

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
Of February 25, 2013**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular meeting held on February 25, 2013

Chairman Todd Newman called the regular 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. Dunay, Mr. Blecher, Mr. Lowenstein, Mr. Seibel, Mr. Gill, Mr. Sina, Mr. Lancaster, Mr. Puzio, Mr. Meer & Mr. Newman

Absent: Mr. Sacchinelli,

Also in attendance were Bruce Rosenberg, Board Attorney; Candice Galaraza; Court Reporter, Ann Peck, Assistant Zoning Officer, Cathy Bozza, Zoning Board Secretary.

Board Professionals in Attendance: Mr. Paul Azzolina, Board Engineer
Mr. Peter Van Den Kooy, Board Planner

New Residential:

1. Application #13-002, Mara Oliva,
4-22 17th Street, Block 4403, Lot 19, Zone R-1-3
Proposed Deck and walkway would have Deck coverage of 6.79% where 5% is permitted. Would have side yard setback of 3', 3'4', 3'3' where 4' side yard setback is required as per Section 125-12 Schedule of area, yard and building requirement.

Mr. Newman swears in: Ms. Mara Oliva, (Applicant)
4-22 17th Street,
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Ms. Oliva begins her testimony, stating she is proposing a deck in her backyard and the size of the deck is beyond the regulations of the Zoning requirements. She states the problem with the deck is not the deck itself but the sidewalk that continues from the deck she would like to build next to the house.

Ms. Oliva refers to pictures submitted with her application. She explains she would like to have the sidewalk in the same material as the deck.

She was told in the building department if she did the sidewalk in any other material other than the same material as the deck she wouldn't have a problem, because now it is essentially considered a part of the deck so this is why she is here to ask for an exception.

Mr. Newman asks if there are any questions from Board Members.

Mr. Lowenstein (Board Member) asks Ms. Oliva if she were to change the material to concrete, would there still be an issue.

Mr. Lowenstein then directs his question to Ms. Peck (Assistant Zoning Officer)

Ms. Peck states the applicant wants to do it in wood, so it would be over the allowed deck coverage. Impervious coverage issues are questioned if changed to concrete...Ms. Peck notes she did not do calculations regarding impervious coverage because Ms. Oliva wants wood. Notes Ms. Oliva already removed the concrete sidewalk along the side.

Mr. Lowenstein directs his next question to Ms. Oliva asking if she would be willing to reduce the size of the deck to directly line up with the back door and not aligned along the side flagpole style. Would she consider removing the proposed side piece?

Ms. Oliva explains the sidewalk is half done...if she does not get the permission to do the sidewalk in the wood, she would have to change to the concrete, however, she already removed the concrete to do the extension from the deck...explains...the deck is on the same level as the ground.

Lot size is discussed...

Mr. Newman notes the applicant has an irregularity shaped lot which is why she is here seeking a variance for the side yard issue.

Discussion continues....

Mr. Dunay (Board Member) asks the applicant if she intends to have railings or other items that would be elevated along the side of the deck.

Ms. Oliva notes there already are railings, but for decorative purposes only because it is ground level.

Mr. Blecher (Board Member) asks if the deck is flush on the ground.

Ms. Oliva states the land is not level so where the deck starts attached to the house, it's the same level as the house, but where the deck ends it's 5" from the ground. The deck is

mostly built. She did not realize she needed a permit for the deck. She realized when she saw a sticker on the window, she needed a permit. She stopped doing everything she had been doing and complied with the town.

Discussion continues....side yard setbacks are discussed.

Ms. Oliva notes the concrete sidewalk that she removed was less in conformance with the regulations than the current walkway proposed.

Mr. Blecher asks if the concrete sidewalk was there when Ms. Oliva bought the home, to which she answers yes.

Mr. Newman clarifies by stating, she has removed a fair amount of Impervious coverage and the deck she would like to put down is wood, treated lumber....rainwater goes through...

Mr. Newman opens to Residents living within 200ft. of the Applicant for questions or comments. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens the Applicant to questions or comments from the General Public. Seeing none, he closes this portion and asks for a motion.

Mr. Dunay motions to approve the application.
Mr. Seibel seconds the motion.

VOTE: Mr. Dunay, Mr. Blecher, Mr. Seibel, Mr. Puzio, Mr. Meer & Mr. Newman, **YES.**
Mr. Lowenstein, **NO.**

Motion Carries.
Application Approved.

Commercial New Business:

1. Application #2013-00, Hadco-Fair Lawn Senior Housing, LP
River Road, Block 5834, Lot 1.02, Zone I-2
As per Section 125-65 General Provision- Proposed amendments to prior Preliminary and Final Site plan approvals. Amend from 64 Garden apartments with 14 affordable housing units to Age Restricted Senior Apartment with 63 One Bedroom affordable housing units and one two bedroom unit. Reduce the building foot print to 21,127sf. Eliminate Parking variance and request accept ion from RSIS requirements. Amend Approved Height variance from approved 40' to 36'3' where 30' is permitted. Amend Density variance. Decrease impervious

coverage. Additional Dumpster added to Site plan as approved in Resolution 2008-068, as such accepting the benefit of all prior approvals, waivers and variances granted. Amend the Developers Agreement to add 2 additional years to extend the period of compliance for construction to April 18, 2015. Include any additional variances, exceptions, design waivers or other approvals as may be required.

Fees have been paid and there is proof of service.

Louis Flora, Attorney for the Applicant steps up to the Podium.
1800 Main Street, Suite 101
Hackensack, N.J.

Mr. Flora continues with a brief introduction in respect to why they are here tonight hoping it will make the process easier...they are here to amend the prior approvals. Initially in 2008, this project came before the Board for the purpose of a Minor Sub Division to convert 3 lots into 2.....details & reviews the variances granted at that time...

They are here before the Board tonight for a different project but we believe this project should be able to benefit all the variances approved previously. They are looking to build a 64unit Multi-Family with 100% Affordable Housing, which would have 63 One Bedroom Unit & 1 Two Bedroom Unit....

Mr. Flora reviews the newly Proposed Application with the Board.

Noting the Mean Building Height of 36.3” as opposed to the 40ft. previously granted...

The property does not front a public street & he would ask for the continuance of the previous variance granted as well on this...

Mr. Flora states they have a good deal of documentation to show changes from the prior application with the present application. They have provided copies including the Cross Access & Utility Easement which was a concern at the time of the previous application that the access be made clear to the parcel. They have also provided a copy of the resolution of the Planning Board dated September 10, 2012, showing the planning Board approves of the proposed use continuing on this site as well as the change in the nature of the residences, which is now 100% affordable.

Mr. Flora summarizes and calls his first witness.....

Mr. Newman swears in: Eugene E. Walsh, CEO
Glenpointe
300 Frank W Burr Blvd.
Teaneck, N.J.

Mr. Walsh begins his testimony, stating Fair Lawn Senior Housing Limited Partnership is specifically designed to create this particular development and to apply to and hopefully receive State funding to build the project.

Mr. Walsh explains, this is a joint venture between Penwall Affordable Housing Corporation in which he is CEO & Bergen County United Way, Tom Toranto who is President of the Corporation is here this evening and Shari Ramondo who is President of the Madelyn Corporation ...together they have over 80 years of building Affordable Housing in Northern N.J. area.....

Mr. Walsh continues....currently they have over 400 units, Senior and/or Special needs housing which they have developed over the last 10-20 years...age restricted senior housing-55years & older, dedicated preference to Veterans...this will be an important project to Fair Lawn.

Mr. Walsh is asked by Mr. Flora to elaborate on the parking issue of the site.

Mr. Walsh notes 50% ratio of parking spaces per unit is more than sufficient, including visitors. If they need more parking, it is always possible, but if they build excess parking, it would be a waste. They prefer to leave grass and not put asphalt.

Discussion continues...

Dumpsters for the site are discussed.

Mr. Walsh testifies every town has different regulations, and whatever the town's regulations are, they abide by them, whether it is; Trash, recycling, glass, cardboard...

Mr. Flora has no further questions.

Mr. Newman (Chairman) would like to swear in Board Professionals for any questions.

Mr. Newman swears in: Mr. Paul Azzolina, Board Engineer &
Mr. Peter Van Den Kooy, Board Planner

Mr. Azzolina has no questions of this witness.

Mr. Peter Van Den Kooy has no questions for this witness.

Mr. Newman asks if there are questions from Board Members.

Mr. Lowenstein questions for whom do they direct questions on Environmental Impact, preliminary statement?

Mr. Flora (Applicant's Attorney) notes the Site Engineer would be best suited for that.

Mr. Meer (Board Secretary) asks Mr. Walsh if the parking spaces would need to be extra wide for Handicap residents.

Mr. Walsh testifies this site would have to be handicap accessible. Every single unit in the building would be handicap accessible; including the bathroom, etc....the parking would have excessive handicap spaces, particularly in front of the area. There will be Van adaptable spaces and regular handicap spaces.

Mr. Seibel (Board Member) clarifies Mr. Walsh's testimony was; Veterans would get preference, and follows up with the question, if this is open to Bergen County Residents only or open to all...

Mr. Walsh testifies it is open to all Residents because they are getting low-income tax credit dollars through the State....technically it is open to everyone, but we have never had a problem taking care of the locals.

No other questions from the Board.

Mr. Newman opens the witness to residents within 200ft. of the application.

Mr. Newman swears in: John Ward (Resident within 200ft.)
8-18 Lake Street

Mr. Ward begins by stating he has been to a couple of the meetings for this project and feels it is a fine project but somewhere along the line, it went from Condo's to Townhouse's. When did this change? It went from 30 families to 64 units.

Ms. Peck (Assistant Zoning Officer) clarifies and states this particular application has always been for 64 Apartments Units, Garden Style.

Mr. Ward thought this was turned down originally...it is his error. He does have another question regarding this application. It would be for 55 & older and if he heard correctly, it would be 64 families with 32 parking spaces?

Mr. Newman states this particular site would be for 55 & older, age restricted and what the Board has heard so far it sounds like 75 parking spaces for 64 units. All are one bedroom except for one, which would be a two bedroom...

Mr. Ward states the original plan as he understood was the one driveway coming out from the CVS onto Lake Street & Weber was supposed to be a one way and is now a two way ...he hopes as this project continues, they will still by the original agreements because they have changed....

Mr. Newman does note Mr. Ward comments and states the Board Traffic Engineer is not with them tonight, but a lot of the egress from the site will change yet again when the

County does improvements to the road...he does not know if this has anything to the particular situation Mr. Ward has sited, but he does not feel it can be finished with how traffic will remove on and off from the site when there will be significant changes to that part of River & Maple.

Mr. Ward states River & Maple, he could understand, but the question is Weber & Lake is where he questions. This is the Residential area. 64 families coming out onto a Dead End street is where it was decided it would be a one way exit from the property and it is now a two way.

Mr. Newman inquires....

Mr. Azzolina, (Board Engineer) notes there were temporary barricades erected to discourage the two way traffic, until the intersection was approved. This was the thought behind erecting the barricade. Once the site became occupied, he believes the Police noted there were a lot of people disobeying the barricade which was used to discourage entry into the site, so the direction from the Police Department was for the Developer to remove the barricades. Currently, it is functioning as a two way driveway at this time but it was always intended to be a two way driveway as part of the original approval.

Mr. Ward acknowledges this information and has no further questions.

Mr. Newman asks if there are any other questions or comments from residents living within 200ft of the Residence...seeing none.

Mr. Newman closes this portion.

Mr. Newman opens to the General Public for this witness only. Seeing none,
Mr. Newman closes this portion.

Mr. Flora (Applicant's Attorney) calls his next witness.

Mr. Newman swears in: Jim Walsh (Fair Lawn Senior Housing, LLP)
300 Frank W Burr Blvd
Teaneck, N.J.

Mr. Walsh begins his testimony by stating for 20yrs he has been Vice-President in Construction for Pen-Wal Affordable Housing. He operates as Chief Construction Manager on the Properties as well as manages their Portfolio Properties....

Mr. Lowenstein, (Board Member) refers to the document entitled, "Environmental Impact Preliminary Statement" submitted with the application and asks Mr. Walsh regarding question #10...which states; will any excavation required for the development penetrate the high water table ...

Notes answer was “other” which followed with; may penetrate high water table, proper methods to address same will be utilized.

Mr. Lowenstein would like him to be more specific with this.

Mr. Walsh testifies to the inquiry, the Engineering firm, EWMA had been retained by the seller of the property, Hadco. They have been in the role as the LSRP on the project for the past 8-10 years, and will continue to be the representative on the project going forward, so any environmental controls that have been designed or developed for the construction of the prior project, the 64 Garden Style apartments or the 64 units they are proposing remain intact.

In regards to the ground water issue, back in 2008, the Opper Group had retained Johnson Soil to do Geo technical reports of the site...groundwater was hit at 10ft & 12ft. on two borings out of 22....they anticipate, based on additional soil borings they had EWMA perform for them, in conjunction with Johnson Soil studies with cross sections, they will be over excavating the historic fill used to fill the Henderson Pond to a level of approximately 10ft.....

Mr. Walsh does not anticipate hitting the ground water, they may come close....in that event, they have been directed by EWMA, the issues will be addressed as they come up in the field....Explains the Grading levels and how they differ up & down at the site.....

Mr. Lowenstein addresses the Board Professionals and asks them if they have any concerns regarding this issue.

Mr. Azzolina (Board Engineer) concurs with Mr. Walsh. It can be addressed during the construction, given the proximity to the waterway, he thinks what will happen is, it will mimic the water elevation in the Brook....explains....does not believe ground water will be a problem on the site and whatever is being encounter within the borings is most likely an isolated case due to the inclusion of clay in the Historical fill Mr. Walsh spoke about. He is satisfied. When CVS & Auto Parts was being constructed, ground water was not an issue at the site.

Discussion continues...

Mr. Puzio (Board Vice-Chair) asks Mr. Walsh if he foresees the basement plane going any lower than the original building plan was or are they at the same level.

Mr. Walsh testifies he believes the original approved was Slab on Grade. His Architects and Engineers will go into it more. They are going to build a basement due to the Site restraints and the Historic fill, issues during construction would add significant costs, so they decided to build a basement...defers to his Architect to answer questions more detailed

Mr. Dunay (Board Member) questions Mr. Walsh on the improved Storm Water Management System.

Mr. Flora (Attorney) recommends questioning would be better suited for their Civil Engineer.

Mr. Newman opens the witness for questions from residents living within 200ft. of the applicant. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens the witness to the General Public for questions or comments. Seeing none,

Mr. Newman closes this portion.

Mr. Flora calls his next witness...

Mr. Newman swears in: Cheryl Bergailo (Professional Planner)
100 Technology Way
Mount Laurel, N.J.

Mr. Newman certifies Ms. Bergailo as an Expert Witness in the field of Professional Planning with no objections from the Board.

Mr. Rosenberg (Board Attorney) notes for the record, Ms. Bergailo position with the Borough was also instrumental in their Housing Compliance Plan.

Mr. Lowenstein defers to Board Counsel and asks if he has any concerns as to a potential conflict of interest here which may disqualify this witness.

Mr. Rosenberg has none. She has the ability to testify without any conflict.

Ms. Bergailo begins her testimony noting this site in particular has been a designated Affordable housing site since the prior COAH housing round. They are now in the 3rd housing round and as the Board knows, this site was approved for Affordable Housing for 64 total units and 14 affordable units as a prior development application which was consistent with the housing plan.

The prior project was approved and since then, interest has developed at the site for a 100% affordable Senior Project....explains..

The Borough liked the concept and petitioned the Court to change the Housing Plan. The Court & the Court Master at the time ran through the numbers, she ran through the numbers and found that a 100% Senior project could work on the site and still meet

COAH standards...the project is in the process of being finally approved by the Court. A final judgment is pending. The project was presented to the Planning Board for their consideration because they are the ones who adopt the Housing Plan Element of the Master Plan...there is a Resolution as part of the package, the Planning Board has supported the concept of the project.

Testimony continues...

Ms. Bergailo states this is a Public/Private Partnership between the Borough & the Applicant. The Borough has purchased the Land using the Affordable Housing Trust Fund monies and that in itself shows a tremendous amount of support of the concept.

Testimony continues...

Ms. Bergailo states they are waiting for the Official Recognition by the Court, the new Court Master (due to the passing of the Old Court Master) to work with the Court on the Final Judgment...

Mr. Newman questions if there are dates in relation to this.

Discussion...

Ms. Bergailo continues her testimony stating; The Legistrator & the Courts have found that Senior Housing is inherently beneficial and the Courts have found that 100% Affordable Projects are also inherently beneficial. With respect to the project, it has already been granted a Use variance, but if you are thinking of the Project in its new context, the use is inherently beneficial even more so than the prior project...explains.

The impact of the project would be lessened because of the nature of the population who would live there, 55 years & older and in her experience, probably much older than 55 years in this type of project.

Testimony continues...

Mr. Newman inquires whether the alteration of units to all senior affordable housing will have any impact on Borough Services

Ms. Bergailo states regarding the impact, from a utility stand point there would be less usage of water and less sewerage generated. Fewer parking spaces would be necessary, senior tenants own fewer vehicles and that alone would reduce vehicular emissions and traffic. Regarding the school system, because of the age restricted tenants, there will be no school age children so there would be no impact to the Schools. Depending on the property tax structure this property has, it would be a positive impact in respect to that.

Mr. Newman asks the Board Professionals if they have any questions for this witness.

Both Mr. Azzolina (Board Engineer) & Mr. Peter Van Den Kooy (Board Planner) have no questions for this witness.

Mr. Puzio (Board Vice-Chair) asks if the property would still be paying the school taxes, even if it has no impact on the schools.

Ms. Bergailo states she would not be the correct witness for this question....

Mr. Flora (Applicant's Attorney) responds to this inquiry by stating the Applicant would be paying taxes based upon a Payment in Lieu of Taxes (Pilot) formula which would be worked out between the Applicant and the Borough...

Discussion continues regarding the understanding of the Tax Structure.

Mr. Flora explains in detail how this will work.

Mr. Newman opens for questions or comments to residents living within 200ft. for this witness, seeing none,

Mr. Newman closes this portion.

Mr. Newman opens to the General Public for questions or comments for this witness. Seeing none,

Mr. Newman closes this portion.

Mr. Flora calls his next witness:

Mr. Newman swears in: Mr. John Montoro, (President of Montoro Architectural Group)
150 West 50 Saddle River Road,
Saddle River, N.J.

Mr. Newman certifies Mr. Montoro as an Expert Witness in the Field of Architecture with no objections from the Board.

Mr. Montoro begins his testimony with respect to the Architectural plans and elevations submitted with the application...Sheets- A1, A2, A3 & A4 dated 01/11/13...which details the basement level, first floor, 2nd floor & 3rd floor for 64 units. Approximately 63 units are all one Bedroom & one is a duplex for the Superintendent which is the 1st flr & 2nd flr.

Mr. Montoro walks the Board through the Visual Exhibits.....detailing the units on each floor.

Mr. Montoro describes how the building had been redesigned from the original proposal, and why they decided not to build a slab on grade because the building would be sticking out in the rear...explains this building would have a basement and by constructing a basement the Architect and Developer were able to lower the façade in the rear, thereby lowering the visual impact on the surrounding neighborhood.

Mr. Montoro continues; basement space would become a functional space, for programs, Events, eating, interviewing, yet leaves a lot of space for storage.

Mr. Montoro testifies to meet Code the building will be 100% sprinkler system.

Testimony continues....

Mr. Montoro also testified the overall building footprint would be more than 30% smaller than the previously approved building.

Mr. Montoro speaks to the Elevation design. He states the building appearance was not a rectangular box but a design to incorporate Architectural elements, including shadows and create a façade of “Row Houses” He notes the textures and finishes were chosen to avoid a long blank wall. The whole idea with fenestration is to create a look, not just plaster brick or siding, we tried to create an appealing look, brick & siding will be used, noting no stucco.

Testimony continues...

The roof would also maintain a proper pitch which would allow the building to be more attractive and maintain proper overall proportions.

Review of Site Drawings....clarification on what side the building would be facing.

Mr. Paul Azzolina (Board Engineer) clarifies this depiction of the site is the view from the Lake street properties.

Discussion continues...

Mr. Newman opens for questions from Residents living within 200ft. for this Witness. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens to the General Public for questions or comments for this witness. Seeing none,

Mr. Newman closes this portion.

Mr. Azzolina states; the original approval required Ladder racks & Ladder Storage boxes in the rear of the buildings as previously requested from the Fire Department. Is this something that could be integrated into the current plan?

Mr. Montoro replies to the inquiry by stating, he doesn't see why not. There would be plenty of room in the basement.

Mr. Azzolina clarifies they are exterior ladder racks...given the height along the back of the structure.

Mr. Montoro testifies it would not be a problem.

Mr. Van Den Kooy (Board Planner) sites the high level of access to handicap or a disability. Notes the sidewalk is 5ft. wide and if for instance there is a senior recovering from surgery, recommends given the decrease in the impervious coverage to allow the sidewalk to be 6ft. wide.

Discussion....

Mr. Flora calls his next witness.

Mr. Newman swears in: Mr. William Lothian, (Traffic Engineer)
Langan Engineering
6-19 River Drive
Elmwood Park, N.J.

Mr. Newman certifies Mr. Lothian as an Expert Witness in the Field of Traffic Engineering with no objections from the Board.

Mr. Lothian begins his testimony...refers to the Traffic Statement Proposed for the Age Restricted Residential Development at the subject site dated Feb. 11, 2013 and it includes some information on Traffic Site Plan review and a conclusion.

Mr. Lothian speaks to the difference between the previously approved sites stating it was going to be a less intense use from a traffic standpoint...

Also noting the review letter from the Board's Traffic Expert, Boswell indicated they had no comment on the Traffic issues at this time.

Testimony to the parking issues.....the number of parking spaces is 75 parking spaces and meets the Borough's parking requirements which only require 65 spaces.

Testimony continues....

Mr. Lothian refers to Reese's Section (521-4).14 C for support of the parking documentation he speaks to.....support the request for the waiver from the Reese's parking standards....

Testimony continues....

Mr. Lothian testifies 75 parking spaces are completely adequate and it should be all that would be completely necessary to support this development.

Testimony continues.....

Loading space is discussed....Site plan reviewed...

Mr. Lothian discusses Emergency vehicles and testifies they will have no issues...40ft. radius was originally approved on the 1st application....no issues.

Mr. Dunay questions the process regarding parking. If parking would have to be added...does the company look to secure funding to pay for additional parking, or would this be the burden of the Resident to pay to additional areas.

Mr. Flora (Applicant's Attorney) notes he does not feel this would be the appropriate witness to answer this but states; any improvements to the site would be the obligation of the Developer.

The Board continues questioning Mr. Lothian with respect to the site, pedestrian, vehicular traffic....

No other questions from the Board.

Mr. Newman opens this witness to residents living within 200ft. of the applicant for questions or comments.

Mr. Ward steps forward (sworn in previously) asks if anything will be done on Maple Ave towards River. One of the concerns from the neighborhood is the people are cutting Through to avoid the light on Maple Ave and it is already a safety issue.

Mr. Lothian responds to Mr. Ward's questioning by stating that is a County issue. Nothing is going to be improved as part of this development..

Mr. Ward asks this development has nothing to do with the people cutting through to avoid the light on River Road?

Mr. Newman (Chairman) states this would be a Police issue.

No other questions from residents living within 200ft.

Mr. Newman opens the witness to the General Public for questions or comments.
seeing none,

Mr. Newman closes this portion.

Mr. Flora calls his next witness.

Mr. Newman swears in: Mr. Robert Weissman, (Engineer)
686 Godwin Ave
Midland Park, N.J.

Mr. Newman states Mr. Weissman has been previously accepted as an Expert Witness
before this Board more than once...without objection from the Board.

Testimony begins....

Mr. Weissman begins to speak to the Board regarding the stages of the design, speaking
to the reduction of the impervious by 30%...building footprint has been reduced by
approximately 26%, gross Floor Area of the building by approximately 20% and the
overall length of the building has been reduced by 37%....

Much less demand of parking because of the use....

Mr. Weissman touches on Mr. Azzolina's report & recommendations....refers to Page 3,
a statement regarding the basement floor elevation. They will raise it 6 inches with respect
to the original approval...

Building Height, Front yard setbacks are reviewed again along with the side yard
setbacks....building coverage reduced...parking...

Mr. Weissman discusses all the substantial reductions & they will comply with all the
comments Mr. Azzolina's has noted...

Loading space is discussed...appropriate location based on our Traffic report...
Circulation is discussed....walkways, etc...

Mr. Weissman discusses drainage system, sprinkler system, etc...

Testimony continues....

Landscapingthey will provide a landscape plan as close to the original as possible.

Mr. Weissman is asked to comment on Ron Conte's (Superintendent, DPW) report.

Mr. Weissman refers to Item #1, they will comply. They will extend the sewer line to the Cul-d-Sac area for easy maintenance & access the interior plumbing drawings sited in Item#4...the potential plan is forthcoming.

Mr. Newman addresses the Board Professionals for comments.

Mr. Azzolina (Board Engineer) states he believes Mr. Weissman has addressed all the comments in his letter with the exception of the laundry room in basement...

Mr. Weissman testifies, he will comply with his comments regarding this.

Mr. Azzolina also notes on the original application, it included a monument sign identifying the name of the project in the vicinity of the entrance to the site plans...this plan does not have the same detail.

Mr. Azzolina states throughout the report, he has compared the approved drawing to the current set of drawings and noted the current deficiencies but believes Mr. Weissman can and will address subsequently if the Board approves the application.

Mr. Van Den Kooy (Board Planner) has no questions for this witness at this time.

Mr. Rosenberg (Board Attorney) would like to clarify the Developer's Agreement regarding Parcels. Parcel A/CVS& Auto. This site would be Parcel B.

Mr. Rosenberg so notes, with the Developer's Agreement there is an attachment of the Schedule of values prepared... for the record, are there any improvements that need to be reaffirmed in an amended Developer's agreement that are solely or should be the responsibility of only this Applicant (Parcel B) or are we done with the approvals that were bonded for, improved, completed and now may or may not be under a Maintenance Bond. ...now that the sites have been bifurcated...do we need to amend the schedule that was attached to the original Developer's Agreement?

Mr. Azzolina (Board Engineer) notes for clarification, the Schedules were always bifurcated. The one Schedule pertains only to the Commercial Site, the second, was for the Residential site as then proposed. With the revisions proposed which will be a lot less....less pipes, less lightening fixtures...he will need to revise it down to the smaller...

Discussion continues....

Mr. Azzolina does note regarding the Developer's Agreement, the applicant has requested the term for the "Commencement" of Construction be extended to April, 2015 whereas the original agreement had "Completion" dates specified. There will need to be reworking of that section of the "Developer's Agreement" as well.

Mr. Rosenberg so notes.

Discussion continues regarding the Developer's Agreement with Mr. Flora (Applicant's Attorney)

Emergency Vehicles access is again discussed & reviewed along with questions regarding the Landscaping.

No further questions for this witness from the Board.

Mr. Newman opens the witness to residents living within 200ft. of the site for questions or comments. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens to the General Public for questions or comments.

Mr. Newman swears in: Jim Vanderbeck
0-80 34th Street
Fair Lawn, N.J.
(Chairman to the Shade Tree Advisory Committee.)

Jane Spindel (Member of Shade Tree AC)
395 Plaza Road North
Fair Lawn, N.J.

Mr. Vanderbeck has questions regarding large Evergreens growing behind the homes on Lake Street and if they are being removed or kept as a screen?

Mr. Weissman states he is not sure of whose property the trees are on but he can say they have more ability to save them because of the new location of the curb line approximately 5ft southerly to give more room for buffering.....If they do not intrude with the improvement area, they will stay....

Ms. Spindel questions the Landscaping Plan and asks if it is the same planting plan that was on the previous application...

Mr. Weissman reiterates what he stated earlier. The Landscaping plan was not resubmitted with the application due to the haste to get this plan in, but we will keep as close to the prior application in regards to landscaping as we can.

Discussion continues...

Ms. Spindel would like to see a Landscaping plan with regards to the plantings, shrubs, trees.....

Mr. Weissman states they will comply and reassures Ms. Spindel they will keep as close to the previous application as possible.

Ms. Spindel reiterates she would like to see a “Plant Key” as part of the planting plan which list the Botanical name, the Common name, the size of the tree, the caliper, it can include the color of flowers or whatever....and exactly where the plants are going and the number of plants. She also wants to be sure they will follow all the guidelines according to the Tree Ordinance as far as protecting the existing trees, that a snow fence gets put around the trees during the construction and that no debris gets piled along the trunk...which we have seen with builders before.

Mr. Weissman states he has no objections to this.

Mr. Newman opens to the General Public for any other comments or questions for this witness only. Seeing none,

Mr. Newman calls for the next witness.

Mr. Flora (Applicant’s Attorney) notes this concludes the presentation of the application. Asks in respect to the report of “Langan Engineering” dated February 11, 2013 to be included as evidence (inaudible)....

Mr. Flora summarizes the application for the Board.

Mr. Newman asks if there are any other questions from the Board.

Mr. Lowenstein (Board Member) questions the “Certificate of Ownership” from the applicant...would like to question Counsel if there is any cause for concern with the fact that Bergen County United Way is a 99.99% Limited partner and the other 1 100th %o being held by Fair Lawn Housing...?

Mr. Rosenberg (Board Attorney) notes this is perfectly legal. The General Partner controls and the fact that it is a percentage does not have a bearing on the issues of liability under N.J. Corporate Law. He has no objections to this. He has seen less.

Discussion continues....

Mr. Seibel (Board Attorney) clarifies the application is for 55 & older with preference to “Veterans” ...questions with all the improvements and the landscaping plan, has there ever been a consideration for a “Flagpole”, a place for an American Flag so when “Veterans enter the building they can show their respect & be proud.

Mr. Weissman notes he is a veteran and he will guarantee it.

Mr. Newman (Chairman) addresses the Board Professionals and asks if there are any comments or questions?

Mr. Peter Van Den Kooy (Board Planner) questions Mr. Weissman in regards to the 6ft. wide sidewalk and it had been mentioned in the front areas, but is there any opportunity to make them this size on the side yards as well.

Mr. Weissman feels this should not be a problem.

Mr. Azzolina (Board Engineer) has no questions.

Mr. Rosenberg (Board Attorney) asks Mr. Azzolina in terms of the relief of the height variance, because of your comment with respect to the flood. The request for the relief is 36'3", what would the height be now?

Mr. Azzolina notes approximately 6" higher....36'9" approximately....it will be well less than the initial height of 40'there are other variations, or uncertainties to the grade plan as currently presented...and need to be ironed out.

Discussion.....

Mr. Rosenberg would just like the record to reflect that the applicant needs to amend the relief requested for the height variance that Mr. Flora had noted and in your estimation it is 36'9" approximately...

Mr. Azzolina agrees but does note, however, if the height turned out to be significantly different than that value, he would require for the applicant to reappear.

Mr. Rosenberg comments as long as it's below the 40ft. his opinion would be they would still be covered by the prior approval because it runs with the land.

Mr. Dunay (Board Member) would like to clarify what exactly it would be the Board is voting on tonight in respect to variances, site plan approval. Etc.

Mr. Newman asks to hold this question while he asks if there are any other questions or comments from residents living within 200ft. of the applicant about any area of this application. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens to the General Public for any questions or comments on any area of this application. Seeing none,

Mr. Newman closes this portion.

Mr. Newman defers to Counsel to answer & clarify Mr. Dunay's question regarding what we will be voting on tonight.

Mr. Rosenberg explains to the Board exactly what this previous application entailed.... What they are being asked to do this evening is an "Amended" Site Plan application with an affirmative of the prior "Use" variance so as to allow all the modifications that the applicant has requested this evening....there are new variances....parking variance has to be approved by the Board as well as other variances that are listed.

Mr. Rosenberg continues....because the application is smaller in size, it really is assumed within the prior approval, other than parking...

Mr. Azzolina (Board Engineer) would like to clarify, in regards to parking. Theoretically they wouldn't need a variance per the Borough's Ordinance...

Mr. Rosenberg so notes the correction and notes it is a "Waiver."

Mr. Newman asks if there are any other discussions, or concerns from the Board...seeing none,

Mr. Newman asks for a motion.

Mr. Meer makes 1st motion to approve the application. Subject to the approval by any of the Borough of Fair Lawn Departments, Fire, Police, Emergency Management, DPW, & the Shade Tree recommendations from the Shade Tree Commission on the Landscape Design Plan & to comply with all testimony given this evening along with all the agreements by the applicant.

Mr. Puzio seconds this motion.

Mr. Lowenstein (Board Member) would like to ask if the maker of the motion would accept a proposed amendment which would be included in the proposal, this being; the sidewalks would be 6ft. wide rather than 5ft as proposed and a Flagpole would be included.

Mr. Meer notes the amendment with approval.

Mr. Puzio seconds.

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

Motion carries.

APPLICATION APPROVED.

Vouchers:

1. Winne, Banta, Hetherington Basralian & Kahn in the amount of \$816.66 for Legal Services rendered for January 28, 2013 meeting.

Mr. Puzio made a motion to accept this voucher and Mr. Lowenstein seconded the motion.

VOTE: All Present – AYE.

2. Azzolina & Feury Engineering in the amount of \$117.00 for Professional services rendered; Application#13-00, Hadco Senior Housing, on January 30 & 31, 2013.

Mr. Puzio made a motion to accept this voucher and Mr. Seibel seconded the motion.

VOTE: All Present – AYE.

3. Azzolina & Feury Engineering in the amount of \$579.00 for Professional services Rendered; PSE&G, 17-01 Nevins Road, Fair Lawn.

Mr. Lowenstein made a motion to accept this voucher and Mr. Puzio seconded the motion.

VOTE: All Present – AYE.

Estimates:

1. Estimate submitted by CME Associates, for Professional services not to exceed \$1, 900.00 regarding Application#2013-00, Hadco, Fair Lawn Senior Housing.

Mr. Puzio made a motion to approve this estimate and Mr. Lowenstein seconded the motion.

VOTE: All Present – AYE.

2. Estimate submitted by Boswell Engineering for Professional services not to exceed \$1000 regarding Application#2013-00, Hadco, Fair Lawn Senior Housing.

Mr. Lowenstein made a motion to approve this estimate and Mr. Puzio seconded the motion.

VOTE: All Present – AYE.

3. Estimate submitted by Azzolina & Feury for Professional services in the amount of \$4,500.00 for Preliminary & Final Amended Site Plan approval regarding Hadco, Fair Lawn Senior Housing.

Mr. Lowenstein made a motion to approve this estimate & Mr. Puzio seconded the motion.

VOTE: All Present - AYE

Minutes

1. Mr. Meer made a motion to approve the minutes for the **January 28, 2013** meeting and Blecher seconded the motion.

VOTE: All Present – AYE

Discussion amongst Board Members regarding emailing of all paperwork, Agenda's, etc.....to be environmentally friendly.

Symposium Attendance is discussed.

Discussion on the follow up regarding recognition for past members who have served the Board...

Counsel states it should be for "Retired Members" only. Reasons explained.

Discussion...

Adjourn

Mr. Meer made a motion to adjourn this meeting and Mr. Blecher seconded the motion.

TIME: 9: 45 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk

