

REGULAR MEETING OF APRIL 10, 2006

The regular meeting of the Fair Lawn Planning Board of Monday, April 10, 2006, was called to order at 7:45 p.m. by Chairman Winston in the Council 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:

Chairman Barry Winston; Deputy Mayor McCarthy, Vice Chairman Peter Kortright, III, Joseph D'Arco, Phil Cassidy, Michael Cohen, Al Palmieri, Todd Malkin, Alan Neggia, Harvey Rubinstein, Honey Morgenstern

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

Approval of minutes

Upon motion by Al Palmieri and a second by Todd Malkin, the work session minutes of February 27, 2006 were unanimously approved. Upon motion by Alan Neggia and a second by Owen McCarthy, the regular meeting minutes of March 13, 2006, as amended, were unanimously approved.

General Public Comment

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

Rio Vista Estates; 41-41 Dunkerhook Road; Block 1702; Lots 4 and 10; major site plan

Mr. Levine appeared on behalf of the applicant. Chairman Winston asked whether the Boswell Engineering checklist had been addressed. Mr. Levine explained that the plans had been revised. Matthew Fox had a letter to Boswell Engineering addressing the fifteen issues but it had not yet been sent. Chairman Winston also stated that Cheryl Bergailo of Taylor Design issued a planning report March 30th. The issues raised in that report also need to be addressed. Mr. Levine explained that the applicant's planner, Mr. Miletto, would be at the next meeting. Peter Kortright stated that he did not see Mr. Miletto's license no. on his report and would expect that it should be included.

Peter Kortright stated that there needs to be some revisions to this underground retention status of the permits in terms of the flood plain, etc., and the report

should be updated. It was suggested that PMK verify that the proposed sewer line does not have any environmental effect.

Mr. Raphael Danon, 15 Beekman Place, was sworn in and qualified as an expert architect. The plans were marked as Exhibit A-2 which was a set of two pages showing the floor plans of the units. A color rendering was marked as Exhibit A-3. Mr. Danon explained that 17 units are to be constructed and all the units are the same size. He explained the architectural plans in detail. The layout is identical. He explained each level. In response to the Board's question, he stated that there will be a step in the garage. The attic space was discussed in detail. Mr. Danon explained that it was designed to let light into the townhouse and although a pull down staircase could be inserted the open staircase is a more desirable design. In response to Al Palmieri's question, Mr. Danon explained that the attic space will have sheetrock. The size of the window was also discussed. It was suggested that if the window size was reduced, there would be no permitted living space in the attic. Mr. Danon explained that the larger window extends the design. He also explained the exterior of the buildings. Initially they had stucco as the exterior and now it will be brick front. Peter Kortright suggested that the applicant might want to consider a type of stone consistent with the Naugle property.

Chairman Winston opened the matter to public.

Greg Miller, 5 Ramapo Terrace, asked if the attic/dormer would have a finished floor. The architect explained that there will be plywood over the whole floor.

Peter Kortright suggested that a condition of any approval might be to require a pull down door and the reduction of the size of the window in the attic. Mr. Levine stated that both conditions would not be needed to make the space not available for livable space.

Hal Simoff, 200 South Street, Providence, New Jersey, was sworn in and qualified as an expert witness. Mr. Simoff explained the traffic report in detail. He explained that initially the traffic counts were obtained originally in June and July of 2004. The new counts were obtained this year. He explained the peak hours when the counts were taken at 7:45 to 8:45 am and 4 – 6:30 pm. The numbers increased in the morning but actually decreased in the evening.

Peter Kortright commented that he did not see how it was possible that the traffic decreased over the two year period. Mr. Simoff explained that there is a margin of error of 2 to 4%. It is not an exact science. The calculations are made based upon the absolute worst case scenario. He explained the projected movements during peak hours.

There was discussion regarding prohibiting left hand turns and the possibility of a light. Mr. Simoff explained that the traffic would not warrant a light. Left hand

turns could be prohibited during certain hours although he did not think it was necessary. Mr. Simoff stated that the application will also be reviewed by the County. Mr. Kortright commented that the local Board is more aware of the traffic patterns in the area.

Mr. Simoff suggested that turning movements not be restricted and the Board revisit the traffic patterns once the townhouses are fully occupied. A comparison was made to Fair Lawn Commons off Route 208 and the necessity of a light at Chandler Drive despite the traffic testimony that was given at those hearings. Mr. Simoff testified that during peak hours, there would only be about ten cars making movements. Peter Kortright stated he would not want to wait until an accident happened to prohibit left hand turns during certain hours. Mr. Rubinstein asked about weekend counts. Mr. Simoff explained that Saturdays and off-peak hours are not major hours of analysis in residential areas. Mr. Rubinstein asked about the effect of other developments including the Home Depot in Paterson. Mr. Simoff stated that he worked on the Home Depot in Paramus and is aware of the numbers, but it should be noted that it is two or three miles away. Mr. Simoff stated that cars traveling there would probably use the highways rather than a street. Mr. Rubinstein asked about the buses and trucks and Mr. Simoff explained that trucks and buses that stop are calculated differently and are taken into account when the traffic study is prepared.

Chairman Winston recessed the meeting for 10 minutes at 9 p.m. The meeting reconvened at 9:10 p.m. and all members were present with the exception of Honey Morgenstern who left at 9 p.m.

Mr. Levine stated that he wanted to address two issues. One is that an air conditioning unit will be in the attic and it will not be suitable for living space. The applicant would be willing to prohibit any conversion. The other issue is the comparison to the site at Fair Lawn Commons. Mr. Levine stated that it should be noted that this development is proposed for 17 units wherein there are approximately 300 units in the other development which has a much greater and different impact. The applicant would be willing to restrict the left hand turning movement during certain hours.

Greg Miller, 5 Ramapo Terrace, pointed out that the traffic counts were not taken when Bergen Community College and surrounding schools let out. Mr. Simoff explained that it was his experience, regardless of the proximity to the College that the highest number of cars will be during the peak hours. He explained that based upon the peak hours, the highest projected rates of traffic are factored in.

Pamela Coles, 13-34 George Street in Fair Lawn commented that 15,000 students go to the Community College and the time slot for the traffic counts was during this year's spring break. She stated that this school has students from Essex County and various other counties that it is her experience that at 2:00 p.m. Paramus Road is packed for a mile. Mr. Simoff explained that during the

hour that the school lets out, there would not be volume entering and exiting this site. This proposed development will peak at rush hour. The observation that this is a busy time for the area may be correct, but Mr. Simoff stated that the proposed development would not have a significant impact during that particular time.

Stan Haden, 12 Beekman Place, commented that he doesn't see how anyone is going to get in and out of the site safely since there is a 40 mile speed limit on the road. He urged the Board to restrict a left hand turning movement. He also questioned how children are going to get across the intersection at Saddle River Road and Fair Lawn Avenue safely since it is legal to make a right turn on a red light. Mr. Simoff stated that there are gaps in traffic to permit the turn. Mr. Haden replied that drivers have different reactions times.

Bob Gremillow, One Crystal Place, stated that the Home Depot and the 200 cars were not factored into the report and he wondered why. Mr. Simoff stated that in Paramus there were 200 vehicles during the peak hour at the site. They do not all come from one direction. Mr. Simoff explained that the report does factor in an increase in traffic.

Barbara Gremilow, One Crystal Place, asked whether there had been many accidents at Saddle River Road and Fair Lawn Avenue as well as on Century Road and thought this information should be obtained.

May Hayden, 12 Beekman Place, stated that she believed there would be more cars than ten since seventeen units are proposed. Mr. Simoff explained that the projection of ten was for peak hour movements, not the actual number of cars housed at the site. He agreed that there would be more than ten cars.

Howard Marks asked if anyone had considered the number of bicycles in that area. He stated that his review of the plan showed no sidewalks. He stated that it is not prudent to ride in the street.

Felice Koplik asked about the front set back to the road and it was explained to her. She commented that she would prefer to see a full sidewalk.

Joseph Capone, owner, asked Mr. Simoff how many reports he had prepared over the last ten years. Mr. Simoff replied he would estimate he prepared over 1000 reports. Mr. Simoff stated that this is an extremely low density development. Todd Malkin asked Mr. Simoff if he ever revisited the sites. Mr. Simoff explained that in a very large development there is a second phase. He testified that consistently the numbers he projected have been high. He estimated that more than 90% of the times, the numbers projected are actually higher than the amount of traffic generated. It was agreed among the parties that the matter will be continued to the Planning Board's June 12th meeting without further notice.

The Plaza Building; 14-25 Plaza Road; Block 3722, Lot 1; site plan

Thomas Williams, Esq., appeared on behalf the applicant. He introduced Dr. Coccoziello, 1 Broadway, Elmwood Park, New Jersey owner of the property who was sworn in. Chairman Winston commented that he doesn't understand why signage is such a problem at the site. Tenants are placing signs in the right of way that take away from the aesthetics of the building. Dr. Coccoziello stated that any sign in violation of the ordinance will be taken down immediately.

Michael Lagrotteria, 440 Warwick Turnpike, New Jersey, was sworn in and stated that he is the property manager for the Plaza Building. He explained that he was responsible for the day to day maintenance of the building. Chairman Winston suggested that he become more aware of the local ordinances. Mr. Lagrotteria explained that the building is the exact same footprint as before the fire. He also stated that there were no changes to the parking lot. Chairman Winston disagreed and stated that the parking lot was not the same before the fire. Todd Malkin stated that the parking lot was reconfigured and it is a different configuration than prior to the fire. He asked about curbing being installed. Mr. Lagrotteria stated that new curbs were installed in the parking lot as there was a problem with the traffic. Chairman Winston pointed out that the statement that the parking lot was the same as before the fire was incorrect. Chairman Winston also asked about the electric boxes which were installed without a permit as it was the Board's impression that they were for gates which had been prohibited. Alex Coccoziello explained that when the lot was dug up, the electric boxes were installed and they were for other purposes including the possibility of a cell tower. The boxes are still there.

Mr. Rubinstein pointed out that there is no lock on the electric box that has a sign of high voltage. He added that from space 19 to the back, there is garbage and rusted barrels that appear to be filled with grease. Dr. Coccoziello indicated that it would be cleaned up immediately.

Mr. Joel Ives, 1600 Route 208 South was sworn in and qualified as an expert architect. Mr. Ives explained that the entrance at High Street is two way. There is a median but it is not raised. Peter Kortright suggested that the median be painted. He also stated that all speed bumps should be painted yellow. He added that at the corner of Fair Lawn and Plaza Road there is drop curb. It is his suggestion that there should be a crosswalk for pedestrians with crosshatch striping. The same thing needs to be done at High Street. A "Do not Enter" and "No Left Turn" signs need to be installed at the intersection High Street and Plaza. Mr. Kortright also suggested that the tongue be painted to be more specific regarding traffic direction.

Dr. Cohen asked about the reasoning for adding the lip at the opening on Fair Lawn Avenue. Dr. Coccoziello stated that the traffic issue with conflicts was

always there. This was an opportunity to improve the safety and correct the conflict.

Matt Fox was sworn in and qualified as an expert engineer. The engineers report does address the parking deficiencies of the site and some of the locations of the parking spaces. He added that Mr. Ives has prepared an email which addresses all of the parking concerns.

Mr. Fox stated that the existing height of the building is the same as it was. The site plan is an as-built plan for the purposes of the height of the building. The conditions have existed since 1949. Mr. Fox stated that 160 parking spaces are required wherein 93 are provided. There is testimony that the current parking configuration has served the building well. Creating handicapped spaces also reduced the number of spaces available. Some of the parking aisle widths were reduced when the widening of Plaza Road North took place. Mr. Kortright stated that the trees in front of the building are deficient. Mr. Fox stated that there is a limited area for proposed landscaping. Mr. Kortright stated that the plants are thin and don't enhance the area. Mr. Fox stated that the building has been there for many, many, years. It was pointed out that trees can grow in urban setting with surrounding concrete and these should be placed at the site. Chairman Winston stated that the town might be able to supply some of the trees. Dr. Coccoziello explained the parking arrangement. He stated one of the biggest problems they experience is commuters who park there at 6 am and stays there till 6 pm. Dr. Coccoziello explained that the Court ordered access to the Bagel Shop as there was a set of steps that existed for the last 50 years. Board members expressed concern about the safety and Dr. Coccoziello explained that he had the same concerns but the gate has to be kept open according to a court order.

Joel Ives explained the parking requirements. Mr. Ives stated that before the fire, there were medical uses in the building. Mr. Ives explained that having been a tenant of the building, his experience was that the parking always worked. Only occasionally was there a parking problem.

Louis DiGeronimo, 18 Beekman Place, a member of the historical society, pointed out that under the Uniform Construction Code, the authority to approve the permits for restoration of a project is given the building code official. Chairman Winston explained that there is a difference between restoring the building to its original state which this landlord has done and intensifying the use from the previous tenants. There were years of reconstruction but there came a point when the number of parking spaces required exceeded the prior number. This Board can only act when an application is before it and there is no jurisdiction over the construction official although it can convey some thoughts through the Board Secretary. Chairman Winston explained that there was a general policy to try and work and get the building up and running as quickly as possible before tenants started leaving. Mr. DiGeronimo added that he thought

the owner did a superior job restoring the building. Dr. Coccoziello stated there are only three more tenants and the building will be full.

Mr. Coccoziello also explained that there are new tenants that involve dental implants where they store materials. There are two employees and one executive.

Dr. Weisman of 14-25 Plaza Road, was sworn in and explained that he is involved with dental implants and has a small office on Route 4. He plans on using this space for storage inventory, shipping purposes and training purposes. He explained that he would be training approximately fifteen dentists during weekends and not normal business hours. He stated he would be pleased if he is able to run the courses twelve times per year. Harvey Rubinstein asked whether sessions would be conducted on weekdays and Dr. Weisman explained that they would be scheduled on weekends as the doctors have office hours during the week.

Mr. Coccoziello explained that there were three additional tenants and asked if the dental office could obtain a certificate of occupancy because they are losing their present space.

One of the new tenants will be going into the space approved for Cuz'n Vinnies. Ms. Hochkeppel asked if they were adding seats over and above what was approved and Dr. Coccoziello stated that there would be no additional seats. Todd Malkin expressed concern about intensifying the use. Ms. Hochkeppel explained that if the Board grants a parking variance, it will be for a specific number of spaces. In the event any use goes into the building that requires more parking, the applicant would have to come back to this Board for an additional parking variance.

It was agreed to carry the matter to the May 15th meeting without further notice. It was the consensus of the Board to recommend to the Construction Official that a temporary C.O. be issued to the dentist with the C.O. expiring in 45 days.

Upon motion by Peter Kortright and a second by Harvey Rubinstein, the meeting was unanimously adjourned at 11:30 P.M.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of the Board

