

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
OF DECEMBER 15, 2014**

Following are the Fair Lawn Zoning Board of Adjustment's Special Meeting Minutes from the Zoning Board Special meeting held on December 15, 2014

Chairman Todd Newman called the Special 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. Seibel, Mr. Sacchinelli, Mr. Pohlman, Mr. Naveh, Mr. Zharnest  
Mr. Lowenstein & Mr. Newman.

Absent: Mr. Gil, Mr. Blecher, Mr. Puzio, & Mr. Racenstein

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

Board Professionals in Attendance: Board Engineer: Paul Azzolina,  
Board Traffic Engineer: Mark Kataryniak  
Board Planner: Paul John Kittner

**Carried Commercial New Business:**

1. Application#2014-10, Barrister Land Development Corp.  
41-25 & 41-29 Dunkerhook Road, Block 1702, Lots 5&6  
D-1 Use variance as a Health Care Facility is not a permitted use in the R-1-2 Single Family Zone.  
D-6 Height variance. Requirement 30' where proposed is 38'  
D-6 Density as per Section 125-57.D. (1) (d)  
Major Site plan required as per Section 125-65.A.  
Impervious coverage of 52.2% where 35% is permitted.  
3 Story facility where on 2 ½ Stories are permitted as per Section 125-12 Schedule of area yard and Building requirements.  
Sign variance as per Section 125-41 & any other variances and/or waivers that may be required for this Application.

Fees have been paid and there is proof of service.

Note: Mr. Gary Sacchinelli & Mr. Mark Zharnest have both listened to tapes and are both eligible to vote.

Mr. Huntington (Attorney for the Applicant) stating this is a continued Public Hearing on the Senior Living Application. He believes the jurisdiction of all requirements have been met. He will call his 1<sup>st</sup>. witness, Richard Preiss, their Professional Planner & Consultant.

Mr. Newman swears in: Mr. Richard M. Preiss  
33-41 Newark Street  
Hoboken, N.J. 07030

Mr. Newman certifies Mr. Preiss as an Expert in the Field of Planning with no objections from the Board.

Mr. Huntington begins his Cross examination.

**Mr. Preiss:** states the purpose of his testimony this evening is to evaluate the appropriateness of the D-variances, and the C variances as well as the waivers associated with the use and the site plan approval.

Reviewed prior Master Plans and the most recently adopted 2014 Master plan as well as the Fair Lawn Zoning Ordinance. He was also involved in a substantial consultation with his client regarding the use & operations.

Mr. Preiss read the reports from the Board's Consultants from CME, Mr. Van Den Kooy & Ms. Beahm, Mr. Azzolina & Mr. Kataryniak over the course over this application.

Mr. Huntington (Applicant's Attorney) asks Mr. Preiss to indicate to the Board what some of the Planning considerations are.

Mr. Preiss discusses details of the site plan, surrounding residential as well as the Historical aspects.

Mr. Preiss speaks to the changes over time with this particular development. It is a total of 104 Units which is 64 Assisted Living units and 40 Memory Care or Dementia units which contain a total of 123 beds and the building that is proposed is 3 stories in height. It is located towards the n/w corner of the site and has access both from Century & Dunkerhood Road. The parking is located on the other side from the single family residential neighbors to the east and south of the building and has 63 spaces and also a loading space and a porte-cochere which is on the east side of the building.

Mr. Preiss walks the Board through the variances...

D-1, Assisted Living not permitted in the Zone.  
D-5, FAR and arguably for Density.  
D-6, Height variance. Maximum permitted is 30ft., Proposed is 36.8’.

These are all the D-variances which required a minimum of 5 members...

Mr. Preiss speaks to the number of C-variances, an Open space variance, bulk variance, impervious coverage and two sign variances.

Mr. Preiss gives the Board a little more background as to what an Assisted Living Facility is...It is a residential option for Seniors who need help with some of the activities of daily living...cooking meals, going to the bathroom in the middle of the night, keeping house and traveling to their appointments. It is the right choice for people who need more personal care services they can’t get in their independent home or in an independent living Retirement Community but where they do not need round the clock medical care or supervision such as a Nursing Home.

It offers safety and security of 24 hr. support and access to care, day or night. It contains small apartment style units with scaled down kitchens. Also, as in this facility some have a second room or a second bedroom. Most facilities and certainly in this one, has a Group Dining Room and a number of common areas for social and recreational activities. The services that are provided at this particular assisted living facility beyond the home itself will be as follows:

An option to have 3 meals a day served in the common dining facility. Most of the residents will be ambulatory, but if needed, necessary assistance will be provided with heating, bathing, dressing and going to the bathroom and walking if necessary. There will be housekeeping services such as linens, towels and the cleaning of individual units. Transportation will be provided in the form of a Shuttle Bus because most of the residents can’t or don’t drive. There will be access to Medical and other Health services, meaning transportation if a resident has an appointment as well as within the facility, there will be Health & Wellness programs.

There will be round the clock security. There is an Emergency Call System in each of the Residents Living Space. There will be Exercise and a Wellness Program. There is what is known as Medical Management. There is no onsite Nursing Staff or Medical Help but there are Employees on the site who make sure the residents are taking their medicine and monitor the health and well-being of the Residents.

They will also schedule appointments and be sure the resident gets to the appointment on time. They will maintain contact with the family to make sure the family visits or the family is there to support them for whatever services they need.

There will also be Laundry Services on the property, there will be Social & Recreational Activities and the Staff will be available to schedule any unexpected issues that are needed.

Assisted Living Facility provides a home like atmosphere without the need for cooking, cleaning, shopping or laundry.

In regards to transportation, most people do not drive or can no longer drive so a Shuttle or a Van will take the resident to a Doctor's appointment, shopping or other visits that would be necessary.

Mr. Preiss summarizes by stating this is what an Assisted Living Facility is and this is why the N.J. Courts have recognized them as an inherently beneficial use. An inherently beneficial use is defined under the M.L.U. and under Case Law is a "type of facility which by its very existence promotes the Public Health and Welfare and for this reason, he knows the Board is very familiar with use variances and typically an applicant is required to address two components. One is the special reasons, for reason and support of the granting of the variance....

In an inherently beneficial use such as an Assisted Living Facility, the use itself promotes the public welfare so there is no need for the Board to find there are separate special reasons in support of the application...

Medici. The applicant must still address the negative criteria,

1. To identify the Public interest.
2. To identify the potential detrimental effects created by the granting of the variance.
3. For the Board to determine whether the imposition of reasonable conditions could reduce or ameliorate these negative impacts.
4. The Board has to look at the Public benefits or positive impact and then look at the potential negative impacts. Assuming the reasonable conditions are being imposed to ameliorate them and to determine on balance whether the positive outweighs the negatives.

Mr. Preiss states if the positive outweighs the negatives, then the variance should be granted. He would also like to indicate for the record, the courts have determined Assisted Living Facilities to be inherently beneficial.

Mr. Preiss speaks to the 4 parts of the Sica test...

Identify the Public interest. In the Sica case which was the Supreme Court case, the courts said; not all inherited beneficial uses serve the public interest to the same degree, so the 1<sup>st</sup> test is to determine on a scale of "inherently beneficial" uses where this particular use that is proposed lies. His conclusion after his review is; an Assisted Living Facility ranks high on this scale. The 1<sup>st</sup> thing is the State has a particular interest in these types of facilities....explains.

Looking at the 13 purposes of the Municipal Land Use Law, one of the 13 purposes states; Senior Community Housing Construction is one of the purposes

The Board should be aware of the changing demographics, both in Fair Lawn and in Bergen County which is what this Assisted Living Facility would serve. In the next 10 years and beyond there is an aging of the population, at the current time, the Baby Boomers are in their late 60's and increasingly will need specialized housing and care that are offered in facilities such as this.

Mr. Preiss refers to the projections for Bergen County from the New Jersey Department of Labor over the next 15 years. The future is going to drive a significant demand for Assisted Living facilities,

Mr. Preiss refers to the 4<sup>th</sup> reason. If they look at the Master Plan of Fair Lawn, there is support for varied housing and community facilities to meet the needs of Fair Lawn Residents and based on the demographics and certain goals and objectives, this would include Assisted Living facilities.

When they take all these factors, the State's interest, the fact that Senior Community housing is one of the purposes of the Municipal Land Use Law, the fact that no Assisted Living Facilities currently exist in Fair Lawn, the need based on the demographics and statements in the Master Plan, the conclusion he reached under the 1<sup>st</sup> part of the Sica test is an Assisted Living Facility ranks very high on the scale of inherently beneficial uses.

Mr. Preiss continues...the need for the Board to identify the potential detrimental impacts if the variance were to be granted. This would fall into two categories...the 1<sup>st</sup> being the impact on the Public good which is essentially the surrounding area, the neighborhood and the community and the second is on the Zoning plan which is both the Master Plan and the Zone plan of the community.

In regard to the impact on the Public Good, lists the potential negative impacts and listed them as follows:

1. Potential Land Use Impacts.
2. Historic Preservation Impact.
3. Visual or Aesthetic Impact.
4. Traffic and Parking Impacts.
5. Impacts on Municipal Services, Emergency, Police, Fire & Taxes.
6. Environmental Impacts.

Mr. Preiss speaks to each one.

Mr. Preiss states the subject property is located at the edge of a Single Family Residential neighborhood which transitions into Land owned both by the County and by Fair Lawn for both Open Space and Preservations purposes. Essentially, Lots 4 & 10 which include the Naugle House and County Park Land.

An Assisted Living Facility is a very benign land use in terms of its level of activity that is conducted outdoors. Very few of the Residents in both the Memory Care and the Assisted Living Residents or the Employees spend much time outdoors.

Most of the intervening space between the proposed building and the 3 single family homes to which it is adjacent will be vegetated open space and act as a barrier and screen and shield all of the outdoor activities.

Mr. Preiss explains on the other side of the property, to its east and to its south with surrounding parkland, this outdoor activities and traffic related activities are located a significant distance from the County Park and Naugle House. This use will not have a substantial detrimental impact on the surrounding uses.

Mr. Preiss addresses the Historic Preservation impact which the Board has heard a substantial amount of testimony. Mr. Milanese efforts working with the Fair Lawn Historic Commission to possibly move the house to adjacent Lot 10 and to save it along with the Naugle House. While the Vanderbeck House is on the National and State historic register and is locally designated as was indicated by the Board Attorney under current Law, there is no legal obligation or requirement to save the home. Legally it could be demolished with no legal repercussions.

Unfortunately after many months of negotiation and discussion, they are down to two alternatives. One is to demolish the home in place and build the project and the second, as currently proposed, save the original portion of the Historic house and restore and construct it on the front of the project on the Century Road Extension.

Mr. Preiss refers to two (2) photographs which were taken of the Vanderbeck Residence.

**Exhibit A19&A20-** 2 Photographs taken by Mr. Milanese of the Vanderbeck Historic Home.

Discussion...

Mr. Preiss explains the first photo (A-19) is of the entire residence as it currently exists taken from the South. This is the most important perspective in terms of its preservation because the portion which is on the left side would be the portion to be removed and restored.

**Exhibit A-20-** is a closer view of the portion which is to be restored.

Mr. Preiss refers back to Exhibit A-19 to speak to the structure. He reviewed the Historic documents and information which was provided by the Fair Lawn Historic Commission and the original residence which was built during the 18<sup>th</sup> Century and it would be this portion on the left hand side (Points to Exhibit location) at a later time, a wing was added on the East side. That was demolished and in the late 1930's or 1940's, this Wing on the right side (points to Exhibit location) was added....

Mr. Preiss testifies the original portion/the original house is the portion that will be moved and relocated on the front of the property facing to the south of Century Road. Originally it was going to face east, Jane Deeperveen and the members who are familiar with Historic Homes had indicated it is more usual for Historic Homes to face south, so the building when reconstructed will face south, keeping with its historic orientation...

Testimony continues to its advantages.

Mr. Preiss discusses the efforts to move the house to Lot 4 so that it could be pared with the Naugle House, but from the Green Acres point of view this would not be possible. The only

viable and reasonable alternative and one which does preserve the historic remnants of the original house and makes it visible to the public is to restore it and move the house to the front of the property. To him, compared to the alternative which is to demolish the house and have it lost to the residents of Fair Lawn, this is a much better alternative.

He does not believe there is a substantial public detriment, in fact he believes this would be a significant public benefit to restore the house and have it located on Century Road.

Mr. Preiss discusses the Visual Impacts.

Single buildings tend to be compact and vertical and in this case, 3 stories which is very typical of Assisted Living Facilities both throughout Bergen County and throughout the State. Given the unusual shape of the property which is long and narrow, the building is required, in order to minimize the impact as he described in the Land Use Impact earlier.

The building is therefore long because of the long and narrow shape of the property and the challenge from a visual point of view is to provide both vertical and horizontal articulation in the architecture and the design through the use of varied building materials and through the use of breaking up the roof line so the mass of the building is broken up and certainly they have seen the renderings of the Architect in the initial hearing and he believes this has been achieved.

The building will be substantially larger than single family homes, however it will have a residential appearance as opposed to an institutional appearance. It is set far back from the Century Road Extension and Dunkerhook so it would not be particularly visible to the public.

Mr. Preiss testifies the greatest potential impact are to the 3 surrounding single family homes on Landzettel Way as indicated in prior testimony but changes to the design and the location of the building has moved the building further away from the adjacent residents. With this, he does not believe there will be substantial impact on the aesthetic characteristics of the neighborhood.

Introduction of 3 Exhibits. Photo simulations...  
Exhibits are marked into the record.

A-21-  
A-22  
A-23

Mr. Preiss walks the Board through the photographs Mr. Milanese took from the Cul-De-Sac from Landzettel Way where the building would be most visible.

The photographs were taken recently so the Foliage on the trees is gone. The views of the property when it is most bare and visible which would exist from November to the beginning of April. These photos do not show the proposed Landscaping that will be provided on the property.

Mr. Preiss explains how the simulations were done by Mr. Milanese and the Architect, Martin Kimmel. He believes these photo renderings are very accurate as to scale and what would actually be seen when out there. Explains...

**A-21-**Photo taken down at the end of cul-de-sac looking through a portion of the property where there is not much evergreen tree cover. They can see the building in the background but planting will occur in the intervening space and over time this vegetation will grow and be less visible.

**A-22-** photo taken a little bit further up Landzettel Way with a view of the single family home. which faces onto the Cul-De-Sac and shows the plants as well as the existing vegetation, yet one should note, the height of the building is 36ft.8”. There is not a sense in the background the building will overwhelm the scale of the residents in this area.

**A-23-** Photo taken closer to the property line where there is a gap in the trees, the houses not present and essentially this is the view by virtue of the design where they have the pitched roof, breaking up the varied roof lines and features which break up the long horizontal wall and also have a residential design palate with doors and windows and vertical breaks which give a residential appearance also lessens the visual impact of the building on the adjacent building.

Mr. Preiss reiterates in these photos, this would be the worst case scenario where it would be most visible. He does not believe from Century Road they will have views like this nor from Dunkerhook.

Mr. Preiss testifies his conclusion from a visual point of view, there will be impacts, the Assisted Living Facility will be visible and there will be occasions they can see through the trees and the building will be seen. It is a taller and larger structure than the single family homes but he does not believe it rises to the level of being a substantial detrimental impact.

Mr. Preiss speaks to negative impacts which would be Traffic and Parking. With respect to the parking, 63 spaces will be provided which is required under the Fair Lawn Ordinance, under the residential site improvement standards which is .5 spaces per unit, 52 spaces would be required so it is compliant not only with the RSIS which is the lower standard but also the Fair Lawn Zoning Ordinance standard.

Having worked on Assisted Living Facilities, a lot of the residents do not drive. Memory Care Residents who are suffering from Alzheimers or Dementia do not. Those who come to the Assisted Living do so because they no longer can drive and a few may bring a car but when it becomes evident that a Van is available to take them to various locations, usually they no longer keep their car and drive.

Mr. Preiss testifies the only persons who do drive are basically employees or visitors who come and they have noted the visiting hours are usually the lowest are when the employees are present on the site, on the evening and weekends where there are very few employees. The need for parking is really minimal.

Mr. Preiss testifies he has no doubt there will be sufficient parking.

Mr. Preiss moves to Peak Hour Traffic. Peak hour traffic generation is very low, refers to the testimony of Jay Troutman, the amount of traffic generation during peak hours is much lower and comparable if the property were to be developed as a sub-division of Single Family homes.

The facility has two driveways with convenience and safe access into the facility. Onsite circulation is good, including garbage pick-up, deliveries, emergency vehicles as well as resident and visitor drop-offs, so from his point of view of traffic and parking, he does not see any substantial detriment impacts.

Municipal Services & Taxes. Assisted Living Facilities provides virtually all of the services and needs of residents so there is very little demand for Municipal Services. Revenue is substantially high.

There is a 24hrs Staff, In-house Security& Fire Monitoring. The building is fully sprinkled so there will not be many calls in regards to Police & Fire. There may be some additional Ambulance calls because residents do get sick & have to be transported offsite however the substantial revenues that are generated by this particular development would certainly outweigh any additional costs that may be needed.

The Environmental Impact. There is only one area of the site which is environmentally constrained, it is the area within the riparian buffer along the Saddle River which has two environmental constraints. One being the riparian buffer and the other is the steep slopes. They have indicated this area would remain undisturbed. Currently the Gas Line Easement runs through it and all structures including the retaining walls adjacent to the Loading space, the refuse area and along the driveway out to Dunkerhook Road will be outside of the riparian buffer,

The amount of Storm Water Runoff will decrease after the development compared to the present and will have storm water runoff quality controls so it will insure both storm water quality and storm water quantity impacts, these will not be negative as well.

One of the questions asked was whether the Applicant considered this site to be complex in terms of its Environmental characteristics. The truth is they have a very developed urbanized environment in Bergen County and most of the properties which are under developed does have its challenges and certainly this one is one of them, however as addressed in the EIS, the challenges this particular property provides, being the Historic Home, the Riparian buffer and steep slopes are dealt with in a sound way such as there will not be a substantial negative impact.

They have avoided the riparian buffer and the steep slopes, they will obtain the DEP approval and if they look at the amount of the percentage of land that is environmentally constrained, it is 20% of the entire site and this is not in his opinion for this area of Bergen County and particularly for property that is adjacent to the Saddle River, not a substantially constrained portion of the property.....

Testimony continues....

Mr. Preiss moves to the next area in terms of potential negative impact is the Density, FAR & the height. As he noted in the beginning of the application, in addition to the D-1 use variance, there are also D-4 & D-6 variances relating to exceeding the FAR, arguably exceeding the Density that is permitted and exceeding the Height that is permitted in the zone. He will note to the Board that the proof for such variances, for the D-4 & D-6 are different from the D-1 use variance...

Refers to the case of Randolph Town Center vs. Randolph, when dealing with FAR, Density & Height variances, the Applicant is required to show the site could accommodate the problems that may result as a result of not complying with these limitations. Here the FAR is 0.616 vs. 0.4 permitted, a height which is 38ft. 6inches...Mr. Preiss corrects this number and clarifies the height is 36ft. 8inches and 3 stories vs. a permitted height of 30ft. and 2 ½ stories...

The reason why these variances are required as he stated before is because Assisted Living Facilities are not permitted in the R-1-2 zone so the bulk regulations in this particular zone are tailored to control Single Family homes primarily so when the Governing Body adopted the FAR, the Height and the Density controls, they were formulating controls which were appropriate for Single family homes and not for the Assisted Living Facilities..

Mr. Preiss continues...the variances can be subsumed under the D-1 variance...if the Board feels the use variance is appropriate, then the Height, the FAR and the Density is also appropriate despite the fact that the Complex is to be located in the R-1-2 zone.

The question often comes up with regards to Assisted Living Facilities, why do they need to be so large and why do they need such a large Floor area and why do they need to have so many units. The reason has to do with providing the necessary common facilities. The Dining, the Kitchen, the Recreation and the Staff that is required to service the residents and the people living in the Memory Care. Most of them are around 100 units or 125 beds like this particular property because of the economic necessity. They can't have all of this staff and all of those facilities where there are only a few units...when you look at other assisted living facilities that have been built, they are of this size and essentially the same height.

Mr. Preiss points out in this particular situation, they have a Density which substantially exceeds which would be permitted under the R-1-2 zone. They did look at comparable facilities in adjacent communities to get a sense of whether this was an appropriate and typical of assisted living facilities. They looked at all the surrounding communities and found that most of the Assisted Living or Nursing facilities that were comparable were either in Ridgewood or Paramus. More of them were located in residential areas, some in areas surrounded by single family homes or certainly adjacent to.

Mr. Preiss goes through the examples to give a sense of comparison...this particular Barrister Assisted Living Facility is 104 units on 3.5 acres which is 29.5 units per acre or 123 beds on 3.5 acres which is 35 beds per acre., and the way that is best to compare is to look at the number of beds per acre in other facilities...refers to Care 1 Facility in Ridgewood, a nursing home has 110 beds on 3.2 acres which is 34 beds per acre. The Emeritus which is an Assisted Living has 140 beds on 5 acres which is 28 per acres....

Mr. Preiss refers to the Sunrise Assisted Living Facility in Paramus is 98 beds on 3.9 acres, 25 beds per acre...Maple Glen in Fair Lawn has 171 beds on 6.64 acres, 26 beds per acre...

Testimony continues...

Mr. Preiss states this will give them a sense when you have a Nursing Home or Assisted Living facility, most of them have densities which are comparable to what is proposed here and all of them are located in single family residential areas...these areas have fared very well and have not deteriorated, they have not transitioned to other uses which gives a sense the existence of these facilities have not had detrimental impact...

Separate and apart from this, they have a FAR which is substantially above which is permitted in the zone but as he indicated before this is a necessity to make the Assisted Living Facility feasible in terms of the building size and the number of stories and he does not believe it will create a substantial impact on the public good and the zoning.

Mr. Preiss continues...looking at the Exhibits, the building fits nicely into the site given the site and its configuration. It will not loom over the adjacent homes nor overwhelm the scale of the neighborhood. Its appearance is residential and the scale and mass is broken up by the articulation in the facades and varied roof lines and use of varied material and colors, so he believes the proposed building and site can accommodate the impact and the problems associated with this Board granting the variance for a higher FAR, a taller Height and a greater Density than the zone permits.

Mr. Preiss speaks to the second part of the negative criteria, the impact on the Master Plan and Zone Plan of Fair Lawn. Looking at the 2014 Master Plan, there is strong reference on preserving the Residential character and maintaining the scale of Residential neighborhoods, but there is also a recognition for the need of providing a greater mix of housing types to meet the needs of a variety of household types, incomes and lifestyles.”

Mr. Preiss refers to Page 3. Communities & Facilities & Recreation Plan under #2...quotes: “there is a need to consider probable future demographics of Borough residents as an element of future facility planning.” He believes while there is a strong goal in the Master Plan to preserve the residential character of Fair Lawn’s community, there is also an emphasis of the need to provide broader housing types to provide Community Facilities which matches the changing needs of the community...he believes these goals support the type of housing that is proposed here...

Mr. Preiss refers to the Zoning Ordinance. The ordinance does neither explicitly permit Assisted Living Facilities or Memory Care Facilities nor does it specifically prohibit them. It does however permit Hospitals, Nursing Homes and Senior Housing, but there is a gap for persons who are semi-dependent or ambulatory but in need of assistance with daily tasks, such as meals, transportation and housekeeping.

The conclusion with regards to step 2 which is looking at all the potential negative impact. Will there be negative impacts on the surrounding land uses? Certainly...they will be able to see the

building, it will not be a single family sub division that the Zoning Ordinance contemplated but do these negative impacts rise to the level of being substantial? They do not. The Applicant has done everything in his power given the particular site and circumstances and the way in which the building has been located and designed, the use of Landscaping that will not have a substantial detrimental impact on the community.

Mr. Preiss refers to the FAR, Density & Height and testifies they will be able to accommodate any problems associated with the variances necessary for these portions of the Zoning Ordinance.

Mr. Preiss moves to Step 3. The Board has to look at whether they can impose any reasonable conditions either in the site plan or the operations that has the potential to ameliorate the impacts on the surrounding uses. A number of conditions were mentioned in which he does not believe rise to the level of substantial in terms of detrimental impacts. The applicant has met with the Historic Commission, they listened to the Board, the Board's Professionals and made changes to the Plan to address these impacts, so they do not believe that any additional conditions need to be imposed on the granting of the variance.

Mr. Preiss speaks to Step 4. The Sica Test. The balancing test which weighs the positive and the negatives. As he mentioned in the beginning he believes this Assisted Living Facility rates very high on the scale of inherently beneficial uses. In regards to negative impact, he does not believe there are substantial significant detrimental impacts and does not believe significant additional conditions need to be imposed to ameliorate these impacts.

Mr. Preiss addresses the C-variances and waivers that are required. The first two interrelated are the maximum impervious coverage which is 35% and the minimum open space ratio which is anything that is not impervious coverage which is 65%.

In this case the impervious is 46.3% and the minimum open space is 53.7%...two (2) variances are required. He believes this variance can be subsumed under the grant of the use variance in recognition that this is an inherently beneficial use and the site can accommodate this particular use to serve the citizens of Fair Lawn and a portion of Bergen County, a higher Lot coverage and Open Space ratio in these particular circumstances would be appropriate...

Mr. Preiss continues... There will be adequate protection of the riparian buffer and the steep slopes, there will be the provision of adequate open space, there will sufficient setbacks, buffering and landscaping of the property and adequate handling of the Storm water runoff.

Mr. Preiss notes although they would be going over the impervious coverage and providing less Open Space, in this situation the benefits of providing an Assisted Living Facility outweigh the detriment necessary for the grant of the Impervious coverage and the Open Space ratio variances...

Mr. Preiss speaks to Signage. The signage variances are related to the fact that the property is in a single family residential zone where there are substantial limitations and this is understandable. Does not see any detrimental impact.

Mr. Preiss lastly speaks to the waiver. No Retaining Walls may exceed 6ft. in height. Given the varied topography on the site with a large building that has to accommodate the Assisted Living Facility, parking and deliveries, it does necessitate a retaining wall which is 6ft. in height. He believes this waiver can and should be granted.

Mr. Preiss concludes his testimony.

Mr. Newman (Chairman) has one question he would like Mr. Preiss to expand upon. Refers to testimony stated that not all inherently beneficial uses serve the Public in the same way and he would rate an Assisted Living Facility high on the list of beneficial uses. Can he give a few examples of what he thinks are higher on the list and maybe lower?

Mr. Preiss testifies at the very top of the list, they are probably talking about Houses of Worship which protect religious worship and freedom. Hospitals and Nursing homes are high on the list. Assisted Living facility are not substantially below this because in this particular situation they are looking at a spectrum of residential/health care that meet the needs of the elderly as they age.

Mr. Preiss speaks to the second part of the question. In terms of things that are lower on the inherently beneficial spectrum...things like a Sewage Treatment Plant, a Seeing Eye Dog Facility, these are uses which have been deemed by the Supreme Court also to be inherently beneficial...cell towers, etc...these are things that do serve the public community but he believes the Assisted Living facilities are above them on the scale of the inherently beneficial uses.

Mr. Preiss concludes his testimony.

Mr. Newman (Chairman) swears in the Board Professionals.

Mr. Paul Azzolina (Zoning Board Engineer)  
Mr. Paul J. Kittner (Zoning Board Planner)  
Mr. Mark Kataryniak (Zoning Board Traffic Engineer)

The same question is posed to Mr. Kittner. Does he agree with his analysis of where an Assisted Living Facility may fall on the scale of inherently beneficial uses or does he think differently?

Mr. Kittner would agree with the Planner's testimony in terms of inherently beneficial uses. Typically on the high end of the scale would be Hospitals, Schools, Child Care Centers, Group homes.

Mr. Kittner asks Mr. Preiss regarding his testimony of re-locating the Historic House. What he did not hear from him was testimony regarding its use of the House.

Mr. Preiss testifies no determination has been made. Two uses discussed were; a Residential use, for an Onsite Supervisor or Manager who could live in the house and the other use would be some type of Office use.

Mr. Kittner questions if there is a possibility that the use of this Historic House may not be auxiliary to the proposed Assisted Living use?

Mr. Preiss testifies in this respect it could be.

Mr. Kittner asks if it weren't residential or one of the permitted uses in the zone, would he agree it would require a use variance if it were not auxiliary to the Assisted Living use?

Discussion on the two uses that were contemplated would be permitted by the Ordinance.

Mr. Kittner asks if the Applicant is relegating the use to just these two uses and would agree to limit the use of the building to just these two uses.

Mr. Preiss defers to Mr. Milanese (Owner of Barrister, LLC)

Mr. Newman swears in: Mr. Robert Milanese  
Wyckoff, New Jersey

Mr. Milanese's testifies it will most likely be used in connection with the Assisted Living Facility, probably Administrative. If used as a Residence, it would only be for the (ALF) and not rented out to the Public or sold, if permitted by the Town, can lease it back to the Historic Commission. He is open for suggestions.

Mr. Kittner (Board Planner) speaks to it not being auxiliary to the inherently beneficial use of the Assisted Living Facility, it then needing different proof...they would have to provide proofs under the case of Medici vs. BBR a different positive criteria.

Mr. Preiss addresses the topic. If an employee of the (ALF) were to use this as a single family residence or if it were to be used as an Office it would be under accessory use. In both of these situations it would be subsumed under the use variance that would be granted. If the house was to be offered and was accepted to be used by the Historic Commission for display or their offices, the use is a Community Facility and also qualify as an inherently beneficial use.

Mr. Preiss speaks to the substantial benefits to the Public by retaining their Historic House and making it available to the community. Mr. Preiss reviews all the substantial positives of keeping the Historical Home...

Mr. Huntington (Applicant's Attorney) clarifies it is not their intention to seek permission to do anything that is not accessory to the Assisted Living, other than the possible Community use.

Mr. Newman (Chairman) discusses the potential pitfall. If they don't get specific as to a use that is not an accessory use and spell it out clearly at this hearing and say the Board is specifically going to permit this use, for example, the Community use for an Historical Museum...for not specially spelling it out as part of an approval, they may have to come back before this Board for this to be spelled out.

Mr. Preiss (Applicant's Planner) thinks if the Board wants to create a condition where it says; the house can either be used as a residence for an Employee associated with the Assisted Living Facility, for Administrative or Office purposes associated with the (ALF) or would be specially used by the Historic Commission for Historic Preservation/ Administrative purposes, they would be willing to live with this condition.

Mr. Kataryniak (Board Traffic Engineer) in his opinion the biggest potential concern he sees with the 3<sup>rd</sup> option of "some use by the Historic Society" is they are introducing a separate operation. While he thinks it has many benefits and many positives, the applicant hasn't proffered any testimony regarding how it would operate (access to parking, etc...) it is a very reasonable to condition the Applicant on keeping the use accessory to the Assisted Living Use only and if the Historical Society wanted to use this as a Stand Alone Facility, it would require them coming back before the Board. At that time there would be an operation on site and provide testimony on the availability of additional parking, access, etc.

Mr. Kataryniak reiterates he thinks the use should be kept auxiliary from a site & traffic circulation standpoint operations. Keep it auxiliary to the primary use only as a condition of the approval.

Mr. Newman discusses with Mr. Rosenberg (Board Attorney) regarding this recommendation, asking if there were a future desire to lease the house to the Historic Preservation Commission for their use, who would present before this Board? Would it not be the Borough?

Mr. Rosenberg replies; it would be the Borough, but there is another issue, normally governmental entities and their applications are exempt from review by a local board.

Discussion on conditions being stipulated in Resolution.

Both Mr. Kittner & Mr. Rosenberg think it would be a reasonable condition to put in Resolution.

Mr. Kittner refers to testimony about the Master Plan goals and objectives. Based on their review of the Master Plan and its relation to the Historic house, cites several pages.

Page 1...To preserve and enhance its assets including close knit, quiet and historic neighborhoods in the Borough's Historic heritage.

Pg 3...Emphasis of preserving Borough's Historic places and cultural resources,

Pg 34...layout and character of single family detached neighborhoods should be maintained

Pg. 79...The States Planning Acts goals including the preservation of the State's historic resources were referenced.

Mr. Kittner asks if he would agree this would advance the goals and objectives of the Master Plan by maintaining the Historical VanderBeck House?

Mr. Preiss replies he most certainly does.

Mr. Kittner speaks to the Photo simulations from Landzettel Way? Do the photos simulations accurately reflect landscaping that is proposed to be removed?

Mr. Preiss replies yes.

Mr. Kittner refers to his letter with a number of different items of discussion. Most of the comments were addressed during the prior Engineer's testimony including the Planner's tonight.

Mr. Kittner references the detail oriented comments regarding plan revisions, and asks if they will implement these changes on the plans.

Mr. Huntington (Attorney for the applicant) states they will.

No further comments or questions from Mr. Kittner (Board Planner)

Mr. Azzolina (Board Engineer) has a follow up question regarding the Photo Simulation... Along the westerly boundary, the board on board fence, would this not actually further buffer?

Mr. Preiss testifies it would, but it is not a tall height and the existing vegetation would block it anyway... the residents themselves standing in the yard, the 6ft. fence proposed is going to be a substantial improvement and buffering of the activities and the building itself.

Mr. Azzolina has no further questions.

Mr. Kataryniak (Board Traffic Engineer) speaks to the parking and the use of the building itself as a buffer between the parking and the residential activity...does he agree the most intrusive, the commercial truck activity on the site is further buffered by the placement of the building relative to the site as well as the vertical separation with the reconfigured loading areas being below grade, etc...

Mr. Preiss agrees.

Mr. Lowenstein (Board Member) questions the relocation of the Historical House and it sounding like an either/or. Is it possible the ground floor may be used for Office space and the 2<sup>nd</sup> floor as a residence for a caretaker?

Mr. Preiss notes it is a scenario they may like to include in the condition. As long as the residence and the office are utilized in the association to the Assisted Living Facility, (ALF) it would be subsumed under the grant of the variance.

Discussion on the impervious coverage numbers & Open Space.

Mr. Preiss testifies 47.3%. Impervious and Open Space; 52.7%

Clarification of ratios from comparable properties in Paramus and Ridgewood as to beds per acre is discussed...

Mr. Preiss reviews all comparable properties and their density numbers.

No further questions from Mr. Lowenstein.

Mr. Seibel (Board Member) asks how many homes would be affected by this view and if these homes directly adjacent will have a detrimental effect financially in the future.

Mr. Preiss testifies there are 3 Single Family Homes which are directly adjacent that share the property line of the ALF. It would be in the purview of a Real Estate Appraiser to determine or to provide testimony in regards to the value of these Single Family Residences...

In none of the developments he has been involved has there been a deterioration or diminution of these properties...

Mr. Preiss testifies after further discussion he can only give his opinion as a Planner from a Land use impact, and he sees no deterioration. He is not qualified as a Real Estate Appraiser to say it is not going to have an impact...

Mr. Seibel refers to the Cooking Facilities and Laundry Facilities and its locations on the westerly side.

Review of the Exhibit showing locations of both...explains the details.

Mr. Seibel speaks to Fire and Fire Trucks mostly going down Landzettel way.

Mr. Preiss notes the building is fully sprinkled and the Fire Department did not have any issues of comments regarding the location. Fire Exits are provided on both sides of the building.

Mr. Seibel clarifies in terms of the Historic Nature, they are under no legal obligation to save the house. Mr. Preiss concurs.

Mr. Seibel asks how many single family homes could be built on this site.

Mr. Preiss testifies they have not done a layout but probably 12-13 Single Family Homes.

Discussion continues in length...regarding subdividing the property, etc...

Mr. Azzolina (Board Engineer) gives a rough analysis regarding the topic.

Mr. Rosenberg (Board Attorney) explains for clarification what a subdivision is.

Mr. Seibel has no further questions.

Mr. Newman (Chairman) speaks to Density and the Riparian Buffer and the unusable portion of the property. What calculation was used?

Mr. Preiss testifies a gross density calculation and explains.

Mr. Newman asks if he thinks he thinks the facility's proximity to Open Space or Park Land, in an indirect way affects the density.

Mr. Preiss testifies yes....an adjacent lot that is open space does lesson the density. Explains.

No further questions from Board Members.

Mr. Rosenberg addresses both Mr. Preiss and Mr. Kittner. Refers to the Sica Balancing, with respect to both the Historic aspect and visual aspect, do they believe there is any need to analyze in the balancing of this particular item, the potential visual and historic impact of the facility.

Mr. Preiss believes it is necessary but in both situations. He does not believe there is a substantial impact. He notes the potential impact that has been identified and being of a concern is the proximity to the driveway that goes out to Dunkerhook...

Mr. Kittner (Board Planner) concurs with Mr. Preiss. He believes it should be considered. He would argue there would be additional traffic flow on Dunkerhook. He is not a Traffic Engineer so he will defer this to the Traffic Professional.

Sica Balancing is further discussed.

Testimony from Mr. Preiss. The Naugle House has a substantial amount of vegetation on the property itself. He does not believe they will be able to see any part of the proposed structure..

Mr. Kittner asks if they prepared a rendering to demonstrate the visual impacts of the proposed structure on the Naugle House.

Mr. Preiss references Photo rendering A-13....explaining the locations where the photos were taken.

Mr. Milanese steps up, speaks to the locations of the photos he took...details the locations.

Testimony continues regarding visual impacts...Landzettel Way will be the most affected.

Mr. Rosenberg (Board Attorney) asks for the record to measure the distance from the Naugle House to the structure. Mr. Preiss calculates 240ft. 160ft. of Open Space.

No further questions from Board Members or the Board Professionals.

Mr. Huntington (Applicant's Attorney) has no further witnesses.

Mr. Newman explains the Board does not intend to vote on this application this evening. There are too many important things for the Members of the Board to consider...furthermore Public comment most likely will not conclude this evening. If they do, they will table the vote. Is this is acceptable?

Mr. Huntington concurs...

Mr. Newman discusses preparation of a memo by Mr. Rosenberg regarding the Board's responsibilities, specifically as they pertain to an inherently beneficial use as well as the other considerations this Board will have to make from a Land Use Law perspective.

Mr. Newman asks for a short recess before opening to the Public.

**RECESS:**

Mr. Newman calls the Meeting back to Order.

**ROLL CALL:** Mr. Seibel, Mr. Sacchinelli, Mr. Pohlman, Mr. Naveh, Mr. Zharnest  
Mr. Lowenstein & Mr. Newman.

Mr. Newman before opening to the Public, wants to be sure there are no other questions from the Board Professionals or Board Members for Mr. Preiss.

Mr. Seibel (Board Member) refers to the testimony on the number of employees...

7-3pm shift number of Employees will be 18-20 employees,  
3-11pm shift will have 8-10 employees,  
11-7am shift will have 3-5 employees,

The site backs up to a River, there is a Gas Main on the site and there will be Laundry Facilities and a Kitchen within the building. Mr. Seibel questions the Evacuation Plan. How do they propose to remove residents out of the facility? His concern is the 11-7am shift where there will only be 3-5 Staff Employees....

Mr. Preiss testifies they have not thought this far in terms of a specific Evacuation plan... The Engineer's testimony was, even at the lowest level was 12ft. above the anticipated 100yr flood so unless it's a flood of Biblical proportions....so he does not believe this building will have to be evacuated.

Discussion & testimony continues....

Most residents are Ambulatory and the Buses & Vans could be brought in to have the Residents removed. 24 hr. Staff. Security monitors the situation and it is a very safe and secure building. Residents and Staff are trained and know what to do.

The Facility would be under the jurisdiction of Jayco and would require an Evacuation Plan in order to certify the Facility.

Mr. Azzolina (Board Engineer) asks if the Residents are permitted to smoke within the units. This will factor into Fire Safety Code...

Mr. Preiss cannot answer this.

Mr. Newman notes he does not believe this is the prevue of this Board.

Mr. Sacchinelli (Board Member) refers to the Volunteer Ambulance in Town. Clarifies the amount of beds (123) could he give an average on how many calls per year for an Ambulance on a facility of this size?

Mr. Preiss testifies 4-6 on a monthly basis.

Discussion on the Age of Residents. Testimony: between 80-85 yrs. of Age.

Discussion on the extra calls being put out for Ambulances. Positive or negative?

Testimony: The one impact, where additional services are likely, would be Emergency Ambulance calls, but the facility is fully taxable. Significant revenue will outweigh any additional costs on the part of the Municipality for the cost of these services.

Ms. Peck (Assistant Zoning Officer) is asked if it would be reasonable to ask the Police Department and/or the Volunteer Ambulance Services have any concerns regarding the Facility.

Mr. Zharnest (Board Member) current President of the Local Ambulance Corp. notes there are busy times and non-busy times, knows the general specifics but will not speak for the Corp. Billing from Town will add additional revenue.

The Board will appreciate his expertise and his experience but it is not an official report from the Ambulance Corp.

Ms. Peck will send the Plans to the Ambulance Corp for their input.

Mr. Newman before opening to the Public reiterates this is a time for testimony given this evening only.

Mr. Rosenberg (Board Attorney) would like to note, any Attorney who is appearing before the Board as an Attorney for a Client has a duty to tell the Board they are an Attorney and identify who their clients are. An Attorney, who represents any member of the public, is the only one who gets to ask questions of the Applicant's witnesses.

Mr. Newman opens to Residents living within 200ft. of the Applicant.

Mr. Newman swears in: Brenda Kaplan  
15-27 Landzettel Way

Resident questions how many other (ALF) are within 1 mile of this proposed site.

Testimony: calculation was not made.

Question on photos submitted. How many houses would be affected by this view?

Mr. Preiss replies, 8-10 houses may have the opportunity to see this particular property at some point from their residence.

Traffic is again questioned.

Testimony: there is **not** a lot of visitors at the (ALF) during the week, a handful on the weekends, On Mother's Day & Easter, there is a greater frequency of visitors.

Question regarding other (ALF) studies regarding traffic flow.

This was done by the Applicant's Traffic Expert.

No further questions from Ms. Kaplan.

Mr. Newman swears in: Paul Wittenberg  
15-09 Saddle River Road

Question is asked if this facility will be limited to just Fair Lawn Residents.

Mr. Preiss testifies no.

90% of Residents come from a 5 mile radius of an (ALF)

Master Plan is referenced from Resident.

Resident questions other (ALF) requiring use variances or zoned for the area.

Mr. Preiss testifies both. Some required use variances, some did not.

No further questions from Mr. Wittenberg.

Mr. Newman swears in: Jay Morgenstern  
42-00 Fox Court

Discussion on 3 homes adjacent to the property.

Resident questions the expense of Assisted Living Facilities. Most people who need (AL) cannot afford it.

Discussion as to the Inherently Beneficial Status. The cost does not diminish the inherently beneficial status....The benefits outweigh the cost.

Statistics show the (ALF) provide an important public need.

Question regarding parking. Parties with family and friends are questioned. More cars, more parking is necessary...Snow Storms, Conference Attendance, etc...

Response to need on parking facilities; No events or conferences are held that require abundant parking. No Special Occasions where there is a substantial number of visitors.

No further questions from Mr. Morgenstern.

Mr. Newman swears in: Ms. Shelley Wittenberg

Question regarding lack of Nurses Staff & Training.  
Likelihood of Residents using Oxygen is questioned...

Testimony clarifies (ALF) Staff has basic training but administers no Health treatments (shots, medications) No Nurses or a Medical Staff. In case of emergency or medical need, patient will be taken to hospital or medical care.

Memory Care Unit is questioned.

Testimony reiterates there is no administration of Medicines by the Staff. The Staff will remind the Residents to take their medicines.

Response to question on Memory Care Unit, there is no lockdown. Residents are monitored 24/7. One entry/exit and area is monitored.

Clarification: (ALF) are for Residents who are able to live in their own units without posing a danger to themselves.

No further questions from Ms. Wittenberg.

Mr. Newman swears in: Simon Fridman  
15-08 Landzettel Way

Resident is confused with testimony regarding the (ALF). Explains his confusion.

Clarification from Mr. Preiss. The Facility is not a Rehabilitation Center. A resident living in an (ALF) may need medical care where they would have to go to a Hospital and when well, move back into the Assisted Living Facility.

Parking again is discussed for Employees.  
Photos renderings are questioned.

Discussion continues.....

**Exhibit A-24** consisting of 6 Photos before are entered into evidence by Mr. Preiss.  
(3) Photos of the existing conditions & (3) followed by the rendering previously presented.  
No further questions from Mr. Fridman.

Mr. Newman asks if there are any other questions from residents within 200ft. Seeing none,  
Mr. Newman closes this portion.

Mr. Newman opens to the General Public.

Mr. Newman swears in: Ruth Weisman  
39-34 Knott Terrace  
Fair Lawn, N.J.

Resident questions the visual impact. Has concerns with the impact on the Park.

Mr. Preiss tries to answer her concerns. There is a substantial separation between the Park and  
the Facility...

Testimony continues....visual would be a mass of Trees from wherever location in the Park.

Discussion continues.

Residents questions Storms and runoff.

Storm Runoff will be decreased from this proposal, not increased.

Resident has concerns with safety issues with the cars.

No further questions from Ms. Weisman.

Mr. Newman swears in: Robert Moss (present of behalf of N.J. Chapter of the Sierra Club)  
17 New Street, Bloomfield, N.J.

Question pertains to the ranking of inherently beneficial uses. Mr. Preiss speaks in detail to this  
question.

Discussion...

Question is asked if the Restoration is part of moving of the Vanderbeck House.

Testimony is yes.

No further questions from Mr. Moss.

Mr. Newman swears in: Eric Bal  
14-33 46<sup>th</sup> Street  
North Bergen, N.J.

Mr. Bal is an Attorney here on behalf of the N.J. Society of the Sons of the American Revolution & Ann Goldberg, Fair Lawn resident residing at 39-25 Knott Terrace.

Question regarding review of the Historic Preservation Commission Reports.

Testimony & Discussion...

Exhibit A-13, Photo Simulations are discussed regarding Distance & Elevation.  
A-21, 118ft. is noted.  
A-23- 120ft.  
A-22- 138 ft.

Testimony & Discussion continues on how calculations were done.

Mr. Bal objects to being told to move on with his questions.

Question in regards to color of the building shown on Photo simulations.

Testimony & Discussion.

Question with respect to other (ALF) or Memory Care, prior testimony stating these areas have not diminished...what he bases his opinion on?

Mr. Preiss answers this accordingly.

Discussion continues...

Question regarding Zones, other Facilities adjacent to Open Space.

No further questions from Mr. Bal.

Mr. Newman swears in: Pamela Coles  
13-34 George Street

Question regarding last shift with 3-5 Employees. If something happens to a Resident, and 2-3 are necessary to handle emergency, this leaves 2 Employees to take care of all the remaining patients, how will this be handled.

Testimony is Medical & Staff are on call where they would be called in to help.

Question regarding what the percentage increase per person over the current R-1 Zoning.

Testimony & Discussion continues...

Resident notes this Development is 300% above of what the current R-1 Zoning is.

Question regarding the Aging population & Demographics.

Testimony & Discussion.

No further questions from Ms. Coles.

Discussion continues on the Aging population & Demographics.

Mr. Newman swears in: Leah Wittenberg  
18-14 Chandler Drive

Question regarding costs per month.

Mr. Preiss is not aware of this.

Question regarding difference between Memory Care and the rest of the Residents?

Memory Care Units have a greater level of supervision & care. None of the Staff are licensed or are permitted to administer care to these individuals, however there are situations where individual residents may have In-Unit Care.

Testimony & Clarification continues pertaining to this.

No further questions from Ms. Wittenberg.

Mr. Newman swears in: Benjamin Lang  
42-00 Cosgrove Court

Question pertaining to the prior testimony. Consideration of the Pool area in Paramus as a Site?  
Why did they not use this?

Testimony & clarification made. It was not Barrister. He was speaking of a similar application he was involved with pertaining to this location.

Question as to why this Site was considered?

Mr. Milanese (Barrister, LLC Principal Owner) steps forward to answer this.

Testimony & Discussion. Studies were done, etc...

Question in regards to Demographics bringing more older people into the Community rather than Younger people.

Mr. Huntington (Applicant's Attorney) interjects and notes this statement is now crossing into another whole realm of cross examination of Mr. Milanese.

No further question from Mr. Lang.

Mr. Newman swears in: Peggy Norris  
115<sup>th</sup> Avenue  
Elmwood Park, N.J.

Question regarding other current Facilities such as this one being proposed.

Sunrise, Emeritus in Paramus. Brighten Gardens also in Paramus on Century Road. Another in Paramus is being built.

Question regarding the VanderBeck House and being on the National Register and will it maintain this designation when moved?

Testimony is it will not.  
Discussion.....

No further questions from Ms. Norris.

Mr. Newman asks if there are any other questions for Mr. Preiss from the General Public.  
Seeing none,

Mr. Newman closes this portion.

Date to carry Application is discussed.

**APPLICATION IS CARRIED TO DECEMBER 22, 2015, TO DETERMINE A DATE. AT THIS TIME NO FURTHER NOTICE IS REQUIRED. ONCE DATE IS CHOSEN, RENOTICE WILL BE REQUIRED.**

**MOTION TO ADJOURN:**

**1<sup>st</sup>: Mr. Sacchinelli**  
**2<sup>nd</sup>: Mr. Seibel**

**Time: 10:30PM**

