

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Re-Organization Meeting Minutes
Of January 28, 2013**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Re-Organization Meeting held on January 28, 2013

The Zoning Secretary called the meeting to order at 7:10 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present: Mr. Blecher, Mr. Lowenstein, Mr. Puzio, Mr. Sacchinelli, Mr. Dunay, Mr. Seibel, Mr. Gil, Mr. Sina, Mr. Lancaster, Mr. Meer & Mr. Newman.

Absent: None

Also in Attendance: Ann Peck, Assistant Zoning Officer.

Ms. Bozza (Zoning Secretary) asks the Appointed Members by Council to please step forward to be sworn in.

Mr. Todd Newman swears in: **Newly appointed:** John Gil, Alternate II
Re-appointed: Kevin Puzio & Daniel Dunay

Nomination for Chairman:

Kevin Puzio nominates **Todd Newman** for Chairman
James Lowenstein seconds the nomination.

Seeing no other nomination for Chairman, Ms. Bozza closes this portion.

VOTE: Mr. Blecher, Mr. Lowenstein, Mr. Puzio, Mr. Sacchinelli, Mr. Dunay, Mr. Meer. **YES.**

Re-Appointed for Chairman: Mr. Todd Newman

Ms. Bozza turns meeting over to Mr. Newman, Appointed Chairman

Mr. Newman continues with Open Nominations:

Nomination for Vice-Chairman:

Mr. Meer nominates **Kevin Puzio for Vice Chairman**
Mr. Lowenstein seconds the nomination.

Seeing no other nominations for Vice-Chairman, Mr. Newman closes this portion.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio, Mr. Dunay,
Mr. Meer & Mr. Newman, **YES.**

Re-Appointed for Vice-Chairman: Mr. Kevin Puzio

Nomination for Board Secretary:

Mr. Lowenstein nominates Joe Meer for Board Secretary
Mr. Blecher seconds the nomination.

Seeing no other nominations for Board Secretary, Mr. Newman closes this portion.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio, Mr. Dunay,
Mr. Meer & Mr. Newman, **YES.**

Re-Appointed for Board Secretary: Mr. Joe Meer

Review of RFO's-

1. Board Attorney: Bruce Rosenberg

Mr. Bruce Rosenberg steps forward of Winne, Banta, Hetherington, Basralian & Kahn seeking appointment for another term as the Board Attorney.

Discussion....

Mr. Meer nominates Bruce Rosenberg for Board Attorney
Mr. Puzio seconds the nomination

Seeing no other nomination for Board Attorney, Mr. Newman closes this portion.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Dunay, Mr. Puzio
Mr. Meer & Mr. Newman, **YES.**

Re-appointed as Board Attorney: Mr. Bruce Rosenberg

Mr. Newman continues...

2. Applicants for Board Engineer.

Azzolina & Feury Engineers, Mr. Paul Azzolina steps forward seeking continuation of his services for the Town in 2013.

Boswell Engineering, Mr. Jeffery Morris steps forward for the record.

Neglia Engineering, Brian Intindola – **Not present.**

Brooker Engineering, PLLC- **Not Present.**

CME Associates- Peter Van Den Kooy on behalf of CME. Mr. Van Den Kooy states although he does not have the Professional Qualifications, he will answer any questions for them.

Remington, Vernick & Arango Engineers- **Not present.**

T& M Associates- **Not Present.**

Mr. Newman states; based on the standards that were set last month, the only Professionals that will be considered for the position this evening are the Applicants here this evening. Mr. Newman notes the two subjects which should be taken into consideration for the position would be fees & knowledge of Fair Lawn.

Mr. Newman asks the Board if there are any questions for the applicants.

Mr. Dunay (Board Member) asks the applicants to please come forward consecutively and indicate whether they in fact would be the individual providing the primary coverage of the assignment in relation to coming to the meeting and giving advice to the Board. To what extent would you rely on other Professionals from your firm and also give us a sense of fees, being there are a lot of different Professional fees for different members of the firms.....

Discussion.....

Mr. Azzolina of Azzolina & Feury explains he personally comes to the meetings and has done so for the last 12 years and intend on doing so continuing forward if given the opportunity to do so....

Mr. Azzolina gives his description on how his company works...he has a Jr. Project Engineer working under him, who does the initial review and he himself does the Final review and Final report and Site inspections...

Fees Schedules are discussed...

Project Engineer Assistant: \$98.00
His Fee: \$117.00

No further questions for Mr. Azzolina.

Mr. Jeffery Morris steps forward, representing Boswell Engineering. Mr. Morris is currently the representative for the Planning Board. Speaks to the fees they charge.

He notes he would be at the meetings at the Project Manager Rate. He will also review the Site Plan but the primary review would be done by the Senior Engineer and if a Major project, the inspections would be done at the Inspector rates...

Mr. Newman asks Mr. Morris to state these rates...

Discussion....

His Rate: \$166.00
Senior Engineer: \$150.00
Inspector: \$137.00

No further questions for Mr. Morris.

Mr. Peter Van Den Kooy steps forward of CME Associates. He speaks as a Representative of CME and notes he does not know the name of the exact individual who would be providing the services, but it would be a Project Manager. All the Professionals are highly qualified who do Municipal Engineering and Planning is their core of service. A senior level Professional would be overseeing the project and providing the service directly.

Project Manager: \$139.00
Design Engineer: \$122.00

Mr. Newman so notes that Mr. Van Den Kooy is only speaking on behalf of CME Associates, he himself would not be the individual providing these services.

Discussion & questions....

Mr. Dunay (Board Member) questions Mr. Morris of Boswell Engineering and asks him to help him understand since he is not an Engineer, why would one pay a rate significantly higher for Boswell services versus the rates quoted by some of the other Professionals.

Mr. Morris states Boswell Engineering pride themselves on is tremendous knowledge of Fair Lawn's Ordinance & town....the rate may be higher but the billing is not expanded. The bills are typically in line with everyone else's because they work less hours.

So noted.

Mr. Newman asks if there are any other questions for the Board Applicants. Seeing none, Mr. Newman states; for himself personally, he has been happy with Mr. Azzolina's services over the years and his rates are all significantly lower...

A discussion amongst Board Members takes place openly...

Mr. Lowenstein makes a motion to appoint Mr. Paul Azzolina of Azzolina & Feury as Board Engineer.

Mr. Puzio seconds the motion.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio, Mr. Dunay, Mr. Meer & Mr. Newman. **YES.**

Reappointed as Board Engineer: Mr. Paul Azzolina.

3. Applicants for Board Traffic Engineer:

Boswell Engineering: Jeffery Morris

Neglia Engineering: Brian Intindola

CME Associates: Peter Van Den Kooy, representing.

French & Parrello Associates- Not Present

Remington, Vernick & Arango Engineers-Not Present

T&M Associates- Not Present

Mr. Lowenstein (Board Member) notes the absentees & wants to clarify that each of the applicants for the various positions were aware of the requirement to be present tonight to speak on their behalf.

Ms. Peck (Assistant Zoning Officer) states it was part of the RFQ's requirement. (Reads from the requirements of the RFQ's)

Mr. Newman (Chairman) calls Mr. Jeffery Morris, from Boswell Engineering to the podium, stating they do not have any familiarity with Traffic Engineering Services from either firm, would he please do so.

Mr. Morris speaks on behalf of Boswell Engineering and notes the representative from the Traffic Engineer portion of their company would be Berge Tombalakian.

Mr. Tombalakian has a Master Degree from NGIT in Traffic Engineering and a Bachelor's Degree from Stevens Institute of Technology in Traffic Engineering. He has given testimony and given reports in most of the towns in Bergen County. Mr. Tombalakian also has a vast knowledge in this area and grew up in Ridgewood and currently lives in Midland Park. His familiarity with Fair Lawn is extensive. He has had over twenty years of experience in Traffic Engineering and Mr. Morris feels the Board will be well served having him appointed on your Board.

Mr. Newman (Chairman) calls Mr. Van Den Kooy to the Podium on behalf of CME Associates.

Mr. Van Den Kooy states he really is not sure which Professional would be providing the services for Traffic Engineering. He can only state, they have very experienced Traffic Engineers & Professionals at the Project Management level. It would be a senior level and would be present at the meetings. There will be a Jr. level staff member providing the day to day leg work just to minimize the fees to the Borough....

Mr. Newman asks if there are any further questions or comments for the Professionals from the Board.

Mr. Morris (Boswell Engineering) is questioned on the steps of review for Traffic Engineer in their firm.

Mr. Morris states for the record, Beers is the Project manager, if they got to the point where they were doing reports based on raw counts and not just reviewing the Applicant's Engineers drawing, we would be using Design Engineers for the Traffic counts. Typically, for the Board of Adjustments, such as this, we would be reviewing the Applicant's Traffic Engineering Report.

Discussion....

Mr. Newman notes since there are no further questions, no strike against Mr. Van Den Kooy's firm, but feels Boswell has done a better representation of the services they would provide to the Board.

Mr. Puzio (Vice Chairman) notes it is rather tough when you don't have the Professional here to question and for someone else to represent the firm....

No further questions.

Mr. Lowenstein makes a motion to appoint Boswell Engineering for Traffic Engineer.

Mr. Blecher seconds the motion.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio, Mr. Dunay,
Mr. Meer & Mr. Newman. **YES.**

Appointed as Traffic Engineer: Berge V Tombalakian, P.E. P.P. Boswell Engineering.

4. Applicants for Board Planner

Birdsall Service Group- Sanyogita Chavan, P.P., AICP

CME Associates/Peter Van Den Kooy

Remington, Vernick & Arango Engineers- Not Present

Mr. Dunay again requests that all applicants provide the Fee Scale and where they themselves would provide the services & how they would rely on the other primary individuals and how their fees would fall on the Fee Scale....

Sanyogita Chavan, from Birdsall Engineering steps forward & begins...she states the major work would be done by the Project Manager who is on the Fee Schedule of \$115.00. Jeffery Denota who is the Director of the Planning Department would be the one who would be attending the meetings and his fee is \$125.00. In the event of a conflict, she herself would attend the meetings. Her fee is \$120.00

Mr. Newman questions Ms. Chavan on Mr. Denota and asks if he has been the Board Planner this past year?

Ms. Chavan states no. Mr. Denota has not been the Board Planner. The RFQ states you had a different representative from Birdsall Group and in the 3 months this gentleman has left the Company, she herself has been providing the services.

Mr. Puzio asks if she would not be continuing to serve us moving forward...

Ms. Chavan notes if the Board so chooses, she herself will.

No further questions from the Board.

Mr. Peter Van Den Kooy from CME Associates steps forward & begins...Mr. Van Den Kooy notes he has served the Zoning Board as the Planner from 2008 through 2012. He enjoyed serving the Borough. He has a substantial amount of prior experience that has enabled him to obtain a substantial amount of local knowledge and it is a valuable resource going into an appointment. He is very familiar with the Borough policies and he is committed to minimizing fees for Residents & Business owners...He would attend all the meetings. In an effort to minimize costs, they would have a younger Planning Professional do the work. His fees are \$143.00 an hour and the Planning Technician is \$122.00.

Mr. Newman questions Mr. Den Kooy on his fees being higher than Birdsall.

Mr. Van Den Kooy states there are different types of Project Management Practices... Explains....they would provide a cost estimate going into the application...the cost estimate is really a limitation regardless of the dollars per hour. It sets a limitation on what could be spent without further authorization on the project. I can assure the Board, we will stay within budget. Cost estimates are very competitive.

Discussion & clarification...

Mr. Lowenstein questions Ms. Chavan from Birdsall on the Fee Schedule and asks if she also will submit a cost estimate prior to going into the application and also set limitations.

Ms. Chavan states absolutely. The cost estimate would be based on the amount of work that the project would entail. They would have junior level Professionals who do the review, we would supervise the Junior Professional's work and the Senior Professionals would attend the meetings....

Mr. Dunay (Board Member) notes this is a very sensitive subject and hates to probe on it but feels he has to. He asks Ms. Chavan if there is any comment at all on the ongoing Department of Justice investigation with your firm in respect to the Pay for Play violations in New Jersey.

Ms. Chavan states she is not the person who can answer this. She works for Birdsall. She can answer any questions in regards to her Professional background, but this is a question she would humbly recommend he speak with the Senior Officers in her Company. As far as she knows, it has been cleared, and the people involved had been let go.

Mr. Dunay appreciates this comment but feels the Board should be aware there were two former Senior Members of Birdsall who were indicted just this past December in a Pay to Play investigation....the Firm was involved in intricate scheme to funnel money to influential employees around the State & one of the two executives plead Guilty. He so notes he himself will have difficulty in supporting Birdsall.

Ms. Chevan notes; in her Company's defense, she has been appointed to other towns. This does not reflect upon what has happened and will not comment. She is a Professional working for the Company and she would suggest whatever decision that is made, she would humbly request it be made upon a person's qualifications to the Board.

Mr. Newman asks if there are any other discussions or thoughts from the Board.

Discussion....

Mr. Meer makes a motion to nominate, CME Associates, Mr. Peter Van Den Kooy for Board Planner.

Mr. Puzio seconds the motion.

Mr. Newman asks if there are any other nominations for Board Planner

Mr. Lowenstein makes a motion to nominate Birdsall Engineering, Ms. San Chevan for Board Planner.

Mr. Newman asks for a second motion. No Second called.

Motion Fails.

Seeing no other motion for Birdsall, the nomination for CME Associates is back on the Board & a vote is taken.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio, Mr. Dunay, Mr.Meer & Mr.Newman. **YES.**

Appointed as Board Planner, Mr. Peter Van Den Kooy, CME Associates.

5. Applicant for Court Stenographer: Laura Carucci

Mr. Newman reads Letter & Fee Schedule from Laura Carucci.

Mr. Newman asks for a motion.

Mr. Puzio makes a motion to nominate Ms. Carucci as Court Stenographer.

Mr. Blecher seconds the motion.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio, Mr. Dunay, Mr.Meer & Mr.Newman. **YES.**

Ms. Laura Carucci appointed as Court Stenographer to the Board.

*Applicant for Special Litigation Counsel to the Zoning Board of Adjustment:
William Soukas, Esq.*

Mr. Newman reads the Proposal from Mr. Soukas for Special Litigation Counsel Services for the Zoning Board of Adjustment in the case of Lentini vs. Fair Lawn Zoning Board for 2013.....

Mr. Newman asks for a motion.

Mr. Puzio makes a motion to nominate Mr. William Soukas.

Mr. Meer seconds the motion.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio, Mr. Dunay, Mr.Meer & Mr.Newman. **YES.**

Mr. William Soukas appointed as Special Counsel to the Zoning Board of Adjustments.

Mr. Newman opens for Public Comment. Seeing none,
Mr. Newman closes this portion.

Memorized Resolution:

1. Application 12-044, Gene & Regina Tsimerman,
39-11 Tierney Place, Block 1611, Lot 9
Proposed Addition- Approved.

Mr. Lowenstein makes a motion to accept.
Mr. Blecher seconds the motion.

VOTE: All Present: Aye

Annual Report for 2012:

Mr. Bruce Rosenberg reiterates all that has been covered on the Annual Report...

Discussion amongst Board Members...

Mr. Dunay suggests a cover letter to include the Key Recommendations to bring attention to the Specific Issues for Counsel to review.

Mr. Rosenberg agrees & so notes.

Mr. Newman asks for a motion to accept the Annual Report.

Mr. Meer makes a motion to accept.
Mr. Puzio seconds the motion.

Minutes

Mr. Blecher made a motion to approve the minutes for the **October 22, 2012** meeting and
Mr. Seibel seconded the motion.

VOTE: ALL Present: AYE

Mr. Puzio made a motion to approve the minutes for the **November 26, 2012** meeting and Mr. Lowenstein seconded the motion.

VOTE: All Present – AYE

Mr. Lowenstein made a motion to approve the minutes of **December 17, 2012** meeting and Mr. Lowenstein seconded the motion.

VOTE: All Present - AYE

Ms. Peck (Assistant Zoning Officer) discusses the Commercial Properties coming in front of the Board in February, 2013.

Ms. Peck also speaks to the Yearly Symposium run by the Bergen County Bar Association and held at Bergen Community College that is a requirement for all newly sworn in Members and also a Refresher Course for all Members.

Mr. Meer (Secretary) comments on the RFQ's. Mr. Meer comments on the overload of paperwork & all the hard work that goes into the preparation for the RFQ's. ...He also mentioned the Employee who was delivering this heavy workload in the snow & would like to make a suggestion. Maybe if a copy or two were kept at the Zoning Department, the Board Members could review them in the Office. As far as newly sworn in Members, he would leave it up to our Attorney the appropriateness of seeing & reviewing the RFQ's prior to the Re-Organization.

Discussion...

Mr. Newman speaks to the Board regarding the Resignation of our Board Member, Sy Karas and making a recommendation to the Board Counsel for them to recognize the individual's service to the Board...including the past two members who recently left our Board..

Discussion....

Vote: All Present: AYE

Mr. Meer (Secretary) would like to reiterate to our newest member and a reminder to the rest of the Board, the difference between Abstain and NOT voting....

Mr. Meer explains.....

Abstain-counts as Vote-Alternate does not Vote.
No Vote-allows an Alternate to Vote.
Recused-does not participate at all.

Discussion...

Mr. Newman asks for a motion to Adjourn.

Adjourn:

Mr. Lowenstein made a motion to adjourn this meeting and Mr. Puzio seconded the motion.

TIME: 8:30 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk