

REGULAR MEETING OF OCTOBER 23, 2006

The regular meeting of the Fair Lawn Planning Board of Monday, October 23, 2006, was called to order at 8:00 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:

Present: Chairman Barry Winston, Al Palmieri, Michael Cohen, Todd Malkin, Alan Neggia, Peter Kortright, III, Honey Morgenstern, Phil Cassidy, Harvey Rubinstein Absent: Joseph D'Arco Also present: Engineer John Rottenbacher, Board Attorney Douglas Bern and Board Secretary Cathryn Hochkeppel

Approval of escrow bills

Upon motion by Todd Malkin and a second by Al Palmieri, the escrow bills were unanimously approved. AYES: Palmieri, Cohen, Malkin, Neggia, Kortright, Morgenstern, Cassidy, Rubinstein, Winston

Approval of minutes

Upon motion by Todd Malkin and a second by Al Palmieri, the work session minutes of August 14, 2006, were unanimously approved. AYES: : Palmieri, Cohen, Malkin, Neggia, Kortright, Morgenstern, Cassidy, Winston ABSTAIN: Rubinstein

Upon motion by Al Palmieri and a second by Todd Malkin, the minutes of the September 11, 2006, meeting were unanimously approved. AYES: Palmieri, Cohen, Malkin, Neggia, Kortright, Morgenstern, Cassidy, Rubinstein, Winston

Memorializing Resolutions

Plymouth Park Shopping Center; Block 1506, Lots 7 & 9; 11-04 Saddle River Road; sign variance

Board Attorney Bern explained the memorializing resolution. Upon motion by Peter Kortright and a second by Phil Cassidy, the memorializing resolution was unanimously adopted. AYES: Malkin, Neggia, Kortright, Cassidy, Rubinstein, Cohen, Winston

A. Zerega & Sons; Block 4301, Lot 1; 20-01 Broadway; site plan

The Board attorney explained the memorializing resolution. Page five was amended to delete a paragraph. Upon motion by Peter Kortright and a second by Phil Cassidy, the resolution was unanimously adopted. AYES: Malkin, Neggia, Kortright, Cohen, Cassidy, Rubinstein, Winston

Berdani: Block 5718; Lot 28; 7-09 Fair Lawn Avenue; food handler

Board Attorney Bern explained the memorializing resolution. Upon motion by Todd Malkin and a second by Michael Cohen, the memorializing resolution was unanimously adopted. AYES: Palmieri, Cohen, Malkin, Neggia, Kortright, Cassidy, Rubinstein, Winston

General public comment

Jane Diepeveen, 14 Ryder Road; stated she is dismayed that the planning board decided not to review some of the land use issues about various properties in town that will be coming up for redevelopment. Chairman Winston replied that areas have been reviewed and the Planning Board held redevelopment hearings. Having the land use part of the Master Plan redone is very expensive to the taxpayers. Ms. Diepeveen urged the Board to get the funding from Council to do proactive planning.

Larry Koplik, 6 Reading Terrace, commented that if the basement is not to be included in the F.A.R. calculations, there should be parameters as to what constitutes a basement. It was explained that the proposal includes wording that the basement be below grade.

Amendment to Master Plan

Chairman Winston recused himself from the hearing. Peter Kortright assumed the Chair and explained that the proposal essentially is to comply with COAH Round III rules. The Board's Planner prepared a report and as the Clariant site has been designated for affordable housing with an overlay density of 14 units per acre which has a yield of approximately 150 – 180 units.

Jane Diepeveen asked if this was a formal hearing on the master plan and if notice was given. Ms. Hochkeppel responded affirmatively. Ms. Diepeveen suggested a larger set aside on this development. She also stated that 180 units is an overuse of the land and added that the Board should investigate the environmental impacts as they are aware there are problems at the site. Peter Kortright responded that the Board members are not qualified to determine whether or not there are environmental constraints. DEP will make that determination after the appropriate experts file their various reports. Ms.

Diepeveen stated that this development is good for getting some affordable senior housing but she objects to the density.

Arlene Rubinstein stated she doesn't under the rush with regard to this site particularly since the site was summarily taken off the superfund list. It may not be able to be developed for years. Peter Kortright explained that COAH requires a housing plan whether it is developed in a few years or many years from now and it should be consistent with the master plan. This development is a conjecture and may not be developed for many years to come.

No other public wished to be heard. Upon motion by Todd Malkin and a second by Phil Cassidy, the amendment to the plan was adopted. AYES: Palmieri, Cohen, Malkin, Neggia, Kortright, Morgenstern, Cassidy, Winston NAY: Rubinstein

Dunkin Donuts; 14-25 Plaza Road; Block 3722; Lot 1; food handler

Paul Strawinski, Esq., appeared on behalf of the applicant. He explained that this application is for a change of ownership at Plaza Road. He added that there is no change in the operation.

Gary Haar, 474 Hartung Drive, Wyckoff, was sworn in. He was asked if he was aware that all employees should park in the rear parking lot. Mr. Haar said he was not aware of that but it makes sense and he has no problem complying. Chairman Winston asked if he would be a hands-on owner and Mr. Haar replied that he has several stores and he will be in and out. Peter Kortright mentioned that sometimes teens congregate in that area. Mr. Haar stated he grew up in Fair Lawn and he plans to be a good community member. If there are problems, he will take care of it.

Chairman Winston opened the time for public comment and no public wished to be heard. Todd Malkin moved that the application be approved conditioned on the employees parking in the rear. Michael Cohen seconded the motion which was unanimously approved. AYES: Palmieri, Malkin, Neggia, Kortright, Cassidy, Rubinstein, Cohen, Morgenstern, Winston

Margand Enterprises; Block 3605, Lots 1 and 2; 23-02 – 24-08 Fair Lawn Avenue; sign variance

Dr. Michael Cohen recused himself from this application.

Steve Mainardi appeared on behalf of Margand Enterprises. He explained that with the new renovations of the Radburn Shopping Center, the applicant also wants to improve the signage. He pointed out that they could put the old sign boxes up without coming to the Board for a variance.

Richard Mainardi, 6 Pohton Path, Oakland, New Jersey, property manager, was sworn in. He explained that the application was for signs for all of the business except CVS, Northfork Bank and Paneras who obtained individual variances. The old signs were box signs, back lit, and were an average of 36 inches in height. The proposal is for a maximum height of 30 inches high. Mr. Mainardi explained that the new signs will be thirty inches so that the letters are readable if there is more than one line. He also explained that he intends on adding identifying signs in the rear. Mr. Mainardi explained that the new sign package is a significant upgrade from the old box signs and he believed the variance could be granted without detriment to the Borough.

Harvey Rubinstein asked about the east side of the building and Mr. Mainardi stated that no signage is proposed on the east side. Mr. Mainardi also stated that new signs in the rear will be lit from a light above and not back lit.

Chairman Winston opened the time for public comment.

Felice Koplik, 6 Reading Terrace, stated that the construction is a definite improvement. She asked about the fencing and Mr. Mainardi stated that they just haven't gotten to it yet but it will be fixed.

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

Honey Morgenstern commented that the new signs were a definite improvement over the old signs. She asked about the rear sign variance and Ms. Hochkeppel explained that there are no references to rear signs in the Code but there is a number limit on the number of signs.

Todd Malkin moved that the application for thirty inch channel signs be approved granting the variances requested including the identifying rear signs subject to no signage being placed on the east side of the building and that the new rear signs be lit overhead and not back lit. Peter Kortright seconded the motion which was unanimously approved. AYES: Palmieri, Malkin, Neggia, Kortright, Cassidy, Rubinstein, Morgenstern, Winston

The Dutch House; 24-07 Fair Lawn Avenue; Block 3722, Lot 4; site plan

Gary Giannantonio, Esq., appeared on behalf of the applicant. He explained that the application is for a covered porch and outdoor dining. It is a permitted use and variances are being requested. One is for the front yard setback. The proposed plan is 14 feet from the line where 20 feet is requested. The other variances are existing and include the side yard setback and the lot width.

Frank David Drahouzal, 9 Barry Place, was sworn in. He explained that the proposal is for an open aired deck. He explained the plans in detail. He also

stated that during his busiest hours, the neighboring businesses are closed. He was asked about the tree and stated that the tree has been maintained and he will continue to maintain it. The deck will not reach that far. He also explained that there are no designated parking areas. Everyone shares the parking and the businesses have been coexisting peacefully for many years. He added that the outside area will go from three tables to seven tables and will be seasonal. In response to Chairman Winston's question, Mr. Drahouzal explained that he does not envision enclosing the area. He explained the changes to the interior which do not involve any additional seating. Mr. Drahouzal also showed the Board members a picture of the building from the 1950s that had a similar type porch. Todd Malkin asked if the parking area could be restriped and Mr. Drahouzal stated he had no problem with that.

Chairman Winston opened the matter to the public and the public wished to be heard.

Felice Koplik, 6 Reading Terrace, stated that she likes the idea of an outdoor eating area and believes it will profit all the stores in the area. She suggested a different configuration of the porch and Mr. Drahouzal replied he did not think that would work as well.

Jane Diepeveen, 14 Ryder Road, asked how far the deck will be away from the tree as its roots probably extend far. Mr. Drahouzal stated that the end of the porch will be approximately four or five feet away and he will continue to take good care of the tree. Jane Diepeveen also commented that the Historic Preservation Commission did not receive the application in a timely manner. Ms. Hochkeppel stated she would make sure they receive a copy of any application for a historic site in the future. In response to Ms. Diepeveen's question, Mr. Drahouzal explained that the outdoor seating is permitted from May 1 to October 31, weather permitting.

No other public wished to be heard.

Todd Malkin moved that the application be approved subject to the three parking spaces being striped. Michael Cohen seconded the motion which was unanimously approved. AYES: : Palmieri, Malkin, Neggia, Kortright, Cassidy, Rubinstein, Cohen, Morgenstern, Winston

Gorodokin Medical Offices; 24-07A Broadway; Block 3321, Lot 24; site plan

Ira Levine, Esq., appeared on behalf of the applicant. He explained that the application is for a change in use of an existing building. There are a number of variances that are preexisting. Mr. Levine stated that there are eight parking spaces where 22 are required. He added that the building is on Broadway where there is ample parking.

Gary Gorodokin was sworn in and explained he intended to use the building for a medical office. He explained that there will be two examining rooms and a consultation room. There will be two employees and himself. He stated that there are eight seats in the waiting area that are hardly ever used. Usually, there are two to three people in the waiting room. He explained his hours of operation which are Tuesdays from 9 am to 8 pm, every other Thursday morning and Friday 9 am to 2 pm. He stated that he has a service come and remove any medical waste. Harvey Rubinstein stated that the lines on the parking lot are not clear and it should be repainted.

Chairman Winston opened the matter to the public.

Bruce Davis of Graunauer Place, stated that they get a lot of the overflow parking from the Beauty Parlor down their street. Dr. Gorodokin stated that his patients will either park in the back or on Broadway. It was asked that he let his patients know where to park.

No other public wished to be heard.

Todd Malkin moved that the application be approved subject to restriping the lot. Peter Kortright seconded the motion which was unanimously approved. AYES: Palmieri, Malkin, Neggia, Kortright, Cassidy, Rubinstein, Cohen, Morgenstern, Winston

Adjournment

Upon motion by Michael Cohen and a second by Todd Malkin, the meeting was unanimously adjourned at 10:00 p.m.

Respectfully submitted,

Cathryn Hochkeppel
Sec'y of the Board