

REGULAR MEETING OF AUGUST 10, 2015

The regular meeting of the Fair Lawn Planning Board on Monday, August 10, 2015 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 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: Peter Kortright, III, Joan Fragala, Benjamin Bontekoe, Vice Chairman Joseph Mele, Chairman Brent Pohlman, James Hughes, Daniel Furphy Absent: Larry Metzger, Oliver Wilhelm, Amy Hummerstone, Deputy Mayor Lefkowitz

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

Approval of minutes

Upon motion by Peter Kortright and a second by Joseph Mele, the regular minutes of the July 13, 2015, meeting were unanimously approved. AYES: Peter Kortright, III, Benjamin Bontekoe, Joan Fragala, Vice Chairman Mele, and Chairman Pohlman Abstain: Daniel Furphy, James Hughes

General Public Comment

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

Memorializing resolutions

28-02 Broadway, LLC, 28-02 Broadway; Block 3207.1, Lot 1; minor site plan

Upon motion by Joan Fragala and a second by Joseph Mele, the memorializing resolution was unanimously adopted. AYES: Joan Fragala, Vice Chairman Mele, Benjamin Bontekoe, Peter Kortright, Chairman Pohlman

Halle Realty, 12-01 River Road; Block 5611, Lots 42-47; major site plan

Upon motion by Joan Fragala and a second by Peter Kortright, the memorializing resolution was unanimously adopted. AYES: Joan Fragala, Vice Chairman Mele, Benjamin Bontekoe, Peter Kortright, Chairman Pohlman

Congregation Darchei Noam, Inc.; 10-04 Alexander Avenue; Block 4526, Lots 31 and 32

Mr. Karas stated that the applicant was before this Board in 2008. He explained that a house of worship is considered an inherently beneficial use in the State of New Jersey. The applicant is seeking to add a one-story addition. The addition will require four variances. He explained that side yard, rear yard, building coverage and parking variances would be required. There are four spaces on site and that will not change. The required parking is 73 spaces. He stated that parking is not an issue because people walk to the temple and do not drive vehicles. They also have 25 parking spaces leased from the Jewish Center. The parking agreement with the Board of Education for high holy days has lapsed.

David Billow of Ridgefield Park, New Jersey was sworn in and qualified as an expert architect. The plan described by the architect was marked as Exhibit A-1. He explained that the synagogue has tandem parking spaces which will remain. There will be a new handicapped ramp. The new social hall will be in the cellar. It will have two bathrooms. He explained the plans in detail. The height of the highest point of the addition is 14 feet. He explained that due to the uniqueness of the property, the side yard variance is a necessity. He explained that the rear yard variance is 15 feet where 25 feet is required. The third variance is for building coverage. The ordinance allows 30% coverage and the building is at 37.5%. Mr. Billow stated that the last variance is for parking and is similar to the previous application. Mr. Billow explained that they have added a row of evergreen trees along the side yard and backyard. They are proposing drainage pits for run-off. Mr. Billow testified that there will be no additional signage. The parking will not change and will remain at four spaces. He will make revisions to the site plan check list. Mr. Billow testified that there is no loading space being proposed. No trucks come to the site. They will look at the condition of the sidewalks and make repairs if necessary.

Chairman Pohlman stated that the floor plan regarding the configuration of the social hall is not specific, and he would like more detail. Mr. Billow explained that using accepted standards for tables and chairs, the social hall will hold about 90 people. Mr. Billow testified that the trees are not being replaced. The applicant is providing a fence, but if the Board wants to expand it with additional plantings, the applicant would be willing to do so. There will be exterior emergency

lighting but there will not be any lighting that will be cast onto other properties. Mr. Bontekoe asked if the 220 seats in the sanctuary are movable, and Mr. Billow stated he did not know. Peter Kortright stated that with the amount of people, there will be some social occasions. He asked how they intend to get supplies into the synagogue since there is no loading space. He also asked if the applicant had a maintenance plan for the plantings in the rear. Mr. Billow stated that they do not currently have a plan but they could provide one. Peter Kortright commented that there is a seepage pit on the right side very near to the sidewalk. Mr. Billow stated that if they damage the sidewalk, it will be replaced. Mr. Mele asked how close the seepage pits are to the next door neighbor. He is concerned about the two seepage pits on the left and the proximity to the neighbor's foundation. Mr. Mele asked if they looked at an addition that would comply with the setback variances. Mr. Billow stated that if they would comply with the rear yard setback, the addition would be too small to make it feasible. Mr. Billow stated that to put the social hall above grade would be more intrusive to the neighborhood. Mr. Billow testified that he thought the impact was less by going out rather than going up. Mr. Mele was concerned about noise to the neighbors. Mr. Billow stated that there can be sound deadening materials added in addition to the sheetrock. There are not many windows and they are insulated. The social hall will be underground. Chairman Pohlman asked what type of events would be held in the social hall, and Mr. Billow indicated that the social hall is primarily for Kiddush after service. No music is permitted on the Sabbath. Mr. Hughes asked about the 220 seats in the sanctuary and whether the social hall would be used simultaneously and was told no. Mr. Hughes was concerned about the social hall being used on days other than the Sabbath when members could drive. Mr. Hughes asked about the proposed kitchen. Daniel Furphy asked if there was limitation to the hours of operation and Mr. Billow stated no. Mr. Furphy said the plans were very vague about the kitchen. Mr. Billow indicated that it will be a commercial kitchen. He asked about the storage adjacent to the kitchen and was told there is a general storage area that also housed the boiler. Ms. Fragala asked about the lease for the 25 spaces and was told it was an "at will" lease. Ms. Fragala asked about the full capacity of the building. She stated she was concerned about the parking. Mr. Karas explained that houses of worship do not use all the rooms at one time. Peter Kortright asked about the occupancy of the building, and Mr. Billow explained it would be based upon the number of exits and would be in the vicinity of 300 people. Mr. Hughes asked if there had been any traffic study and was told no. Mr. Hughes was concerned about the usage of the rest of the building on non-Sabbath days. Chairman Pohlman asked if there was a way to configure the building within the height limitations that complied with the rear yard setback and/or lessened its severity.

Chairman Pohlman opened the matter to the public.

Elliot Laniado, 10-01 Bellair Avenue, stated he lived in the house behind the synagogue. He asked about soundproofing and the architect stated he could not say at this time what materials would be used. Mr. Laniado asked if there would be any weddings and/or bar mitzvahs. He also asked if the synagogue had daily minions where they do drive. Chairman Pohlman stated that these were questions for another witness. He asked about the number of variances and was told four.

No other public wished to be heard.

Dr. Mark Moerdler, 5 Chittenden Road, was affirmed and stated he is the President of the Congregation. He testified that he served as president or co-president for the past eight years. He had expected growth to be slow and is surprised to be back to the Board. He stated that modern Orthodox Jews want to live in Fair Lawn. In the last two years, there have been nine families that bought houses near the congregation. Numerous families are also renting in the Commons. Fair Lawn has done a good job of expanding its services. He stated that currently they do not have enough seats in the sanctuary for the high holy days. They are turning people away. They want to build something that would have the least effect on the neighbors. They looked at a 2½ story addition but thought it would have a greater negative impact. They need a large social hall because after services, there is a collation. In addition, about a year and a half ago, they could not hold his own son's bar mitzvah at their own synagogue because it was not big enough. When there are catering events, they recommend people go to the Jewish Center. The social hall is mainly for a collation after services. In addition, when there is an event such as a bris and bar mitzvah, people come from other places, not necessarily Jewish, to celebrate these events. The high holy days include Yom Kippur and Rosh Hashanah. Those are the three days that there is the largest gathering. He explained that they do not use the 25 spots at the Jewish Center. There is a very small number that will drive on Friday and park their car. He testified that the massive number of Orthodox walk to the synagogue. He testified that Jewish tradition dictates that there are prayers in the morning and in the late afternoon and evening. They do not have services in the morning except on Sunday morning. The evening services are approximately 45 minutes, and they have no more than 30 people attending. There are no collations or Kiddush's after those services. The social hall could be used occasionally for a bris on Sunday morning followed by a spread. Dr. Moerdler testified that they will not rent out the facility. Their plan is that they will not do catering at this facility. There will be no staff at the facility. People bring in their food in their own vehicles. On the Sabbath, music is not allowed nor is a microphone. Dr. Moerdler testified that they have never had a complaint about noise. Chairman Pohlman stated it is wonderful that the congregation has grown and asked about the size of the congregation. Dr. Moerdler explained that there are approximately 69 or 70 families. The typical Sabbath service roughly has about 20-30 people Friday night and on Saturday there could be 140 people if it was built

tomorrow. Dr. Moerdler explained that there was a celebration recently, and there were people who physically could not go into the sanctuary. He testified that they have no interest in running a Hebrew school or childcare facility. A member will sit in the youth room with the children during the services but that is the extent of childcare. The anticipated use of the youth room will include someone to oversee the children while their parents pray. It is not an educational room. Dr. Moerdler explained that once in a while there are classes run for the members. There are not usually more than a dozen people. The only purpose for the social hall would be for the membership. Peter Kortright stated that for the record, when Dr. Moerdler testified in 2008 he stated that they were not looking for massive growth for the synagogue. Mr. Kortright stated that this is a large expansion and asked how Dr. Moerdler cannot anticipate further growth. Dr. Moerdler replied that they didn't expect Fair Lawn to become an interesting place for Orthodox Jews. He stated that he cannot say that they will not grow further. If they were to do a small expansion, they would be coming back before the Board in a short time. Dr. Moerdler thought it more likely that someone would build something new in town rather than this congregation expanding further. He explained that they picked this site because it was close to many of their congregants. Chairman Pohlman asked if they would be willing to comply with the conditions previously imposed on the congregation, and Dr. Moerdler indicated they would.

James Hughes asked about the initial congregation, and Dr. Moerdler stated that they had one-half of the number of people. Mr. Hughes asked how they arrived at the number of 220 seats. Dr. Moerdler explained that when there is a family event, they could expect 200 people. The expansion is being planned so they do not have to come back to the board. Dr. Moerdler stated that they looked at the possibility of building up and thought it would be more disruptive to the neighborhood. Daniel Furphy commented that currently there are small events but with a full commercial grade kitchen and the expansion, there could be much larger events. Dan Furphy added that he was concerned about the venting into a neighbor's yard. He would like more details of the kitchen. Noise is also a concern. He asked how late the building could be used any day of the week. Dr. Moerdler stated on an average week, there will be no social use except for Kiddush after services. He explained that a bris or bar mitzvah is not held in the evening. Dr. Moerdler added that it is not an event facility. Dan Furphy stated that he belongs to an organization that only allows members to use the facilities and is aware of how many events can take place. Dr. Moerdler stated that the parties will not be held at this facility. Ms. Fragala suggested that they consider a smaller sanctuary. Dr. Moerdler replied that 220 seats are needed in order to be able to hold bar mitzvah at the facility since relatives and friends attend. Dr. Moerdler stated that there are a few events a year that there will be 200 people. They also want to have space to accommodate people on the high holy days. Ms. Fragala asked about weddings. Dr. Moerdler stated that they are not looking to be a venue place for weddings.

Chairman Pohlman opened the matter to the public.

Elliot Laniado, 10-10 Bellair, stated that he is a member of the Fair Lawn Jewish Center. He stated he had no complaints until now. He is happy that the temple is expanding but it shouldn't be at the expense of the neighbors. He suggested that the congregation look into expanding in a commercial area. Mr. Karas explained that houses of worship are allowed in all areas. Mr. Laniado stated that he knows they are permitted, but they should keep within code and not ask for additional variances. He was also concerned that there will be another expansion in the next few years. Mr. Laniado asked if the temple would be using the backyard at all. Dr. Moerdler stated that they currently run the Kiddush in the backyard, weather permitting, because there is not enough room in the social hall. Dr. Moerdler stated that there is a possibility that some youngsters will run around in the backyard, but they are not planning on running any significant events in the backyard. On the holiday of Sukkot, a temporary tent is built. There are prayer services four or five afternoons for a very short period of time. Mr. Laniado asked about traffic and parking on the non-Sabbath days of the year. He also asked about bar mitzvahs at night. Dr. Moerdler said that the facility is not made for the bar mitzvah celebrations, only the services.

Thomas Tomesco, 10-11 Alexander Avenue; stated that he is the neighbor directly to the left. He asked how many families began the shut, and Dr. Moerdler replied that it was approximately 20 membership families. Dr. Moerdler stated that there are now 60 plus families. Mr. Tomesco stated that he was concerned about additional expansion because of the traffic and parking issues. There are approximately 290 days that the members can drive to the shul. He is concerned about the lack of parking. He stated that his view will be more city-like than the suburbia where he bought his home. Mr. Karas pointed out that if it was residential home, they could expand as the buffers required are greater for a house of worship. Mr. Billow added that they tried to design it as unobtrusive as possible. He asked about garbage disposal and was told they use residential garbage cans. There might be a few more cans but we will have little impact. They will not have a private carter.

Chairman Pohlman asked that a revised landscape plan be provided, discuss replacing the trees being removed, testimony regarding soundproofing material and greater detail regarding the kitchen. The Board should also receive information about how the garbage will be stored.

It was agreed to carry the matter to the September 21, 2015, meeting at 7:30 p.m. without further notice.

Adjournment

Upon motion by Joan Fragala and a second by Peter Kortright, the meeting was unanimously adjourned at 10:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Planning Board

