

REGULAR MEETING OF MAY 11, 2015

The regular meeting of the Fair Lawn Planning Board on Monday, May 11, 2015 was called to order at 7:37 p.m. by Chairman Brent Pohlman in the Council Chambers of the Fair Lawn Municipal Building.

The notice of the 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, Joan Fragala, Benjamin Bontekoe, Oliver Wilhelm, Amy Hummerstone, Vice Chairman Joseph Mele, Absent: Larry Metzger, Daniel Furphy, Deputy Mayor Lefkowitz

Also present: Board Attorney Thomas Randall, Board Engineer Jeffrey Morris, Board Secretary Cathy Hochkeppel

Approval of minutes

Upon motion by Joan Fragala and a second by Joseph Mele, the minutes of the April 13, 2015 meeting were approved. AYES: Chairman Brent Pohlman, Peter Kortright, III, Joseph Mele, Benjamin Bontekoe, Joan Fragala, Oliver Wilhelm, James Hughes, Amy Hummerstone

Public Comment

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

9-10 Saddle River Road; Block 1507, Lot 21; Bright Start; minor site plan

Dimitry Kogan, 0-100 27th Street; Fair Lawn appeared on behalf of the applicant. The applicant is proposing a child care facility. He indicated that this is a permitted use in the zone. The applicant does not intend to change the footprint of the building. They will be providing before, during and after school programs. The only change is a play area that is required by law. The applicant currently has two operations on Saddle River Road and will be moving one of them. Proof of service and publication were provided to the Board Secretary. He explained that there are two witnesses, namely, the architect and the director.

Glenn Stubaus, 26-02 Broadway, Fair Lawn, was sworn in and qualified as an expert architect. The plan prepared by Mr. Stubaus dated March 25, 2015 was marked as Exhibit A-1. He explained that the prior use was an attorney's office and the proposal is for a child care facility. The building will remain as is. The parking lot currently exists. The parking spaces were approved by this Board when the Church in Nutley was approved. The play area will require the removal of four parking spaces. Mr. Stubaus stated that there is still sufficient parking for this site. There is a cross parking easement. Sixteen spaces are required and 39 are being provided. He explained the site plan in detail. He explained the landscaping and the play area. The play area will be fenced. There will be no cooking facilities in the building. Mr. Stubaus testified that the parking was more than adequate for this use.

Mr. Stubaus testified that it is the intention of the applicant to use the same sign. The side yard setback is 10 feet where 12 feet is required. It is an existing condition. He testified that he does not believe they need any additional lights and believes they would not be conducive to the residential neighbors. The garbage area will be enclosed along with the playground.

Chairman Pohlman asked Mr. Stubaus if he was aware of the number of students and the hours of operation. He said he was not aware of the exact numbers but stated that this is one of the largest properties with more available parking than most similar facilities. Chairman Pohlman asked about materials for the play area, and Mr. Stubaus explained that it would be the owner's decision. Chairman Pohlman asked about the safety of the handicapped spaces and the crossing of the driveway. Mr. Stubaus said this Board approved the layout of the parking spaces when it approved the subdivision. Mr. Stubaus testified that because of the configuration of the property, if you created new handicapped parking spaces, it would still require the person to cross the drop off area which might be more of a safety issue. Mr. Wilhelm was also concerned about the handicapped spaces. He suggested that the notched area in the corner be landscaped. Peter Kortright asked about the drainage, and Mr. Stubaus explained that there is no debris in the grate. Peter Kortright reminded the applicant to file for an exemption with the County. Vice Chairman Mele asked for a plan of existing conditions. He also was concerned about lighting and noted that in the winter, it gets dark at 4:30 p.m. He was also concerned about the children getting to the play area safely. Joseph Mele suggested that spaces be marked for drop off Monday through Friday. Amy Hummerstone noted that the maximum occupancy appeared to be 94. She asked about the playground area and was told that would be for kindergarten students only. The elementary school children that come after school go to classes. James Hughes asked if there would be lighting in the playground area, and Mr. Stubaus indicated that the children would not be in the playground when it was dark. Joan Fragala was concerned about access to the play

area, and Mr. Stubaus explained that the state requires a playground within 1000 feet so in many instances children are walking on sidewalks and even crossing streets under supervision. Mr. Morris asked about the materials for the play area and Mr. Stubaus replied that they will be approved materials. Mr. Morris stated he is concerned about how to care for the 6 foot arborvitae in the four foot alley way between the two six foot fences.

Yuliya Spivak, 10-01 Saddle River Road asked if the facility plans to use school buses and how they plan to transport the children. Chairman Pohlman indicated she could ask that question of the operator.

Ms. Irina Sheynin was sworn in and stated that she is co-founder of Bright Start educational facilities. Currently, they own 4-01 Saddle River Road for daycare for one to five years old. Across the street, they provide enrichment classes such as chess, Russian, science, math and dance. The projected number of children is no more than 29 children in the kindergarten program. There will be no more than 29 from 7 am to 3 pm. They are planning to move their Kindergarten program from the one building and leave the younger children in the other building. She explained that the children will be rotating to the classes from one room to the other as there are subject teachers. Peak drop off hours are 7 am to 9 am. The bus for the enrichment program comes approximately at 3:30 pm. Some of the students leave at 5:15 p.m. and some leave at 8 p.m. Evening hours are between 3 and 8. At peak hours the maximum number of students will be approximately 70 students. The age range is 5 years old to 17 years old. She testified that they do not provide food on the premises. Some participate in a hot meal program that is provided by a caterer or they bring their own food. No food is prepared on the premises. They do not provide any specific drop off areas. Parents are to park legally and bring their students into the building and are required to sign in. There is no queue. She explained the playground area. She also explained that one of the classrooms has an exit door near the playground and that is the exit that will be used. The children will always be under the supervision of at least two teachers. Safety is, of course, a priority. The children only go out during sunlight if weather permits. Usually it is once a day but occasionally they will go out in the morning and in the afternoon.

Ms. Sheynin testified that the trash containers are normal 45 gallon containers and they use heavy duty trash bags. There are no diapers. It is the normal trash pick-up and they never miss a day. The weekday hours are 7 am to 8 p.m. Normally, the facility is closed on Saturday, and there are a few morning classes on Sunday with no more than twenty students and two teachers. She explained that the process for state approval once town approval is received. She explained that the maximum number of employees at the same time will be 12. Based on their current schedule, they never have more than ten.

Chairman Pohlman asked the applicant how many buses will be coming to the facility and Ms. Sheynin stated only one. Chairman Pohlman asked about Sunday classes and she explained that they have dance and art classes on Sunday morning. Chairman Pohlman asked the Board Secretary if there was a stipulation on the subdivision application and site plan for Church in Nutley that there be no conflict on Sunday. Ms. Hochkeppel stated that there are minutes but not a transcript, and Chairman Pohlman stated that they will need to be reviewed prior to proceeding with this application. Ms. Sheynin stated that the students are dropped off and parking should not be a problem. Only one or two spots will be occupied by teachers. Chairman Pohlman suggested striping along the pathway where the students would walk from the classroom to the playground. He also asked about signage on spots closest to the door. Peter Kortright suggested there be markings along the building, and Engineer Morris indicated that there should be some type of striping. Joseph Mele said the Board's concerns are safety for the children. He asked how the buses will circulate the site, as he did not think the buses could make the 180 degree turns. He also suggested bollards for safety of the children. Ms. Sheynin stated that all the children will exit the building from the music room that is in compliance with state regulations. Joseph Mele was also concerned about lighting and suggested considering a light pole between the six spaces and the three spaces. Ms. Sheynin stated that there are two lights currently and Mr. Mele stated he would like to see the lighting plan. Ms. Hummerstone thought that striping might make the area less safe in that cars still transverse the area. Mr. Hughes asked about garbage removal and Ms. Sheynin stated that the town picks up the garbage. Chairman Pohlman stated that they will need confirmation that the town picks up from the commercial property. In response to Mr. Hugh's question, Ms. Sheynin indicated that at the peak hour, there can be up to 70 children at the site.

Mr. Stubaus was recalled. Mr. Wilhelm made some suggestions relative to the egress. Mr. Stubaus stated that you are permitted to exit through an adjoining space as long as it is a similar use. Mr. Wilhelm also suggested that they consider enlarging the lobby.

Mr. Morris asked about the size of the school bus and was told it was standard size. He stated that it will be a tight maneuver to get the bus around and they will be getting out on the wrong side, away from the building. Ms. Sheynin stated that the bus can let them out at Saddle River Road and the Board members did not think that was acceptable. Joan Fragala suggested that as soon as the bus clears the building past the side yard, the children can be dropped off.

Chairman Pohlman stated that the Board needs to review the prior application. There are a number of concerns stated today, and perhaps the architect will have additional ideas in response to the Board's suggestions. He suggested that the applicant incorporate some of the suggestions

including Ms. Fragala's idea of stopping the school bus in the front parking area, details of the landscaping that will be put in the empty space, specific specifications for the playground. The applicant should address the handicapped parking and lighting in the northwest corner of the property. Chairman Pohlman recommended that the matter be carried to the next meeting where additional information can be presented and the Board members concurred.

Chairman Pohlman stated that the matter would be carried to the meeting of June 8th without further notice being required.

Adjournment

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

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board