

Fair Lawn Historic Preservation Commission (FLHPC) Meeting Minutes for November 12, 2014

- 1) 7:30 PM Call to Order
- 2) Confirmation of Notice to Comply With Open Public Meeting Act
- 3) Roll Call
Felice Koplik – present
Amy Hummerstone – present
Ray Richter – absent
Maureen Moriarty – present
Rich Ball – absent
Jayshree Patel – present
Jasvinder Arjani – absent
Michael Rosenberg – present
- 4) Quorum Declared
- 5) The discussion of the September and October 2014 minutes was postponed.
- 6) Eric Bal of the Sons of The American Revolution was recognized as guest speaker to the meeting.
- 7) Felice summarized the October 23 2014 Zoning board hearing on the Vanderbeck property: The developer, Bob Milanese, Barrister Construction, testified at the meeting. There were a few revisions to the application. The total number of rooms was reduced slightly from 123 rooms to 102 rooms (to be confirmed). Also, the revised application showed the older portion of the Vanderbeck house relocated to the front of the property facing the street (Century Road extension).

Jayshree Patel asked about the questions asked at the meeting. Felice said the questions concerned the height and size of the proposed building, the amount of impervious coverage, and that Felice asked about the location (within the Naugle House easement) of the retaining wall at the rear of the Naugle house on the adjacent property. Furthermore, Amy asked about the feasibility of moving the house to the adjacent Naugle property. The Board attorney answered a question about what protections there are for the house. The attorney responded that the owner has the right to knock the house down.

Felice urged the Commission to write a letter advising the Zoning Board to reject the application based on all of the variances requested and on Eric Bal's memorandum about this application not conforming with the goals of the Master Plan. Michael asked how these zoning issues are relevant to our position as a Commission.

8) Felice introduced Eric Bal who discussed his memorandum regarding the Zoning Board application. To summarize, Eric made the following points:

The location of the Vanderbeck and Naugle houses consist of a historic district. How these two houses are important to our history, as cited by the Bergen County historical.

The proposed building and use does not comply with the zoning regulations for that site. Eric disputed that the developer agreed to move the original basement along with the other stories of the original house.

The proposed building has 140 units.

The easement on the Naugle property is actually three easements together which total 40 feet wide.

The proposed development is extreme and adverse to the Naugle House.

Eric continued to discuss how the proposed development is incompatible with the Borough's Master Plan:

According to the MLUL 40:55D-70.D, the granting of this use variance would conflict with the Master Plan, and would substantially impair the intent and plan of the Master Plan. Eric stated that "The Zoning Board cannot approve the application due to the threshold issue." The Fair Lawn Master Plan is strongly favorable to historic preservation, therefore, according to Eric, "The HPC has a duty to advise the Zoning Board against this (application) due to conflicts with the Master Plan." The Master Plan specifically references the Vanderbeck and Naugle houses. The Bergen County Office of Cultural and Historic Affairs cites the Vanderbeck's house is of particular historical and architectural interest.

At this point, Michael stated that if the Zoning Board denies this application, the house will most likely be demolished.

9) Felice proposed and Maureen seconded that the Commission write another letter to the Zoning Board advising the Board to deny the application based on Eric's letter, specifically in reference to the Master Plan. The vote failed 2 to 3. Those opposed stated that the Commission made its position very clear in our previous two letters to the Zoning board in reference to this application.

10) The meeting was opened to public Comments:

Walter Tuers, Fair Lawn resident, criticized the Commission for "ignoring the Master Plan."

Gary Stern, Fair Lawn resident, stated that he believed the Commission has a "fiduciary responsibility to bring (these issues) before the Zoning Board".

Asher Avslin, Fair Lawn resident, stated that the Commission's position "ignores the Master Plan."

11) At this point, Michael proposed that the Commission write a brief letter attaching Eric's memorandum to the Borough attorney, asking for his advice as to whether Eric's memorandum is correct in its statement of the law. Michael proposed and Jayshree seconded that we approve the letter to the Borough attorney. The vote passed 4 to 1, with Amy qualifying her dissent as due to the fact that the Commission has referenced the Master Plan in our previous letters to the Zoning Board on this application.

The Commission agreed that the letter must be sent out to the whole Commission for review prior to being sent to the Borough attorney.

Maureen commented that the Borough has money to buy the Vanderbeck property. Michael stated that the Borough was not going to buy the Vanderbeck property and has said as much.

12) The meeting was again opened to public comment:

Claude Bienstock, Fair Lawn resident, stated that the memorandum drafted by Eric was excellent.

Pam Coles, Fair Lawn resident, thanked Eric and stated that the Zoning regulations are often dismissed.

Mike Cantine, Fair Lawn resident, applauded the efforts made and stated that the town of Montclair has lost many historic buildings.

Kevin Gunn, First Mountain Chapter of the Sons of the American Revolution and Oradell resident, stated that if half of the house is relocated and reoriented so that it does not face south, its historic value will be gone.

Pam Coles, Fair Lawn resident, spoke again and discussed the density of the proposed application.

Gary Stern, Fair Lawn resident, asked if he could see the response to the Commission's letter from the Borough attorney.

Robert Blyer, Fair Lawn resident, thanked Eric. He stated that the Borough could buy the Vanderbeck property.

Mike made and Amy seconded a motion to adjourn and the motion passed.

The meeting adjourned at 9: 10 PM.

Respectfully Submitted,

Amy Hummerstone