

REGULAR MEETING OF JUNE 12, 2006

The regular meeting of the Fair Lawn Planning Board of Monday, June 12, 2006, was called to order at 7:30 p.m. by Vice Chairman Kortright 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:

Peter Kortright, III, Phillip Cassidy, Al Palmieri, Todd Malkin, Alan Neggia, Harvey Rubinstein, Deputy Mayor McCarthy Late: Chairman Barry Winston, Michael Cohen Absent: Joseph D'Arco, Honey Morgenstern

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

Vice Chairman Kortright informed the public that Dunkerhook Estates (Naugle House) site plan application will be carried to the July 10, 2006 meeting without further notice.

Escrow bills

Upon motion by Al Palmieri and a second by Todd Malkin, the escrow bills were unanimously adopted. AYES: Malkin, Neggia, Kortright, Palmieri, Rubinstein, McCarthy, Cassidy

Approval of minutes

Upon motion by Todd Malkin and a second by Deputy Mayor McCarthy, the minutes of the special meeting of May 1, 2005, as amended, were unanimously approved. AYES: Malkin, Cassidy, Neggia, Kortright, Palmieri, Rubinstein, McCarthy. Upon motion by Harvey Rubinstein and a second by Al Palmieri, the minutes of the regular meeting of May 15, 2006, were unanimously approved. AYES: Neggia, Kortright, Palmieri, Rubinstein, McCarthy, and Cassidy ABSTAIN: Malkin

Memorializing resolutions

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

Ms. Hochkeppel explained the memorializing resolution prepared by Bruce Rosenberg, Esq. Upon motion by Al Palmieri and a second by Phil Cassidy, the

resolution was unanimously adopted. AYES: Kortright, Neggia, Palmieri, McCarthy, Rubinstein, Cassidy

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

Attorney Doug Bern explained the memorializing resolution. Upon motion by Al Palmieri and a second by Alan Neggia, the resolution was unanimously adopted. AYES: Kortright, Neggia, Palmieri, McCarthy, Cassidy, Rubinstein

General public comment

Greg Miller, 5 Ramapo Terrace, stated that he has heard rumors that the Zoning Board has changed their public comment from the beginning of the meeting to the end. Vice Chairman Kortright replied that the Planning Board is not considering changing their format at this time.

David Ryder, 14-25 Plaza Road, asked for clarification of what was approved for the Plaza Building. Vice Chairman Kortright explained that site plan approval and a parking variance were granted. As a tenant and active participant, Mr. Ryder stated that the building is extraordinary and when he brings clients into the building, they are amazed by it. It is an asset to Fair Lawn. Vice Chairman Kortright agreed. He asked about the status of his application for a certificate of occupancy. Ms. Hochkeppel explained that the tenant list was received that day. Once the Board Engineer has reviewed it and provided no additional parking is required, the application will be approved. Alex Coziello, owner, explained that the new tenants list actually shows that six less parking spaces are required. All the site work has been done. Ms. Hochkeppel replied that as soon as that information is verified by the Board Engineer, the certificate of occupancy would be issued quickly.

Anthony Alvez; 27-03 Broadway; Block 3312, Lot 24; food handler

Anthony Alvez and Daniel Alvez of Hackensack were sworn in. Mr. Alvez explained that they are taking over Little Nicky's Pizzeria. There are no changes. Hours of operation will be Monday through Thursday 11 a.m. to 10 p.m., Friday and Saturday, 11 a.m. to 11 p.m. and Sunday 11 a.m. to 10 p.m. Mr. Alvez stated garbage pick-up is once a week but they will increase it to twice a week if needed.

Vice Chairman Kortright opened the matter to the public.

Mr. Don Smartt, Administrator for Broadway Improvement Corporation, was sworn in and presented pictures to the Board (marked as Exhibit O-1) of the area and an individual store next to the property in question owned by the same landlord. He stated the property is in poor condition and unsightly. Mr. Smartt added that his comments are not meant to affect the Board's consideration of the

food handler's application and welcomed the new business owner. He added that he has concerns for the maintenance of the property and the property owner has not been cooperative.

Dr. Michael Cohen arrived at 7:55 p.m.

Mr. Smartt advised the tenant that there is a grant program for signage. Mr. Alvez stated he will do everything he can to keep the property clean and litter free as it is better for his business. Mr. Smartt also offered technical advice to the tenant and Mr. Alvez stated he would be happy to work with the Broadway Improvement Corporation.

No other public wished to be heard.

Al Neggia added that the store at 27-01 Broadway has been an eyesore for some time and suggested property maintenance enforcement. Mr. Smartt replied that the building was inspected in the last six months and any violations have been rectified. The problem now is with aesthetics. Deputy Mayor McCarthy stated he will raise this matter with the Council.

Upon motion by Todd Malkin and a second by Harvey Rubinstein, the application as presented was unanimously approved. AYES: Kortright, Cassidy, Palmieri, Malkin, Neggia, Rubinstein, McCarthy

Plymouth Park Shopping; 11-04 Saddle River Road; Block 1506, Lots 7 & 10; sign variance

Gerald Platt, owner, 2100 Morlot Avenue, was sworn in. He presented a colored rendering of the proposed sign that was marked as A-1. He explained he had started to beautify the property. There are cherry trees on the front side of the parking lot that will grow and could block signage. He is proposing a free standing pylon sign on the northeast corner of the property so that it can be seen from a distance. He explained that it is difficult to see the property from Berdan Avenue because of the grade.

Steven Jubel of Wyckoff, tenant, was also sworn in. He stated that from a safety standpoint, an identifying sign would be helpful. Mr. Platt explained some of the details of the sign and the location of neighboring signs.

Vice Chairman Peter Kortright, stated that this is a large sign. The applicant is requesting several variances and the applicant needs to demonstrate a hardship for the Board to grant this variance. Al Neggia commented that topography plays an issue with the placement of the sign. Mr. Plat stated that no parking spaces will be lost.

John Rottenbacher stated that he has requested some structural calculations on the integrity of the footings to demonstrate the sign will withstand the wind loads. Harvey Rubinsten commented that the dimensions are not clear.

Vice Chairman Kortright stated that the Board does not have enough information or testimony to proceed. It was agreed that the matter would be carried to the July 10th meeting without further notice.

Vice Chairman Kortright recessed the meeting for ten minutes at 8:35 p.m.

Chairman Barry Winston arrived at 8:45 p.m. and assumed the Chair.

Bernard Oster, Block 5801, Lot 17, Maple Avenue; site plan application

Richard Stewart appeared on behalf of Bernard Oster, Inc. He stated that all the required notices and proof of publication were provided. He explained that the application involved changes to the existing shopping center, building additions and renovations.

Michael Hubschman, 263 S. Washington Avenue; Bergenfield, was sworn in and qualified as an expert planner and engineer. Mr. Hubschman gave a brief overview of the site plan. He explained the proposal is to remove some of the satellite stores because they are difficult to rent as they cannot be seen from the street. The applicant is proposing to construct a 19,000 square foot building parallel to the road and a 3,600 square foot bank. The existing site has a guardrail along the brook. The applicant is not going any closer to the brook. They are redesigning the parking area on the north/northwest side to add more parking. The site will have 497 spaces where 468 are required. The applicant is proposing new islands. Peter Kortright commented that the landscaping appears weak, particularly on the front of Maple Avenue. There is none proposed on Maple Avenue except shade trees. One of the new stores will have a concrete walk with decorative pavers. The two existing variances are on the north by the tennis courts. The grading is staying the same on the site. The ingress and egress is remaining the same. Drainage problems will be addressed. There is existing signage and proposed building signs. The applicant could add landscaping on the Maple Avenue side. Mr. Kortright stated there are some guardrails adjacent to the waterway that need to be repaired. He also suggested a stop bar along the medium into the main property and to make the island a little bigger. Mr. Kortright also suggested more directional arrows to help with the traffic glow. Mr. Kortright also asked about the truck loading area and the truck circulation.

Todd Malkin commented on pedestrian safety. He suggested cross hatching for pedestrians going to the stores. Mr. Hubschman explained that he is proposing a large walkway in front of the new stores. Hatching on the pavement in front of the Pathmark can be provided.

Dr. Cohen asked about the traffic circulation. Mr. Hubschman explained it in detail. Mr. Rubinstein asked about truck traffic to the new buildings. Mr. Hubschman testified that there is satisfactory turning radius.

Mr. Rubinstein asked about the ten foot wide road widening easement. Mr. Hubschman explained that the County has not asked for any more property.

Chairman Winston asked about a traffic report. He said he has a lot of concerns about the additional traffic onto the roadways and would like the Center to be very successful. Mr. Stewart stated that this project may bring some additional traffic, but they are not seeking any additional variances.

Phil Cassidy asked about the area in the rear of the existing stores. Mr. Hubschman explained that the area is not changing. The trucks pull in the back the same way. Alan Neggia asked about fire hydrants. Mr. Hubschman stated they were proposing to run a new water main around the west side of the building and if another hydrant is required it can be installed. Peter Kortright asked about the drainage system. The applicant can upgrade it.

Mr. Hubschman added that this is a very small project. The applicant is reducing the impervious coverage by 12,000 square feet. Mr. Hubschman stated that they are not changing anything along the waterway. Harvey Rubinstein asked if the shade trees and shrubs would interfere with the line of site. Mr. Hubschman stated that the trees don't obstruct the view and are fairly standard.

Chairman Winston opened the matter to the public to ask questions of the engineer.

Stewart Shaw, 19-23 Chandler Drive, asked if the traffic situation should be reviewed since traffic in the area is a concern.

Donald Smart, Fair Lawn Economic Development Corporation, asked the number of square feet being knocked down and was told 9,971 square feet. He explained that the EDC did receive a site plan several months ago and would like to renew their invitation with the property owner to discuss this property. He explained that in his 15 years of working with River Road they have discussed importance of this property and problems with regard to its current configuration. Mr. Smartt added that with regard to traffic and traffic flow, the county will be improving lower Maple Avenue.

Greg Miller, 5 Ramapo Terrace, commented about the lighting for the parking lot area. He stated that the back of the property at night is extremely dark and there is no lighting there whatsoever. He is concerned about safety. Mr. Hubschman testified that they were not planning lighting on the rear. He also asked about the construction process. Mr. Hubschman explained that they will remove the

existing building, fence off the area, and build the new buildings. It would be possible to add shoebox lighting at the back.

Deputy Mayor McCarthy asked about the area for solid waste. Mr. Hubschman explained that areas will be fenced in at the rear of the new stores.

James Virgona, 115 River Road, Edgewater, was sworn in and qualified as an expert architect. He explained that the proposed project is located in a B-1 zone. He added that the idea was to make this a more successful area by having stores face the street. Mr. Virgona explained the architectural plans in detail. The site plan was marked as Exhibit A-1. He referred to an architectural rendering of the new building and gave details of the plan that was marked as A-2. The applicant has included opportunities for signage on the building face. The plan was marked as Exhibit A-3. He explained the materials used in design. Chairman Winston asked about the height of the proposed building. Mr. Virgona stated that they are similar to the height of the Pathmark building. The existing building will form one side of the Courtyard. It will have an open courtyard affect in the middle. Elements of the parking can be readily accessible for the different uses. Peter Kortright commented the styles don't seem to be consistent. Mr. Virgona explained that existing Pathmark building is a traditional box store. The intention is to pick up on the Pathmark brick. There is more freedom with the remaining stores and they will be an aesthetic improvement.

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

Vince Spina, Oster Properties, 429 Sylvan Avenue, Englewood, was sworn in. He explained he is the Director of Real Estate and has been with the company since 1999. He stated that about a year ago, the owners of the property felt this property was in need of improvement. They met with various parties including Chamber of Commerce members and the Mason. He stated that he will advise the principals of Oster, Inc., of the concerns of the Board regarding traffic.

There was some discussion regarding the compatibility of the new buildings with the existing Pathmark. Mr. Virgona stated that they will be compatible. The applicant wouldn't have to design the new buildings with such detail but the idea is to be progressive.

Greg Miller, 5 Ramapo Terrace, asked about the signage. Mr. Spina replied that the only signage he currently is aware of is the signage on the building.

Mr. Stewart stated that since the Board is concerned about traffic, they would request a continuance to the next Board meeting so that they might provide a traffic analysis. It was agreed that the matter would be carried to the July 10th meeting without further notice.

Adjournment

Upon motion by Todd Malkin and a second by Michael Cohen, the meeting was unanimously adjourned at 10:20 p.m.

Respectfully submitted,

Cathryn Hochkeppel