

PLANNING BOARD OF THE BOROUGH OF FANWOOD

Regular Meeting Minutes

June 24, 2020

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., and due to the current State of Emergency and Public Health emergency declared by Governor Phil Murphy, pursuant to Executive Order No 103 and/or the “Operational Guidance – COVID-19: Guidance for Remote Public Meetings in New Jersey” dated March 23, 2020, and “Operational Guidance – COVID-19: N.J.S.A 40:55D-1. Recommendation for Land Use Public Meetings in New Jersey” dated April 2, 2020 and in an effort to prevent further spread of COVID-19, the May 20, 2020 Planning Board Meetings will be held virtually via Zoom in lieu of an in-person meeting. This meeting is scheduled to commence at 7:30 PM. Members of the public can register to access this virtual meeting by clicking the link provided. Notice of this virtual teleconference meeting was posted at the Borough Municipal Building, posted on the Borough bulletin board designed for that purpose, mailed to the official newspapers as provided by Borough Ordinance, filed with the Municipal Clerk, and on the Borough Website at least 48 hours prior to this meeting given the time, date, location and log-in/call-in information for this virtual teleconference meeting as well as the Planning Board Secretary’s contact information to assist anyone lacking the resources or ability for technological access to this meeting.

The meeting begins at 7:34 PM

Present: Councilman Anthony Carter, Kevin Boris, David Blechinger, Matthew Juckes, Teresa Seefeldt, Dennis Sherry, Adam Matty, Michele Moore, Jack Molenaar, Diane Dabulas, Ray Sullivan, Antonios Panagopoulos, Janki Patel

Absent: Mayor Mahr, William Lee, John Steigerwald, Amy Hamill

9:55 PM Micheal Lysicatos, Mayor Mahr and Anthony Carter have joined the meeting.

Minutes

Minutes for both May 27, 2020 Regular meeting and June 17, 2020 Agenda meeting were approved.

Old Business

K-9 Resorts, Block 55, Lot 7.01 & 9.01.01, 57 & 43 South Ave

At the applicant’s request, this application was approved for carrying to the July 22nd Regular Meeting. The applicant plans to apply for a sign permit and no longer intends to pursue internal lighting.

New Business**Block 10, Lot 14, 225. N. Martine, Fanwood Dental**

Mr. Boris opened discussion with a question regarding whether or not res judicata applies to this application. Mr. Sullivan and Mr. Panagapoulos both determined that the current application was substantially different than the original, denied application, citing changes in impervious coverage, orientation of project, parking reduction, parking lot shifted, trash area removed and signage diminished. After some discussion, Mr. Boris accepted this position and withdrew the question.

Priscilla Triola Esq, attorney for the applicant describes the building in question as being a dental office for 40 years, indicating that Dr. Parikh bought the practice and wants to add parking for patient security.

She offers Kiersten Osterkorn as an expert in engineering, surveying and planning, John McCormack as a traffic expert and Dr. Ankit Parikh as the owner

Ms. Osterkorn has all current licensing and has testified around New Jersey and in Fanwood. The board accepts Ms. Osterkorn as an expert.

Referring to Sheet #3, Ms. Osterkorn describes the property and outlines the reduction from nine to six parking spots as being manageable by the doctor and staff. The Tree Plan has been revised to increase the buffer, and proposed lighting will be on a motion sensor after dark.

While they don't need a coverage variance, the applicant is nonetheless addressing the increase in impervious with drainage on the property.

One sign exists and a second is proposed triggering a variance. The applicant is proposing a freestanding sign with plantings. The sign is intended to indicate the driveway.

A loading zone is required but the applicant is not proposing one. UPS or FEDEX can continue to operate from the street.

Further minor variances with respect to driveway aisle and width between spaces are described. Applicant proposes 16-foot parking stall and 20-foot drive aisle, even though it's substandard, the low use will make this manageable.

Ms. Osterkorn goes on to discuss the expansion of the non-conforming use. By expanding the drive and parking area they are expanding the use. She would like to demonstrate how the applicant is not exploiting this opportunity and presents Exhibit A-1 which is the demonstration of what COULD be done on the property by right in this residential zone. A 30 x 50-foot parking area and a 20 x 25 parking structure would be permitted, which results in the same 34.8 percent

coverage as is being requested now. This fact is intended to demonstrate that the proposed development is not a detriment to the community or the neighborhood. The applicant is pulling the improvements away from the property line and increasing the tree buffer, which is a positive option for the site. With the tree line in the south remaining in place and a fence proposed the neighbors should be no worse off for these changes. The applicant points out that some neighboring properties have similar configurations on their properties.

Low light bollards are intended to conform to a residential-looking property;

Handicapped ramp is designed so as to create the shortest possible route via ADA approved ramp, to the building, again reiterating that the safety of eliminating street parking is an extreme benefit.

In reviewing negative criteria, Ms. Osterkorn opines that this proposal does not impair the intent of our Master Plan. Because a residential use could be more disruptive, as demonstrated with exhibit A-1, this proposal will have a minimal impact on the neighbors. They proposed systems will collect all drainage, and lighting will be minimal. The biggest impact of these changes will be parking safety.

The currently proposed wooden sign is 4 feet high, and will bear the name of the dentist and nothing else. The intention is for the sign to indicate the driveway placement for patients. It will be landscaped.

Ms. Triolo asks how the square footage for parking requirements was calculated with the reply that the engineer used outside dimensions of the edifice, which yields a higher number and parking requirement.

Triolo referenced June 17, 2020 Engineering report and June 18, 2020 Planning reports and asks Osterkorn if there are any requests they cannot meet.

Osterkorn replies that some of the comments that require more information are for Dr Parikh. The trash pickup will remain as is, just like residential. She confirms a perc test would be done if the parking lot is approved. If there was a reason to change the change will require prior approval from boro engineer. The stormwater objective is to retain a 10 year storm with no impact on neighboring properties.

Mr. Juckes points out that if this is approved the applicant will work with the engineer to meet all requirements.

Moving on to the Planners report, additional shrubbery was requested on the east side of the property and the applicant agrees to comply. Discrepancies on the table were pointed out and will be corrected. Applicant will make sure they meet the Planners requirement for plantings. These would be small evergreens, intended to stop headlight spillage into the neighbor's yard. The single planned floodlight will be a motion sensitive residential fixture, not a commercial fixture.

Ms. Osterkorn agrees all the planner's requests can be met.

Dr. Parikh is sworn. Exhibit A-2 is a photograph of the rear lot line, taken late March 2020, under similar conditions as exist today. Exhibit A3 is a photo of the right side of the property taken the 2nd week of March and shows where there will be more landscaping and a fence added.

Dr. Parikh describes his practice as being for all age groups, most being Fanwoodians. There are 2 employees, one at the front desk and the 2nd is his assistant. Hours are to be 8-8 M-F and 8-4 on Saturday. Over the last year and a half, the patient population has explicitly complained of the parking situation. Prior owners mentioned constant accidents and his receptionist had her car totaled. There are a lot of patients that already have a fear of dentists, and must be sedated. Protocols for existing patients under sedation demand a safe environment.

The doctor treats one to two patients at a time, maximum. He is the dentist of record. He sells no products at the practice.

Deliveries to the property comprise an occasional UPS delivery, no heavy boxes or lab cases coming in by common carrier, UPS or FedEx. There is a medical garbage pickup twice weekly.

Mr. McCormack is sworn. He is a principal with Dynamic Traffic. NJ PE for 20 years, practicing for 25 years. Involved in all aspects of traffic engineering, he has presented in front of boards across the state and our board.

Mr. Sherry moves to approve Mr. McCormack as a professional engineer in traffic and parking. Seefeldt seconds. Motion carries.

Ms. Triolo asks that he shares the findings of his observations of the area.

Mr. McCormack states that the pictures are all google street view pictures. Traffic 1 is a photo showing a vehicle parked in front of the dental office. One of his patients is unloading a child from the backseat, showing the very close traffic on Martine. A parking lot will minimize this condition, removing parking from Madison and Montrose where there are no sidewalks and it's a rather dangerous crossing due to the curve in Martine. Speed limit is 30 mph, with 800-900 cars passing per hour.

Traffic 3 shows the drivers view upon exiting the proposed driveway on the outside of the curve, which gives you a fantastic sightline up Martine. This photo dates from 8-16-19

Traffic 5, also taken on 8-16-2019, shows the view to the right from the proposed driveway. They have broached this idea with the County who has offered no comments regarding the location or the width of the driveway opening.

March 16 photo A-3 of an accident, showing Montrose directly across the street, with no sidewalks.

In the interest of time, the provision of a parking lot is a significant safety benefit, will eliminate parking on adjacent street, and on Martine. The curve in the road benefits the driveway but not those parked on Martine. The proposed driveway is sufficiently wide for 2-way traffic, which

will be rare. 22-foot parking aisle is more than enough for the low turnover activity and should satisfy the needs of the doctor, his staff and their patients.

Ms. Osterkorn asks to show aerial exhibit of the site. This demonstrates that the neighbor to the east with their drive/parking and garage is similar to the “as of right” proposal presented for the subject property. Osterkorn goes on to state that all surrounding properties are using their as-of-right coverage, which are more intensive than what is being proposed.

Mr. Sullivan wants to see grading at the corners of the ramp landing areas as well as compliance with the Construction Department note requiring railings on both sides of the ramp. Osterkorn agrees.

Noting that Martine Avenue is to be paved soon, Mr. Panagopoulos points out that the County has strict moratorium on cutting into the new pavement. If this application is approved this evening, Antonios recommends securing a road opening permit and curb cut ASAP. Mr. Panagopoulos is satisfied on landscaping issues.

Ms. Patel asks if the landscaping plan would be updated to reflect the correct number of juniper trees. The extra 7 should be added to the plans. Ms. Osterkorn agrees to this and Ms. Patel has no further comment.

Mr. Blechinger points out that the applicant has been very responsive in including many of the items requested during the last hearing on this project.

Ms. Seefeldt questions the intention to light the sign and is assured it will not be internally illuminated.

Ms. Moore asks what triggered the variance, to which Mr. Sullivan responds that it is a freestanding sign in a residential area which requires a variance.

Open to the public:

David Rivera: resident of Fanwood for 17 years and going to this practice for 17 years with his husband. He comments that they want to pump money into the boro and loves going to a family practice, but parking is a problem, it's a constant worry. Also, it is dangerous to cross the streets.

Jeff Friedman, neighbor to the Dentist: Mr. Friedman thanks Dr. Parikh for addressing the reduction in impervious and appreciates that flooding has been addressed. He remains concerned about the look from the front of the house. He states there's a character in the neighborhood which is not improved by the adding of a sign. He wishes they would not have the freestanding sign, prefers the post. Also, the view from the front is an issue with bollard lights. Current light has been there forever and he prefers it to the bollard. Bollards are commercial in feel and he thinks they are ugly and stand out. He requests consideration that they be altered. He is satisfied that the bollard lights are appropriate for the rear of the property. Lastly, he hopes the drainage pit could be shifted from the west to the SE side of the parking area. His area already floods so if that can be moved further away, he would be more content.

Ms. Osterkorn responds about the drainage; stating that the location selection was mostly based on grading and gravity flow but it is not out of the question to move it. Moving it to where he's suggesting is doable and they can look at it. Mr. Panagopoulos says that you really don't want to mess with the grading of the land.

Mr. Blechinger suggests that everyone is on the same page.

Jason Benedict: North Avenue resident, speaks in support of Dr. Parikh's attempt to grow his practice and claims the dental office has been very good for the neighborhood. As a former member of the historic commission he feels Doctor Parikh is definitely working to keep up the feeling of the community. He sees this is beneficial to the community and the patients and as a patient he acknowledges the danger of the parking in that site. Thinks it in our best interest to approve

Shari Sajer, 1562 Springfield Ave, New Providence: Office manager of the practice and who asserts there is nowhere safe to park.

John Irussi: 7 Montrose, lifelong resident. Dr. Parikh's office is across the street from his home and, the patients park on Montrose. He describes his horror when he sees patients trying to cross the street, particularly in bad weather. He says that morning school hours are dreadful.

Mr. Kenneth Gill: Madison Avenue resident, he was encouraged to see that the changes are all in the right direction but he doesn't like the argument that residents can do more to their property that the doctor is requesting. But he thinks the changes are in the right direction.

Gina Friedman, neighbor. Asks if there's a stop sign at the end of the driveway by the sidewalk.

John McCormack responds that he will propose stop line and the word on the pavement in lieu of a sign, but remarks that it is up to the county to permit a stop sign.

Ms. Friedman confirms hours of operation to be 8-8 M-F and 8-4 Saturdays? Dentist agrees that is correct.

Ms. Friedman questions the timing of the lighting and Dr. Parikh responds that he will turn off the lights when he leaves the building, and that his last appointment is at 7 PM.

Luis and Frances Camargo, 222 N. Martine. This couple indicates they share the sentiments of their neighbors. They go on to comment that it would be wonderful to see the driveway and parking lot reduce accidents, as there have been many accidents.

Susan Neuhaus: 579 Terrill Rd. Resident for 28 years. She is a patient of Dr. Parikh's for 10 years, is a supporter of local businesses and has gotten good service from the dentist. She goes on to comment that she has experienced the danger of the parking situation, citing her slipping on icy leaves in the gutter last winter and that the fall could have put her at risk of being involved in a car accident.

Jeffrey Ringel: 332 Evergreen Avenue in Scotch Plains. He is a 15-year patient. Getting out of the car is a hassle, dangerous and he supports parking in the rear of the building.

Caroline Darmarajah. Appreciates that the dentist was able to get patients supporting him. She questions the hours and number of dentists who will be. And she is concerned as to whether or not Dr. Parikh is the only dentist at the office, that the website seems to indicate otherwise. Dr. Parikh states that the website is not completely finished and those are stock photos on the site which is being developed by a family member. Dr. Parikh is the only dentist who will be working at the office and will be the only dentist forever. The reason he bought the practice is all the patients are nice, he wants to live here and raise his family. Ms. Darmarajah asks if a garage would be permitted to be constructed.

Mr. Sullivan says that if the property were converted to a single family, they could construct a driveway and new garage with setback of 3 feet from the property lines.

Mr. Sherry moves to close to the public with a second by Ms. Seefeldt.

Mr. Panagopoulos comments that the nearest crosswalk to the site is 560 feet distant at Park Middle School or 900 feet away toward the south, at Midway. There's nothing else nearby.

Mr. Sherry asks Ms. Osterkorn if the lighting fixture can be changed from a bollard to a landscaping light? A bollard is 3.5 feet from the ground, with the privacy fence is at 6 feet. Visibility from the street is limited. However, the bollards at the front walkway could be lower or ground lights. Bollards in the rear of the property are beneficial. With respect to signage the proposal isn't massive and it should not look as out of place as has been commented on.

Ms. Triolo wants to make sure there is a clarification between the bollards in the front and the rear. She reiterates that they could come up with an alternative for the front. She could find something that would be an alternative closer to the ground.

Michelle Moore asks if the 2 signs are a preexisting condition? Ms. Osterkorn says yes, and they are removing one sign.

Ms. Triolo asks Mr. McCormack if the street sign provides for safety so the site can be identified. McCormack agrees, absolutely. The sign is perpendicular, properly sized and landscaped and will identify the location of this new driveway as opposed to just the center of the property.

Mr. Juckes observes there are no further questions from the board.

Ms. Triolo offers that the doctor has come before us as a sincere member of the community who wants to move into Fanwood and make his practice safe for this patients and passersby. She thinks this is a modest expansion with subdued lighting and much landscaping. She reiterates that all board comments would be accepted as conditions and work with our professionals to improve the application.

Conditions are outlined as follows. The applicant will work with all professionals, explore removing the stop sign, work on the bollard lighting, and move seepage pit. There will be perc

testing prior to any construction of the seepage pit. Also agreed to supplemental plans requested in engineer's letter. There be no lights on the sign.

Mr. Sherry thanks the applicant for the thoughtful design updates and their sensitivity to the neighbors' concerns. This plan but achieves the safety he is looking for and he is satisfied, but goes on to say that a softer light would be appreciated.

Mr. Blechinger agrees with Mr. Sherry. Sign doesn't bother him, being unlit and smaller than the boro signs a few blocks up. He believes the new sign is in the spirit of the "village look" in the master plan. He liked the old one and this is even better.

Ms. Moore appreciates that the plan was scaled down but is not excited by sign. She confirms the dimensions to be four feet high and 3 feet across with the actual sign being 2 x 3. It is still much bigger than what was there, but ½ the size of the carriage house sign.

Molenaar: no comments.

Mr. Sherry moves to approve the application with the conditions described above. Ms. Seefeldt seconds.

Ayes: Sherry, Seefeldt, Jukes, Boris, Blechinger, Matty, Moore

Motion carries

Ms. Triolo thanks the board.

Block 55/Lot 1, 1 South Avenue, Empire Builders

Jukes reads the comments

Molenaar questions process

Mr. Joseph Paparo, attorney for the applicant, indicates that they are excited to present this application for this gateway property to Fanwood.

Maurice Brown sworn in. Licensed professional engineer since 1984. Also licensed in Y PA and MD. Practicing since 1979 and his licenses are current. Has appeared before the FW PB before and numerous planning boards in the state of NJ.

Mr. Maurice Brown presents the plans. Since the last meeting they went back to the site and changed the building, reduced the building footprint from 15,000 sf to roughly 12,500 sf. Laid out the site in terms of the circulation to eliminate some of the dead ends that were presented in the first presentation, now there are 30 parking spaces vs. 39 in the first application and circulation is now coming in from South Avenue, around to the first aisle, make the one-way left turn, circulate along the western edge of the parking area and exit the site through the driveway along to South Avenue. At the rear of the site, based on Fire Department comments, they have hardscaped the back of the property and a 5-foot strip of along the east side they've installed porous pavers to provide a drivable surface to support the fire trucks on site.

The commercial entrance is off of South and Terrill. Residential entrance is towards the rear of the building with a pedestrian walkway from South Avenue to the rear of the building to the residential lobby where there are stairs, elevators and entrance to mechanicals. There are 30 parking spaces, 2 handicapped spaces, enclosed refuse and recycling area, with oversized parking stall #15 which will also serve as loading berth. The site is somewhat depressed coming off of Terrill Rd.; about a 20-foot difference in elevation to the site proper.

There is a 20-foot driveway provided. Applicant has provided for pavers along the building frontage consistent with what you find in the Martine South Commercial Corridor. There will be a landscape buffer on driveway and planting boxes in front of commercial space. Decorative pole fixtures along the front of the property will be consistent with other commercial areas, wall-mounted fixtures similar to the commercial districts along Martine & South are planned. There are surface-mounted lights on the side of the parking structure giving proper illumination under the building. Their analysis of the waste stream moves them to provide a 4-yard dumpster for refuse and for recycling. A pickup is scheduled for twice per week for solid waste and once per week for recycling. Developers have been in contact with several waste haulers and this will be done privately. The haulers have the proper vehicles to be able to pick up on site.

The building shape has been modified at the rear in order to facilitate turning radius for fire equipment.

Mr. Brown believes they can accommodate the fire officials' concerns. As to the items in the board engineers report that require a reply, most they will just comply with. But for Item 2.8 on Page #3, relating to the sewer service. Mr. Brown disagrees, and Mr. Panagopoulos agrees that since the building lines are pushed back off the property line so none of the existing sewer lines are beneath the building -- access is a little different. He'll address that in greater detail later. Mr. Brown has no problems in terms of granting the easement.

Mr. Paparo outlines that there was an application before the board in December 2018, which was withdrawn and the project has changed substantially since then.

Mr. Juckes questions whether the presentation satisfies the letter from Tom Scalora. Mr. Brown says the plans satisfy that requirements.

Ms. Dabulas suggests we request an updated comment from the FD. Antonios adds that he spoke to Chief Piccola, who feels comfortable and that the boro has two apparatus that can maneuver, not the ladder truck, but he's OK. that said, Antonios is concerned.

Mr. Lysicatos suggests the standards may be related to the collapse zone. Antonios wants to defer to the Chief and Fire Official on the subject. Request Tom Scalera's presence at next meeting.

Dabulas suggests that we wait until the next hearing for questions for the engineer. Paparo agrees.

Meeting will be carried to July 22nd. Sherry/Seefeldt move to open to the public.

Seeing no one, Sherry /Seefeldt move to close to the public.

Sherry/Seefeldt move to adjourn.

Adjourned at 10:48.

Respectfully submitted

Pat Hoynes, Planning Board Secretary