

**REGULAR MEETING OF MARCH 10, 2014
MASTER PLAN HEARING**

The meeting of the Fair Lawn Planning Board on Monday, March 10, 2014, was called to order at 7:32 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, Deputy Mayor Amy Lefkowitz, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Amy Hummerstone, Benjamin Bontekoe, Oliver Wilhelm
Absent: Peter Kortright, James Hughes, Daniel Furphy

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

Approval of escrow bills

Upon motion by Joan Fragala and a second by Amy Hummerstone, the escrow bills were unanimously approved. AYES: Chairman Brent Pohlman, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Amy Hummerstone, Deputy Mayor Amy Lefkowitz, Benjamin Bontekoe, Oliver Wilhelm

Approval of Minutes

Upon motion by Larry Metzger and a second by Vice Chairman Joseph Mele, the minutes of the work session of February 10, 2014 were unanimously approved. AYES: Chairman Brent Pohlman, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Amy Hummerstone, Deputy Mayor Amy Lefkowitz, Benjamin Bontekoe, Oliver Wilhelm

Upon motion by Benjamin Bontekoe and a second by Oliver Wilhelm, the minutes of the regular meeting of February 10, 2014 were unanimously approved. AYES: Chairman Brent Pohlman, Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Amy Hummerstone, Deputy Mayor Amy Lefkowitz, Benjamin Bontekoe, Oliver Wilhelm

General Public Comment

Chairman Brent Pohlman opened the time for public comments and no public wished to be heard.

Master Plan Hearing

Chairman Pohlman explained to the public that there will be a minimum of three hearings on the Master Plan and assured the public that every person would have an opportunity to speak.

Planner Cheryl Bergailo explained the preparation process of the master plan. She explained that the recommendations from the master plan form a foundation for the governing body's decisions. Planner Cheryl Bergailo reviewed each of the different elements of the master plan for the public.

Public Questions

Chairman Pohlman opened the matter to the public for questions regarding the master plan.

Leslie Ryan, 27 Margaret Court; asked several questions relative to the reference to Oceano's site. He asked, "What is appropriate and what is reasonable and who decides what is reasonable?" Regarding the statement, "aesthetics and functionality of the building can be enhanced", he asked that the word enhanced means and who makes this determination. He also asked who determines the impact of the safety, traffic and parking, as well the impact on the children and the park.

Chairman Pohlman explained there is no application before this Board, and it would be inappropriate for this Board to make comment specifically on a particular business. He added that the questions raised regarding appropriate growth, reasonableness, decision making and impact can be answered by the professionals.

Cheryl Bergailo explained that Oceano's came to the Planning Board informally. The Board looked at their concept plan, and they were to come back with revisions but have yet to do so. The subcommittee then discussed the site during the master plan preparation process. The site can use some sprucing up, and no one wants the nice restaurant to leave. The wording is trying to convey that the site should be improved. The details would be presented in an application to either the Planning Board or the Zoning Board and specifics would be dealt with at that time. The Board doesn't want the site to get run down or a lesser restaurant to occupy the building.

Mr. Ryan stated he did not think his questions were answered as he was looking for more specifics. Ms. Bergailo explained that the paragraph was intentionally vague, and it is not appropriate at this level of study to get into the specifics. Chairman Pohlman pointed out that the master plan does not specifically recommend a zoning change. Mr. Ryan asked if changes can be made to expand the building, and Ms. Bergailo replied that it would require an application before the Zoning Board and a public hearing.

Vice Chairman Mele explained that the master plan is not an ordinance. Cheryl Bergailo added that this document looks at the land and can make recommendations accordingly. There is no recommendation for rezoning of the site discussed. There is a recommendation to rezone the site

across from the Radburn Building as well as other recommendations. It would require Council action. The Governing Body decides whether or not they want to proceed with the recommendations. This document is a policy foundation. If any site wanted to expand their building, parking lots, etc., an application with a hearing would be required before either the Planning Board or Zoning Board.

Bernice Katz, 2-22 Saddle River Road asked if Oceano's threatened to leave the town if he doesn't get approval. She added that there are several houses. More should be added to this paragraph that no houses are to be destroyed in the process because it is a totally residential area. She also added that this is a historical site, and there is a barn in the rear that was Kind's Dairy. Chairman Pohlman stated that all comments will be considered by this Board. Cheryl Bergailo stated that this site is not on the list for historical sites.

Larry Metzger remarked that the hearing is for the master plan and not for a specific site.

Matt Finck, 7 Margaret Court, asked if a traffic study has been done because the master plan refers to the deceleration lane. Ms. Bergailo explained that no traffic study has been completed since this Board has knowledge of this road, if something happens in the future, a deceleration lane should be a consideration. A part of the master plan is to look at the circulation plan. Ms. Bergailo explained there is a circulation plan element but many of the elements cross pollinate each other. It was easier to put it in this area and not in the circulation plan where it could be missed. It is possible that it will not be the Planning Board that hears this application. Mr. Finck thought a traffic study would have had to be done in order to have that recommendation.

Mark Colyer, 39-08 Van Duren Avenue; stated he supported the green practices for the future of Fair Lawn. He asked if the sky friendly lights would be for new construction or would be retrofitted to current lights. Ms. Bergailo explained that it would be for anything the Board or Borough could control, specifically for new construction and for major redevelopment of any site. It would not be for lights outside the Borough's jurisdiction.

Lawrence Guthartz, 0-51 27th Street, stated that there is nothing indicating that the commercial districts be tied together. They are all separate entities and he asked if there were any plans to do so. Ms. Bergailo explained that there is an economic plan element that the Board has chosen not to do at this time. It was not the purview of the elements that were chosen. Mr. Guthartz said that in some towns there are central commercial districts and Fair Lawn does not have one. There is no continuity between all the commercial strips. He also asked about floor area ratio and explained that now it is impacting many of the people, particularly small lots. He felt that there should be special recommendations for those lots that are 50,000 square feet or less. Ms. Bergailo stated that she believed there was a recommendation relative to smaller lots but she would review it. Mr. Guthartz also commented that parking is a problem in this town and some of the recommendations for parking will not make residents happy. Ms. Bergailo asked if he had any specific recommendations. Mr. Guthartz explained that he had suggested in the past that the town buy houses along the Broadway corridor and create parking.

Bill Ruggles, 2-10 Saddle River Road, stated that on page 45, the second paragraph on the second column should reading “and should be maintained”. He also stated that the paragraph relative to Ocean’s should refer to buildings rather than building. He commented that two of the buildings are in good shape and three are not. He stated that the vagueness undermines the credibility of the section.

Pamela Coles; 13-34 George Street; stated that a majority of the river walk is in the flood zone and that should be noted in the master plan. She questioned whether having a river walk close to a school area was wise. She stated that contaminates from the Passaic River have gone into the soil. Ms. Coles also stated that the River Road setbacks have not been honored and wondered how this would be enforced.

Ms. Coles asked about the specifics for making Fair Lawn more pedestrian friendly. She said the cost in dollars is completely missing in the plan and should be included. Ms. Bergailo explained that there are broad recommendations relative to pedestrian safety. Jeffrey Morris stated the master plan is a planning tool for the governing body. Ms. Coles wondered why it was even included since there are no specifics since this is a design plan. Board Engineer Morris explained that it is a planning tool for the governing body. Although there are a few specific recommendations relative to crosswalks, traffic calming and pedestrian friendly devices often need studies outside the scope of the master plan. Ms. Bergailo added that state and county agencies look for those recommendations in the policy document of the Borough when the Borough is seeking grants. It is valuable to have recommendations included in the plan as the policy document has been through public hearings and it is generated by the Planning Board which is the planning arm of the Borough. Ms. Coles asked about bump-outs and closer corner to corner walking distances. Chairman Pohlman explained that the master plan does not dictate what transpires on every piece of property in Fair Lawn. The master plan sets forth a vision. Engineer Morris explained that the master plan is not only valuable when grants are sought but when developments come before the Boards, they need to show conformity with the master plan. When a variance is sought, the applicant has the burden of proof and the master plan is essential to that process which limits the types and manner of developments. Ms. Bergailo added that there are areas where they couldn’t flesh out specific recommendations because in-depth traffic studies would be required. Engineer Morris added that some of the areas are multi-jurisdictional and require the cooperation and/or approval of more than one agency.

Ms. Coles asked if the conceptual application by Oceano’s influenced the language included in the master plan. Ms. Bergailo explained that, typically, if sites are brought to the Board’s attention during the master plan process, it is incumbent on the Board to look at the area knowing that a possible redevelopment is being considered. She added that the language will be reviewed and revisited.

Ms. Coles stated that the trees on River Road that are not sustainable and asked if there were recommendations regarding these weak trees. She thought there should be recommendations

relative to the types of trees as well. Ms. Bergailo explained that there is a recommendation for October Glory Red Maples on River Road, columnar style. Ms. Bergailo also stated that another problem is the tree pits are too small and there is a recommendation to make tree pits contain more soil.

There were no other questions and Chairman Pohlman opened the matter to the public for general comments.

General Comments

Ms. Boghosian Murphy, 3 Sandow Court, stated that the wheels are in progress relative to Oceano's and stated that not everyone believes that the owner is a good neighbor. Chairman Pohlman asked that the discussion not center on the owners of the property and comments should be limited to the master plan aspect. Ms. Murphy stated that to her it is obvious that if this property were rezoned it would be spot zoning and would be invalidated. She also commented that generalities make people nervous.

Mark Colyer, 39-08 Van Duren Avenue, stated he had received letters from Ms. Diepieveen and wanted to present them to the Board. Cheryl Bergailo replied that she had received the letters. Ms. Hochkeppel added that both letters were distributed to all Board members.

Joan Goldstein, 12 Bedford Place; asked if Oceano's is the only company mentioned in the master plan. Chairman Pohlman stated there were many other properties mentioned for many different reasons. There are numerous specific recommendations, if not referring to specific businesses, then the properties. There are sites recommended for rezoning. The Board looked at existing uses compared to the zoning. One example given was the new CVS complex. The whole complex development had to be heard by the zoning board since it is zoned for industrial use. It makes sense to rezone the area retail. It is also a recommendation that the Deals/Chase Bank property be rezoned to it could be utilized similar to the Radburn Building. Ms. Goldstein also suggested that the business districts be connected so pedestrians can get from one to another.

As no other public wished to comment at this time, Chairman Pohlman closed the time for public comment.

Cheryl Bergailo read into the record two comments that appeared on the master plan blog as follows:

Stacia Moser posted "I agree with the above comments regarding pedestrian safety at Plaza Road and Fair Lawn Avenue. I am also very much in support of the planning recommendations on page 45 regarding house size to lot size. Oversized houses that dwarf neighbors' dwellings have become an eyesore in our town."

Mr. Siegel posted “I wholeheartedly support the idea of reconfiguring Plaza and Fair Lawn Avenue to improve pedestrian safety. Renewed emphasis on pedestrian access would go a long way to improving access to local businesses. We should be encouraging people to shop locally and improving parking along that stretch of road would also encourage people to shop and do business in the area. Reducing traffic to a single lane in each direction with a turn lane would improve safety for all, and reduce speeds along that corridor as well. Further, it might also be worth considering adjusting the parking requirements for the Deals/Chase lot so that NJ Transit commuters could use it as overflow – this would further encourage mass transit ridership, and reduce traffic elsewhere in town, especially if we allow on-street parking on Plaza in that vicinity by reducing the number of travel lanes.”

Adjournment

Upon motion by Larry Metzger and a second by Oliver Wilhelm, the meeting was unanimously adjourned at 9:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Sec’y of the Board