

Mr. Levitt (Applicant's Attorney) thanks everyone for their time and for coming out tonight. Reviews application, speaking to the Use variances they are seeking- D variances and C variances...seeking to convert a Commercial Building into a (4) family Residential building.

Mr. Levitt states at previous meetings they had presented the Architect's Mr. Leeb's testimony in regards to his designs and what is being proposed. This evening he would like to start with Mr. Walker who is the Engineer on the project.

Mr. Newman (Chairman) asks for one moment before beginning for something procedural. Mr. Lowenstein (Board Secretary) notes Additional fees have been paid... Mr. Newman states no new testimony is taken after 10pm.

Mr. Levitt calls up Mr. Walker to the Podium.

Mr. Newman swears in: Mr. Mark G. Walker (Applicant's Engineer)
21 Long Green Parkway
Lake Hopatcong, N.J.

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

Mr. Walker begins his testimony by referring to an Exhibit that will need to be marked into Evidence.

Exhibit A18: Site Plan on a reduced scale.

Mr. Rosenberg (Board Attorney) asks Mr. Walker if this reduced Site Plan was submitted with the Original plans because none of the Board Members seem to have it. Mr. Walker states no.

Mr. Walker explains the Plan. On the reduced version, they wanted to show more of Cedar Street & the colored area is the proposed site area and the adjacent structures are shown hashed... They also show the elevation which was presented at the last meeting.

Mr. Levitt (Applicant's Attorney) does some clarification with Mr. Walker and asks Mr. Walker if the Board Professionals have Exhibit A6.

Mr. Walker clarifies Exhibit A6 was discussed at the last meeting which is a 1' equals 10 scale of the site. These plans are exhibits for discussion...the plans that are being submitted are the same plans the Board has with the same revision date of 4/16/14.

Clarification A18-is a reduced version of what is sheet 1 of 2 of the Site plan drawing.

Mr. Walker continues....

Reviews for clarification the reduced version of the site plan again for the Board.

The site is 8,250sf and the block building is 2,412sf... 18.2ft high block building with a flat roof... white in color.

Discusses impervious coverage on the site is 93% which is almost the entire site. The parking lot which is proposed, refers to exhibit & points to the green areas to the back & sides & notes this is non-existent in its present condition, the pavement goes right up to the fence area.

Testimony continues...

Mr. Walker reviews all building coverages, side yard setbacks, front yard setback and the changes proposed...

Mr. Walker explains how they would soften the Architecture of the building, refers to the aerial exhibit & explains. The area which is in violation of the side yard setback has been eliminated... There has been a reduction of mass.

Under the proposal, they are making an attempt to reduce the impervious coverage and some of the intensity of the existing Commercial use on the site.

Testimony continues...

A substantial amount of impervious coverage will be removed. They will be reducing this coverage from 93% down to 80.6%.

Building coverage would have a slight increase because there is an 8x12ft. Shed that is proposed to be added to the rear of the building. It is intended to be used for garbage as well as recyclables.

Mr. Walker discusses the proposed improvements such as; reconstructing the sidewalks, the concrete entrance path, and the entire parking lot will be removed and paved & striped. Landscaping is proposed along the front and also along the westerly side of the building that will be replaced.

Discussion.

Mr. Walker discusses the fence that is around the property will be upgraded. The slats will be removed and replaced.

Parking is reviewed. One handicap space will be added as required. Maintaining the access drive from Cedar Street to the parking lot which is 10 1/2ft wide.

Discussion on Traffic flow at the site.

There is room to park 14 parking spaces as it exists today. Under the Residential Site improvement standards with respect to the four (4) units that are being proposed for this site, they are required to show there could be 7.2 trips per day per dwelling units which equals 28.8 per day at the site.

Mr. Walker compares under the existing Commercial use, with the 14 parking spaces, people going to work, parking in the parking lot and leaving, this would be 28 trips per day...

Mr. Newman (Chairman) stops Mr. Walker's testimony and states; they are getting into testimony that is "what if". There is no operation on site and has not been and they have not yet heard any testimony as to what the operation was in terms of flow when Mor-lite sales was there and he doesn't think they will. He understands what he is doing but finds it disconcerting like he did at the beginning of the application...we are talking about what the Applicant might & could do here, but that application is not before this board & has not been in existence at this site so it is odd....

Mr. Walker understands but he just wants to give his Professional opinion on the potential Traffic flows that could be generated for 14 parking spaces in the parking lot. The trips per day could be 28-56 if there were 14 Employees coming to the site.

Mr. Walker states the whole purpose of this testimony was to show what the intensity of the site could be, not necessarily what it will be, but what it is.

Discussion...

Mr. Walker states he is not a Licensed Traffic Engineer...

Mr. Walker proceeds to the proposed Building height which will be 23.2ft. The allowable building height is 30ft. so they will be substantially under the requirement.

The Front yard setback will be maintained under the proposed scenario as well as the side yard setbacks on the site.

Mr. Walker speaks to the Storm Water plan and as he mentioned, the entire roof area currently drains to the rear. Under the proposed Storm Water Management Plan, the roof area will be piped and discharged to the front of the building explaining how reducing the impervious in the proposal will reduce the drainage that goes to the neighbors.....

Lightening is proposed in the rear. A light fixture is proposed for the lightening of the parking area. A 12ft. high light fixture that is directly behind the neighbor's garage. There are shields on the light fixture, explains. He would suggest if this application were to move forward and the light fixture were to be constructed, the Town Engineer meet with the Applicant on site and

extend any light shields as necessary to be sure minimum spill over to the neighbor's property is realized.

Testimony continues...

Mr. Walker would like to speak a little bit about the function of the site noting Mr. Leeb did an excellent job in his last revisions. The Board wanted to see some changes to the building. He made the changes to the building and he thinks from an overall site function standpoint, adding in the Front door and the hallway that runs through the structure is a very important change.

The Front door gives the site the ability to function much easier and everyone coming to the site does not have to drive to the back and park in the rear. There is parking on the street...this change helps significantly to reduce the intensity from the parking area out to the street area.

Mr. Walker states this is his testimony for the site. They did address the Board's Consultant's Reports with a correspondence that was dated April 16, 2014.

Mr. Levitt (Applicant's Attorney) asks if there are any questions from the Board for Mr. Walker.

Mr. Newman (Chairman) would first like to start with questions from the Board's Professionals, if any.

Mr. Newman swears in: Paul Azzolina (Azzolina & Feury Engineering) Board Engineer
Peter Van Den Kooy (CME Associates) Board Planner
Mark Kataryniak (French & Perillo) Board Traffic Engineer

Mr. Azzolina (Board Engineer) will start off and agree with the majority of Mr. Walker's testimony with the possible exception of the existing run-off pattern.

He asks Mr. Walker if he had visited the site during a rain fall event.

Mr. Walker testifies he had not.

Mr. Azzolina explains his reasoning behind the question. The site is very flat. They did submit a topographic drawing. There are only a few spot elevations and to his eye, it does not look like the site drains in the manner Mr. Walker describes at this property. Explains in detail...

There is a single downspout at the S/E corner of the building which he believes leads to a swale within the driveway area so he believes all of the runoff from the existing roof is going toward the driveway and toward the street and this is the reason why the driveway looks the way it does, very distressed which could be attributed to heavier vehicles as stated in the Applicant's correspondence, however given the fact the site has not really been used for many years, he feels the runoff from the site is going towards the street.

Mr. Azzolina does not agree with the suggestion there would be an improvement by sending it to the street. His suggestion for a real improvement would be some sort of retention, seepage pit or something similar be constructed within the parking lot area to control the runoff from the site which given the fact it is already well beyond permitted impervious coverage, he thinks it is a reasonable recommendation should this Board approve the application.

Mr. Azzolina continues. Referencing the other aspects of the proposal and believes the Engineer has properly addressed in his correspondence and revisions to the plan.

Mr. Walker would like to state this site is incredibly flat and there are a number of spot grades that are shown on the access ride and parking area. His discussions with the Architect are that the Building does drain to the rear of the site, the way the roof system is set up and based on the spot grades, it appears that area would drain out to the back of the building.

Discussion.....

Mr. Azzolina states he would agree with what is shown on the plan, but what is not shown on the plan is the swale...there is a depression within the driveway that would catch the water as it exits that single downspout.

Discussion continues...

Mr. Walker notes with this said, they have no objections to adding a drywall to help drain conditions further. Changing the roof lines will also keep that water out of that swale...

Mr. Azzolina speaks to one other issue relative to the fence upgrades. When visiting the site he also noted the fence was in disrepair. He is not sure if simply replacing the privacy slats is the way to go. He would remove & replace with a more esthetically pleasing fence...

Discussion...

Mr. Lowenstein (Board Member) directs his question to Mr. Azzolina and asks if the recommendation he has for the retention basin increase impervious coverage or would this be in an area that is currently in the impervious.

Mr. Azzolina states it could be constructed in the existing impervious area so there will be no increase based on this addition.

Exhibit A19-(13 photos) taken by Mr. Azzolina with today's date.

Mr. Azzolina describes the individual photos & reviews with the Board.

Mr. Newman begins a discussion on the existing disrepair of the site. What can be done about this until if & when...

Mr. Rosenberg (Board Attorney) interjects and notes the Board can make Ms. Peck (Assistant Zoning Officer) aware of the issue for the current maintenance of the property. The Borough has a Maintenance Code and it is certainly something Ms. Peck can raise with the persons in the Borough who are responsible for Maintenance Enforcement. This Board does not have the jurisdiction but certainly could be put on record so Ms. Peck can take the necessary action.

Mr. Lowenstein (Board Member) asks Mr. Azzolina if he had visited the site during a rain event to which Mr. Azzolina states he did not.

Mr. Lowenstein questions Mr. Azzolina on where does the rain runoff in his opinion.

Mr. Azzolina believes the runoff runs within the drain swale, the driveway and into the street as opposed to the back of the property.

Mr. Lowenstein & Mr. Azzolina continue with a discussion on what would be the best solution regarding the retention basin and location of it...

Mr. Newman (Chairman) asks Mr. Azzolina in his Professional opinion does he think there is a need for Storm Management Plans with this application because of the high amount of impervious coverage that is being proposed.

Mr. Azzolina testifies the Project as presented would not qualify as a Major Development so there really is no standard in the Borough Code to apply to this project. He thinks the Drainage Design could be handled without the need for an elaborate Storm Management report.

Discussion continues.....

Mr. Walker (Applicant's Engineer) would just like to clarify they are reducing impervious coverage on the site, we are not proposing coverage, we are reducing.

Understood.

Mr. Sacchinelli (Board Member) has concerns with the parking in the back. Directs his question to Mr. Walker & states; the pitch now is relatively flat so the water over the years has found its ways, but it doesn't look like it has affected anyone's property, but once you resurface it, where do you intend to pitch the parking lot area?

Mr. Walker testifies they were intending to keep the drainage patterns as they stand today.

Discussion.....

Mr. Walker testifies they have proposed some grade modifications to help the water flow off the site, off of the parking area. It primarily drains to the East and to the South.

Discussion continues....

Mr. Walker suggests what they could do; refers to the Exhibit and notes green area located in the rear of the site. They could make a depressed area and direct all the storm water to this area.... states it is a small area and it would all perk into the ground and have absolutely no impact to the neighbors.

Discussion continues....

Mr. Walker testifies with all this discussion, the decision will be, they will perk the runoff into the ground at the end of the parking lot.

Mr. Sacchinelli is satisfied with this change.

Mr. Mark Kataryniak (Board Traffic Engineer) states; the applicant has addressed the bulk of his comments with his April 16th. Revision. Reviews the subjects that were covered but on his check of the elevations, he questions if they are below 2% in all directions. He would ask the Applicant to double check this grading.

Mr. Kataryniak continues...as far as the negative criteria, his comment is in respect to circulation. If you look at what is proposed to what exists today, not specific to what exists today but if you look at a single Commercial building with this driveway, you can presume the traffic circulations can be somewhat controlled. Explains....

Mr. Kataryniak notes with the proposed apartment use or where there are (4) Independent living units being on different schedules using this driveway, he did not hear any testimony from the applicant to widen this driveway to avoid the conflicts of entering and exiting at the same time. His view here is there is approximately 15ft. of driveway from the curb line and Cedar Street to the rear of the building where if you have simultaneous entry & exits movements, someone will have to back up.

There is a potential for confusion and conflict with traffic circulating here. Also potential to have Safety issues here.

Mr. Kataryniak feels this conflict will lead to safety concerns.

Mr. Newman (Chairman) notes they are talking about (4) families with children and cars entering and exiting. How many cars are we approximating entering & exiting?

Mr. Kataryniak testifies at the highest numbers, you are talking about two (2) vehicles per unit.

Discussion...

Mr. Kataryniak states he thinks the applicant needs to provide testimony or demonstrate to the Board why the easterly wall of the building was not an option to increase the driveway.

Discussion continues...

Mr. Kataryniak he feels something that would accommodate two way traffic is something the Board should consider in terms of negative impact just with traffic flow onsite.

Discussion continues....

Mr. Newman questions Mr. Kataryniak on issues if this were a single family or two family home.

Mr. Kataryniak states no and explains. A single family home would have one family occupancy and traffic could be controlled just as in a Commercial use. A Two family could also be managed but you start moving away from this control. Once you start adding multiple families with independent schedules, he has more concerns with the ability to control entry and exit movements' onsite.

Mr. Kataryniak continues and states you can do this one or two ways. Provide Traffic control measures be it some sort of device, being something people can see here. His concern here given the size of the property, the only viable option would be to widen the driveway.

Discussion continues....

Mr. Kataryniak feels they need physical room for two vehicles to pass one another. At the minimum 18ft. aisle. He explains the scenario of two vehicles, one looking to exit the driveway and someone is going to pull in, this person exiting offers to back up and reverse into the parking lot and his concern is there is not an adequate line of sight to see if someone is exiting or entering the building, someone walking in the parking lot who they don't see...

Mr. Levitt (Applicant's Attorney) asks if the Borough of Fair Lawn has any Ordinance related to driveways.

Mr. Kataryniak answers Residential driveways, no.

Mr. Levitt asks what type of ingress and egress is Cedar Street and is it a Dead End Street.

Mr. Kataryniak testifies it is a Dead End Street.

Mr. Levitt asks if a Dead-End street provides much fewer cars per day than an Access or Thru

Mr. Kataryniak testifies in general, yes.

Mr. Levitt refers to testimony by Mr. Kataryniak regarding Commercial use versus a single family or two family use relating to a single operator control of the driveway. Does his testimony directed to the single operator use would be able to dictate each and every trip in and out of this driveway?

Mr. Kataryniak states no but the comparison here in the standpoint of what they are proposing versus what is currently configured there.

Discussion & testimony continues....

Mr. Levitt & Mr. Kataryniak continue in length regarding Commercial usage & Residential usage...

Mr. Kataryniak continues to explain his reason for the concern and states any vehicle backing up with a limited amount of site is a concern. He feels as part of their application, they need to provide testimony to demonstrate to the Board, that conflict somehow does not create a detrimental effect. Any vehicle backing up across Pedestrian aisles with limited site distance is a concern.

Mr. Levitt asks Mr. Kataryniak if there could be any apparatus, such as a mirror that we have all seen on buildings that could prevent this.

Discussion....

Mr. Kataryniak states they can all agree there is no line of sight from Cedar Street to the rear parking lot of the building....

Discussion continues.....

Mr. Levitt would like ask Mr. Walker to address the rear of the site as it presently exists versus what is being proposed.

Mr. Walker (Applicant's Engineer) would like to clarify this pavement goes all the way back property line currently and the distance from the back of the building to the property line is 62ft. In order to get a parking bay with an access aisle, you need 60ft. so there is an ability to have parking spaces against the building and also against the rear property line and have 24ft. There is enough room to have 8 parking spaces perpendicular across the back line and 6 parking spaces against the back of the building and put an ADA space as well.

Testimony continues...

Mr. Walker states utilizing the front residential door helps minimize the amount of opposite flow trips...during a normal workweek, people will be flowing out of the site and flowing back into the site at the same time so the number of conflicts is minimized...they also took a look at the site distance coming out of the driveway and the site distance is adequate pulling in and out of the driveway and keeping in mind there is no requirement the Ordinance has for driveways regarding one way or two way access. In his opinion the driveway would work better under the Residential scenario than it currently does under the Commercial use scenario.

Mr. Newman (Chairman) states they keep talking about Commercial versus Residential and he would like to bring up again that currently there are not 14 vehicles parking on the site and there is not an operation that has 14 employees coming and going all day. There has not been any testimony as to such operation, there has not been a Traffic Study of that Commercial Operation, but we keep talking about it as if it's real.

Mr. Levitt (Applicant's Attorney) interjects to state; because this is what is allowed here. The applicant is allowed to park 14 cars.

Discussion continues.

Mr. Newman states it has nothing to do with circulation. The applicant is allowed to Park 14 cars.

Mr. Levitt objects. He respectfully disagrees. He defers to the Board's Traffic Engineer that he could have 14 Employees who work 2 hours shifts come in and out.

Mr. Newman states this is hypothetical...

Discussion continues...

Mr. Levitt continues with his argument there is no change to the use. The Applicant has the ability to store material there, go get it inside the building.

Discussion continues....

Mr. Walker states the reason why the Site is being underutilized today is because the Applicant has been looking forward to redeveloping this property into a Residential property.

Mr. Newman defers to the Board Traffic Engineer, Mr. Kataryniak and asks him if they were looking at a Commercial use, splitting the building into (4) Offices rather than (4) Apartments, each office designated (2) parking spaces. How if at all would this change his recommendations for site circulation and would there be different standards they would have to follow...

Mr. Kataryniak testifies the concern would remain the same. How is two way traffic handled on a driveway that is only wide enough for one vehicle to pass?

Mr. Kataryniak discusses if the Application before them today was for a Commercial use, his question would be the same. How would they handle two way circulation in this driveway? He does not dispute the Site line with the driveway on Cedar Street. Lines of site are adequate.

Mr. Sacchinelli (Board Member) acknowledges the testimony of going back & forth about what is there and what is not there but based on this, he knows with a Commercial use what is not there and that would be Children. Once it converts to a (4) family house, it will have children and they are most likely going to be using this parking area for skateboards or some kind of play.

The line of site will come up then and this is where the difference lies between a Commercial use to a Residential use.

Discussion on the scenario of when a car does have to back up and may not see a kid...this is his concern....

Discussion continues...

Mr. Levitt (Applicant's Attorney) states he has spoken briefly with his client and they are willing to put either Blind Spot Mirrors and also go as far as to installing camera's so when you pull in, you could see the picture of what is there or what is coming before proceeding. The cameras can be effective in addressing this issue.

Mr. Levitt would like to let Mr. Walker address the subject regarding playing in the back yard.

Mr. Walker states they have their Planner here tonight who will talk a little more about this but there is a study done by Rutgers University calculating the number of school age children in these types of facilities. The ratios are incredibly low. Once the Planner speaks, he believes the numbers will be up to 1 child for this facility. He does not think they are looking 4 children coming out of this facility.

Mr. Walker continues....

Mr. Walker does recognize there are other children in the neighborhood as well and he thinks reducing the number of trips coming in and out of the site is important and he believes they have done so at this site.

Mr. Levitt (Applicant's Attorney) then states this neighborhood is a Residential neighborhood, it is not an Industrial neighborhood we are putting a Residential property into. It is a Residential with a pre-existing nonconforming Commercial space exists and he would concur with Mr. Walker with the images that come to his mind with a skateboarder, there is nothing to prevent people who pull into their driveways and back out, even in a single family or two family home, the same scenario can occur in the backing out...it lends itself to people just being careful.

Discussion continues....

Mr. Levitt reiterates the Central Front Door proposed and how when preparing the application they discussed how they could create a safer condition...

Mr. Levitt does note the traffic flow is an issue. It will be a condition no matter what happens with this application. If the application is denied, the same condition will exist. They have attempted to mitigate and lesson this condition by putting in the Center Door way from the front to the back, so there is no walking down the driveway.

Discussion continues...

Mr. Walker (Applicant's Engineer) would also like to mention from the back parking spaces to the edge of the pavement there is 35ft. normally, here there is a 24ft. access aisle, so there is some extra area in there. (Refers to Exhibit)

Mr. Walker explains if a car was along the side of the building and someone was pulling out at this point there is the ability to move and back around without having the other car back out into the street.

Mr. Walker continues...noting another benefit they have is; the people exiting on their site are going to be pulling out forward where many of the neighbors around their site are backing out onto the street.

Mr. Sacchinelli (Board Member) speaks to Mr. Walker and questions his testimony regarding the Shed/Garbage area. How will the garbage be moved from this area to the front?

Mr. Walker testifies the garbage would be taken out to the street via the driveway and each tenant would be responsible for their garbage. He believes Mr. Leeb testified to this.

Mr. Newman (Chairman) does not want to get off track of where they were as far as the issues with the driveway so he questions the Board Traffic Engineer, Mark Kataryniak in regards to the Applicant's proposal of mirrors and cameras and if this would work.

Mr. Katarniak (Board Traffic Engineer) states he would have to see a layout. He is not sure he could answer this specifically because there are a couple of concerns. Explains..

He agrees while exiting, they are facing forward but if the person exiting decides to back up into the site, there is no line of sight between the building and the fence...

Mr. Kataryniak continues. If Cameras & Mirrors were provided, the Applicant would have to illustrate where they would be and what view they would have.

Discussion continues....

Mr. Kataryniak biggest concern is the occupants leaving the building, as they are leaving the drive aisle, anyone pulling in does not know they are there...there is no ability to see a two-way operation until they have to stop and he is not sure a camera could address this.

Mr. Newman asks in lieu of widening the driveway, do you think the Board would need to see an updated Site Circulation Plan that would incorporate a remedy to this problem.

Mr. Kataryniak states; he thinks the Applicant is proposing some sort of a Technical solution with mirrors or cameras. He thinks a Circulation plan or some sort of a plan demonstrating the view from these would be necessary and locations of the installation...details the issues of his concern.

Mr. Levitt (Applicant's Attorney) interjects and notes points are well taken, however he thinks what the Application is proposing is to reduce the number of trips they are proposing and he thinks the Applicant is more than willing to do a Field Condition if the application is approved to work with the Town Traffic Engineer to get mirrors or the proper apparatus lined up on the Site. The Applicant is proposing mirrors. They will be rounded half domes and one proposed will be at the front of the site on the fenced area so when pulling in, you would be able to see up the driveway and one at the back corner of the building, the east side where if you were pulling out, you could see down the driveway. He thinks as opposed to a formal study, it would be a Field Condition Application of these mirrors.

Discussion continues...

Mr. Levitt reiterates, the Applicant is more than willing to make this a condition of, if the Board was so inclined to approve the Project, instead of making it another aspect of it.

Discussion.

Mr. Kataryniak states mirrors, potentially signage & more than just two (2) mirrors...He is not opposed to a Field Condition to identify this. He is not sure how the applicant would be able to depict a clear field vision on the plan anyway. He can't sit here & say based on the mirrors, it will give you the whole field of vision that you would need here...

Mr. Peter Van Den Kooy (Board Planner) will hold most of his questions for the Applicant's Planner but he would just like a quick clarification from the front yard setbacks. The Dormers, do they project out beyond the 7.6ft.?

Mr. Walker defers this question for Mr. Leeb (Applicant's Architect)

Mr. Sacchinelli (Board Member) questions if the Shed is enclosed totally.

Mr. Walker again defers this question to Mr. Leeb.

Mr. Seibel (Board Member) just would like to clarify the building coverage.

Mr. Walker testifies it will be increased from 29.2 to 30.4 only because of the Shed. The main structure is not getting bigger.

Mr. Seibel would like to clarify the impervious.

Mr. Walker testifies they would decrease from 93% to 80.6%

Mr. Walker states when questioned, the driveway has 0' setback because of a pre-existing non-conforming condition.

Mr. Newman asks if there are any questions from Board Members for Mr. Walker.
Seeing none,

Mr. Newman opens to Residents living within 200ft. of the Applicant to questions only for Mr. Walker based on his testimony.

Mr. Newman swears in: Teresa LaRosa
8-24 Cedar Street
Fair Lawn, N.J.

Ms. LaRosa states the 14 cars they say they could put in the back is not safe. It is not safe for the children. A lot of children go to school there. Did you say there would be 14 cars there?

Mr. Walker states that would be the existing conditions. The proposed condition would be 8 cars.

Ms. LaRosa states this is not safe. The cars going back and forth.

Mr. Walker explains how they discussed this and repeats what the testimony was.

Ms. LaRosa comments she does not believe this would be safe.

Mr. Walker explains if this were opened to a full Commercial activity, there would be a lot more traffic on the street for a Commercial project rather than a Residential project.

Ms. LaRosa believes there would be more traffic with Residential than Commercial. Commercial does not have too much traffic.

Mrs. LaRosa questions the Drain. Will all the water come to her property?

Mr. Walker reiterates the testimony & refers to the Exhibit. Shows Ms. LaRosa what they are proposing with the Dry Well so the water would not hit the ground. It would go into the Dry Well which percolates into the ground. Explains the parking lot run off, it would no longer go into her lot, it will runoff into an area in the back of the property where the water would absorb into the ground.

Mr. Walker testifies when they are done with what is proposed, there will be almost zero runoff from their property onto her property.

Ms. LaRosa questions Mr. Levitt (Applicant's Attorney) she refers to the mirrors and the location of these mirrors.

Mr. Levitt states he is not a Traffic Engineer nor an Engineer, his common sense is to put a mirror (refers to Exhibit) points to the location and states if someone coming down the street can walk in-potentially on the corner of the building...it dead ends to the East, so all the traffic

would be coming this way (points to Exhibit) they would put a mirror on the fence so you could see down...if someone is coming out, points to Exhibit, they would put a mirror there (shows location) and someone could see down.

Ms. LaRosa states she does not want a mirror on her property or her fence.

Discussion continues....

Ms. LaRosa has no further questions.

Mr. Newman swears in: Stephanie Kuzmiak
8-06 Cedar Street
Fair Lawn, N.J.

Ms. Kuzmiak has two questions, one being; how do they plan to handle Snow Removal.

Mr. Walker states he could answer it. Refers to the Exhibit and explains, the green area was created for minimal snow removal. Obviously, if they have a winter like the past winter, the Snow would have to be loaded into Trucks and removed from the site.

Ms. Kuzmiak asks if they are aware that because it is a Dead End Street and rather narrow, the Snow Plow Apparatus backs down the street and has to go out the other way. If you need to clean out the site, you would have to have the 8cars proposed out on to the street where we are not allowed to park until the snow is cleared.

Mr. Walker answers and states obviously snow is a major inconvenience and they deal with it in New York City and we have a lot more room here and a lot more flexibility. Because the lot is 30ft. wide, there is the flexibility to jockey cars around....

Ms. Kuzmiak states you can't predict when the Snow Trucks would have to back down the street to get the snow from curb to curb. She & the neighbors know normally when they are coming so they pull their cars into the driveway but you are talking about 8 cars. How will you address this?

Mr. Walker clarifies with Ms. Kuzmiak on what exactly the concern is...at the time of an unusual heavy snowstorm, their truck would come to move the snow and the 8 cars would have to park on the street but at the exact same time, the Town truck would be backing down? Highly unlikely...

Discussion continues.....

Mr. Walker states there is always a possibility of things like this happening but there will obviously have to be cooperation from all parties to make it happen.

Ms. Kuzmiak concern is not every single person plows their driveway at the same time of the day, which means you may not be able to rouse the Tenants to move their cars and put them on the street or put them back in a timely fashion.

Discussion continues.....

Ms. Kuziak asks who would be responsible for the sidewalks and would they be shoveled.

Mr. Walker testifies every Resident in the Borough is responsible for cleaning their sidewalk, the Residents or a Maintenance person associated with the Building would have to shovel the sidewalk.

Discussion on the Ordinance...within a 24hr period or a Ticket is issued. Zoning Violation.

Ms. Kuzmiak states as of now, it has not been the case. There has been numerous incidents where it was not cleared this winter for a week or more.

Ms. Kuzmiak moves to her next question. Asks if Mr. Walker is aware of that the (5) blocks surrounding Cedar Street are all Dead Ends and the only legal pass thru is Cedar Street by means of a Bridge which sends all the Children in the entire area down this block.

Mr. Newman (Chairman) states this is a good question, but it would need to be answered by the Planner.

Ms. Kuzmiak has no further questions.

Mr. Newman asks if any Resident within 200ft. has a question for Mr. Walker to please step forward.

Mr. Newman swears in: Jacklyn Ebner
8-21 Cedar Street
Fair Lawn, N.J.

Ms. Ebner begins by stating she was confused when he were making the comparison between the Commercial property and stated employees parking there would probably be going in four times (4X) a day versus the Residential where 8 Cars would be going in and out once (1x) a day...

Mr. Walker explains with the Commercial Business, employees can go out to the Job site, run an errand, go to get lunch...some employees will come in the morning, go out to lunch, come back from lunch then go home, this would add up to four trips per day.

Ms. Ebner tries to understand the comparison he is making with the Residential and asks; Residents living there would be leaving once in the morning and no one would be coming back throughout the day, only when they come back from work.

Mr. Walker testifies it is a different study. Under the Residential Site Improvement Standards for a single family house, they calculate 10 trips per day for a Single Family Residential Structure.

Mr. Newman interjects and asks; this would mean 40 trips per day here?

Mr. Walker explains. No, essentially because it is an apartment, it's less. Its 7.2, so it would be 28.8 trips per day.

Discussion....

Mr. Walker testifies it is a generic calculation. It could be two (2) cars, one (1) car....

Discussion continues.....

Mr. Walker explains in deeper detail where the numbers come from.

Ms. Ebner states she has lived here 40years and never saw the Employees going in and out.

Mr. Newman reminds Ms. Ebner to please stay with questions only and reminds everyone to stay with questions only, at the end, comment time is wide open.

Ms. Ebner questions Mr. Walker regarding testimony of people parking on the street with the Front door, what exactly is the frontage on this building that we have so much room for all these visitors to park?

Mr. Walker explains the lot width is 75ft., so it does afford the ability to park 3 cars in the front and there are no restrictions where you could park...

Ms. Ebner asks since it is a Dead End Street and they would be pulling into the street all in the same direction, where will they be turning around when they need to go back out to Maple Avenue?

Mr. Walker explains the turn-around area within the parking lot...

Ms. Ebner apologizes and notes she was talking about the people (visitors) who are parking on the street.

Mr. Walker states they could K-turn into the driveway like anyone else who would be parking on the street...

Discussion continues...

Ms. Ebner questions the Green Space back in the rear of the parking lot where the parking will be done, what exactly is the width and what is there now?

Mr. Walker testifies there is concrete there now and what they are proposing to do as discussed tonight is; Points to the Exhibit and explains. In the Green area, they would excavate the area and redirect the water from the parking lot instead of the water running to the East, it will run to the South. They would excavate approximately a ft. to 18" deep and would have a Stone area they would be 6-9" wide and this would go down deeper into the ground to provide storage area for the Storm water...

Discussion...width would be 6ft.

Ms. Ebner has no further questions.

Mr. Newman (Chairman) asks if there are any other questions for Mr. Walker at this time. Seeing none,

Mr. Newman closes this portion.

Mr. Newman asks if there are any residents from the General Public with questions for Mr. Walker. Seeing none,

Mr. Newman closes this portion.

Mr. Newman asks for a 5minute Recess:

Mr. Newman calls the Meeting to Order.

ROLL CALL: Mr. Gil, Mr. Seibel, Mr. Sacchinelli, Mr. Lowenstein, Mr. Sina,
Mr. Naveh, Mr, Newman, **Present.**

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

Mr. Newman swears in: Mr. William Denzler (Professional Planner)
6 Hickory Lane
Long Valley, NY

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

Mr. Rosenberg (Board Attorney) interjects and directs his question to Mr. Levitt (Applicant's Attorney) notes since Mr. Denzler has some additional Exhibits, he realized Mr. Walker (Engineer) had a 2nd Exhibit he did not testify about but was on the Board.

Discussion on A6-

Mr. Levitt clarifies for Mr. Rosenberg by stating, Mr. Leeb used A6. Mr. Walker used A-18 which is the reduced version of A6.

Mr. Levitt reviews & clarifies all Exhibits thus far...

Mr. Denzler begins his testimony and states he reviewed the Architectural Plans, the Site Plan prepared by Dexter Walker, reviewed the Municipal Ordinance and Master Plan of the Borough of Fair Lawn as well as visited the site numerous times.

Mr. Levitt asks Mr. Denzler to tell the Board why a D-variance is necessary for this application.

Mr. Denzler testifies because they are proposing a 4-Unit Apartment building, a D-1 Use variance is required because the zone is a Single Family Detached Residential Zone. R-1-3.

Mr. Denzler states the site must be particularly suited for the proposed project and based on his analysis, it is.

Mr. Denzler testifies in terms of his analysis, special reasons are basically the advancement purposes of Planning. He noted several Planning purposes for NJ Municipal Land Use Law-40 Cohen 55-2, explains....reads. Item G....reads...

Mr. Levitt would like him to go through each of what he just cited from the Statue of this particular application and provide the Board with the examples.

Mr. Denzler testifies as it applies to the 3 purposes of planning. A Proposed 4 unit apartment building advances these purposes based on the site development from existing non-conforming commercial use to that of a 4 unit residential use. The Residential use still requires a use variance approval but the site (inaudible) development to a Residential use in an existing residential neighborhood certainly advances the purposes of Planning from what exists today.

Mr. Denzler refers to Exhibit.

Exhibit A20- A series of 3 Photos. (1) An Aerial showing the original view of the site with an Overlay of the Fair Lawn Zoning showing Zones...
(2) Close up of the Site. Scale of the building as it relates to the neighborhood as well as the site improvements.
(3) Photo taken by him in April, 2014 showing the existing Commercial building as well as portions of the adjoining Single Family Residential Structures.

Mr. Denzler continues... additionally, based on a conversion from non-conforming Commercial to the 4 Unit Apartment, it does represent a Development that would be more compatible with the surrounding area than what currently exists today.

Regarding the Commercial use, in his opinion, from a Planning prospective, even though it has been there for several decades, is not compatible with the area... explains... refers to the Aerial View map and points out how centrally located it is within the Residential neighborhood far from other non-residential zone. It is isolated and would have an impact on the surrounding residential neighborhood.

Mr. Denzler states the proposed 4-Unit Apartment building in his opinion would not have a substantial impact to the surrounding uses. It is designed to fit into the area as a larger 2 story residential structure. There is also an additional purpose of Planning. Reads from the MLUL...

In this case, they are taking the footprint of the existing Commercial building and converting it into the 4 Units, utilizing the space that has existed for several decades as well as redeveloping the Site by lessening the impervious surfaces, improving the overall site setting from what exists today.

Mr. Levitt (Applicant's Attorney) clarifies with Mr. Denzler and asks; so what you are saying is; this is more compatible with the surrounding Residential neighborhood to which Mr. Denzler replies; certainly.

Mr. Levitt asks Mr. Denzler to provide some of the negative criteria.

Mr. Denzler testifies as part of the negative criteria, they must show the proposal would not result in substantial detriment to the Public Good nor substantial detriment to the Zone Plan Ordinance. In terms of detriment to the Public Good, the proposed Development has been redesigned over the course of these hearings, have less of an impact. It was converted to better represent the surrounding residential structures by improving the Front & Rear Doors and side porches which fits in better with the surrounding areas and patterns of developments.

Mr. Denzler continues. It would also provide a lesser degree of traffic than a Commercial use. Additionally the redevelopment of the property is also consistent with the goals and objectives of the State Plan & Redevelopment Plan by providing a higher intensity development within an established Metropolitan area which the Borough of Fair Lawn is designated for the plan.

In terms of substantial impairment to the intent and purposes of the Zone Plan and Ordinance, he did review the Borough Master Plan re-examination Reports from 2004 & 2010, and also reviewed the current Draft Master Plan that has been reviewed this year.

Mr. Denzler states there are several goals and objectives in the latest plan that are particular to this proposal. Because it is such an isolated lot, this site is not particularly identified within any of the plan elements within either Master Plans but does fall under the general goals and objectives.

Mr. Denzler explains. One being, to provide for a greater mix of housing types that meet the needs of a variety of household types, income and lifestyles. Mr. Denzler testifies this is very particular to this proposed 4- unit apartment.

2nd being; to promote a balance of variety of Residential/Commercial/Industrial/Recreational & Public Land uses. Again, they are providing a type of Land use that would be compatible to this residential neighborhood.

Testimony continues...

Mr. Denzler would like to state, additionally within the Land Use Plan Element, several objectives are (inaudible)...one is very important and relevant to this application. It states; by preventing the intrusion of inappropriate non- residential uses within neighborhoods. Certainly this is the only non-residential use located within an established residential neighborhood. By converting this to a residential use, although Multi-family, it certainly improves upon the existing condition that has existed for several decades.

Mr. Denzler states the Plan does note that the R-1-3 Residential Zone is the most prevalent zone within the Borough.

Mr. Newman (Chairman) asks Mr. Denzler if there a Zone within the Borough which allows Multi-Family Dwellings.

Mr. Denzler answers yes. These zones would be R-3-1, which permits Multi-family on larger lots. The R-3-2, also permits Multi-family and he believes the R-5, which is a multi-family Townhouse District.

Mr. Newman asks what the Lot requirement is.

Mr. Denzler states 20,000sf for the R-3-1, R-3-2 but they have much higher density.

Discussion....

Mr. Newman asks if he is aware of any such designated areas in Town.

Mr. Denzler replies there are zones of this designation throughout the Borough.

Mr. Newman asks specifically mixed within Single family residential zones or are they separated.

Mr. Denzler states this is a unique situation because they have one isolated lot within the existing neighborhood. We are not designating a Zone for this, we are addressing a single property within an established neighborhood.

Mr. Newman asks if he is aware of any other 4 family apartment buildings in the Borough.

Mr. Denzler states he is not aware of single uses he is not aware. He did not go looking for them but there are Multi -family developments throughout the Borough.

Questioning continues regarding Multi-family dwellings throughout the Borough.

Mr. Levitt (Applicant's Attorney) speaks to Mr. Denzler, notes he has weighed out the Special Reasons and believes the variance would not result in substantial detriment to the Public Good and the granting of a variance would not impair the purpose of the Zoning Plan or Zoning Ordinance to which Mr. Denzler answers yes to both.

Mr. Levitt asks Mr. Denzler to speak to the NJ State Planning & Development...

Mr. Denzler testifies this area is designated within the State Development & Redevelopment plan. This plan is a general overview of the State and indicates general planning principles and in this area, (PA1) higher density, both Commercial & Residential uses are recommended. In this case, we would fall under this because we are looking at a 4-Unit Building which is a higher density than what the Zone permits but again, it is an isolated property but still falls under the general provisions of the State Development & Redevelopment Plan.

Mr. Newman (Chairman) asks for a clarification on this Redevelopment Plan. Is he saying that it is recommended that higher density dwellings be placed in single family neighborhoods?

Mr. Denzler testifies within the PA1 Districts which are throughout the State..

Mr. Newman wants to know what a PA1 is.

Mr. Denzler is called the Metropolitan District and this is where higher density development is recommended.

Discussion continues...

Mr. Newman would like him to expand on this...

Mr. Denzler explains actual numbers are not given, just higher density is recommended and there are various planning areas throughout the State. Planning area 1, Suburban Planning areas, Environmental Planning areas...

Mr. Newman states; this is not a Suburban Planning area?

Mr. Denzler states based on his review, it is a PA1 Borough and in this case the plan recommends higher density. It looks at Municipalities that already have higher density, smaller lot zoning and they make the recommendation that higher density be permitted in these areas.

Discussion continues.....

Mr. Newman clarifies what they are recommending is that areas be redeveloped into higher density areas, not a recommendation for spot zoning in residential areas..

Mr. Denzler replies no. It is a broad based principle...

Mr. Newman replies then it doesn't really apply here...

Mr. Denzler believes it does...

Discussion continues....

Mr. Levitt continues his cross of Mr. Denzler reviewing other topics.

Mr. Denzler reviews the Medichi Proof noting they would have to reconcile the plans omission of this use within the plan....explains.

Mr. Denzler reviews other variances necessary for the site. Several Bulk variances associated with the Development of this property. They would include a Front yard setback variance, a Side yard setback variance, building coverage and impervious lot coverage.

Based on his review, these variances can be granted under the C1 Hardship. As the Board is aware, there is two categories. C-1 Hardship which allows relief by the reason or exceptional narrowness, shape or of a specific piece of property or by reasonable exceptional topographic conditional or features. C-2 which is basically the benefits of granting the variance substantially outweighs any detriments...explains the front yard setback which is an existing non-conforming Setback is being maintained...reviews the variances requested.

Mr. Denzler based on the design of the building he believes it would not be a substantial impact to the surrounding properties...

Mr. Denzler speaks to the side yard setback. Again, does not see a substantial impact to the adjacent residential property nor to the surrounding neighborhood based on this setback.

Mr. Denzler reviews Building coverage...increase is due directly to the Garbage Facility. They will be using the existing footprint of the building for the Residential structure. Again, a pre-existing non-conforming condition and would not be intensified through their proposal.

Mr. Denzler reviews the impervious coverage reduction. Increasing the Green space on the property. It is a benefit to both onsite Storm water and Site esthetics by this reduction. In his opinion, would not have any impairment to the surrounding properties or the neighborhood in general.

Mr. Levitt asks if Mr. Denzler believes what is being proposed is a more desirable, visual environment for the site.

Mr. Denzler answers yes. Refers to Exhibit and describes the proposed redevelopment would enhance the neighborhood.

Mr. Denzler is asked if he had reviewed the Board's Professional Planner's report to which Mr. Denzler replies yes.

Mr. Levitt asks if he has any comments or further comments he believes he may not have addressed related to this report.

Mr. Denzler believes he has addressed all subjects relating to the report.

Mr. Newman has one question for Mr. Denzler before opening to the Board Professionals and states; to follow up on the testimony you just gave about the improved visual esthetics of the site and certainly he does not think anyone would disagree that the Proposal depicted is esthetically more pleasing than the Site as it exists, but without the granting of a use variance would it not be possible to esthetically improve this site to meet or exceed the esthetics of the existing proposal. Could the building be made to look more residential and still be used as a Business?

Mr. Levitt (Applicant's Attorney) replies; that is not the proposal before this Board and feels this is a hypothetical question...

Discussion.

Mr. Denzler agrees. He feels it is hypothetical, this is not what the application is for. It is based on the structure, architecturally anything could be done, whether it could be done in a manner that would reflect what they are proposing now, he cannot answer that structurally wise, he is not an Architect.

Mr. Newman accepts his answer.

Mr. Newman opens to the Board Professionals for questions for Mr. Denzler.

Mr. Peter Van Den Kooy (Board Professional Planner) would like to clarify if an evaluation of the surrounding properties in terms of other Multi-family uses.

Mr. Denzler testifies yes. He went through the neighborhood and he was trying to identify other 2-3-4 Family structures. It is difficult to find them because when you are looking in the field, there are either additional doorways, entrance ways, mailboxes, gas meters...in his visual analysis he has found additional gas meters does not necessarily mean another unit. Mailboxes are a better sign, but he did not find anything in the surrounding neighborhood that showed Multi-family.

Testimony continues.....

Mr. Van Den Kooy asks Mr. Denzler if he had a chance to take a look at the density on this particular site versus the average density within the vicinity of the property.

Mr. Denzler states yes. Speaks to the Master Plan and its density calculations...Zoning, etc...

Mr. Van Den Kooy would like clarification. Referencing his earlier question regarding the building features, the dormers, do these come out 3ft. or 2ft.?

Mr. Denzler testifies 2ft. explains, based on the first meeting to the 2nd meeting, they did reduce the overhand to meet the 2ft. setback.

Mr. Van Den Kooy states; he appreciates that the West side of the building has been set back to provide more light, air & open space on that portion of the property, but he took a look at the setbacks versus the surrounding properties and the building, for instance is pretty close to the street and there are other houses that also have close proximity to the street, although the average setback along the entire length of Cedar Street is further back than that?

Mr. Denzler testifies yes. It doesn't meet the Zone requirement, 25ft. but there is a mix..

Mr. Van Den Kooy states one of the issues in terms of the way the building is designed is that all the other houses, the ones that are closest to the street are oriented with their narrow portion of the façade toward the street...

Discussion continues...

Mr. Van Den Kooy is concerned in terms of Light, Air & Open space. The length of the building façade and the close proximity to the street, is there any design considerations in terms of stepping the front façade 2nd story back at all.

Mr. Denzler states he does not know if this was considered by the Architect, but he will point out, the front of the building was redesigned to better reflect the surrounding residential development and when you look at the neighborhood, you do have the wider length of residential structures on the corner lots because they have the two frontages. Also we have one of the larger lots in the area in terms of area and width, so we do wind up with a larger structure.

Mr. Van Den Kooy agrees and notes these were the key points pertaining to the character of the neighborhood. His finding was it's a little bit out of character if you were looking down the street corridor, it's a substantial size building for this street in comparison to the other structures. It is going to jut out...

Mr. Newman asks Mr. Van Den Kooy if he could speak to the relevance of the State Planning Act. He did not find the comments to be relevant. What would his opinion be?

Mr. Van Den Kooy explains the State Plan is almost a Satellite view policy perspective of New Jersey. It has very broad language and its split into planning areas, 1-5 in general, although there are some other variations to this. Planning Area 1, the Metropolitan Planning area that's intended for much of the development and redevelopment of the State predominately in the urban areas and those immediately adjacent to the urban areas. The Policy has a number of different features, some of them pertain to housing and the ones that do offer a variety of housing types for development and redevelopment. As far as he understands, it does not pertain to substantial changes to the existing neighborhoods necessarily, unless they were redevelopment zones. It is very broad and it could very easily be used to justify any use in town.

Discussion...

Mr. Newman asks if putting a 4-family apartment in a Residential neighborhood be spot zoning.

Discussion continues...

Mr. Van Den Kooy states; unless it is for Affordable Housing purposes, you generally cannot spot zone an individual property for change of use.

Mr. Levitt (Applicant's Attorney) would like to ask Mr. Van Den Kooy if he would agree if this particular style of housing would promote a more harmonious consistent line with the neighborhood then what is currently there.

Mr. Van Den Kooy testifies yes he would.

Discussion.

Mr. Newman asks Mr, Van Den Kooy the same question he asked of the Applicant's Planner. They are looking at a change in use, not a change in the façade. Could the use stay unchanged and the Façade be changed to be as esthetically pleasing as proposed.

Mr. Levitt (Applicant's Attorney) interjects and states; in all due respect, he would like to place his objection on the record for him to answer that question. That is not what is before this Board this evening. He asks that the question not be answered. If he does, that's fine but he wants his objection noted because it is not relevant to the application before the Board.

Mr. Newman states objection noted, but he does not agree. Asks Mr. Van Den Kooy to please answer the question.

Mr. Van Den Kooy testifies it is actually quite common for Commercial Buildings to be designed as Residential in order to fit in with the character of the neighborhood...to him there is a balancing between the esthetics and the project, different considerations in terms of the neighborhood, adequate Light, Air & Open Space, public safety as it pertains to circulation traffic. He thinks all these things are important to weigh each against another.

Mr. Newman asks Mr. Levitt if he has any further questions for Mr. Van Den Kooy, Mr. Levitt does not.

Mr. Newman asks the Professionals if they have any other questions for their Planner. Seeing none,

Mr. Newman asks if any Board Members have questions for the Planner.

Mr. Seibel (Board Member) questions Mr. Denzler (Applicant's Planner) on the the PA-1 District- the High Density District for the property. Does this have anything to do with proximity to Public Transportation, Train Stations or things like this?

Mr. Denzler replies that is actually one. There are several criteria. It is basically populations densities, transportation networks, public transportation are some of the criteria that generate this.

Mr. Seibel asks if he knows how far the property is from the nearest train.

Mr. Denzler does not know the distance. The State provides a Map showing all the criteria of the route and this is what he reviewed.

Mr. Seibel notes the nearest Train Station would be Radburn and it is quite a distance away so somehow this property got locked into that in a general way...

Discussion continues...

Mr. Denzler testifies yes it is a broad brush and again mapped by the State.

Mr. Seibel asks if there is a more compatible building then a 4-Family.

Mr. Denzler testifies this is an application for a 4-Family, clarifies with Mr. Seibel as to what he is asking. Are you asking whether the use would be appropriate here or a different number of units?

Mr. Seibel asks if they considered other compatible type properties when you put together your planning report.

Discussion continues...

Mr. Denzler testifies when he reviewed this application, one of the main focus that came into his mind was; this is a single commercial lot within an established neighborhood...

This is not a development that is one of many non-conforming uses in the neighborhood. This is the one (1) non-conforming use that has been there for several decades. To him from a Planning perspective, shifting it to a Residential use, within a Residential neighborhood at the 4-Unit scale

would be appropriate in his opinion in this area. The most appropriate use of the Land. If you look at less units, you will still end up with the same size structure.

Discussion continues...

Mr. Denzler reviews with the Board the latest Master Plan and how it speaks to the overall minimum lot size, the density comes out to 6.7 units per acre. Based on their Lot size and the 4-Units proposed, they come in at 20units per acre which is consisted with the R-3-2- Multi-Family option which has the same density.

Mr. Seibel notes they are not in the R-3-2

Mr. Denzler clarifies they are in the R-3-1 Zone.

Discussion continues....

Mr. Seibel asks Mr. Denzler since a 2nd story is being added, is it going to affect the Light & Air of the properties on either side, across the street and probably to the rear...

Mr. Denzler testifies again he would like to reiterate they are adding Green space to the rear and on the side with the non-conforming side yard setback of 2.7ft., they are stepping the building and the height of the building is not much higher than what is there now. He believes it would not be a substantial impact to property. Refers to Exhibit and continues to testify on how the house next to the driveway is set back from the building.

Discussion continues....

Mr. Seibel has no further questions.

Mr. Newman (Chairman) would like to follow up with Mr. Seibel's question being; if a 4-Family Apartment building was the most appropriate use in this Single Family Residential Zone. They established there are no other 4 family apartments to anyone's knowledge in Residential zones in the Borough or 3 families for that matter. Still in all, in your Professional opinion, you think a 4-family Apartment building is a better fit in this neighborhood than a Single Family or a Two-Family Dwelling, utilizing the same footprint?

Mr. Denzler testifies again it is based on the size of the property, the size of the existing structure plus his experience with Planning. He will use his current Borough, Morris Plains as an example, they have a lot of Multi-family Developments coming in...

Mr. Denzler continues.... with this type of Multi-family Developments, the type of occupants that these Units generate are typically single or young married Professionals. Very little children are generated by these type of structures. If anything, maybe a young baby, preschool and then they would move out...

Discussion continues.....

Mr. Newman states he is not sure this has anything to do with the character of the neighborhood. His testimony, he believes was that a (4) Four Family Apartment building is the most appropriate use on this site, more so than a Single family or a Two family home would be.

Mr. Denzler repeats based on the existing conditions and surrounding properties, in his opinion he thinks this site is particularly suited for a 4 family.

Discussion continues...

Mr. Sacchinelli (Board Member) clarifies the size of the Green Area in the rear of the property.

Mr. Levitt (Applicant's Attorney) states he believes the testimony was 6ft. Side yard, 2.7ft.

Mr. Sacchinelli questions Mr. Denzler regarding the Parking. His concern is the Snow. Looking at the Parking and cars lined up all along the entire side and back and the driveway area, it is kinda open for them to blow the snow to the front of the building. When this plan was laid out, where is the snow going to be stockpiled?

Mr. Denzler states; as the Engineer testified to, what snow could be pushed to the rear of the property will be and if we did have a unique snowing winter, snow would have to be trucked out and the stockpiled area would be the rear of the property. Clarifies on the 6ft. of grass area.

Mr. Sacchinelli clarifies what his concern is; there are all cars parked there, there is no opening for the cleanup. Cars would have to be moved before you could stockpile. There is no open area.

Discussion continues...

Mr. Levitt (Applicant's Attorney) states he understands what Mr. Sacchinelli is saying, they talked about this before logistically and the thought was, he believes Mr. Walker testified only 24ft is required between the parking spaces and there is 35ft. there. There is an additional 10ft. of Lane or circulation usage...snow could be moved, a car could be jockeyed within the parking lot area....refers to Exhibit.

Discussion continues....

Mr. Sacchinelli's knows it is just speculation, but he does not want to see them blowing it out into the front and piling it in front of the property which would cause the issue of backing up and entering a problem, even more so.

Discussion continues...

Mr. Sacchinelli notes he has concerns because there are a lot of different Tenants and a lot of different cars and the Snow Removal would probably be contracted out, so he is not going to be able to coordinate with all the occupants in the parking lot...

Mr. Sacchinelli states he would like to see an Open Area, where it could be pushed onto the 6ft. area so there would not have to be jockeying of cars. He does not think the tenants will be jockeying their cars at 5:00-6:00 in the morning....he just sees it being stockpiling in the front of the building on the lawn.

Mr. Levitt (Applicant's Attorney) notes that Mr. Leeb (Applicant's Architect) will be called either at a later meeting or tonight. There is a Snow Management Plan that every Tenant is aware of and is required to follow. There is no reason why this couldn't be the situation here. He appreciates the comments and concerns, and doesn't want to call it a Zoning issue but he would think this would be a "Maintenance Issue" that will be addressed...

Discussion continues....

Mr. Sacchinelli has one other question. Where they are storing the Garbage. Is it going to have a chain link fence or some kind of (inaudible)?

Mr. Levitt would like Mr. Leeb to answer this question. He designed it.

Mr. Sacchinelli is satisfied with this answer and will save his questioning for Mr. Leeb.

Mr. Newman asks if any other Board Members have questions for the Planner...

Mr. Levitt would like to address one other issue before the Board Members ask questions. There were some comments regarding School Age Children and access to the School that was brought up by the Board and the General Public. I would like Mr. Denzler to briefly address this issue.

Mr. Denzler testifies based on his review of this application and he is familiar with the Rutgers School Age Children Multipliers, typically two bedroom developments of this type generate an average of .09 to point .149 children per unit. Explains in detail....this type of development is not really a kid friendly type of development. Reiterates his testimony the type of occupant for this kind of development is a Single Professional, a Married Professional Couple...if they do start a family, they move out to find larger quarters. He does not see from a Planning perspective any negative school children generation to the Borough.

Mr. Newman (Chairman) states he does not think this was the question. He thinks the question was; whether or not from a Planning perspective, you were aware that Cedar Street is the main artery through which all school children in the neighborhood traverse to and from school because they are forced to.

Mr. Newman continues...there are a series of Dead-End Streets, there is no other way to get to school except to come to Cedar and walk down, so from a particular suitability standpoint, going back to the impact of a Four family, 8 Cars, site circulation, etc. he thinks the concern was; is there a Site Safety issue here and maybe this type of intensity is not particularly suited for the site because of the School Children Traffic. It did not have anything to do with if this site would generate more children.

Discussion.....

Mr. Denzler testifies based on the RSIS Trip Generator of 28 trips, he does not believe an additional 28 trips would have any substantial impact to children walking down the sidewalk, down Cedar, crossing at the end to go to School.

Discussion continues.....

Mr. Newman asks Mr. Denzler that 8 Exiting Vehicles in the morning does not pose any additional safety concerns...

Mr. Denzler testifies he does not. Additional traffic, yes...but 8 vehicles exiting the driveway does not constitute a safety issue. He does not see a substantial safety issue.

Debate continues.....

Mr. Denzler points out the safety issue is no different than every other driveway located within the neighborhood...

Mr. Levitt asks Mr. Denzler if the corner of the Building provides a viewing with the Porch that is being proposed around this corner.

Mr. Denzler testifies this Porch would be open too so there would be additional viewing...explains in detail.

Discussion continues...

Mr. Denzler testifies he has visited this neighborhood 3 different times, the last being in April and made a comment to the Architect, that when he took the Site Photographs, there were cars parked all over the place. Half in the driveway, half out in the road. Some were pulling in, some backed up. Some had 3 cars when there was only room for 2. There was not any regimented parking...based on the time of day. There was a great mix on the way people park their cars in this area.

Mr. Denzler when asked testifies the way the Site is proposed is for the cars to head out which would most certainly be a safer situation. It would be a safer egress from the property than what was observed on some of the other Single Family Dwellings in the neighborhood.

Mr. Gil (Board Member) clarifies. What he is saying, if he is pulling out to the left he could see through the porch to the street, but what about to the right? Isn't a fence going to be there?

Mr. Denzler testifies there is a fence there but it is a 4ft. fence.

Discussion...

Mr. Seibel (Board Member) questions the Rutgers Study. Can he clarify this again based on calculations per unit.

Mr. Denzler reviews his previous testimony....

Discussion continues....

Mr. Levitt would like to clarify. Based on the Rutgers Study for a (4) Unit Development, there is .6 children, meaning a ½ a child for the entire (4) Units.

Discussion continues....

Mr. Seibel asks based on this study, is it possible that the units are too large based on the fact there will be no children.

Mr. Denzler testifies no. They are typically two bedroom units. He does not believe they are overly large for apartment uses. He has seen smaller & larger.

Mr. Seibel has no further questions.

Mr. Newman asks if there are any further questions from Board Members. Seeing none,

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

Mr. Newman swears in: Robert Kuzmiak
8-06 Cedar Street
Fair Lawn, N.J.

Mr. Kuzmiak asks Mr. Denzler regarding his testimony of the referral to an Apartment Building. He is confused. Are they putting in a 4-Family Home or an Apartment building?

Mr. Denzler testifies it is a 4 Family apartment unit.

Mr. Kuzmiak clarifies it is an apartment building then, not a house.

Mr. Denzler states it is an apartment building.

Mr. Kuzmiak has no further questions.

Mr. Newman so notes the next resident has been previously sworn in.

Ms. Jacklyn Ebner
8-21 Cedar Street
Fair Lawn, N.J.

Ms. Ebner's question is regarding his testimony stating that Professionals Couples would be moving in. Is he aware of any homes that have been erected or sold on this block within the last year that would be Professional couples without any children?

Mr. Denzler replies he is not aware.

Ms. Ebner states she is a School Teacher in Town....

Mr. Levitt (Applicant's Attorney) interjects and states; is there a question pending?

Ms. Ebner continues...her question being; how would it affect the School Density since these apartments would not have any children living in them.

Mr. Denzler does not understand the question. What does she mean by School density?

Ms. Ebner explains. The Neighborhood School currently is at capacity and children are being asked to go to another neighborhood school.

Mr. Denzler replies his testimony was this development would **not** have an impact with School Age children coming to schools.

Ms. Ebner has no further questions.

Mr. Newman (Chairman) asks if there are any other questions for Mr. Denzler for Residents living within 200ft. of the Applicant. Seeing none,
Mr. Newman closes this portion.

Mr. Newman asks if there are any questions from members of the General Public. Seeing none,
Mr. Newman closes this portion.

Mr. Lowenstein (Board Member) would just like some clarification on the range for the density of children per unit for the entire complex.

Mr. Denzler clarifies the calculations with Mr. Lowenstein.

Discussion....

Mr. Newman notes a lot of this discussion has been quoting one (1) Rutgers study which certainly doesn't determine who moves into anyplace.

Mr. Denzler replies, no it does not, but he has also testified based on his experience with these types of units these numbers are generally consistent.

Mr. Newman asks if there are any other questions from the Board Members or from our Board Professionals.

Mr. Levitt (Applicant's Attorney) does have a question for the Board Planner, Mr. Peter Van Den Kooy.

Mr. Levitt asks Mr. Van Den Kooy if he is familiar with the Rutgers's Study and is this generally an accepted study within the Planning Profession.

Mr. Van Den Kooy replies he is familiar with the Study and it is commonly cited. Asks what version was used for this.

Mr. Denzler states the latest, which is 96.

Mr. Van Den Kooy states there is a more recent version that has come out in the last 5yrs.

Discussion.

Mr. Levitt asks Mr. Van Den Kooy if the range that their Planner has testified to, do you agree with these ranges of School Age Children.

Mr. Van Den Kooy answers it has a variety of different ranges and it could potentially fall within this range. It is definitely a well-researched report but there is a newer report he believes came out in 2010...

Mr. Newman so notes the new version came out in 2010 and we are not sure of the numbers in the new report, they could be substantially different, potentially...

Mr. Newman notes the time and states he does not think it unreasonable to say they would have to go to another date.

Ms. Peck (Assistant Zoning Officer) suggests carrying it to the June 23, 2014 regular Meeting and at that time announce the Special Meeting date from there.

Mr. Levitt (Applicant's Attorney) states he will have to speak with his client regarding another Special Meeting.

Discussion.....

Mr. Newman asks Mr. Levitt what would be his best guess in time to wrap up your presentation.

Mr. Levitt asks for 10 minutes. He only has his Architect. He knows the Board has questions of him. There is no further testimony from him, he thinks it is only questions and a go around again on the esthetics of the building. They are complete with their Professional testimony in this application.

Discussion...

Mr. Leeb (Applicant's Architect) steps forward to answer the question regarding the Shed. Refers to the Exhibit.

Mr. Sacchinelli (Board Member) states his biggest concern is the upkeep of this and who will maintain and clean it because once it is being used by a 4 family. Will there be a hose with a drain, will it be raised on a platform so when it rains the water does not hit the garbage..

Mr. Leeb refers to the Exhibit and explains it will sit on a concrete pad. There is not a set height for the platform. There are no plans for a drain inside of the Garbage enclosure. With previous multifamily dwellings, there is a Maintenance plan that is developed by the Owner and Landlord of the building and this would include maintaining the property.

Mr. Sacchinelli replies he has a problem with this. He had a personal experience and it affected him. It was not put on record as to how it would be maintained...

Discussion continues...

Mr. Leeb states in his previous experiences with multifamily dwellings, they have never put a drain in them because they do not want any substance or garbage going down the drain and it is mandatory the garbage is maintained in garbage cans and does not sit out.

Mr. Sacchinelli asks what happens after the area gets nasty or begins to smell.

Mr. Levitt interjects and states with all due respect this would be a Housing Code Violation Issue. Speaks to the Borough's Ordinance and Health Code.

Discussion.

Mr. Rosenberg (Board Attorney) interjects and directs his comments to Mr. Levitt. Stating in all due respect, he disagrees with him. They are here for a Use variance, the negative criteria is whether or not an apartment building is going to have an adverse negative impact. The question is whether or not a refuse enclosure would have a negative impact in the Residential district. Therefore, he does not think it is fair to say; it is a Housing Violation issue, don't worry about it to the Board.

Discussion continues.

Mr. Leeb (Architect) testifies there will be maintenance spickers for hoses outside the building. The Garbage enclosure is in near proximity to the building but in terms of answering your question, I do not have an answer. He will talk with the Landlord and come up with a plan and will have it at the next meeting.

Mr. Levitt (Applicant's Attorney) comments to show the non- adverse effect on this application is to say there will be a Proposed Management plan for the Property for Snow Removal, Maintenance of the property which will include Refuge.

Mr. Leeb (Architect) testifies he will have this for the next hearing.

Mr. Newman (Chairman) recommends they have it for everything. Snow Removal, Garbage and everything that has been discussed this evening.

Mr. Sacchinelli (Board Member) would like this to be submitted. Is there going to be someone who lives there? Etc...

Mr. Levitt states he will ask what the proposed plan is and they will submit it.

Discussion.....

Mr. Seibel (Board Member) asks Mr. Leeb regarding the reduced front yard setback, would like to clarify the numbers. It was at 7.6 and will go to 4.7?

Mr. Leeb testifies it is being maintained at 7.6. That was in the original application and at the 2nd hearing, we revised this. We eliminated the 3ft. overhang, the front entry....we are not asking for that variance. It will be the existing non-conforming.

Mr. Seibel questions the Garage door in front. If this was not there and the building was much shorter but had more room on the back, would the building work better with the Site? In his opinion, the building is situated the wrong way and should be turned, the narrowing should be facing the street.

Mr. Leeb testifies he went to the neighborhood on several occasions, saw the houses...refers to Exhibit...speaks to the house immediately to the left side & notes it has a wide façade.

Discussion continues....

Mr. Seibel states each property is unique and in his opinion the problem with this is not so much the site or the use but the building itself. The building is not situated on the site and it's no one's fault, not yours, not the applicant's fault. It's that someone allowed this to be built 100yrs ago or whenever and now we are trying to wrestle with it...

Discussion continues....

Mr. Leeb testifies the existing footprint is wide and by reducing the mass, he tried to reduce that volume forward so it more represented some of the other houses in the neighborhood.

Mr. Seibel sees where he is going..

Mr. Newman (Chairman) asks Mr. Leeb if he referred to Ordinance#125-47.1. (J) while designing this.

Mr. Leeb testifies he did review the Ordinances in the Township. He does not have this particular Ordinance at hand or in head.

Mr. Newman would like to read a couple of things from the Ordinance because he feels it goes to the conversations they already have had and what we should be expecting as a follow up..

Mr. Newman reads Ordinance #125-47.1. (J)

Mr. Leeb testifies he did read this section. Walks the Board through the details while designing the site. Mr. Leeb addresses the Ordinance topics.

Mr. Leeb explains the Shed will be in the back corner, out of way and out of sight from Street level. You will not be able to see it even from the sidewalk. Based on his experience, rather than doing an open fence enclosure or a concrete block or simple board on batten, which is commonly seen, they chose to enclose it but have air circulating for smell and have it lit. If an occupant of the building so chose, they could put a bicycle, a garbage can & a recycling can. Each unit would have their own refuse area. It is not a common area, each unit has their own individual slot.

Mr. Leeb clarifies he kept the character of the neighborhood by not having a Dumpster or a Dump Truck come to the property.

Mr. Leeb speaks to the Gang Mailboxes. Instead of having the gang mailboxes outside, they chose to have the mailboxes inside of the vestibule so it would feel more like a 2 family as opposed to a 4-family..

Discussion continues....

Mr. Kataryniak (Board Traffic Engineer) has a question for Mr. Leeb. In hearing his concern regarding the driveway, is there flexibility within the applicable Architectural Design Standards to modify the dimensions of the individual rooms or spaces on the first floor units to narrow the width of this building.

Mr. Leeb testifies yes, it is possible.

Mr. Newman follows up with a question. If it is possible, would it be something he would consider?

Mr. Leeb answers after hearing tonight's testimony, it would be something they would consider.

Mr. Levitt (Applicant's Attorney) states his Client will speak with the Architect based on the Board's comments and on the feel of the application. We want the Board to have a feel of this application, and address the Public's concerns. On hearing the Board's comments and where it is going, this is something that will seriously be considered by the Applicant.

Mr. Levitt continues...again, this is not the application before the Board but as a condition of approval, they would consider this.

Mr. Newman (Chairman) asks to consider the number of units as well.

Discussion...

Mr. Newman asks the Public to come up only for questions on the testimony the Architect have given now and explains when they meet again on June 23rd, they will hear more from the applicant and if there is any more testimony they will have an opportunity to question that testimony & then have the opportunity for any comments whatsoever. With this being said,

Mr. Newman asks if there are any questions from Residents living within 200ft. of the Applicant.

Mr. Robert Kuzmiak steps forward and asks will there be Central Air and where will the location be for it. Will it be on the green space?

Mr. Leeb states there is Central air. Refers to exhibit and shows the location of 4units. Not on the Green space.

No further questions from Mr. Kuzmiak.

Mr. Newman asks if there are any other questions from Residents living within 200ft. of the Applicant for the Architect based on his most recent testimony. Seeing none, Mr. Newman closes this portion.

Mr. Newman asks if there are questions for the Architect from the General Public. Seeing none, Mr. Newman closes this portion.

Mr. Lowenstein (Board Member) would like to say, as previously noted, he will not be available on June 23, 2014. He knows right now they are sitting with 7 members and with a D-variance Application, they need 5 Affirmative votes. He just wants to make the Applicant aware of this.

Discussion.

Ms. Peck (Assistant Zoning Officer) states the absent Board members tonight will get a CD..

Discussion continues...dates for Special Meetings, etc..

Mr. Newman so states; regardless the Application would have to be carried to June 23rd and any Special Dates would be announced then.

Discussion.

Mr. Levitt (Applicant's Attorney) would like to carry to a Special Date with no further notice necessary.

Discussion continues...

Mr. Newman concurs with Mr. Levitt. He thinks because the Public in this particular case is very consolidated to the neighborhood, it seems reasonable to do it this way. They would be able to contact Ms. Peck to see if indeed we would be hearing anything on the 23rd and if not, they do not have to come out. I think it would work this way and not inconvenience anyone.

Mr. Levitt thanks the Board.

Application carried to Special Date to be announced at the meeting of June 23, 2014.

Mr. Newman moves to Order of Business.

Voucher:

1. Winnie Banta, Hetherington, Basilian & Kahn in the amount of \$385.90.
Legal Services rendered for Barrister Senior Living.

Mr. Sina makes a motion to accept this voucher and Mr. Gill seconded the motion.

VOTE: All Present – AYE.

Adjourn:

Mr. Lowenstein makes a motion to adjourn and Mr. Sacchinelli seconded the motion.

All Present: AYE

Time: 10:30PM

Respectfully submitted,

Cathy F. Bozza
Zoning Board Clerk

