

FAIR LAWN RENT LEVELING BOARD

March 1, 2016

Meeting was called to order by Attorney Cohen at 6:35 p.m.

A statement was read by Secretary Pettineo that the meeting complied with the New Jersey Open Public meeting Law.

Present: Michael Aversa, Marshall Chandler (late), Arlene Glassman, Sharon Metzger, Michael O'Dea (late), Mark Singer and Robert Waxman.

Absent: Anthony Lauro (Alternate Landlord), Amy DeBellis, Saul Rochman

Also present: Steve Cohen, Esq., Attorney to Board and Marianne Pettineo, Secretary to Board

Reorganization for 2016

Since a full Board was not present, the nominations for Chairperson and Acting Chairperson were tabled until the next meeting. It was agreed that Michael Aversa would serve as Acting Chairperson and Arlene Glassman would serve as Acting Vice Chairperson.

Attorney Cohen turned the meeting over to Acting Chairperson Aversa.

Michael O'Dea arrived at 6:45 p.m.

Minutes:

Upon motion by Mark Singer and a second by Michael O'Dea, the minutes for the meeting of November 17, 2015 were unanimously approved, pending Ms. Glassman's request that the recording of the minutes be reviewed with regard to a comment made by a member of the Board that was not included in the minutes. (After a subsequent review of the tape, Ms. Glassman withdrew her request to add additional comments to the minutes.)

Upon a motion by Bob Waxman and a second by Sharon Metzger, the minutes of January 27, 2016 Special Hearing were unanimously approved.

Applications for Capital Improvements Qualifying for Vacancy Decontrol and Certifications of Completion of Work:

Submitted by Fair Lawn Properties, c/o Affiliated Management, Inc., for units at 17-42 Chandler Drive and 15-33 Chandler Drive (Applications No. FL01-2016 to FL02-216 respectively).

Acting Chairperson Aversa turned the meeting over to Acting Vice Chairperson Glassman.

Michael Aversa, a representative of Fair Lawn Properties, presented the applications for discussion and summarized the work to be done, as complete renovations, as set forth on the itemized list for the applications, i.e., new kitchen cabinets, fixtures and appliances, kitchen floor, bathroom fixtures and vanity, plumbing, electrical upgrade, air conditioning unit in living room and bedroom, etc. He also presented the final inspection reports and Certificates of Approval, where applicable, from the Borough approving the plumbing, electrical and building work as follows:

Address	Assessed Value	Minimum for Capital Imp.	Cost of Improvement	Inspection Approval Date
17-42 Chandler Drive	\$65,841.00	\$9,876.00	\$18,805.70	11/30/16
15-33 Chandler Drive	\$98,762.00	\$14,814.00	\$19,336.10	12/10/15

Applications for Capital Improvements Qualifying for Vacancy Decontrol and Certifications of Completion of Work:

Submitted by Hollow Run, c/o Affiliated Management, Inc., for unit at 13-07A Sperber Road (Application No. HR01-2016)

Michael Aversa, a representative of Hollow Run, presented the application for discussion and summarized the work to be done as set forth on the itemized list for the applications, i.e., new kitchen cabinets, fixtures and appliances, kitchen floor, bathroom fixtures and vanity, plumbing, electrical upgrade, air conditioning unit in living room and bedroom, etc. He also presented the final inspection reports from the Borough approving the plumbing, electrical and building work as follows:

Address	Assessed Value	Minimum for Capital Imp.	Cost of Improvement	Inspection Approval Date
13-20 A Sperber Road	\$64,158.00	\$9,624.00	\$18,529.00	1/13/16

Upon review of the application, inspection certificates, bills and certification of completion of work for the subject unit at Hollow Run referenced above, a motion was made by Michael O'Dea and seconded by Sharon Metzger to accept the above applications, as the work performed qualified as capital improvements, and to accept the certification of completion of work that the renovations have been completed and accepted by Board for vacancy decontrol, and the new rent shall be retroactive to the date of the final inspections as specified. Motion passed, with Michael Aversa abstaining.

Applications for Capital Improvements Qualifying for Vacancy Decontrol and Certifications of Completion of Work:

Submitted by Radnor Manor, c/o Radburn Apartments, LLC for units at 15-30 Pollitt Drive E, (Application No. R01-2016)

Michael O'Dea, a representative of Radnor Manor, presented the application for discussion and summarized the work to be done as set forth on the itemized list for the applications, i.e., new kitchen cabinets, fixtures and appliances, kitchen floor, bathroom fixtures and vanity, plumbing, electrical upgrade, air conditioning unit in living room and bedroom, etc. He also presented the final inspection reports from the Borough approving the plumbing, electrical and building work as follows:

Address	Assessed Value	Minimum for Capital Imp.	Cost of Improvement	Inspection Approval Date
15-30 Pollitt Drive, Apt. E	\$112,440.00	\$16,866.00	\$28,598.57	2/1/16

Acting Vice Chairperson Glassman asked Mr. O'Dea if this was a basement apartment. Mr. O'Dea stated it was a ground level apartment. The apartments located in the back are ground level, but the front apartments are downstairs. Ms. Glassman expressed concern that the rent was very high at \$1,713. Mr. O'Dea explained that the two bedroom apartment was 980 square feet. It is a beautiful apartment. The market value is over \$2,000. He noted that the minimum amount of renovations needed to get decontrolled was \$16,866, but they spent over \$28,000.

Upon review of the application, inspection certificates, bills and certification of completion of work for the subject unit at referenced above, a motion was made by Sharon Metzger and seconded by Bob Waxman to accept the application, as the work performed qualified as capital improvements, and to accept the certification of completion of work that the renovations have been completed and accepted by Board for vacancy decontrol, and the new rent shall be retroactive to the date of the final inspections as specified. Motion passed, with Michael O'Dea abstaining.

Old Business:

There was no old business.

Public Comments:

Ronald Fecher, 26-31A Warren Road stated that he was here tonight because he could not attend the Special Meeting of January 27, 2016. He noted that

one third of Manhattan apartments are empty because they were purchased as an investment by wealthy individuals. He felt this distorted the rental market in New Jersey, because people think they can charge that amount of rent here. He is not against landlords making a good return on their investments, because tenants like having improvements made on their apartments. He felt rent control benefits all communities because it provides middle class housing without building new developments with affordable housing or senior citizen housing, which he does not agree with.

He felt the CPI is biased in favor of rentals and for a while he had no complaints. However, in 2008 people stopped getting raises and there were consequences for both young and old residents. He felt increases should have been reduced by half. He was against adding a 1% increase. Landlords were benefitting from the warmer weather, which requires less heat. He wants landlords to make more improvements in their buildings and reduce water usage by not watering the lawns excessively. Bank accounts pay 0% and there are no increases in Social Security. Many stores in town have closed. They needed to understand how real people lived.

Mark Singer stated that the Board discussed this matter thoroughly at the Special meeting and decided to send a recommendation to the Council that they review the Ordinance. Nothing has happened as of yet. Mr. Waxman explained that the Council makes the final decision, not the Board. Mr. Singer stated that this might be a moot point, as the cost of living is increasing. Mr. Fecher stated that petroleum is distorting the whole CPI. Once that changes costs will start escalating.

Ossi Mach, 36-06 Lenox Drive stated that she owns a home at Hale Street that has been rented since October, 2014. The current rent is \$2,400 and the contract will end in June, 2016. She checked with several real estate agents and learned that the fair market rental should be \$2,600. She has another rental property that is being rented for \$2,600 per month.

Ms. Glassman asked if this was a single family home. Ms. Mach stated it was. She wants to be fair to her tenant but she has a mortgage and expenses. Taxes and insurance costs have increased. Mr. Waxman explained that the house is subject to rent control. Mr. Aversa asked if she had registered her home with the Borough. Ms. Mach did not know.

Mr. Waxman explained that the Board was not able to allow Ms. Mach to increase her rent. She would need to meet the hardship requirements of the Ordinance. Otherwise, she must follow the guidelines of the Rent Control Ordinance which uses the CPI to determine the permitted increase, which is currently 0.8%. Ms. Glassman asked if Ms. Mach was familiar with the Ordinance. Ms. Mach stated that she has lived in Fair Lawn for 25 years and did not know

about the Ordinance. She has read up on rent control after speaking with the Board secretary. She asked if she was obliged to follow the ordinance. Mr. Waxman confirmed that she was.

Adar Farkash, 36-06 Lenox Drive stated that the contract expiring on June 30, 2016 includes the statement that "reasonable charges may be included in the renewal lease". He wondered who determined what "reasonable charges" were. Mr. Waxman explained that the prevailing ordinance controls what a landlord is permitted to do, not the lease. They must follow the rules of the Ordinance. They cannot raise rents above what is allowed by the Ordinance.

New Business:

Mr. Chandler arrived at 7:15 p.m.

Ms. Glassman stated that the memo sent to the Council following the January Special Meeting indicated there were landlords at the meeting, but she was not aware of any. Attorney Cohen stated that he was aware of at least two landlords, but they did not speak. Ms. Glassman stated that they did not identify themselves either. Ms. Pettineo stated that a landlord called her office to confirm the meeting as he wanted to attend. People who attend a public meeting do not have to identify themselves unless they are going to speak. Attorney Cohen noted there were also tenants who did not speak. When he edited the memo, his intention was to make it clear to the Council that this was a hotly contested issue.

Attorney Cohen inquired about voting for Chairperson and Vice Chairperson since Mr. Chandler had arrived. Mr. Waxman stated that all Board members have to be present to vote for officers. Ms. Pettineo stated that she can place this on the next agenda for discussion, as last year they went through the whole year without having a full Board. She will send out the By-laws for the Board to review.

Mr. Singer asked if the Council had responded to the memo. Ms. Pettineo stated that the memo was sent out with the notation that the minutes from January 27th would be sent to the Council once they were approved.

There being no further business coming before the Board, upon motion by Mark Singer and a second by Bob Waxman, it was unanimously agreed to adjourn the meeting at 7:20 p.m.

Submitted by:



Marianne Pettineo, Board Secretary