

## **REGULAR MEETING OF JUNE 9, 2014**

The meeting of the Fair Lawn Planning Board on Monday, June 9, 2014, was called to order at 7:30 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, Peter Kortright, III, James Hughes  
Absent: Oliver Wilhelm, Daniel Furphy

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

### **Approval of Minutes**

Upon motion by Joan Fragala and a second by Joseph Mele, the minutes of the regular meeting of May 12, 2014 were unanimously approved. AYES: Vice-Chairman Joseph Mele, Larry Metzger, Joan Fragala, Amy Hummerstone, Deputy Mayor Amy Lefkowitz, Benjamin Bontekoe, Peter Kortright  
Abstain: James Hughes, Chairman Pohlman

### **General Public Comment**

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

### **Sandvik, 17-02 Nevins Road; Block 4902, Lot 2; sign variance**

Amy Hummerstone recused herself from the application.

Stuart Liebman appeared on behalf of the applicant. He explained that in March 2011, they appeared before the Board, and received approvals for a LEED (Leadership in Energy and Environmental Design) building. Sandvik intends to use this building as its United States headquarters. At that time, the applicant did not have the final sign package identified and is now applying for the variance.

There are two wall signs. One on the south side and one on the west side at different elevations. The south wall sign does not face a street as required by Code. Both wall signs are greater than 24 inches in height and the lettering is greater than 16 inches in height. The west wall sign is 40 square foot. Mr. Liebman stated that the applicant would be permitted to install a sign of 96 square feet. On the south side, the sign is 160 square foot sign in area and the applicant could have a sign of 525 square feet.

Mr. Liebman added that the business and retail zones permit two signs; however, because of the I-1 zone, there are different limitations. He pointed out that the site is a corner lot and does not face any residential zones. He added that the zoning code does not appropriately address the I-1 zone with regard to the signage.

Ralph Rosenberg was sworn in and qualified as an expert architect. He testified that he is familiar with the property. The sign plans from Designer Systems were entered as Exhibit A-1. Mr. Rosenberg explained the details of the signs. He testified that there are no changes to the site plan, simply the addition of the signs.

Mr. Rosenberg testified that the west elevation sign is built into the building. The size of the 4 x 10 foot sign is justified by the Sandvik logo, is part of the architecture and is proportionate to the building. It is internally illuminated. Mr. Rosenberg stated that the south side sign could have been made larger. This sign should be visible from McBride Avenue. Mr. Rosenberg added that if this sign was facing Nevins Road, it would not serve any purpose and would not identify the building. The building could accommodate something much larger. Given the size of the building, the setback of the road, Mr. Rosenberg testified that a sign any smaller would not serve any purpose. He testified that the signs are less square footage than that which is permitted and is a conservative approach. It is not a sign for advertisements, simply for location and safety. Mr. Rosenberg explained that the signs are internally illuminated and will conform to the code.

Chairman Pohlman opened the matter to the public and no public wished to be heard.

Attorney Liebman explained that this is a beautiful building and the request is modest. He believed the variances are justified and hopes the Board votes in favor of the application. Chairman Pohlman listed the five variances requested; namely, sign location, wall sign height for both elevations and the height of the lettering for both the west side and south side signs.

Upon motion by Peter Kortright and Larry Metzger, the application for the sign variances was unanimously approved. AYES: Joan Fragala, John Hughes, Deputy Mayor Lefkowitz, Benjamin Bontekoe, Vice Chairman Joseph Mele, Peter Kortright, Larry Metzger, Chairman Brent Pohlman  
Recused: Amy Hummerstone

Chairman Pohlman thanked the applicant for bringing a LEEDS building to Fair Lawn.

Amy Hummerstone rejoined the dais.

**Shomrei Torah; 19-10 Morlot Avenue; Block 4400.01, Lots 3 & 4; minor site plan**

Jeffrey Kantowitz appeared on behalf of Shomrei Torah. He explained that there are existing conditions that the applicant is not changing. This application does not involve the synagogue use but involves the nursery school Monday through Friday. The applicant plans on converting a prayer room to a nursery five days a week. The drop off can well be accommodated with this expansion, and there will be no queuing. Notice of Publication and Notice of Service were filed

with the Board Secretary. The applicant seeks waivers for some of the requirements from the site plan since it is simply an internal change.

Deena Jarashow stated she lived in Fair Lawn for the past 23 years and is the volunteer director of the nursery school for the past 15 years. She had photographs of the parking lot area and testified that she took the pictures two weeks ago. The pictures were given to the Board members for review. The exit and entrance pictures were marked as A-1.

Ms. Jarashow explained that the parking lot is usually empty during the week. She has never had a problem getting a spot. At the most crowded time during the week, there are always six or seven spaces available. The busiest time for the circular driveway is between 8:45 a.m. and 9:15 a.m. She testified that she has never seen more than three cars lined up for drop off. A picture a child being walked to the entrance was marked as Exhibit A-2. Ms. Jarashow also explained the procedure for the cars lining up to drop-off where the teachers pick up the children. A picture depicting those conditions was marked as Exhibit A-3. She testified that most children are driven to school and most children arrive by carpool. The time of operation is 7:30 a.m. to 6:00 p.m. The school does not operate on Jewish holidays or federal holidays. The proposal for a new classroom could, at the most, require five more employees. She also testified that all licensing requirements at the State must be complied with. Ms. Jarashow added that there is a graduation ceremony and occasionally a celebration of holidays. At the most, there are three special celebrations including the graduation. There will be no changes to the operation unless required by the State. Ms. Jarashow stated that the adjacent play area will be used in the same manner as it is currently being used.

Ms. Jarashow testified that there are currently 43 students enrolled; the facility is licensed for 70, and they anticipate an additional 10 to 15 children to be allowed.

At the Board's request, Ms. Jarashow explained how the children traverse to the playground accompanied by the teacher. Ms. Jarashow explained they are trying to expand the school for younger children. Their current license allows for children 2 years old and older.

Chairman Pohlman opened the matter to the public for questions of the witness and no public wished to be heard.

Ronald Dworkis, 25 Field Avenue, Glen Rock, was sworn in and qualified as an expert architect. Mr. Dworkis testified that he was involved in the renovation of the social hall and an addition. The parking lay-out has remained as it was. He explained the queuing at the site. He testified that over twelve cars could queue with a measurement of 30 feet per car which is generous. No more than three cars are currently queuing so it certainly could easily accommodate additional queuing. Mr. Dworkis testified that even if the queue would double or triple, the site could accommodate the cars without backing up on Morlot Avenue.

Mr. Dworkis explained the playground area and the access gate. Mr. Dworkis testified that the parking lot could accommodate additional employees and there would be no additional impact to the area.

Mr. Dworkis and Mr. Kantowitz addressed the Borough Engineer's letter dated June 5, 2014. Engineer Morris does not object to the waivers requested but would like more detail of the drop-off area. The applicant agreed to provide a revised sheet for Mr. Morris' approval. There was some discussion regarding the play area that was previously approved by the Board. Ms. Jarashow stated that they use the playground in shifts because of age differential and the need for close supervision. The playground will comply with all state regulations. Benjamin Bontekoe requested that the occupancy number be placed on the plans, and the applicant agreed.

Peter Kortright asked about an agreement with the railroad relative to the parking spaces near the railroad tracks. Mr. Dworkis explained that there was a prior approval regarding these spaces and this application will not change those spaces. Peter Kortright asked about the ownership of the playground property and it was represented that the synagogue owns that property. Peter Kortright asked that the applicant install a stop sign and stop bar at the exit. Joseph Mele asked that the amended site plan show the playground. Joseph Mele asked if the applicant could produce a document showing the right to use the railroad property. Mr. Kantowitz said that they will provide a copy of the survey referenced on the site plan. Mr. Mele asked about ADA access and Mr. Dworkis explained that it currently exists. Amy Hummerstone asked about parking during the weekday services, and Ms. Jarashow explained that the services are over before their busiest time and that they have less staff after 3:30 p.m. so there is no conflict in the evening either. Mr. Hughes asked about how they would accommodate the cars if they were at full capacity which could be as many as 85 children. Ms. Jarashow explained that even if the amount of children doubled, they could accommodate the queuing since they have no more than 3 cars queuing currently and the circulation could accommodate up to 12. Joan Fragala asked how the drop off of very young children would affect the queuing. Ms. Jarashow explained that they would have more staff. Mr. Kantowitz added that moving very young children in a car seat is quicker than cajoling a two or three year old to move.

Chairman Pohlman opened the matter to the public and no public wished to be heard.

Mr. Kantowitz stated that he believed the applicant was entitled to this minor expansion and hoped the Board would approve the application.

Chairman Pohlman opened the matter to the public for comment and no public wished to be heard.

Chairman Pohlman stated that this application involves an inherently beneficial use as defined by the state. Approval of the minor site plan application would be subject to stop sign and stop bar at exit, a revised site plan that reflects the 19-02 property and the drop-off area to be amended in consultation with the board engineer, noting the building occupancy and documentation showing compliance regarding NJ transit property.

Upon motion by Peter Kortright and a second by Larry Metzger, the minor site plan application was unanimously approved subject to the conditions listed. AYES: Joan Fragala, John Hughes, Deputy Mayor Lefkowitz, Benjamin Bontekoe, Vice Chairman Joseph Mele, Amy Hummerstone, Peter Kortright, Larry Metzger, Chairman Brent Pohlman

Chairman Pohlman recessed the meeting for 15 minutes at 8:30 p.m. The meeting reconvened at 8:45 p.m. with all members present as previously indicated.

### **6-20 Plaza Road, LLC, Block 3521, Lots 16-18; 6-20 Plaza Road; site plan approval**

Joan Fragala recused herself from the application.

William Soukas appeared on behalf of the applicant. He explained that Dr. Batarseh has had his practice in Fair Lawn for many years. Currently, his practice is located on Fair Lawn Avenue. He found this particular property suits his practice. He indicated that the property consists of a two story building which has an existing non-conformity of a side-yard setback. The applicant is not proposing to increase the height of the building. His client appeared before this Board on a conceptual, heard the concerns of the Board and incorporated them into the plan.

John Bleeker, 275 Belmont Avenue, Haledon, New Jersey, was sworn in and qualified as an expert architect and planner. Mr. Bleeker testified as to the condition of the existing site. The property is already developed. The applicant is not changing the footprint of the building. They wish to enlarge the parking lot, and provide handicapped access to the building. There are two developed floors. There is an existing unfinished basement.

Mr. Bleeker testified that the portion of the site to the rear is to increase the parking capability of the existing building. They will be completely renovating the first floor which will be occupied by Dr. Batarseh. The medical office will be a state-of-art facility. The existing second floor will remain as is and be occupied with tenants. There is an aesthetic improvement they would like to add to the facade. It will look like a new building structure but they are not expanding the building. All the existing variances that sit with the building now would remain.

Mr. Bleeker explained the parking lot and circulation in detail. He stated he incorporated all the suggestions from the Board. The ingress will be right turn in only and the egress will be right turn only as well so there will be no confusion on trying to cross over Plaza Road. New signage is proposed. The parking lot was reconfigured so that there is a five foot buffer from the residential area. Landscaping will be provided along the property line. The site, when fully improved, will provide 39 parking spaces. Mr. Bleeker testified that the parking calculations indicate that 37 parking spaces are required and 39 are provided. Two handicapped spaces will be provided. The screening landscaping will be arborvitae. The impervious coverage added does not require a variance as it is still below the maximum impervious coverage permitted. He explained the prior approvals. They are now proposing two on-site seepage pits which will be located under the new parking area. Mr. Bleeker indicated that the existing parking area is in good condition. They will reduce some of the pavement on the existing lot to provide the landscape area. The existing parking area only needs a resurfacing and restriping. Mr. Bleeker added that curbing will be

provided up to the building line. Mr. Bleeker stated that there were lights on the building and no additional lighting is proposed. Mr. Bleeker explained the roof height calculations. The applicant would like to place the parapet structure on the building to give it a better aesthetic.

Mr. Metzger was concerned about the lighting of the building. Mr. Bleeker stated that the light on the southwest corner of the building does shine onto the new parking area. They did not propose anything additional. Peter Kortright stated he appreciated the applicant incorporating the Board's comments. Joseph Mele was concerned about the lighting and thought there should be a pole in the new area. He suggested that the back of the lot indicate a two-way circulation. He requested additional arborvitae on the south part of the new parking area. Rather than 8 feet spacing, he suggested 5 feet spacing. Mr. Mele suggested a painted crosswalk by the handicapped spaces. He also suggested that the "Do Not Enter" sign be brought closer to the street. Amy Hummerstone was concerned about the height calculation, and asked that the height be shown on the plan. Mr. Bleeker said he does not have any problem with amending the plans in coordination with the Board Engineer. Board Engineer Jeff Morris indicated that Fair Lawn's ordinance does not address parapets on sloped roofs, and he agreed with Ms. Hummerstone that the applicant should request a variance for the height. Amy Hummerstone was also concerned about lighting spilling on the residential property and did not know if an additional pole would be a problem for the neighbors. In response to Mr. Hughes question, Mr. Bleeker explained that there will be less water run-off as currently there are no seepage pits and they will be installing two pits. Mr. Morris stated that he didn't know if a pole was needed and perhaps additional lights on the building would be sufficient. He advised the applicant to be very aware of the residential neighbors.

Vincent Gioia, 7-01 Christie Place, stated that his property directly abuts the parking lot. He said the property has been unsightly but very quiet. Mr. Gioia said someone is selling used cars out of the lot. There is a lot more noise. Mr. Gioia asked about the barrier between the property lines since they can see into the lot.

Mr. Bleeker responded that the applicant could plant a higher variety in that specific area. Mr. Gioia asked if a guardrail would be provided. Mr. Bleeker explained that curbing and landscaping will be provided so that it will cause a buffer for any vehicles but a guardrail would not be provided.

Dr. Basel Batarseh was sworn in and explained that he has practiced medicine in Fair Lawn since 1994. He had an internal medicine practice and his business operates from 10 a.m. to 5 p.m. Dr. Batarseh explained that they rarely have any medical waste. He does not practice any kind of surgery at the site.

Chairman Pohlman opened the matter to the public for questions of this witness and no public wished to be heard.

Peter Kortright stated that based upon the property owner's comments, he felt it would be prudent that a fence be provided in that area. If a light pole is provided, it should be faced away from the existing residential property. The new fencing should be six foot in height vinyl to avoid headlights shining into the residence. Joseph Mele suggested that the fencing be placed along all of the residential property line.

William Soukas stated that he respectfully requested the Board approve the minor site plan, granting the variances with regard to height and setbacks and he felt that the C(1) and C(2) criteria have been met based upon the testimony.

Chairman Pohlman opened the matter to the public and no public wished to be heard.

Chairman Pohlman summarized the conditions placed upon the application including a six foot vinyl fence along the residential border, preconstruction soil testing for seepage pits, arrows in back part of parking lot, spacing of arborvitae be reduced to five feet, crosswalk to be painted near handicapped parking, "Do not enter" sign closer to Plaza Road for visibility and consultation with Board Engineer regarding lighting. If additional light is required, it will be down lit. The plans will be modified to indicate correct impervious coverage limit and the "wrong way" sign. Upon motion by Joseph Mele and a second by Larry Metzger, the application was unanimously approved subject to the conditions listed. AYES: John Hughes, Deputy Mayor Lefkowitz, Benjamin Bontekoe, Vice Chairman Joseph Mele, Amy Hummerstone, Peter Kortright, Larry Metzger, Chairman Brent Pohlman

Chairman Pohlman asked that the application for Anshei Lubavitch be added to the July 14<sup>th</sup> meeting.

### **Adjournment**

Upon motion by James Hughes and a second by Joseph Mele, the meeting was unanimously adjourned at 10:45 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Sec'y of the Board