

REGULAR MEETING OF JULY 10, 2006

The regular meeting of the Fair Lawn Planning Board of Monday, July 10, 2006, was called to order at 7:40 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, Peter Kortright, III, Joseph D'Arco, Phil Cassidy, Al Palmieri, Harvey Rubinstein, Honey Morgenstern, Deputy Mayor McCarthy
Absent: Michael Cohen, Todd Malkin, Alan Neggia

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

Approval of Escrow bills

Upon motion by Peter Kortright and a second by Joseph D'Arco, the escrow bills were unanimously approved. AYES: Kortright, D'Arco, Cassidy, Palmieri, Rubinstein, Morgenstern. McCarthy, Winston

Memorializing resolutions

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

Attorney Doug Bern explained the conditions of the resolution. Upon motion by Al Palmieri and a second by Peter Kortright the memorializing resolution was unanimously approved. AYES: Kortright, Cassidy, Palmieri, Rubinstein, McCarthy

Margand Enterprises; 24-12 & 24-28 Fair Lawn Avenue, Block 3605, Lots 1 and 2; site plan

Board Attorney Doug Bern explained the memorializing resolution. Ms. Hochkeppel was asked to remind the applicant regarding its submission of a landscaping plan and site plan. Upon motion by Phil Cassidy and a second by Harvey Rubinstein, the resolution was unanimously adopted. AYES: D'Arco, McCarthy, Kortright, Cassidy, Palmieri, Winston

General Public Comment

Chairman Winston opened the time for public comments and no public wished to be heard.

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

Gerald Platt, 2100 Morlot Avenue, managing agent for Plymouth Park Shopping Mall, was reminded that he has previously been sworn in. He indicated that the proposed sign would be bronze. He stated that another pylon sign is located two blocks away. The height of the building is 18' 6" which is higher than the proposed sign. Mr. Platt indicated that he could remove the top header of the sign which would reduce it by one foot.

Massimo Piazza, 2-14 Fair Lawn Avenue, Fair Lawn, NJ, was sworn in and qualified as an expert engineer and planner. He explained the variances being sought for the free standing sign. The variance is for height, set back and sign area. He explained the set back was needed so that it doesn't restrict the visibility of the neighboring sign. Because the building is set back far, a larger sign is needed. Mr. Piazza testified that there is no problem complying with all the items listed in the Boswell Engineering letter.

Peter Kortright commented that he doesn't see the need for such a large sign. Mr. Piazza explained that there is a slight hill on the north and a rise so it is difficult to see the building. The size of the sign is 8 square feet and is needed so that the tenants can be identified. Mr. Piazza testified that it is not detrimental to the neighboring properties as it is basically a commercial area. The sign would be lower than the building itself.

Peter Kortright stated he does not believe the proposed sign fits into the character of the neighborhood. The backside of the area is residential. He asked if the applicant looked at alternative locations or a different type of pole. Mr. Platt stated that the two buildings to the north block the building. The medical building is only ten feet from the sidewalk. Mr. Platt explained that the sign cannot be placed on Van Duren as it will interfere with the cars backing out from Bennies. Peter Kortright stated the applicant should try and find a creative way to fit into the neighborhood. He suggested that perhaps they should combine the signs with the neighbor.

Steve Jubelt, 419 Baser Street, Wyckoff was sworn in. He stated that he owns Ness Pizza which he recently renovated. He stated that this store has been there 45 years and people say they didn't know they were located there. He stated that motorists are well past the center before they know it is there. Mr. Platt explained that due to the electrical, the sign needs to be 8 feet above ground to avoid vandalism.

Chairman Winston opened the matter to the public.

Greg Miller, 5 Ramapo Terrace, questioned the need for an illuminated sign. He thought the sign should be more in compliance with the neighborhood rather than Broadway.

Felice Koplik, 6 Reading Terrace, stated the residents don't want Saddle River Road to become Broadway. She stated that she thinks it is a huge sign. Mr. Platt disagreed. As no other public wished to be heard, Chairman Winston closed the time for public comment.

Deputy Mayor McCarthy suggested that the applicant review the application and speak with his neighbor. It was agreed that the matter would be carried to the meeting of August 14th without further notices.

Chairman Winston announced that the application 41-41 Dunkerhook Avenue was continued to the meeting of August 14, 2006 with further notice.

Bernard Oster, Inc., Pathmark Shopping Center, Block 6801, lot 17 Maple Avenue; site plan application

Richard Stewart, Esq., reminded the Board that this matter was carried from the last meeting. A traffic report has been submitted.

Joseph Staiger of East Hanover was sworn in and qualified as an expert traffic engineer. He explained the traffic study. The traffic impact is broken into three parts that include controls in the area, the traffic counts and when the roadway peaks. Retail use has its peak volume between 4 and 6 p.m. and Saturday at midday. He explained how the counts were taken. He also explained that the additional trips to the site do not necessarily mean more traffic. This type of site will pick up drive-by traffic. There will be approximately 28-30 additional trips to the site during rush hour and 40 on Saturday. He explained that there is more than one access to this site. The dispersion of traffic is large. The driveway at Henderson is the primary access and the other 50% are dispersed over three access points. Approximately 40% of the traffic is already on the road passing by the site. Shopping Centers are not a magnet of new travelers. The levels of service do not change from this development. He explained that there is one movement that operates at a level F of service. It is the left hand turn out of the site level during peak hours. It does not impact Maple Avenue or Henderson Boulevard but backs up on the site itself. Maple Avenue and Henderson Boulevard turning movements into the site operate at level A. There was discussion of a light being installed at Henderson and Maple Avenue. Mr. Staiger stated he does not believe it would meet the required federal warrants. The applicant was encouraged to raise the traffic light issue with the County.

Harvey Rubinstein added that crossing into the site from Henderson Boulevard can be life threatening. He believes the internal flow of the site will work but encouraged the applicant to pursue a traffic light so that exiting the site would be safer.

Pam Coles, 13-14 George Street stated there are 450 children who participate in the football program from August to December. The traffic counts taken in June are when the fields are empty. There will be 450 additional cars and she is concerned about the children's safety. Mr. Staiger explained that he has demonstrated that the increase in traffic at the site is 1% which is hardly noticeable. If Ms. Coles' numbers are accurate, the increase will be ½%. Ms. Coles reiterated her concern for the children's safety.

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

Chairman Winston noted that the fence needed repairing to prevent people from dumping. The applicant was asked to make sure that the fence is intact and repaired. Mr. Stewart stated that would not be a problem. The applicant was also asked to secure and replace the damaged guardrails. Mr. Rubinstein asked about the illumination by the path and was told that there is a four fixture light pole in that area.

Harvey Rubinstein stated that the area by the fence needs to be debris free. Chairman Winston added that the hope was that the traffic report be submitted to the County. The report was marked as Exhibit A-4. The municipality would support the traffic light.

Chairman Winston asked if there were any other comments from the public and no public wished to be heard.

Peter Kortright moved that the application be approved subject to replacement of the perimeter fencing where the integrity is compromised, debris clean up, replacement of damaged guardrails and subject to review of traffic report and drainage calculations by the Board Engineers. The applicant was encouraged to seek a signal light at Henderson and Maple Avenue through the County. Al Palmieri seconded the motion that was unanimously adopted. AYES: Kortright, D'Arco, Cassidy, Palmieri, Rubinstein, Morgenstern, McCarthy, Winston

The Cohen Plaza, Block 3513, Lots 1-11, 18-23, 11-16 Plaza Road

Joshua Levine, Esq. appeared on behalf on the applicant and indicated he was seeking approval for a nursery school. Chairman Winston stated that he notes that there is an excess of parking at the site. The applicant should decrease the impervious coverage and return some of the lot to green. It is a small plot in a sea of blacktop.

Joel Ives, 16-00 Route 208 South was sworn in and qualified as an expert engineer. A set of photographs of the existing site was marked as Exhibit A-1 and A-2. Mr. Ives explained that it is a very nondescript 1950 type of building. Ms. Cohen plans on turning it into a nursery school. There is little architecture change. Mr. Ives explained the plans and stated it is conducive to a childcare center. Joseph D'Arco asked about the handicapped ramp and was told it would be provided. Chairman Winston opened the time for public questions and no public wished to be heard.

Matthew Raymond Fox was sworn in and qualified as an expert engineer. He explained the overall plan. Harvey Rubinstein suggested that the parking by the playground be removed. He also suggested that they create an island so motorists entering must slow down. Chairman Winston stated that it is preferable to remove the parking spaces along the catch basin and make that area in front greener. There is definitely an excess of parking.

Al Palmieri asked about the plaque on the site and was told the owner would address that question. Mr. Kortright suggested that the applicant provide a 10' x 10' easement to the state on the corner of the property. It would be an easement allowing the state to build a utility for installing a signal. Mr. Kortright also suggested that the drop off area be designated with signs. The minor site plan prepared by Mr. Fox, revised 6/26/06 was marked as Exhibit A-3.

Ms. Iris Cohen, of Paramus, was sworn in. She explained that the Cohen Group is the owner of the property and she is the owner and operator of the nursery school. The hours are 8 a.m. to 5:30 p.m., Monday through Thursday. Friday the facility closes at 3:45 p.m. There will be no weekend hours. She explained she has been in this profession for 20 years and operating her own facility for 10 years. There will be up to 30 children. She stated she was required to get approval from the State and the approving documentation was marked as Exhibit A-4. In response to Al Palmieri's question, Ms. Cohen explained that she promised to maintain the Veteran monument.

Chairman Winston opened the time for public comment and no public wished to be heard.

The Board asked Ms. Cohen if she would eliminate some of the parking since there is more than needed. It was also suggested that the lot be repaired. Engineer Rottenbacher opined that sealing the lot would be sufficient. There was discussion regarding the removal of spaces. Honey Morgenstern pointed out that it is the Board's responsibility to improve the area when an application is before the Board. It was suggested that the spaces at the northernmost corner marked as 20, 21, and 22 together with six spaces from the bus stop sign to the end of the property eliminated.

The meeting was recessed for fifteen minutes at 10:45 p.m. by Chairman Winston.

Joshua Levine indicated that the applicant would be willing to remove the spaces at the northern part of the property and green up that area provided that in the event a future use needs additional parking, the 58.4% impervious coverage would be permitted. He stated that his client would not be willing to give an easement for some future improvement but would certainly consider it if the State proceeds with a light at that intersection. Peter Kortright moved that the application be approved subject to car stops being installed along the parking spots at the drop off area adjacent to the building and at the handicapped spaces, that a temporary green area be established at the northern corner of the property giving the applicant three years from the date of the approval to accomplish the removal of these spots, that the entrance to the property be designated with arrows and the creation of an island divider to separate the ingress from egress, elimination of the parking spot adjacent to the entranceway subject to Board Engineer's review, and the parking surface being resealed with new striping subject to Engineer's review. Al Palmieri seconded the motion which was unanimously adopted. AYES: Kortright, D'Arco, Cassidy, Palmieri, Rubinstein, Morgenstern. McCarthy, Winston

Adjournment

Upon motion by Al Palmieri and a second by Harvey Rubinstein the meeting was unanimously adjourned at 11 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Secretary of Board