawinski moved that the application as submitted be approved subject to the conditions stated. Vice-Chairman Mele seconded the motion.

Deputy Mayor Trawinski summarized the events leading to this development and felt this was the best possible development considering the Court Orders but it is far from perfect. He pointed out that there was no contrary testimony. Vice-Chairman Mele commented that the applicant did what was asked of him. Larry Metzger commented that this was the most difficult application but the Board did as much as it could do. Peter Kortright noted that the 9 units in Building C were to be moved up 3 to 5 feet as recommended by the Board Engineer. The motion was so amended. Joan Fragala noted that the applicant could have had 200 units rather than 165. Chairman Brent Pohlman stated he shared everyone's concerns but he does not think that the taxpayers of Fair Lawn should bear the burden of defining the standard "to the extent feasible" and he believes the applicant has met that standard.

Upon roll call vote, the motion was unanimously carried. AYES: Chairman Brent Pohlman, Peter Kortright, III, Deputy Mayor Edward Trawinski, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Tom Carney, Amy Hummerstone ABSTAIN: Amy Lefkowitz

Adjournment

Upon motion by Amy Hummerstone and a second by Deputy Mayor Edward Trawinski, the meeting was unanimously adjourned at 9:00 P.M.

Respectfully,

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