

SPECIAL MEETING OF JULY 23, 2007

The special meeting of July 23, 2007, was called to order by Chairman Barry Winston at 7:40 p.m. The notice of the Open Public Meetings Law was read.

Roll Call

Present: Harvey Rubinstein, Alan Neggia, Larry Metzger, Peter Kortright III, Deputy Mayor Marty Etlar, Todd Malkin, Joseph D'Arco, Chairman Barry Winston, Phil Cassidy
Absent: Honey Morgenstern and Michael Cohen

Also present: Board Engineer John Rottenbacher, Board Attorney Douglas Bern, Board Secretary Cathy Hochkeppel

Ninety-two Route 46 Realty, LLC; 17-09 Zink Place; Block 4301, Lot 1.01; site plan

Chairman Barry Winston explained the hearing process to the public. Stuart Liebman, Esq., appeared on behalf of the applicant. He explained that the property is located in the I-1 zone. Existing on the property is a building and improvements of approximately 119,050 square feet. The applicant is making no change to the size of the building, but proposes to provide some additional parking spaces on the site. The applicant intends on adding about 30 spaces mostly on the southerly side of the building near the Zerega building. The building will be able to accommodate multiple tenants. The applicant is a developer who refurbishes industrial properties and brings them back to life.

Mr. Darren Diaz, 92 Route 46 Associates, Tulfa Realty, 87 West Passaic Street, Rochelle Park, New Jersey, was sworn in and testified that he was here as a representative of the owner and is the in-house architect of the developer. He explained that Tulfra has a tract record for over 30 years and owns over 3,000,000 square feet of property mostly in northern New Jersey. They take old buildings and revitalize them bringing curb appeal to the building. Pictures consisting of three sheets depicting different projects were marked as Exhibit A-1. He explained the different projects and the "before" and "after" pictures.

He explained that the developer has found a niche providing industrial space to smaller businesses. They improve the aesthetics of the building to give it a more modern feel. The business will be more successful if it is in a good environment. Mr. Diaz testified that the 95 spaces will be more than adequate. It is his experience that one space per

thousand square feet is more than suitable for parking. Chairman Barry Winston asked about the number of tenants and Mr. Diaz replied that the most that could occupy the building would be eight.

A colorized sheet prepared by Ives, Schier & Lesser Architect services was marked as Exhibit A-2. He explained the possible tenant spaces. He currently has a potential tenant that will be taking two sections. The tenant deals with refurbishing technical equipment. Deputy Mayor Marty Etler questioned the number of tenants and parking particularly since it is in a residential area. Mr. Diaz explained that many of their buildings are in residential areas. He explained in detail the parking requirements of most of their tenants and testified that he is very confident that 95 spaces are adequate.

Chairman Barry Winston asked about impact of C.O.A.H. requirements and Mr. Liebman replied that the growth share requirement in third round rules was invalidated by the court. Harvey Rubinstein asked the number of employees of the potential tenant and Mr. Diaz replied that there are 12 employees and the area being rented is 17,000 square feet.

Larry Metzger asked about the number of loading docks. Peter Kortright III asked about the easement and was told that cross easements are in place. Mr. Diaz further explained that he believes that this use will be less intense than the perfume factory. The applicant is not changing the size of the building in any way. Joseph D'Arco asked if it was possible that the use would be outlet stores. Mr. Diaz explained that they only intended on renting to permitted uses and retail is not permitted.

Kenneth Schier, 16-00 Route 208 South, Fair Lawn, New Jersey, was sworn in and qualified as an expert architect. He explained the plans that were prepared by him. He explained that the tenancies could be divided into seven sections. He testified that this application does not represent an intensification of use. All of the areas are existing and there is no plan to add more footage. He explained the improvements to the exterior of the façade. A series of six photographs depicting conditions that existed on the site and current pictures with the upgraded exterior were marked as Exhibit A-3. He explained in detail how they upgraded the exterior.

Alan Neggia asked about the oil tank and Mr. Schier explained that it is existing. Alan Neggia stated he was concerned about the two proposed new entrances on either side of the oil tank. Mr. Schier explained that there is a concrete barrier and all building codes have been met.

Larry Metzger asked about the possibility of several tractor trailers being on the site at one given time since there are 17 loading doors. Mr. Schier replied that the size of most of the loading docks would not accommodate tractor trailers.

Massimo Piazza, 2-14 Fair Lawn Avenue; Fair Lawn, New Jersey, was sworn in and qualified as an expert engineer. He explained the colorized site plan, dated June 13, 2007, which was marked as Exhibit A-4. He explained that the lot width of 487.49 is an existing nonconformity. The maximum building coverage at 48% is also an existing nonconformity. The applicant is seeking a variance for impervious coverage and a parking variance. He explained the existing conditions of the parking lot that currently has about 78 spaces. The applicant is providing 95 spaces, four of which are handicapped. He explained the circulation of the traffic on the site. He testified that the majority of the new loading spaces are being added to the rear of the building. There are existing loading areas in the northeasterly corner and the southeasterly end. He explained that some of the tenants have two docks and some have three. He explained the circulation of the pedestrians and that the applicant will provide a sidewalk. Mr. Piazza stated that wheel stops would be a nuisance. There is Belgium block curbing except in the rear. The ground level is raised in the rear so the cars are parked by a concrete wall. An ADA ramp will be installed as it is required. He explained that they will provide everything requested by Boswell Engineering. Mr. Piazza explained the dumpster location in the rear of the property in a 15X30 fenced-in area. Mr. Piazza also explained the lighting and landscaping plans. Some of the plantings have already been installed. All the lighting issues will be addressed.

Although the applicant is decreasing pervious coverage, they are adding landscaping and landscape materials in areas that are more visible. In response to the Board's question, the applicant indicated that he is willing to provide screening to beautify that area so that the visibility to that building will be reduced and will not interfere with the neighbors and the ability to use the area subject to the appropriate permission being granted. Mr. Piazza explained the storm water management plan and testified that they will comply with the Board Engineer's requirements. He stated that the applicant is providing a better retention system than previously existed. Mr. Piazza testified that the benefits of granting the variance far outweigh any negative. The applicant is improving the conditions of the existing building.

Deputy Mayor Marty Etlar asked about the wheel stops. Mr. Diaz explained that wheel stops are an impediment to plowing. The back end of the building is all concrete for several feet. Deputy Mayor Marty Etlar added that all lighting needs to be shielded away from any residential area.

Phil Cassidy stated that he is concerned with the circulation of tractor trailers. Mr. Diaz stated that their tenants normally would not have many tractor trailers.

Harvey Rubinstein asked if they could be sure that no tenants will have a fleet of trailers and Mr. Diaz replied affirmatively. Harvey Rubinstein also asked about a curb configuration that would force trucks to the left. Mr. Piazza didn't think the space was wide enough and would interfere with the mechanicals and aisle width.

Peter Kortright III, asked about the general landscaping and indicated that he would like to see the easement area improved similar to the landscaping completed by Zerega's. The applicant agreed to plant six-foot evergreens, three feet on center. Peter Kortright III also requested a stop sign at Zink Place. Stuart Liebman said the applicant will attempt to do so subject to the approval of the appropriate authorities and landholders.

Chairman Barry Winston opened the matter to the public.

George Bate, 3-23 17th Street, Fair Lawn, New Jersey, commented that the building is much too large. He explained that BF Kruger was a huge perfume factory. A glass company that imported and exported glass was there for a while and ran a quiet operation. Mr. Bate stated he is very concerned that this building will be subdivided into seven different sections. There is very little parking in that area. This is not encouraging open space. Mr. Bate stated there should be no parking on the private road. All trucks must enter and exit through Broadway. Mr. Bate explained that trucks constantly go in and out through Willow and come down 17th Street even though there is a sign there. Zerega's sometimes has 20 trucks in a holding point with eight trucks on the street. Mr. Bate believed it will be very tough for trucks to make turns on this property. Mr. Bate added that since they don't know who the tenants will be, it is possible they will have a 24/hour operation. Mr. Bate also mentioned the traffic in the area. Mr. Bate asked the Board to consider the problems with trucking, open space, and the tight parking. Chairman Barry Winston stated that enforcement issues have to lie with the appropriate authority. It is permitted use. Mr. Bate added that he believes there will be noise pollution and environmental pollution. It was explained that no parking spaces were proposed for the easement area.

Joseph Klimko, 1-45 17th Street, Fair Lawn, New Jersey, stated he lives right in back of the Zerega property and is being woken up at night by the trucks. Chairman Barry Winston stated that this is an issue that should be referred to the Police or the Council.

Mr. Klimko stated that the Police Department is not responsive. He believes there will be a bigger problem with the truck traffic if this application is approved.

August Sheridan, 3-19 17th Street, Fair Lawn, New Jersey, stated he was concerned about the parking. He does not want parking on 17th Street. Mr. Diaz stated there is no proposal to park on 17th Street and no cars will be parked on the residential street. He explained that parking is designed for around three sides of the property. Mr. Sheridan asked about the loading bays and Mr. Diaz explained the size of the different bays. Mr. Sheridan stated he is concerned about traffic and asked that the Board take that into consideration.

Miguel Abareu, 2-27 17th Street, Fair Lawn, New Jersey, stated he lives right behind the property and there is a light that stays on the whole night and shines onto his property. He added that the applicant did a beautiful job renovating the area. Mr. Liebman indicated the lighting will be reviewed. Mr. Diaz stated that recently the wall packs that were existing were turned on and that might be part of the problem.

Ken Donohoe of 17th Street; asked what light industrial uses meant and was told manufacturing, office and warehouses. Chairman Barry Winston read the prohibited uses.

Pravin Katkamwer, 3-15 17th Street, Fair Lawn, New Jersey, stated that his backyard sees all the cars and he would like additional screening. Chairman Barry Winston explained that the applicant indicated they will put up a row of arborvitae to help this situation provided the easement holders agree.

As no other public wished to be heard, Chairman Barry Winston closed the time for public comment.

Harvey Rubinstein suggested a curb configuration that would force trucks to head toward Broadway. There was some discussion regarding the feasibility and the loss of parking spaces. The applicant suggested that a bollard be placed in such a way to make the right turn virtually impossible.

Peter Kortright III, moved that the application be approved granting the variances requested subject to the directional arrows be painted to direct the flow of traffic particularly at corners along with the striping, signage restricting trucks going north, no parking on easement area at any time, increased landscaping in the area adjacent to property owners similar to A. Zergega (three-foot on center six-foot high), subject to

cooperation of property owners and approval of appropriate authorities, all lighting to be shielded away from property owners with particular attention to 2-27 17th Street, applicant to look into filling the pothole north of their property, engineering study depicting the bollard to prevent right turns from the property going north subject to the engineer's and emergency service's review, adding sidewalks along the northeastern part of the property, compliance with the Boswell Engineering reports and adding a dumpster area enclosure 15x30 next to parking space 60 to be reviewed by recycling. Todd Malkin seconded the motion.

Chairman Barry Winston stated it is a difficult application; this building is in a designated industrial area. The applicant is seeking to take what is in essence a property that is virtually abandoned that leads itself to no good benefit to the surrounding community or the neighborhood and improve upon it. Open space is not relevant to this application since it is doubtful somebody would buy the property and make it into a park. This applicant has agreed in almost every respect to the Board's suggestions and will create a much better environment than previously existed. If there are trucks and other vehicles that are causing problems, residents should call the local authorities. It was agreed among the members that no wheel stops would be required. Todd Malkin stated that smaller tenants use smaller trucks. He believes it is good policy to encourage redevelopment. This applicant will be bringing in jobs and people who will be customers of businesses in Fair Lawn. Todd Malkin added that it will certainly be an aesthetic improvement and he is in favor of the application. AYES: Harvey Rubinstein, Alan Neggia, Larry Metzger, Peter Kortright III, Phil Cassidy, Deputy Mayor Marty Etler, Todd Malkin, Joseph D'Arco, Chairman Barry Winston

Upon motion by Todd Malkin and a second by Alan Neggia, the meeting was unanimously adjourned at 10:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Land Use Administrator/
Secretary of the Planning Board

CH:blcl