

REGULAR MEETING OF JANUARY 9, 2006

The regular meeting of the Fair Lawn Planning Board of Monday, January 9, 2006 was called to order at 7:30 p.m. by Chairman Winston in the Council of Chambers of the Municipal Building.

Notice of the Open Public Meeting Law was read stating that the newspapers were notified and notice posted on the first floor bulletin board of the Municipal Building.

ROLL CALL:

Present: Mayor Marty Etler, Deputy Mayor Owen McCarthy, Barry Winston, Todd Malkin, Joseph D'Arco, Peter Kortright, III, Harvey Rubinstein, Michael Cohen, Alan Neggia, Albert Palmieri, Late: Honey Morgenstern

Also present: Engineer John Rottenbucher, Board Attorney Douglas Bern and Board Secretary Cathryn Hochkeppel.

Memorializing Resolutions

Haddado; 34-12 Broadway, Block 2215, Lot 2; food handler

Board Attorney Bern explained the memorializing resolution. Upon motion by Al Palmieri and a second by Todd Malkin, the memorializing resolution was unanimously approved. AYES: Malkin, D'Arco, Kortright, Neggia, Palmieri, Cohen, Winston

Approval of Minutes

Upon motion by Todd Malkin and a second by Al Palmieri, the work session minutes of October 17, 2005 were unanimously approved. AYES: Malkin, D'Arco, Palmieri, Kortright, Neggia, Winston. Abstain: McCarthy, Cohen, Rubinstein. Upon motion by Al Palmieri and a second by Michael Cohen, the minutes of the special meeting of December 5, 2005, were unanimously approved. AYES: Malkin, D'Arco, Kortright, Neggia, Winston, Cohen. Abstain: Palmieri, McCarthy, Rubinstein. The minutes of the regular meeting of December 12, 2005 were considered. Harvey Rubinstein stated that his comment with regard top the time St. Leon's gym was to be utilized was that he thought it was agreed to be 10:00 p.m. Upon motion by Todd Malkin and a second by Al Palmieri the minutes as amended were unanimously approved. AYES: Malkin, D'Arco, Kortright, Neggia, Winston, Cohen, Rubinstein. Abstain: McCarthy.

Approval of escrow bills

Upon motion by Joseph D'Arco and a second by Alan Neggia, the escrow bills were unanimously approved. AYES: Malkin, D'Arco, Kortright, Neggia, Winston, Palmieri, McCarthy, Cohen, Rubinstein

General Public Comments

Chairman Winston opened the time for the public, no public wished to be heard. Honey Morgenstern arrived at 7:50 p.m.

Trackside Grille; 14-22 Plaza Road; Block 5726, Lots 2, 3, 5 and 5.01; food handler

Frederick Roughgarten, Esq., appeared on behalf of the applicant. He explained his client is purchasing the restaurant. There will be no changes from the previous owner. August Graziano, 63 Vista Drive, Hawthorne, NJ, was sworn in. He is the owner of Around DaCorner. He testified he is familiar with the existing operation of Trackside Grille. It will be the same type of business, just a few more dishes. He has applied for the transfer of the liquor license. Mr. Graziano explained that the kitchen set up will remain exactly the same. The hours of operation are Monday through Saturday, 11 a.m. to 1 a.m. and 11 a.m. to 3 p.m. on Sunday. No tractor trailers come to the site and deliveries are usually by van or box trucks. Currently, garbage is picked up twice a week but Mr. Graziano stated that if needed, he will increase pick up to three times a week. Joseph D'Arco asked if the name will remain the same and was told yes.

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

Joseph D'Arco moved that the application be approved, Al Palmieri seconded the motion that was unanimously approved. AYES: McCarthy, Winston, Malkin, D'Arco, Kortright, Rubinstein, Cohen, Neggia, Palmieri.

Dell Landscaping

Linda Herlihy, Esq., appeared on behalf of the applicant. Ms. Herlihy explained the site is located in the B-2 zone and is an application to construct a two story building on the property that will replace an existing storage shed. Ms. Herlihy explained that there are variances associated with the application. There are variances that relate to the rear yard setback and the buffer area required in rear. The two waivers requested are providing the topography within 200 feet of the property and submission of a landscaping plan.

Bruce Rigg, 1000 Maple Avenue, Glen Rock, New Jersey was sworn in and qualified as an expert engineer. He explained that the plan dated December 15, 2005 depicts the property on the north side of Wagaraw Road. The property is in the B-2 zone. Directly to the north, the property is used as a service business. The design is in compliance with DEP regulations. One of the changes is that the applicant has agreed to add macadam if DEP approves. The area to the right is storage bins, but that area would remain as gravel. The striping would be added on the pavement. The building is situated in the rear. It is commercial site. Mr. Rigg testified that the site is not affecting anyone within 200 feet. He is not proposing any landscaping.

Regarding the Boswell Engineering's letter of December 30, 2005 the applicant does meet the parking requirements as there are six spaces on site and two in the building. The applicant will provide copies of full DEP approval. There will be some modifications to the architectural plans because utilities have to be elevated. The applicant will provide percolation tests and seepage pit elevations. Mr. Rigg indicated that they had discussions with the neighbor to the east and are now going to plant a row of arborvitae in front of the fence. Mr. Rigg stated the landscaping can be increased at the edges of the site triangles. Board members had concerns about the residential property in rear. It was explained that the property in the rear is a nonconforming use.

Harvey Rubinstein asked about the drainage. Mr. Rigg explained the drainage system which was designed for a 100 year storm. There would be no run off from this property. Any flooding would come from the river onto this property.

Michael Cohen asked about the gravel and wondered if the pavement would still be acceptable to DEP. Joseph D'Arco asked if there would be flammable materials in the building. Mr. Rigg stated the applicant would have to meet all the local ordinances.

Susan DiGeronimo, 16 Beekman Place, asked about the water table. Mr. Rigg explained that it varies but the elevation of the seepage pit depends on the percolation.

No other public wished to comment.

Anthony Mondello, 975 Goffle Road, Hawthorne, New Jersey was sworn in. He testified he was the owner of a landscaping company. He plans on storing tools in the facility and would repair his own equipment there in the winter time. The building will clean the site up. Mr. Mondello explained the first floor is two bays for parked equipment. Harvey Rubinstein asked about having a retail use at the premises and Mr. Mondello said absolutely not. Mr. Mondello testified that there are no tractor trailers. One of the bins would be eliminated. Mr. Mondello testified that he doesn't keep the grass trucks at this location. He has not received any complaints about smells.

Susan DiGeronimo, 16 Beekman Place, asked about the stream encroachment permit and it was explained that the applicant has applied to DEP. The lower level will be open so water could flow through.

Mr. Frank Hall, 27 Chestnut Street, Ridgewood, NJ, was sworn in and qualified as an expert architect. Mr. Hall explained the plans to the Board. He explained the building the garage doors and the chain link fence to maintain some security.

Harvey Rubinstein asked if the building could be moved forward. Mr. Rigg stated that they would have to start all over with DEP and it was DEP's recommendation that the building be at the rear. Harvey Rubinstein asked about shielding of lights. Mr. Hall stated that they are gooseneck lights headed downward.

Susan DiGeronimo, 16 Beekman Place, asked about the two story bays and Mr. Mondello explained how they would function. John Rottenbacher commented that they would want to see the revised approval from DEP if the applicant is modifying the plan. Mr. Rigg stated that the only change is going to be the macadam. It will be the exact same plan if it is gravel or pavement.

Chairman Winston opened the matter for public comment.

Suzanne DiGeronimo, 16 Beekman Place, suggested that the building be moved forward on site since the residential parcel is in the rear, she commented that although it is currently a business, it could become a home in the future. She also commented that there are issues about the water table and seepage pit on this property. She didn't think the borough should allow building to continue on every piece of property.

No other public wished to be heard.

Peter Kortright asked if the applicant would be adverse to putting PVC fence in back that would comply with DEP regulations. Mr. Mondello explained that he was installing new sidewalk and had no objection to the fence. Mr. Kortright suggested landscaping on the eastern part of the property along the front of the property. Mr. Mondello stated he can put a few trees but it is a tight site and not a lot of room. There will be no lighting in the rear.

Mr. Rubinstein asked about alternatives to the placement of the building and Mr. Rigg testified that there is no alternate solution since DEP wanted the building the rear of the property. Mr. Rigg explained that he went through different modifications four times and worked a long time with DEP.

Peter Kortright moved that the application be approved granting the rear yard set back and impervious coverage variances subject to the parking area being paved and markings on the pavement if approved by DEP. If not approved, a variance

will be granted for the gravel parking. The Board will grant a waiver for the topography within 200 feet but a landscape plan will be provided to the engineer depicting landscaping on the eastern side, a PVC plastic fence (as long as flood waters can go through) consistent with beautification of the area, sidewalks, landscaping on rear and sides, no lighting in the rear no tractor trailers and drainage satisfactory to the Board Engineer. Todd Malkin seconded the motion which was unanimously approved. AYES: McCarthy, Winston, Malkin, D'Arco, Kortright, Rubinstein, Cohen, Neggia, Palmieri

Adjournment

Upon motion by Al Palmieri and a second by Deputy Mayor Owen McCarthy, the meeting was unanimously adjourned at 9:45 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Board