

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
OF DECEMBER 16, 2014**

Following are the Fair Lawn Zoning Board of Adjustment's Special Meeting Minutes from the Zoning Board Special meeting held on December 16, 2015

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. Gil, Mr. Seibel, Mr. Blecher, Mr. Racenstein, Mr. Pohlman
Mr. Zharnest & Mr. Newman.

Absent: Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio & Mr. Naveh

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: Jennifer Beahm

Commercial New Business:

Application #2014-Glen Toyota,
19-01 Pollitt Drive, Block 4802, Lot 1, Zone I-1

Proposed renovation of existing industrial building to use as an automotive service facility to be used by the current Toyota dealership in Fair Lawn The use is not permitted and requires a D-1 variance as per Section 125-57D(1)(d)[1]

An increase to parking spaces to accommodate the proposed automotive service facility is proposed requires minor site plan as per Section 125-65.

Fees have been paid and there is proof of Service.

Attorney for Applicant steps forward. Introduces himself as Antonis Cammaletti,

Glen Motors is seeking a Preliminary Final Site Plan approval for a use variance in order to operate the property located at 19-01 Pollitt Drive, Fair Lawn as an Automobile Service Facility. Glen Motors currently owns a Car Dealership/Service Facility on Maple Avenue in Fair Lawn and are proposing to move the facility to this location providing an approval is granted this evening.

Witness in Attendance.

Ms. Catherine Holtham (Vice-President of Glen Motors) will testify for the purpose of the new facility, the number of Employees and customers at any given time.

Applicant's Professionals in Attendance:

Mr. Bruce Rigg (Professional Engineer)

Mr. Richard Jacobs (Licensed Architect)

Ms. Catherine Gregory (Licensed Planner)

Mr. Newman swears in: Applicant's Professionals.

Mr. Newman certifies all other Professionals with no objection from the Board.

Applicant's Attorney discusses use variance not permitted and a variance for proposed signage. Current application does not contain the signs specifications; Applicant will agree to a condition of Approval. A Sign package will be submitted prior to the issuance of a CO for approval by the Board.

Attorney begins direct cross:

Ms. Holtham discusses current limited facilities and the reason for the move.

No room for expansion; Toyota mandates applicant to use offsite Service Facilities within a 2 mile radius for Metro Dealers. The property was found on Pollitt. Ms. Holtham reviews all positive criteria. A Rendering is submitted into evidence.

Exhibit A: Toyota image rendering. (High quality Service Site proposed)

Ms. Holtham explains the site plan in detail.

Ms. Holtham moves to plans submitted by the Architect.

Exhibit marked as A-2.

Applicant explains the proposed plan, reviews common Customer Service practices & Management.

Board Professionals sworn in: Jennifer Bealm (Planner)
Mark Kataryniak (Traffic Engineer)
Paul Azzolina (Engineer)

Mr. Kataryniak questioned operating hours, designated parking for Employees and Customers who must leave their cars.

Questions regarding number of Loaner Vehicles that will be stored at this site:
15 Loaner Vehicles, not always on site. 84 parking spaces proposed.

Delivery Truck and hours of operation are reviewed.
No truck activity on site other than vans and cars running back and forth during the day.

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

Applicant's Architect: Mr. Richard Jacobs steps forward to testify. Refers to Exhibits...

Exhibit A1-Site Plan
A2- Floor Plan
A3- (Exterior Elevation)

Mr. Jacobs speaks to the Site plan, Floor Plan, elevation & operations on Site.
Light signage on the entrance way.

Flat roofs pose hazard with heavy snow. Safety issue is discussed.
Professional testifies it will meet code.

Board Professional questions discharge of Car Wash facility.
Discharge into tank systems which will then be pumped out. There will be no discharge into the
Municipal Storm drain or the Municipal Sanitary Drain.

Size of underground tanks questioned: unknown at this time.
If regulated by DEP: unknown at this time.
Will tank installation be done outside building or inside building: Unknown at this time.

Condition of Approval discussed regarding waste water, etc. with no objection from Applicant.

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

Mr. Bruce Rigg (Licensed Engineer) steps forward to testify.

Marked into the Record:

Exhibit A-3, Topographic Survey: Prepared by Rigg Associates, dated October 21, 2014
Preliminary Final Site Plan: Dated November 17, 2014 (consisting of 5 Sheets)

Exhibit A-4, Site Plan improvement plan from 1987 for Brio ski/last revision 1987
Shows all parking approved in 1987.

Reviews Site Plan with Board. Pre-existing non-conforming conditions...
Emergency Service Access Operations along with parking requirements are discussed.
Grading and Landscaping is reviewed.

Existing Manifold is discussed. Impervious coverage is discussed. 60% allowed, 81.5%
proposed.

Ms. Bealm (Board Planner) questions easement & drainage system.

Mr. Rigg explains previous approval in 1987 on impervious coverage is inclusive of the drainage
improvements.

Discussion continues...
Board Members ask questions regarding parking, fencing and setbacks.
Clarification on Impervious coverage's: Pre-existing, current & proposed.

Mr. Kataryniak (Board Traffic Engineer) clarifies information regarding the proposed Gate and
amendments that may need to be done to the site plan. Provide safety to customers in regards to a
walkway needed, etc...questions truck circulation.

Mr. Azzolina reviews some of the issues in his reports with Mr. Rigg.

1. Flood Hazard area is reviewed with the Henderson Brook...Riparian zone.
He Recommends Flood Hazard Area Verification from the DEP.

2. Regarding Storm Water Management. Recommends a complete video inspection of all
the system components be performed to be sure it can handle the impervious on the site.

Questions regarding roof drainage cannot be answered at this time.
Discussion on landscaping, Gate, Emergency Vehicles, etc...
No objection to the granting of waivers.

No further questions from Board Members.

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

Mr. Newman asks for a short recess.

Mr. Newman calls the Meeting back to order.

Roll Call: Mr. Gil, Mr. Seibel, Mr. Blecher, Mr. Racenstein, Mr. Pohlman
Mr. Zharnest & Mr. Newman.

Mr. Newman swears in: Catherine Gregory (Professional Planner for the Applicant)
915 Linwood Plaza #350
Fort Lee, N.J.

Mr. Newman certifies Ms. Gregory as a Professional Planner with no objections from the Board.

Ms. Gregory opens with photos which are entered into the record.

Exhibit A5- 11x17 photo exhibit entitled: existing conditions and surrounding area characteristics of the site.

Ms. Gregory reviews all the series of photos, the existing conditions of the site with the Board. Speaks to the use variance they are seeking. The site is particularly suitable for the use.

Master Plan is reviewed and how it applies to the site.
Special reasons are discussed, positive criteria is reviewed.
Bulk variances are discussed, parking spaces are discussed.
Impervious coverage is again reviewed.

No negative impact on the Public Good.
No detrimental impact to the Master Plan.

Mr. Newman would like to add another “Condition of Approval”
There will be no storage or parking of used vehicles on exterior of site.

Discussion....

No objection from the Applicant.

No further testimony from Ms. Gregory.
No questions for Ms. Gregory.

The Board Professionals are satisfied with all testimony and agree the benefits outweigh the detriments.

Mr. Rosenberg (Board Attorney) discusses the use variance which runs with the Land and the granting of a free standing Automotive Service use. If something happens with the business, what happens to this building?

Discussion

Conditions of Approval are discussed.

The Board has concerns and wants to be sure in the future this site will remain as a Class A Facility as presented this evening and somehow has to be done as a condition of approval...

Applicant will have no objection to a condition of approval.

Discussion continues....

Topic moves to parking variance...

Mr. Kataryniak reviews the parking variance and concerns he has with safety issues. Offers recommendation of 82 parking spaces onsite...

Mr. Azzolina concurs with Mr. Kataryniak.

No further questions from Board Members.
No Further questions from Board Professionals.

Mr. Newman opens to the General Public for questions, seeing none,
Mr. Newman closes this portion.

With no further witnesses. Mr. Cammaletti (Attorney for the Applicant) summarizes the application.

Mr. Newman asks for a motion.

Mr. Seibel makes a motion to approve with the following conditions to be applied:

1. National Automobile Sales Franchise, New & Certified car dealership or manufacture.
2. Sign Variance to be approved at later date.
3. No discharge from the Car Wash Facility into the Municipal Sanitary Sewers.
4. 48.4ft. setback to the rear yard variance,
5. A minimum lot area, lot width variance,
6. Maximum impervious coverage variance.
7. Parking variance, 82 spaces-requires 134
8. Appropriate Cross walks safety stripes
9. Good Faith effort to inquire an encroachment agreement with the adjoining neighbor to the north.
10. Test drainage system outside the building to prove it functions property with video inspection.
11. No Exterior storage or display of new or used vehicles is permitted.
12. No Body Work
13. DEP compliance with Mr. Azzolina's recommendation as provided to the Board.
14. Installation of a notch box for Gate for Emergency Services.

Mr. Racenstein seconds the motion.

All in Favor: **AYE**

Motion Carries.
APPLICATION APPROVED.

Motion to Adjourn:

Mr. Pohlman makes a motion to adjourn and Mr. Gil seconds the motion.

Time: 9:45

Respectfully submitted,

Cathy F. Bozza
Zoning Board Clerk

