

## **REGULAR MEETING OF MAY 15, 2006**

The regular meeting of the Fair Lawn Planning Board of Monday, May 15, 2006, was called to order at 7:45 p.m. by Chairman Barry 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, Honey Morgenstern Peter Kortright, III, Joseph D'Arco, Phil Cassidy, Michael Cohen, Al Palmieri, Alan Neggia, Harvey Rubinstein, Honey Morgenstern, Deputy Mayor McCarthy Absent: Todd Malkin

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

### **Approval of Escrow Bills**

Upon motion by Joseph D'Arco and a second by Alan Neggia, the escrow bills were unanimously approved.

### **Approval of Minutes**

Upon motion by Peter Kortright and a second by Joseph D'Arco, the work session minutes of March 13, 2006, were unanimously approved. Upon motion by Al Palmieri and a second by Michael Cohen, the minutes of the regular meeting of April 10, 2006, as amended, were approved. Upon motion by Al Palmieri and a second by Deputy Mayor McCarthy, the minutes of the work session of April 10, 2006 were unanimously approved.

### **General Public Comment**

Jane Depieveen, 14 Ryder Road, and Borough Historian, wanted the Board to be aware that at the Clariant site, there was some discussion that it may have been an Indian Village. There has been an effort to place the fish weir on the national registry of historic sites although this has not yet been achieved due to the lack of proof of a neighboring Indian village. If federal permits are involved, the applicant will be required to prepare an E.I.S. and archeological survey. Ms. Depieveen noted that if no federal permits are involved, it will be up to the local authority to impose this condition and she wanted the Board to be aware of that situation.

No other public wished to be heard and Chairman Winston closed the time for public comment.

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

Thomas Williams, Esq., appeared on behalf of the applicant, and noted that this application was a continuation from a previous meeting. Certain items were requested at that meeting and a revised site plan has been submitted for approval by this Board. Certain items were requested for inclusion including circulation issues, curbing, and no left turn signs. These items are now included along with a landscape plan. He stated that the Board asked that a temporary Certificate of Occupancy be issued to one perspective tenant that expires tomorrow. He also mentioned that there was a prospective tenant in attendance who planned on having a dance academy and stated that it will not add additional parking. Chairman Winston pointed out that a dance studio was not listed on the parking calculations. There are different standards for a pizzeria than a place of assembly. Cuz'n Vinnies was partitioned. The retail store is also not shown on the tenant list. Chairman Winston advised that if there is a change, it needs to be noted on the plans. Attorney Bern stated that the parking variance is for a set number and if tenants have changed, that needs to be shown. Attorney Williams replied that since they would like to proceed with the revised site plan, they will put aside the other tenant for another time. Matt Fox noted that the Board wanted the entrance on High Street painted with an arrow in and out and car stops on the plan. The Board wanted incorporation of a lighting plan and a landscaping plan. A pedestrian crosswalk is shown at High Street entrance. No left turn sign is shown on High Street and Plaza Road. Mr. Rubinstein asked what was planned for the electrical boxes at the entrance at High Street as he did not want it used for a gate. Mr. Cocciello indicated that there were no plans for any of those boxes at this time. Peter Kortright indicated that the Fair Lawn Avenue main entrance and the High Street and Plaza Road crosswalk should be cross-hatched so people know it is a crosswalk. Harvey Rubinstein commented that there is a high voltage transformer box without any kind of lock on it. The gate is unlocked. It was agreed that if the gate is required to be locked according to Code, it would be locked and the Borough would be supplied with a key. Mr. Rubinstein stated there are still rusty barrels and beer bottles in the rear although a gate is around it. Mr. Cocciello indicated that the barrels are needed for the restaurants. Mr. Rubinstein stated that a condition of approval will be that the barrels are covered and kept clean since it looks very unkempt. The area also needs to be free of debris. Joseph D'Arco asked if the signs for reserved parking had been removed and he was told that all signs have been removed.

Chairman Winston opened the matter to the public.

Craig Miller, 5 Ramapo Terrace, stated that he noticed that there is a closed circuit television camera on the building and asked if that had to be reflected on

the plan. Douglas Bern opined that it was probably for security purposes and it was not required to shown on the site plan.

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

Peter Kortright moved that the application be approved granting the parking variance for 59 spaces, subject to the two crosswalks being cross-hatched (striped), that the gate on the voltage box area be to code, that no parking gates be installed, that the restaurant barrels be covered and that area be kept clean and free from debris, and that a revised site plan be submitted with an updated list of tenants. Dr. Cohen seconded the motion which was unanimously approved. AYES: D'Arco, Neggia, McCarthy, Kortright, Cassidy, Rubinstein, Palmieri, Cohen, Winston.

**Reduce Corporation; 22-44, 22-50 Maple Avenue; Block 5903, Lots 7-11, 38 & 39; site plan**

Douglas Bern recused himself. Bruce Rosenberg, Esq., represented the Board on this matter.

Stuart Liebman appeared on behalf of the applicant, Reduce Corporation. He explained that the applicant is the contract purchaser of two separate properties in the B-1 zone and is proposing to consolidate the two lots and build a one-story building. It is located on the same side as the bowling alley, Johnny & Hanges and the carwash. There is a buffer restriction on the rear part and that is in the process of being removed through an application to the governing body. Any action taken by this Board would be subject to the completion of the process and removal of the restriction of the back property. Mr. Liebman explained that the building proposed is 7,595 square feet. It will be consolidating two lots and will be eliminating three existing nonconformities. The applicant is seeking a side yard variance for the side closest to the carwash. The applicant is proposing six feet where ten feet is required. He explained that the applicant is no longer seeking a parking variance since the County has required only one curb cut. When that modification was made, an additional space can be created. Mr. Liebman stated that the site is impacted by the wetlands and the building is pushed toward the carwash. In response to Chairman Winston's questions, Mr. Liebman explained that the only outstanding engineering item was the drainage calculations.

Mark Palus, 170 Kinnelon Road, Kinnelon, NJ 07405, was sworn in and qualified as an expert engineer. He testified he is familiar with the local ordinances and the B-1 zone. He stated he prepared the plans which dated January 24, 2006, and they were marked as Exhibit A-1. Mr. Palus explained that the property is located on the west side of Maple Avenue and consists of two different uses. He explained that both of those buildings will be completely removed. A portion of

the road will be dedicated to the County at their request. The proposed building is in conformance with the zoning ordinances with the exception of the side yard setback. He explained the topography of the property. The property has an area of wetlands in the rear of the property. Because of the wetlands, the parking cannot be behind the building. He testified that they will be reducing the wetland buffer on the north side and increase it on the south side. He testified that this is subject to DEP approval but he is confident approval will be obtained. Parking behind the building is not possible. He explained the plans in detail. A colored version of the site depicting the adjacent building was marked as Exhibit A-2. He noted that the existing carwash is 45 feet from the property line so that although the building on their site is only 6 feet from the line, the visual impact of the two buildings will not be on top of each other. He testified that they will resolve the technical issues with regard to the storm water management to the satisfaction of Boswell Engineering. Mr. Palus testified that the side yard variance can be granted as it is in reasonable compliance and it would not be detrimental to health, safety or welfare. This plan is also eliminating three nonconformities so it is an improvement. Alan Neggia asked about the planting strip by the dentist office and was concerned about cars overhanging. Harvey Rubinstein asked about the steep slope and the engineer explained they were not developing on the slope. In response to Mr. Rubinstein's question, the Engineer explained that the drainage pipe is not part of the property and is not being touched by the development. The Engineer testified that a front loader will be able to access the dumpster. Harvey Rubinstein asked about the dedication to the county and the exact dimensions. Harvey Rubinstein commented that he is concerned about the first parking space if an individual is backing out into the drive area. The Engineer stated that the space meets the County standards and the appropriate site lines are in place. Although it is not ideal, it is safe by the standards. Mr. Liebman explained that the building will consist of retail use.

Chairman Winston recessed meeting for five minutes at 9:10.

The meeting reconvened with all members present as previously indicated.

Ray Vargana, 115 River Road, Edgewater, was sworn in and qualified as an expert architect. He briefly explained the plans dated February 10, 2006, for a one story retail building (A-3). He explained the one story building with two tower elements. The building materials include brick façade and aluminum and glass in front. There is a 9 foot sidewalk at the front the building for a pedestrian walk. The building is shaped to be wider rather than deep which is more desirable for retail. He testified that the granting of the variance is not a detriment to the adjacent property. He explained the towers and the columns and he testified that the building is appropriate for the property and the area. Alan Neggia asked about the towers and the architect explained they are open underneath.

Dr. Cohen asked about the area behind the front sidewalk. The Engineer explained that they established a new curb line at the County's request. Maple Avenue will be a little bit wider. Harvey Rubinstein asked about the air conditioners and the architect explained that they will be in the middle of the roof in the rear. Joseph D'Arco asked about the curb cut for the handicapped spaces and the engineer explained they there was access between the spaces.

Larry Koplik, 6 Reading Terrace, was sworn in and suggested that the concrete retaining wall be made more attractive. The engineer explained that there is a significant area of vegetation and that there is a natural screening. In addition, there is a thirty foot drop so it would not be visible.

Dr. Charles Knapp, 23-02 Maple Avenue, Fair Lawn, New Jersey, stated that he has no problem with the retail space. He asked if there could be a medical use in the building and was told no because the parking requirements are more intense. He noted that many of the properties in the area are affected by wetlands and building is not permitted on that area. He also stated that he has no problem with the bushes proposed by the applicant being placed on his property. He wished the applicant good luck.

Peter Kortright moved that the application be approved for retail use consolidating the two lots, approving the variance for a 6 feet sideline setback where 10 feet is required, subject to the second access being eliminated and two parking spaces being added, that the requirements for the handicapped parking and appropriate curb cut be implemented, underground storage tank to be removed, additional landscaping to be provided in agreement with Dr. Knapp, drainage calculations to be addressed to the satisfaction of the Board engineer, all appropriate approvals from outside agencies are obtained, no tractor trailers on the site, and the municipality removing the building restriction in the rear. Al Palmieri seconded the motion which was unanimously approved. AYES: D'Arco, Neggia, McCarthy, Kortright, Cassidy, Rubinstein, Palmieri, Cohen, Winston

## **Adjournment**

Upon motion by Deputy Mayor McCarthy and a second by Alan Neggia, the meeting was unanimously adjourned at 10:00 pm.

Respectfully submitted,

Cathryn Hochkeppel

