

## REGULAR MEETING OF OCTOBER 6, 2014

The meeting of the Fair Lawn Planning Board on Monday, October 6, 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: Deputy Mayor Amy Lefkowitz, Oliver Wilhelm, Benjamin Bontekoe, Amy Hummerstone, Larry Metzger, James Hughes, Peter Kortright, III, Daniel Furphy, Chairman Brent Pohlman, Joan Fragala Absent: Vice-Chairman Joseph Mele

Also present: Board Attorney Thomas W. Randall, Esq., Engineer Elliott Sachs and Secretary Michele Coles.

### Approval of escrow bills

Michele Coles read the escrow bills (attached). Upon motion by Joan Fragala and a second by Larry Metzger, the escrow bills were unanimously approved.

### Approval of Minutes

Upon motion by Benjamin Bontekoe and a second by Deputy Mayor Lefkowitz, the minutes of the regular meeting of September 8, 2014 were unanimously approved. AYES: Deputy Mayor Amy Lefkowitz, Benjamin Bontekoe, Oliver Wilhelm, Larry Metzger, Amy Hummerstone Abstain: Daniel Furphy, Joan Fragala, Peter Kortright, Chairman Pohlman

### Memorializing resolutions

#### ***11-26 Saddle River Road; Block 1506, Lot 9***

There was some discussion whether the applicant has complied with the supplemental landscaping requirement. Mr. Sachs explained that the plans were not definitive. Engineer Sachs explained that all of the other items requested by the Board were incorporated in the revised plans. It was noted that the applicant will not receive a C.O. without compliance with all the conditions. Upon motion by Benjamin Bontekoe and a second by Deputy Mayor Lefkowitz, the memorializing resolution was unanimously approved. AYES: Deputy Mayor Lefkowitz, Benjamin Bontekoe, Oliver Wilhelm, Amy Hummerstone, Larry Metzger

## **General Public Comment**

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

### **Bergen Development Group; Plaza Road & Cooper's Way; Block 3610, Lots 1 and 2; major subdivision only**

Ronald Shimanowitz appeared on behalf of the applicant. He stated that he was seeking a final major subdivision approval creating 8 new tax lots. Nothing regarding the site plan has changed; however, the applicant is creating new lot lines.

Erik Keller, of Cedar Knolls, New Jersey was sworn in and qualified as an expert engineer and planner. A colored rendering of the final plat entitled Subdivision Plan, Landmark at Radburn, dated October 6, 2014, was marked as Exhibit A-1. The various lots are color coded, and Mr. Keller explained the various lots. He testified that some of the lot lines were created due to the building phases. The building lots have been split into four lots corresponding with the phases. He explained the phases in detail. He stated that nothing else changes. Mr. Keller testified that the applicant can comply with the Boswell Engineering review letter. The phases are created for financing and for bonding purposes. There are also certain lots that will end up in the name of the Radburn Association and the subdivision makes it easier to convey those lots. In response to Chairman Pohlman's question, Mr. Keller explained that there will be utilities installed under the open space but there will be agreements regarding them.

Thomas Randall explained that this is not a planning issue and is more of a practicality. There is nothing in this application that would alleviate the applicant from prior conditions including the affordable housing component.

Amy Hummerstone asked about the open space between the phase one and phase two lots. Mr. Keller explained that the open space area will be presentable although there will be construction ongoing. It will be managed in a proper manner. Peter Kortright asked about the assurances he could give the Board that all the improvements will be made. Mr. Keller explained that nothing changes due to the lot lines, and there will be a Developer's Agreement and bonds posted. Mr. Keller also explained the phasing of the affordable units and compliance with COAH regulations. Mr. Wilhelm asked about the utilities and the phasing. Mr. Keller explained that the detention basin will be built in phase one. Preliminary plat dated March 7, 2014, depicting the buildings and the roads was marked as Exhibit A-2. Mr. Keller explained that the connections will be made during the various phases.

Chairman Pohlman asked Mr. Shimanowitz to explain the bonding process. Mr. Shimanowitz explained that typically, the developer posts a performance guaranty. Often, the applicant's engineer prepares an estimate and, ultimately, the Borough Engineer certifies that estimate. The bond runs in favor of the Borough. If for some reason the developer does not complete the improvements, the Borough has recourse.

Chairman Pohlman opened the matter to the public for questions.

Eric Schutz, 20-14 Radburn Road, asked if during construction there will be parking provided other than the dedicated spots for the market units. Mr. Schutz was also concerned about the COAH units parking. Mr. Keller explained that there is dedicating parking below the affordable housing units. For all of the units, there is surface parking for visitors and guests. In phase one, they will be building the road parallel to Coopers Way and all that surface parking will be available in phase one. Mr. Keller testified that there will be sufficient surface parking in each phase to accommodate visitors.

Michael Roney, 14 Burnham Place asked whether the installation of the utilities will affect the other sections. Mr. Keller explained that the storm sewer will be installed and will cut across the other phases. Mr. Keller also explained that at the completion of phase one; everything will be restored, finished and landscaped so that it is usable for the residents. Phase two is mostly buildings and the road servicing the units. Mr. Roney asked about off-site improvements, and Mr. Keller explained that this approval does not affect those improvements. Mr. Roney asked about the timetable, and Mr. Shimanowitz said they are still awaiting some approvals.

Cathy Moore, 13-16 Plaza Road, asked about the capping for the pollution and the testing of the site. Mr. Keller stated that this is not his area. Chairman Pohlman stated that it was his understanding that the area is going to be monitored as a precaution. Ms. Moore asked about buffering of the residences, and Mr. Keller explained that this approval does not change these requirements. Chairman Pohlman explained that there was a landscape plan that was submitted, and it is in the resolution. The revised plans have been submitted and include the landscaping plans behind those homes. Ms. Moore asked about the tot lot. Mr. Keller stated that the tot lot was approved by this Board and it is about 70 feet from the rear of the properties.

Michael Roney, 14 Burnham Place, asked about the environmental cap, and Mr. Keller stated that whatever is in the resolution is still applicable. Chairman Pohlman stated that he wanted to make it clear that there was discussion of a vapor membrane which is very different from a cap.

Felice Koplik, 6 Reading Terrace, asked what phase the improvements to Archery Plaza will be constructed. Mr. Keller replied that they will be done in phase 3. Ms. Koplik stated that her concern is that the impervious coverage is being increased and could create flooding. Mr. Keller explained that the detention basin will be constructed in phase one and the run-off from the improvements in phases one and phase two will go to that detention basin and not to Archery Plaza. Ms. Koplik asked about the park on the south end and Mr. Keller explained it will not be completed in phase one and they will need access for phase two.

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

Cathy Moore asked the Board if the financing is unique to development in Fair Lawn and if this type of phasing is an unusual request. Mr. Randall explained that it is common and done throughout the state with this size of a project. James Hughes stated that he is the Director of the S.B.A. for 504 loan programs. He explained that the reason it is done this way is for the perfection of the collateral during the construction for the benefit of the loaning institution. He added that it is not uncommon to be done this way and is more common than not.

Cathy Moore asked how many houses have tot lots within 70 feet. Chairman Pohlman stated he did not know, and Mr. Furphy pointed out that the park itself is closer. Chairman Pohlman stated that the time to discuss design aspects was when this application was before this Board which consisted of several hearings over one year ago. Chairman Pohlman stated that the design of this project is not before this Board, and the Board is not reconsidering the design at this time.

There were no further comments from the public.

Ronald Shimanowitz explained that the purpose of the subdivision is to perfect financing and carve out the open space. The applicant will comply with the Board Engineer's review letter. Nothing is changing with regard to the site plan.

Chairman Pohlman stated that the applicant is requesting a major subdivision of eight lots. Peter Kortright asked that a condition of approval be that all the traffic calming on Plaza Road be completed in phase one and the Board concurred. Oliver Wilhelm moved that the application be approved subject to the condition stated and Joan Fragala seconded the motion. AYES: Daniel Furphy, Joan Fragala, Amy Hummerstone, Deputy Mayor Amy Lefkowitz, Peter Kortright, Oliver Wilhelm, Larry Metzger, Chairman Pohlman.

### **Chairman's Comments**

Chairman Pohlman stated that the Council adopted a resolution regarding sound land use planning pledging to have certain criteria included in the next master plan. He wanted to make it clear that all of these issues were addressed by the subcommittee and then by the Board. Chairman Pohlman emphasized that Vice Chairman Joseph Mele, Oliver Wilhelm and Amy Hummerstone dedicated a great deal of time discussing these issues. The Borough of Fair Lawn does not have to wait for our next master plan to address these criteria as they were incorporated in the present one.

## **Adjournment**

Joan Fragala moved that the meeting be adjourned and Oliver Wilhelm seconded the motion which was unanimously approved at 9:05 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Sec'y of the Board