

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
Of May 29th, 2014**

Following are the Fair Lawn Zoning Board of Adjustment's Special Meeting Minutes from the Zoning Board Special meeting held on May 29, 2014.

Chairman Todd Newman called the Special meeting to order at 7:10 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present: Mr. Gil, Mr. Seibel, Mr. Sacchinelli, Mr. Puzio, Mr. Sina,
Mr. Racenstein, Mr. Naveh, Mr. Lowenstein & Mr. Newman

Absent: Mr. Blecher & Mr. Pohlman

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

Board Professionals in Attendance: Board Engineer: Paul Azzolina,
Board Traffic Engineer: Mark Kataryniak
Board Planner: Paul John Kittner
(for Peter Van Den Kooy)

Commercial New Business:

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

Fees have been paid and there is proof of Service.

Mr. Russel Huntington (Attorney for the Applicant) from Westwood, N.J. steps forward and introduces his witnesses that will be testifying this evening.

1. .Robert Melinese-President of Barrister Land Development and Applicant
2. Andy Missy-Applicant's Engineer
3. Richard Price-Applicant's Planner
4. Martin Kimmel-Applicant's Architect

Mr. Huntington states they have retained the services of a Traffic Engineer who as of yet is not present but in due course will give his testimony.

He begins by stating he would like first to have their Architect testify briefly just to get the plans into evidence, then move to the testimony of the Engineer, etc...

Mr. Newman swears in: Martin Kimmel (Architect)
151 East End Ave
Conchinhonging, Pennsylvania

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

Mr. Huntington (Applicant's Attorney) begins his questioning and would like Mr. Kimmel to elaborate on his knowledge of Assisted Living Facilities.

Mr. Kimmel testifies he has designed more than a dozen Assisted Living Facilities. Some in New Jersey, some in Pennsylvania, & others in Maryland, Ohio...

Mr. Kimmel briefly reviews Exhibit Boards, entered into evidence.

A1-Front side of the building/Entry side with parking on the right hand side. There is an entrance into the building on the left hand side.

Mr. Kimmel describes the building as a 3 story with a combination of Stone and Cement Siding proposed for the exterior with the combination of Gable & Mansur roofs for this facility.

Mr. Kimmel speaks to Exhibit A2.

This would be the West side of the building or the back and the opposite side of the A1 Exhibit. This would be the 3 story portion of the building which backs up to the property line and the tree line on this side of the site. The nice designs continues all the way around the entire side of the building.

Mr. Kimmel moves to Exhibit A3.

Explains it would be roughly the N/W corner of the building. The side which faces the nearby stream. This would be the end of the building and the portions of the side that were in Exhibit A2. Refers to the Balconies for some of the Residents that are on this side...

Mr. Kimmel notes Exhibit A4-Set of Architectural Plans. (Sum of all sheets)

Sheet A-(2.1.) Basement plan and/or Lower Level Plan which would hold the housekeeping materials, Laundry. An Employee space that will be used in support of the facility. Also there is a Roof Plan that shows the Gables & the Mansur...explains.... Refers to the 3 Dimensional renderings of Exhibit A-1, 2 &3..

Sheet A-(2.2) -First Floor Plan, the Ground floor and lowest level that was depicted in the 3 Dimensional Exhibits. It is the access level for the entire facility for Residents, Staff & Visitors. It includes the Residential units as well as the congregated Dining areas and other common spaces that are commonly associated with Assisted Living & Memory Care.

Sheet A-(2.3)-Second Floor Plan-refers again to the 3 dimensional renderings. It would be the second set of Windows working up from the ground, It includes primarily all the Residential units for both Assisted and Memory Care. It does have a small amount of Common space associated with it as well as Vertical Circulation via two (2) Elevators and multiple Stairs, Fire stairs that are part of the Life Safety components of the building.

Mr. Kimmel states this is the limit of the Exhibit...notes the 3rd floor is not in the set but testifies the 3rd Floor is identical to the 2nd floor.

Mr. Huntington (Applicant's Attorney) steps forward and states this concludes all the questions he has for the Architect and asks if the Board has any questions at the moment.

Mr. Newman (Chairman) asks if any Board Member has questions for the Architect.

Mr. Sacchinelli (Board Member) questions Fire Stairs. He did not note any Fire Escapes in the front or the back of the Building.

Mr. Kimmel explains all of the Fire Stairs are internal to the building. Anywhere you see a stair in the floor plan-these are Fire Stairs that lead out of the building but there are not Fire Escapes on the outside of the building...

Mr. Sacchinelli second question: All the Laundry will be done on the first floor?

Mr. Kimmel testifies the Assisted Living would allow for some of the residents to do their own laundry in small residential facilities but all of the bulk laundry for the building will be in the lower level.

Mr. Sacchinelli inquires about Deliveries. Will they be in back of the building?

Mr. Kimmel testifies yes. To the North end of the building toward the stream...details.

Mr. Seibel (Board Member) questions Sheet A-2.1., noting it gives a total square footage for the building of 112,710sf. Questions if this number includes the basement.

Mr. Kimmel reviews the calculations and so notes this is the correct number with the inclusion of the basement.

Mr. Newman asks if there are any other questions for Mr. Kimmel from the Board Member and so notes Mr. Kimmel will be back up to the Podium at a later time.

Mr. Newman swears in Board Professionals:

Paul John Kittner, Board Planner-CME Associates.

Paul Azzolina-Board Engineer-Azzolina & Feury Engineering

Mark Kataryniak-Board Traffic Engineer-French & Perrello Associates.

Mr. Newman asks the Board Professionals if they have any questions of Mr. Kimmel at this time.

Mr. Kittner (Board Planner) questions the Site Plan and notes he sees there are some Bedrooms that are listed 1 Bedroom and some vary in size...explains. Can Mr. Kimmel please describe what the differences will be & why.

Mr. Kimmel clarifies the question, being why they are different sizes? He explains there are two reasons for this. In the market you want to allow folks to enter a Community such as this at different affordability levels so as you would in any rental community where there are smaller units and larger ones. Primarily this is the reason...occasionally it is the geometry of the site. It would impact the geometry of the footprint and there would be unique units to reconcile this as well..

Discussion continues...

Mr. Kittner questions if there are Architecture Standards that need to be followed for minimum bedroom sizes.

Mr. Kimmel testifies yes. This would ultimately be a licensed facility and the State of New Jersey License requirements give minimum standards for a number of things including the size of various bedrooms and all of our units as proposed exceed the minimum standards that would be required for Licensure.

Mr. Kittner continues his questioning. Asks Mr. Kimmel is there any facilities in the building that provide an ability for the residents to exercise.

Mr. Kimmel testifies yes. There is a Physical Therapy space which allows for Assisted and somewhat independent exercise and therapy so that folks who may be returning from a temporary injury or surgery, might be able to stay in the assisted living facility and get the Physical therapy in the building. This would be available to all residents.

Mr. Kittner has no further questions and states he will defer his comments until later.

Mr. Newman (Chairman) before opening to the Public would like once more to touch on the ground rules for the Public...talks to the Historic House that is on this parcel and other related types of issues that may be questioned. These neighbors may have other questions pertaining to their proximity to this Development.

Mr. Newman reiterates to the Public at this point in time none of these questions would be appropriate. However, if they have a question for the Architect Mr. Kimmel, based on the plans he has discussed & presented so far, they could do so. He asks they refrain from any other comments or unrelated questions. He will ask them to take a seat if they do ask unrelated questions or comments.

With this stated, Mr. Newman opens the Application to Residents living within 200ft. of the Applicant.

Mr. Newman swears in: Mr. Jay Morgenstern
42-00 Fox Court
Fair Lawn, N.J.

Mr. Morgenstern has one question for the Architect. His house borders the Facility on the N/W side. His property is 70ft. from the end of the building and his house is 85ft. from the end of the building. He noticed the Laundry room in the basement will be on this side. He has concerns with the Laundry room that will be going continuously and with the exhaust from the Dryers coming out. This could affect my property and also the neighbors on this side.

Mr. Morgenstein asks Mr. Kimmel if it is at all possible for the Laundry room to be relocated somewhere else in the facility where it will not impact any of the neighbors.

Mr. Kimmel (Architect) states he will address this concern first by commenting on how the Laundry will be designed and ventilated. The Laundry room is below ground so he

believes there will be absolutely zero noise level that would escape or would be heard adjacent to the building, let alone the property line. All of the ventilation for the Laundry room, exhaust and fans, including the Kitchen Exhaust would be ventilated all the up through the roofs and behind the maser roofs and would not be visible from anywhere.

Mr. Morgenstein is satisfied with this answer.

Mr. Newman asks if there are any other Residents living within 200ft. of the property who would like to come forward.

Mr. Newman swears in: Mr. Simon Friedman
15-08 Lanzettel Way
Fair Lawn, N.J.

Mr. Friedman would like to know if he could ask the Architect questions about the Sewage, the Noise of traffic, or should he wait for later.

Mr. Newman suggests those questions would probably be more appropriate for some of the other Professionals after they present their information.

Mr. Friedman understands and will hold those questions for later but he does have a question about the design. The design of the facility will include 128 Beds. How many Service Personal will be working in this facility?

Mr. Kimmel (Architect) clarifies there will be 126 Beds. Service Personnel will vary throughout the day. The shift where there would be the most Service Personnel would be from 7am thru 3pm. because this is the most active time when people are awake, etc...

On average there will be 18-20 folks working in the building that would vary in the job title from Food Service to Janitorial to Health Care, etc....

Mr. Kimmel testifies the 2nd shift will begin from 3pm to 11pm where there will be about 8 Personnel as the activity goes down.

The Overnight Personnel is typically 3-5 based on who is living in the building at the time and level of care they will need.

Mr. Friedman continues his questions. Referring to the trees, he notes currently his home is directly across (inaudible) for 26 years he has enjoyed the beautiful view and large gorgeous trees...based on this facility, will all these Trees have to come down?

Mr. Kimmel testifies he does not think this would be the case but he will defer this question to the Civil Engineer's testimony and he would be able to answer this in much more detail.

Mr. Friedman understands. Has no further questions for the Architect.

Mr. Newman asks if there are other Residents living within 200ft. of the Applicant who have questions for the Architect to please step forward.

Mr. Newman swears in: Ms. Raya Moskovich
15-00 Landzettel Way
Fair Lawn, N.J.

Ms. Moskovich tells Mr. Newman she is the first neighbor to this property. She is in the Cul-De-Sac. Her side of the house has all Windows and French Doors to enjoy the Beautiful view of the park. She has lived there for 27 years. She understands the Facility will be within 40ft. of her property line. What will separate the house from the property this facility is proposed on. What will she see in her windows besides Trees & Park?

Mr. Huntinington (Applicant's Attorney) testifies there is a Landscape Plan and there will be testimony detailing a number of Trees and species and all manner of detail. He tells the resident it is not a question or the function of the Architect at this time.

Ms. Moskovich accepts this answer and has no further questions.

Mr. Newman asks if there are any other Residents within 200ft. of the Applicant who has questions for Mr. Kimmel, the Architect. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens to the General Public for specific questions for the Architect regarding the Architectural plans.

Mr. Newman swears in: Ms. Jane Diepeveen
14 Ryder Road
Fair Lawn, N.J.

Ms. Diepeveen would like to know the length of the building, the width and the 1st floor square footage.

Mr. Kimmel testifies the 1st floor square footage is approximately 33,295sf. The length of the building, although broken up in any variety of ways, angles and bumps, the overall length is 387ft. this is the depth perpendicular to the street access. The depth of the building, primarily varies between 95ft. and 61ft. with two appendages On the entry side which can clearly be seen in Exhibit A1 showing where the Entrances pop out on the East side of the building, the one is 25ft, the other 60ft.

Ms. Diepeveen has no further questions.

Mr. Newman asks if there are other questions for the Architect from the General Public.

Mr. Newman swears in: Ms. Bernice Katz
2-22 Saddle River Road
Fair Lawn, N.J.

Ms. Katz has a question about the Basement. There is no entrance or exit? What about Safety for Fire. How will the Employees get out?

Mr. Kimmel testifies she must have misunderstood or he misstated. He did not mean to suggest there is no access to the basement. There is Elevator access and a Fire Stair access to the Basement as would be required.

Ms. Katz wants to know what about access from the Basement directly outside.

Mr. Kimmel states this is not a requirement by Code as long as there are Fire Stairs. However, they do have one door that would go directly out from the Basement on the far East side, so it would not be visible from the adjacent properties.

Ms. Katz questions Mr. Kimmel on the Flood Zone and what would be built in.

Mr. Kimmel defers this question to the Engineer.

Ms. Katz questions the Therapy Room being used as a Gym. Asks if this where the residents who are healthy workout. She does not understand a Therapy room being equivalent to a Gym.

Mr. Kimmel testifies it is an Assisted Living Facility, so by definition the folks who live there are relatively frail and are no longer living at home. Some can be on a Treadmill by themselves and some would do this with assistance...

Mr. Kimmel states in the Therapy room, there is exercise equipment that is designed for therapeutic use & exercise and will be supervised.

Discussion continues....

Ms. Katz has concerns and asks Mr. Kimmel about the residents who are otherwise healthy but use wheelchairs. Will the first floor be used only for wheelchair bound and handicap residents other than being old & frail in the event of a fire and if the elevators are not usable?

Mr. Kimmel states that he testified earlier this would be a licensed facility under the N.J Code and they have specific requirements with all of these concerns, including access & the presumption of frailty on all floors...

This is part of the detailed design of the facility. It is intended so that folks could live with disabilities on any level of the building and be safety evacuated ...it is heavily licensed & regulated and inspected.

Mr. Kimmel tells Ms. Katz her concerns would be well addressed in the detailed design and licensure of the facility.

Ms. Katz has no further questions.

Mr. Newman asks if anyone else from the General Public has questions for the Architect.

Mr. Newman swears in: Mr. H. Gelfand
33-05 Rosalie Street
Fair Lawn, N.J.

Mr. Gelfand would like to ask why the Historical House is not incorporated into the Architectural plans.

Mr. Newman notes it is an interesting question but he does not quite understand it. States it wouldn't be part of the Architectural plans, but it will be addressed.

Mr. Gelfand has no further questions.

Mr. Newman swears in: Ms. Pam Coles
13-34 George Street
Fair Lawn, N.J.

Ms. Cole's notes this is upstream from a lot of neighbors, downstream. In the past several years, they have had numerous 100 year floods..

Mr. Newman tells Ms. Cole's this would be an Engineering question.

Ms. Coles moves to sewage, asks if this is a question for engineering...

Mr. Newman states yes.

Ms. Coles goes to her next question regarding the Docks and Ambulatory Services for food, etc. Where will the entrance & exit be located?

Mr. Kimmel (Architect) states on the short end, he will give the answer to this and then he will defer to the Engineer for a more detailed explanation.

Mr. Kimmel explains on the N/E corner, there is a Service access way designed for trash and deliveries. A facility like this does not have Tractor Trailer Service. The largest thing that would service the building would be a Trash Truck.
Everything else would be delivered in Box Vans.

Ms. Coles asks where this would be in terms of the neighbors. Referring to the neighbor who stated she was 40ft. from the property line, would this impact her home?

Mr. Kimmel states no. He refers to Exhibit A1- shows the farthest drawing to the right, and explains this side will face away from all and moves to show the far right side, where the Drive lane starts.

Mr. Kimmel testifies the Building actually screens all the Loading, etc...and he believes none of the neighbors would see any of the loading from their properties...

Ms. Coles states there is nothing in the drawings to represent anything regarding ambulatory services, dock services for food to be brought in, medical waste to be brought out, etc....

Discussion continues....

Mr. Kimmel refers to Exhibit A-4 to better answer Ms. Cole's questions and concerns. Points to the location on the Exhibit where the neighbors live at the top of the scape- shows where building extends to. Points to the loading area and reiterates it would not be visible from anywhere other than the Street location.

Discussion continues.....

Ms. Cole has no other questions.

Mr. Newman swears in: Mr. Mark Colyer
39-08 Van Duran Ave;
Fair Lawn, N.J.

Mr. Colyer questions the estimate on what it would cost the Residents to use these facilities per room.

Mr. Kimmel testifies this is an operational question and is not part of his expertise or testimony.

Mr. Newman explains to Mr. Colyer when the Developer takes the Stand at some point this question could be asked.

Mr. Colyer moves to the next question. Speaks to the Exhaust from the Kitchen and the Laundry would be going up and out the roof area. Has concerns this would affect the whole neighborhood and the Park. Is there a way to diffuse or filter this?

Mr. Kimmel explains this borders on the edge of his Expertise but states; there is nothing harmful that would come from the building. There is nothing regulated about the Exhaust from the building. The way this would be exhausted is totally Code compliant and would expect there would never be an odor of any kind.

Mr. Kimmel testifies in all the Facilities he has done and in all the neighboring communities he has never heard of a complaint related to the Ventilation.

Mr. Newman (Chairman) also notes to Mr. Colyer he will probably hear from the Engineer on this concern as well.

Mr. Colyer would like to clarify the testimony regarding the description of the water body next to the facility, noting it was called a Stream and states it is a River, which is in the Passaic Valley Water Shed and is protected.

Mr. Colyer moves to his next question. Asks Mr. Kimmel if he has personally worked on any plans that have been approved by the N.J. Department of Health for Assisted Living in Bergen County.

Mr. Kimmel testifies no.

Mr. Colyer suggests perhaps they could get an Expert Witness who has done plans that have been approved in Bergen County?

Mr. Newman (Chairman) tells Mr. Colyer he does not think this comment is appropriate. Mr. Kimmel a well-qualified Expert Witness.

Mr. Colyer has no further questions.

Mr. Newman swears in: Mr. Matt Corso
39 Duke Drive
Paramus, N.J.

Mr. Corso would like to follow up on Mr. Gelfand's question. He refers to the re-use or the incorporation of the house into the Architectural plans as done at 5-67 Paramus Road. It is the Sunrise Assisted Living where they had an Historic House on the property...

Mr. Newman (Chairman) stops Mr. Corso and explains he knows everyone here is dying to hear about the House, but the only thing so far that has been presented is the

Architectural plans of the building that is being proposed on the site. He cannot have questions from the public trying to twist and direct the Applicant's Application. They will be presenting and telling us everything we want to know about the house, so let's try to keep things moving...

Discussion....

Mr. Corso explains to Mr. Newman that Mr. Kimmel is the Architect for this entire facility and he is wondering why there was no attempt to incorporate the Historic House into the Architecture of the facility much like the one several miles away.

Mr. Kimmel (Architect) would like to answer the question...

Mr. Kimmel testifies the very first request from the Developer was for us to look at this particular house in its location on this site and to determine based on its design and irregular footprint, was there a feasible way to integrate it in a useful way where it would serve a function...

Mr. Kimmel explains he personally spent time going through the house and on the site and looking at the various step levels and problems with accessibility, its geometry on the site relative to setbacks and the River immediately adjacent and we determined it was not feasible to incorporate it into the facility without making the facility sort of economically unfeasible based on yield would defeat the whole purpose...

Mr. Corso continues with his questioning. Was the (inaudible) to incorporate the building into the proposed plan or was it to try to incorporate the building onto the Lot with the new building?

Mr. Kimmel testifies it was actually before they had any design...explains. It was to design a building that could incorporate the house in a meaningful way...
The geometries of this site are just such, it was a really big challenge and we could not figure out a feasible way to do this.

Mr. Corso has no further questions.

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

Mr. Newman closes this portion.

Mr. Newman defers to Mr. Huntington (Applicant's Attorney) for his next witness.

Mr. Huntington calls for Andy Missey.

Mr. Newman swears in: Mr. Andrew Missey (Engineer)
Lapake Associates
12 Route 17North
Paramus, N.J.

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

Mr. Missey begins by referring to an Exhibit.

Exhibits entered into Evidence.

Exhibit A-5 –Flood Hazard Verification Map.

Mr. Missey testifies this Exhibit shows the Flood Hazard areas that was verified by the New Jersey Department of Environmental Protection. The plan is a single sheet dated August 16, 2013 with a most recent revision date of December 9, 2013.

Mr. Missey testifies this is what the NJDEP uses now as a basis for establishing the Flood Hazard area elevations that would impact the Site Development.

Mr. Missey enters the 2nd Exhibit.

Exhibit A6- Rendering of the Site Plan- Preliminary Site Plan. Sheet 1 of 6 of a Plan set dated 12/11/13/ the most recent revision date of 04/16/14.

Mr. Missey states this is the 1st sheet of the set where the Landscaping has been overlaid on to this plan and colored.

Exhibit A7- 2nd sheet of the Site Plan Set entitled Drainage, Utility Plan & Details, dated 12/11/13/ the most recent revision date of 04/16/14.

Exhibit A8- 3rd sheet-Grading Plan & Details/dated 12/11/13 & most recent revision date of 03/28/14.

Exhibit A9- 4th Sheet-Landscape Plan & Details/dated 12/11/13 with most recent revision date of 03/28/14

Exhibit A10- 5th Sheet -Lightening Plan & Detail & Owner's list. Issued date of 12/11/13 Most recent revision, 03/28/14.

Mr. Missey refers to the Exhibit on the easel, the Flood Hazard Verification Map. He will speak to the existing conditions that are here. The proposal is for 4 lots-explains.... 41-21 Dunkerhook Road is known as the Vander Platt Property...Lot 5. The largest property, almost 3 acres...

Immediately in front of or towards Dunker hook Road and the Century Road extension is 41-29 Dunker hood Road, known as Lot 6...

Mr. Missey walks the Board through the 4 Lots on the Exhibit.

Mr. Missey speaks to the Vander Platt property. This is property that has a little frontage and a driveway from Dunkerhook & the Century Road extension. To the North to the house which is sited in the middle of the property, this would be the 2.98 Acre Parcel...

Mr. Missey details these parcels....referencing the Naugle house being in the Open Space property....

Mr. Missey testifies to the Topography of the site, the natural Gas Pipe Line easement along the most N/E whim....

Speaks to the Saddle River and of the Flood elevations at the most northerly or upstream end as determined by the State study.

Testimony continues....

Mr. Missey states the DEP has verified the presence of State Open Waters along the top of the Bank of the Saddle River. There are no Wet Maps per say but there are State Open waters associated with the water cords itself...

Speaks to having both the NJEP Flood Hazard area verification and the letter of interpretation regarding the wet land...or in this instance the State Open waters regarding the Saddle River.

Mr. Newman (Chairman) asks Mr. Missey if he knows whether or not this property was affected by Irene.

Mr. Missey states he would presume the Flood event did not exceed crossing over the Transco Easement...explains...showing elevations and in his professional opinion he would not think this storm impacted the upper portions of this property.

Testimony continues....

Mr. Missey refers to Exhibit A6. What is proposed is the Assisted Living Facilities which will also have a Memory Care Unit. 104 Rooms with a total of 126 beds.

Mr. Newman asks for a 5 Minute Recess.

Mr. Newman calls the meeting back to order.

Roll Call: Mr. Gil, Mr. Seibel, Mr. Sacchinelli, Mr. Puzio, Mr. Sina, Mr. Racenstein,
Mr. Naveh, Mr. Lowenstein & Mr. Newman. Present.

Mr. Missey proceeds with his testimony stating he will speak for the next couple of minutes to the Site Plan aspects, then he will go through in detail the implications of the Site Plan as it impacts Zoning. Utilities, Grading, Drainage, Landscaping & Lighting.

Mr. Missey starts where he left off explaining the facility will have a total of 104 Rooms with 126 Beds.

67 Parking Spaces are proposed for the facility. It is a 3-story building with a partial basement as the Northern end...

Testimony continues.....

The Access will be from the Dunkerhook Road or the Century Road extension. Just about where the existing driveway serving the single family home is now...

There will be a 2nd Ingress & Egress from Dunker Hook Road as it makes its dog way to the River and ends at the parking area for the County Park....

Building footprint including the Canopies and Porches is approximately 3500square feet.

There are Two Principal Entry points to the Building, both have covered entries. They are about 120ft. apart. There are tan barriers for the handicap spaces grouped in the immediate proximity of these two entry points.

Two (2) spaces are Van accessible. These are the two spaces to the South or to the left of the first entry. This is the Memory facility for this particular site.

Mr. Missey states 57 other standard parking spaces are proposed for this site. Five (5) are to the right or back of this Assisted Living Entry point...refers to the Exhibit.

Testimony continues....

Mr. Huntington (Attorney for the Applicant) questions the Engineer and asks him if there is a standard that governs how many parking spaces are supposed to be in a building of this type?

Mr. Missey testifies there are two standards in effect. The 1st being, the Residential Site Improvement Standards which propose for a facility of this size, one parking space per every two (2) rooms. Fair Lawn also has, within its Zoning Code, a standard of one space

for every two (2) Beds. In both instances, they would need fewer parking spaces than proposed....

Testimony continues.....

Mr. Missey notes they opted to present initially a number that is in excess of this so the Board and the Public are satisfied there is adequate parking here.

Mr. Missey explains there has been mention to the designer to reduce this parking count and he himself would be Amenable to this and he believes Barrister would be also, to bank some of this parking & leave more of the site green until there is proven need for this parking.

Mr. Huntington clarifies with Mr. Missey the use of the word “banking.” It would mean the parking spaces would not be constructed right now, but would be identified as a future location if needed.

Mr. Missey states yes. They would be landscaped now. He will show them how the spaces are designed but they would show landscaping in lieu of the pavement in these locations.

Mr. Newman asks Mr. Missey if they would be seeking approval for these, or come back at a later date if necessary.

Mr. Huntington (Applicant’s Attorney) states typically what is done is to set it up as a “Condition of Approval” and if asked, they would be installed as shown on the plan. Basically they would be approved now and the control over whether they get built gets turned over to the Town.

If it turns out when the facility is opened, they need the additional 3-5 spaces or how many go into the bank-the applicant would be asked to install them without a further application.

Discussion....

They would not be installed without the Borough’s request.

Mr. Missey speaks to the Landscaping. They are proposing a Board on Board Fence that would be 6ft. in height along the perimeter to the West. The R-1-2 neighborhood. Points to the Exhibit Board states a fence is already in place alongside the neighbor who also has the frontage on Saddle River Road....

The fence will wrap around the Northwesterly end and tie back into the building. This will close the rear section. There is also a Memory Garden proposed for the

Southwesterly portion of the building. This is a secure area also enclosed for use of the revenue.

A Path is proposed on the Westerly side of the building, it will not be illuminated. There are no activities planned for this pathway, it would solely be used to take advantage of walking the rear of the site without having to go off the site to take advantage of the County Park.

The Park will also be accessible by means of a walkway down to Dunkerhook Road.

Mr. Newman (Chairman) questions Mr. Missey on the reason behind Board on Board fencing.

Mr. Missey explains it was the initial selection because of its presence already in the neighborhood at the Commerce Bank Site.

Discussion.....

Mr. Newman asks if they would be amendable to discussion on different types of fencing to which Mr. Huntington (Applicant's Attorney) states yes.

Mr. Missey would welcome all suggestions to what types of fencing would be more appropriate.

Discussion continues....

Mr. Missey moves to Mr. Kimmel's testimony regarding the Delivery area and refuse at the basement level. Points to the Northeasterly side of the building. It is located 11ft below the finished floor of the 1st floor Residential where the Dining Rooms are.

The area is designed to be accessible to the Source Vehicles that would service an Assisted Living and Memory Care Facility. The single largest vehicle would be a Box Truck which is typical. There is ample room for a Private Party Company to service the Refuse.

It is Mr. Missey understanding based on the Report from Fair Lawn's Recycling Director That Fair Lawn would pick up the Refuse from this facility. They will meet up with this individual and the Staff who would better guide us as to how they would like to operate here....

Discussion continues on the Refuse location and if it needed to be moved based on further discussion with the Recycling Director, also the frequency of pick up.

Mr. Missey moves to more specific details...as to what types of variances will be needed here.

A Use variance is discussed because an Assisted Living/Memory Facility is not a permitted use in the R-1-2 Zone....

A Height variance is needed because of the proposal of a Building that is 38ft. from average (inaudible) around the Building to the midpoint of the Gable Roof...the requirement is 30ft. in Height.

Bulk variances will be needed for this zone. The Building footprint plus the impervious area outside the footprint exceeds the allowable, the proposed is 52.2% where 35% is the requirement in this zone.

FAR (Floor Area Ratio) is discussed. The proposed is 0.616% which exceeds the allowable of 0.4% and if the basement were to be included, this figure would be higher.

Testimony continues...

Mr. Missey states the Site plan does exceed all yard requirements, he feels this is important to know here. Minimum setback proposed to the rear of residential property- Dunkerhook Road is 19ft. Points to the N/W corner and notes it is in the order of 40ft. or so. The minimum setback in the rear yard facing Landzettel Way is 35ft. where the requirement is 20ft. In most instances, they are 40ft...there are a couple of bump outs in the renderings that were demonstrated.

Testimony continues...

Building coverage does not exceed the 25% allowable. In this instance it is the parking spaces that add up...explains...referring to single family homes and comparing differences.

Testimony continues....

Utilities are discussed. Water, Gas & Electric will be extended from Dunkerhook Road and Century Road extension....

Sanitary Sewage is proposed to go through an easement to the existing Main on Landzettel Way...there is no sewage service at this property at the present time. Explains...

Sewage flow with Site proposed would be approximately 10,400 gallons per day using the NJDEP Design criteria, equivalent to 30 single family homes....

Mr. Huntington (Applicant's Attorney) asks Mr. Missey in his Professional opinion does he think this would overwhelm the system or be unable to be accommodated.

Mr. Missey testifies at this time he does not think so but will make the inquiry to the current Engineer or his designee as to how they would confirm the sewer and the water capacity to serve this project.

Testimony continues...

Mr. Missey speaks to the Grading and Drainage work proposed and some of the Flooding issues.

Exhibit A7-Sheet 2 of the Plan Set (Drainage & Utility Plan & Details) is used as reference.

Mr. Missey walks the Board through the details.....

No work is proposed in the zone that is associated with the Saddle River- Details given..
No work is proposed within the Transco Easement. Details given...
No work is proposed on the Borough Lawn property, Lot 10 except within the easement.

They will meet or match the Grade on both the Easterly & Westerly side of the Project site. They are not using retaining walls in either of these locations in order to fit the Building and Parking on to this site.

Lowest Floor is elevation 68-this is where Visitors or Residents would enter the Building.

The Flood Hazard Elevation determined by the NJDEP at the Northerly or upstream end is Elevation 55.5ft.

Basement Floor is elevation 57.67 so the basement finished floor level is 2ft. 2” above the Flood Hazard area that the NJDEP designated for this area. This is in full conformance of the requirements of the Flat Foot Hazard Area Control Act.

Mr. Huntington clarifies it would be 12ft from the 1st floor Level with Mr. Missey.

Mr. Missey testifies that the Project will conform fully to the DEP Requirements with respect to elevating the Building above any Flood Event that could be predicted.

Mr. Missey moves to the Soil and states; there is very suitable soil here for a Low Impact design for Drainage.

The reason they opted for the Low Impact Design is:

#1-Soils are suitable-predicted percolation rate of (inaudible)...

(Problems with microphone)

#2-permable pavement for all but 5 of the parking spaces. Explains..

Mr. Newman (Chairman) interjects to ask Mr. Missey if he is aware of the fact the Borough has an Ordinance that specifies the Construction of such a Paver System?

Mr. Missey did not know this but they opted to follow the Standard that NJDEP has published in the Best Management Practices...

Discussion.....

Mr. Missey continues his testimony in detail regarding drainage....
Explains the need for a Structural System to retain Volume system, etc...

Mr. Missey testifies to a small portion of the Storm Water runoff in the Loading Dock area which would be discharging to the Saddle River.

Discussion...

Mr. Newman asks for a percentage number.

Mr. Huntington (Applicant's Attorney) states this will be provided at a later date.

Mr. Missey continues...all the Storm water discharging to the Saddle River will go through a Water Quality Filter which would treat the runoff from the Pavement and separate it before being discharged into the Saddle River.

They will be increasing Ground water recharge here by 19-20% over what exists.

Mr. Missey moves to Landscaping. They are proposing a low burb, Shrubbery & Trees at the Main Entrance.

Mr. Missey testifies to Two (2) Site Signs. One sign is proposed on Dunkerhook/Century Road Extension. (3'x4') Refers to the depiction on Sheet 1. (Lower right) landscaping will be done around the base of the sign which has been pointed out in a couple of reports. They will amend the plans to do this.

Proposing to retain the existing Trees along the perimeter of the Site and to enhance these with Evergreen plantings...Details the plan.

Mr. Missey continues to the Front of the Building and its plantings...

Shade Trees will be planted on the Easterly side or main drive aisle...

Mr. Missey refers to Exhibit A-10, Sheet 5, Lightening Details...

Mr. Missey begins his testimony regarding the Lightening details and what is proposed.

Discusses and reviews all proposed lighting at the Site...

Energy Efficient LED Site lights will be used.
Entrances will be lit along with the Loading/Delivery area...

Discussion....walkways...etc.

Mr. Missey testifies it is not “Shopping Center” lighting &the fixtures selected is a design which will blend with the building and the Architecture.

Discussion.....

Mr. Missey refers back to the Landscaping proposed, starting with the Entry point from Century Road extension &Dunkerhook Road....

Reviews the Site Triangle that is required by Code which should be free of vegetation in order to get a clear line of site down the Roadway which intersects...this will be free of plantings and will be kept as Lawn.

The Site sign will be located behind the Site Triangle and immediately beyond this, Evergreens, etc...

Testimony continues regarding Landscaping, noting it will be similar to most of the Assisted Living Facilities in Paramus.

Along the Northeasterly & Westerly side, they will leave the Trees in place...

Proposing Evergreens and smaller trees in the area of Loading to draw one’s eye away..

Testimony continues...

Proposing to plant two (2) Maple’s nearest the Naugle House in the area between the sidewalk & the wall, but it has been designed in such a way to stay within the bounds of the easement and to maintain as many trees as possible.

Discussion on the Bamboo growth. It will be removed from their property but will not be touched on the Borough property.

Mr. Missey testifies the proposed Landscaping will fit in with the vegetation already existing but they will be removing Trees.

Tree Removal discussion.

There are a number of Trees that are within the footprint of the Building and the Parking area. These trees will be removed along with the Trees that are in close proximity to the building that will pose a hazard as the building is being built...

Once the Building is constructed, trees will be removed at about a distance of 20ft...walkways will be built.

Mr. Newman (Chairman) asks the number of trees considered for removal.

Mr. Missey testifies to approximately 39 of the Larger Trees. He does not know how many of the smaller trees will be removed...

Mr. Missey speaks to the plans regarding Signage-refers to Exhibit A6. Speaks to the Monument sign-in the lower right of Exhibit.

As proposed, it would be 20ft. back –shows location on Board.
There will be a 2nd sign- to identify the site from someone traveling on Dunkerhook.
Details are given....

Mr. Missey notes they will need variances for both these signs. Signage in the Residential zone is not allowed.

Mr. Huntington (Applicant's Attorney) asks Mr. Missey as a Professional Engineer, does he have an opinion as to whether or not there are any negative impacts offsite rising out of Drainage, Grading or other Engineering impacts.

Mr. Missey states in this instance, there aren't. They have designed it so there wouldn't be those negative impacts...

Mr. Huntington notes they will be hearing more from Mr. Missey in the future and there will be an amendment for these plans but this will conclude Mr. Missey's direct Testimony.

Mr. Newman (Chairman) opens questioning up to the Board Professionals and then to the Board.

Mr. Azzolina (Board Engineer) speaks first, referring to his report dated this evening or he can defer this to the Board's next meeting.

Mr. Huntington (Applicant's Attorney) would prefer this at the next meeting because they probably will be able to cut the report in half. They just didn't have the time to react to the report. They will deal with a lot of the issues mentioned ...

Mr. Azzolina (Board Engineer) would just like some clarifications for the Board and the Public...

Mr. Azzolina continues...a statement was made there would be no encroachment within the repairing zone and the Transco Easement..

Mr. Missey (Applicant's Engineer) testifies there will be one (1) encroachment. This would be the Discharge Piping down to the Saddle River itself for runoff because it would not be practical to direct to the retention facility. This would require crossing both the Transco Easement & the Repairing zone. They would have to confirm it with the DEP to do this. It would be a General Permit #6

Mr. Missey also testifies; as part of the Permit package, the State will review the Storm Water Controls as he has described.

Another aspect of this crossing, they will need to get permission from Transco to cross their easement at a 90 degree angle, this is how they designed the crossing and at a depth of a minimum of 2ft. away from the pipeline.

Mr. Missey testifies they have been in communication with Transco since March. They received an email from the local Representative with Transco, they have gone to the Site to stake locations their office surveyed and set in the field and determined the depth of their facility...

Testimony continues.....

Mr. Missey also testifies they could amend their design to address this depth and complete the process to get the agreement from Transco to cross their facility, then at a later point, if appropriate they would go to the DEP for the permit to discharge to the Saddle River...

Mr. Missey states you are allowed to discharge your storm water and this is why this is called a General Permit. It is not an individual permit in this instance. They have already gone through the Flood Hazard verification process and this would be the extent of the encroachment in the repairing zone & Transco.

Mr. Azzolina (Board Engineer) notes one other DEP issue which he believes is a major element of this Application is a note is on the plan stating a Letter of Interpretation has been issued for Lots 4, 10 & 6 without reference to Lot 5, which is the primary Lot on which the Development is to take place. Is this a pending application or...?

Mr. Missey so notes this and testifies it is an Approved Application and explains. It is noted right below Fair Lawn when they point to the State Open Water Sign...State Open Waters along the River Bank, this was the subject of a prior Permit Application...one of the 1st they did for Barrister.....this was approved on July 23, 2013. It was an earlier approval...

Testimony continues....

There are Wetlands across the River. There are rare, threatened or endangered species that have been documented within one mile of this site. They have dealt with a number of issues...They can submit one of the Maps that the DEP approved which is one of their surveys...

Discussion continues....

Mr. Azzolina requests this information and notes it would be very helpful to his report.

Mr. Azzolina moves to his next question. Tree Removal. The number he offered was his count of the plan but requests a separate Tree Removal Plan as part of the Application. Is this something that would be forthcoming?

Mr. Missey testifies he believes so, in this instance he believes it would make sense in order to properly understand this project. They will do so.

Mr. Azzolina states he believes Mr. Missey has answered the majority of the issues he had raised in his report. He will defer further comments until the next meeting...

Mr. Newman (Chairman) asks the Board Professionals if there are any other questions.

Mr. Mark Kataryniak (Board Traffic Engineer) would like to defer to his report of May 16, 2014. His report has been organized into (3) specific sections...the 1st section speaks to the Traffic Generation/Operations Issues which he would assume be deferred to their Traffic Engineer.

The 2nd section of his report deals with Onsite Traffic & Circulation. He believes some of these comments would be more appropriate for Mr. Missey...

Mr. Kataryniak states; In Mr. Missey testimony, he stated; the area of the refuse area may or would be looked at again or possibly relocated? Mr. Kataryniak notes some of his comments in regards to circulation and access in this area will depend on the revised plan when it comes in.

He believes Mr. Missey's testimony spoke to the use or access to the County Park System from this site. He notes there is no connectivity in the site right now from the Building to the Walkway that goes to the Dunkerhook Road extension and his one question would be if there were any thought given to reconfiguring the profile of the sidewalk out to Dunkerhook Road that would perhaps meet ADA accessible standards? Right now, the slope is pretty steep when you get to Dunkerhook Road.

Mr. Missey testifies all the area they are permitted to work in is what the Easement runs across. The Easement topography along the Southwestern border is significantly higher than the profile along the Northeasterly boundaries.

There are two (2) different elevations. They are right in the middle. In the best way they can be and not change grade within this area (points to location) on Exhibit A6-

Testimony continues.....

Mr. Missey testifies they could have a milder slope on the Driveway if the turns of the Easement permitted them to do more grading within the Borough's property...this is not how the Document reads. The grades they proposed are in Compliance with Residential Site Improvement Standards...

Testimony continues....

Mr. Kataryniak does concur with the profile, the roadway as shown does comply with the RSI Standards, given the two factors here...explains.

Given the fact the proposed facility is servicing Assisted Living Facility here with Senior Citizens or Elderly Residents, perhaps this may lead to the Applicant to exceed those standards and provide a sidewalk that could be more accessible.

Mr. Kataryniak also notes for a good portion of this roadway, there are a series of proposed retaining walls. It may be possible to construct a flatter profile for this roadway by a slight modification of the Retaining Walls and still honor the limitations of the Easement.

Mr. Missey testifies they are willing to work with Mr. Kataryniak's Office to improve this design and if working together offers an improvement for accessibility then it will be a good result of the planning process.

Mr. Kataryniak moves to the Applicant's testimony in regards to "Banking" parking spaces.

He notes in his report, they do exceed the Parking Requirement Standards either by RSI or the Ordinance & given some of the circulation issues, his preference would be to permanently eliminate some of the spaces...particularly referring to the three (3) isolated parking spaces along the Drive Aisle extending out to Dunkerhook Road. He thinks it would decongest the area.

Mr. Kataryniak states he is willing to work with the Applicant to do so. He thinks some of this will extend to the redesign of the Refuse area....

In regards to “Banking” Parking spaces, Mr. Kataryniak notes typically most Boards he has worked with, when Land Banking Spaces are approved, there is approval to construct the parking spaces and what the Applicant is offering is over & above the typical requirements...explains. The fact that the Borough could direct the Applicant to conserve these Parking spaces is a definite advantage to the Borough to have this Provision included in any “Condition of Approval” that may be granted...

Mr. Kataryniak states these are the major threshold issues that he has at this time and the remainder of the comments will certainly be worked out once the redesigned plans are received...

Mr. Kataryniak asks Mr. Missey if there is anything they cannot comply with.

Mr. Missey (Applicant’s Engineer) testifies no. These (3) Parking spaces were his least favorite also.

Mr. Kataryniak does have one other comment and he so notes in his report, the Building is situated to the Westerly extreme of the property and there is no proposed Access road around this Building for Emergency Circulation, Fire Circulation.

Has the Applicant had any discussion with the Borough’s Fire Official at this point?

Mr. Missey states no. At this point they will, especially since they have not received to date any comment letters.

Mr. Newman (Chairman) asks Ms. Peck (Assistant Zoning Officer) if the Plans are sent to the Fire Official.

Ms. Peck states yes.

Mr. Missey notes they sent all copies to the Zoning Office, to the Professionals and a number of other parties get plans...

Mr. Kataryniak refers to the comments from the Recycling Coordinator & states; due to the fact there is no circulation proposed around three (3) sides of the Building, he would suggest for the Applicant to reach out to the Fire Official to get some comments...

Mr. Kataryniak also would also suggest the Applicant reach out to the County, noting the Driveway along the Southerly portion of the site is within the County Jurisdiction Roadway.

He does raise concerns with possible Turn Restrictions at this driveway, given the Site distance limitations...asks Mr. Missey if they have had preliminary discussions with the County and if he could bring the Board up to date if so...

Mr. Missey testifies what has happened to date. They first went to the DEP for the Environmental Issues noted in his testimony earlier. This will be their next stop for the Site Plan. They will make the preliminary calls to the County for the eventual Application and to the State for their DEP Application. They have already touched base with Transco and pretty much completed this process say for a final design...

Mr. Kataryniak notes, given the fact that we know they will be coming back with a potential Plan revision and coming back to another hearing, his recommendation would be any comments he (Mr. Missey) could retain from these Agencies to possibly refine the Planning even more would potentially save a revision and the feedback would be helpful in this instance.

Discussion...

Mr. Missey clarifies & corrects his testimony stating his Client just informed him they are sending a Plan to Michael Barner (County Planner) for this area of Bergen County. His client has had conversations with him, he has not.

Mr. Kataryniak has no further questions.

Mr. Azzolina (Board Engineer) has one other follow up for Mr. Missey in regards to the Building Height.

Mr. Azzolina questions Mr. Missey's statement, referring to his testimony stating; the Building Height was 38ft. assumingly based on some mean elevation on the property as opposed to what he believes is a Code Requirement which is measured from the Street Elevation when the Building is 100ft. of the Street which in this instance it is...

Mr. Missey testifies they will submit their calculations which were taken at a uniform distance around the footprint of the Building to drive the average grade and they will establish the elevation at Landzettel Way. Hee would like to point out that right now they do not have any measureable frontage on Landzettel Way. It is not even an inch of frontage...explains.

Testimony continues...

Mr. Huntington (Applicant's Attorney) also notes they do not plan to exceed the 38ft. limitation and if necessary, they will adjust the height. They will have to document and tweak if need be.

Mr. Azzolina (Board Engineer) moves to his next question regarding the proposed Sanitary Sewage Easement from the adjoining property owner. Did they have any discussions with them, this information would help...

Mr. Missey testifies yes. Discussions have been held and he believes representatives of the neighbor were here earlier this evening...

Mr. Huntington interjects to say, Mr. Melnese can testify to this.

Discussion...

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

Mr. Paul Kittner (Board Planner) questions the fact the plans do not propose Lightening in the back or the Side Wall Pathway. Can he reiterate the rationale for this?

Mr. Missey testifies this is a passive walkway. It is not intended to be open to the Public. It would only be for the Residents for appropriate Daylight hours and Seasonal times. It is not intended to be used year round or 24hrs. There is no need to light this area in his opinion...

Mr. Kittner asks if the doors are locked after hours or at after Dusk.

Discussion...

Mr. Missey testifies access to the Building would be solely at the Entrance point.

Mr. Kittner clarifies. He mainly is concerned with the Residents.

Discussion continues....

Mr. Missey explains & refers to Exhibit...

Mr. Kittner explains he has concerns for the Residents using the Building. He feels there should be minimum safety levels.

Mr. Huntington (Applicant's Attorney) interjects to state they maybe could work on this. The reason for not lighting it was the thought they could minimize activity back there, but maybe there could be a happy medium to serve both needs.

Mr. Kittner continues with his questioning. Discusses proposed Landscaping on the West side of the property line. Refers to the midpoint and questions the reason why they decided to stop the Landscaping at this point. He believes there is a Residential property that continues...

Mr. Missey explains Mr. Milinese had discussions with this owner and one of the preferences from this owner is reflected on the Landscaping Plan- shows Exhibit...

Questioning continues regarding Fencing.

Mr. Kittner suggests maybe Landscaping can be done on the outside of the fencing to diffuse the starkness of the fence to the adjoining residents of the Residential properties.

Mr. Missey testifies they will certainly consider this.

Mr. Kittner then notes he leaves it up to the Board whether additional Landscaping is warranted.

Mr. Kittner questions the Trees at the site and asks if Mr. Missey feels the majority of the Trees are mature.

Mr. Missey states yes.

Mr. Kittner refers to circulation and notes Mr. Kataryniak's report. Asks if the site would circulate a Fire Truck.

Mr. Missey states yes.

Mr. Kittner's concern is the acuteness of the angle from the access way/drive aisle from Dunkerhook to the other portion.

Mr. Missey testifies it was a concern of theirs also but the design does afford the maneuverability at this location in both directions.

Discussion continues....

Larger Vehicles (if necessary) having access is discussed...

Mr. Kittner moves to his next question. In terms of the Historic Houses and the impacts of the Historic Houses. Does he have any recommendations on reducing the impact, or does his design incorporate minimizing the impacts to the Historical Houses, such as the Naugle House?

Mr. Kittner notes with this design, the house on Lot 5 will need to be relocated.

Mr. Missey testifies this is not driven by the Site plan design. It is driven by other factors. Their Site plan is designed to complement the Building, the use.

Mr. Kittner asks Mr. Missey if he is going to comment on the Environmental Report that was submitted.

Mr. Missey states; he believes an Underground Storage Tank must be removed. This is all he recalls...they went through this process with DEP as part of the LOI (Letter of Interpretation) Application.

Mr. Kittner continues his questioning...regarding amenities to the Staff, Residents, etc..

Mr. Missey testifies regarding this question, the greatest amenity is the Setting and the ability to live in a Community immediately adjacent an in view of a River & Park.

Mr. Kittner speaks to the Gates and asks the reason they open to Lot 71. Will this be open to Residents or Locked?

Mr. Missey testifies the reason they open to Lot 71 is to facilitate an access way to the Sewer facilities that are proposed to be installed there. There is no reason why it would be open to Residents and will be closed and locked.

Mr. Kittner questions the relocation of these Gates towards Landzettel Way.

Mr. Missey states there is no frontage on Landzettel Way.

Discussion continues...

Mr. Kittner completes his questioning.

Mr. Newman (Chairman) discusses with Mr. Huntington (Applicant's Attorney) on how to proceed with his next witness...Mr. Melanise. He feels if Mr. Milenese was to testify, it will open up another whole world of questioning and given the time restraints and questions the Board and the Public may still have for Mr. Missey, it may be better to wait...

Mr. Huntington agrees.

Mr. Newman asks for a quick recess.

Mr. Newman calls the Meeting back to Order.

ROLL CALL: Mr. Gil, Mr. Seibel, Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio,
Mr. Sina, Mr. Racenstein, Mr. Naveh & Mr. Newman. PRESENT.

Mr. Racenstein (Board Member) has some questions for Mr. Missey.

1. Noting that Dunkerhook Road gets flooded, and they are going to have Storm Water draining into Saddle River Road, by doing so SRR will reach a high water level, the Storm water will not be able to flow because of the high level of water...

2. The Basement is underground. With a high water level, the water will seep through the Basement floor. What is being done to alleviate or eliminate this situation?
3. If the Power were to go out, would there be a Generator or something to work in its place if the Power were to go out?

Mr. Missey states the 3rd question will be deferred to Mr. Milenese or Mr. Kimmel when they return for more testimony.

Mr. Missey states the 2nd question, he feels this should also be deferred to Mr. Kimmel but he will give his best response.

Mr. Missey testifies the Basement Level will be properly waterproofed. The Flood Hazard Design Elevation is 55.5, which is 2.2ft. lower than the finished basement floor which is a significant number and meets with the DEP requirement for this site.

Mr. Missey states the 1st question regarding the Storm Water. The Storm Water is not discharging to the Saddle River except for this North Easterly portion (Points to Exhibit) The water is not discharging to Saddle River Road, it is being retained on the site...explains. Much as a Residential home that keeps runoff from the roof areas in Drywells...they are doing this here only at a greater scale and because they have the underlying soils that can absorb & infiltrate this runoff.

Discussion....

Mr. Missey testifies in this instance, they have designed Pipe Systems that will permit the discharge in a Storm event where the Saddle River is at its highest level.

Mr. Sacchinelli (Board Member) questions the Sewage flow. Testimony was given it was equivalent to approximately 30 homes, how did you come up with this number?

Mr. Missey explains. 350gallons per day, per Single Family Residence x 30 is about 10,500. In this instance, there are 104 rooms, at 100gallons per day, per room, this would be 10,400...so this is how he made the equivalency.

Discussion.

Mr. Sacchinelli has concerns with this. Feels most people are not home all day...this is a 24-7 living...

Discussion continues...

Mr. Sacchinelli asks Mr. Missey if he believes this proposed piping is adequate.

Mr. Missey testifies yes. One of the questions asked by the Board Engineer was; has a Sewer Study been done, this will be one of the places we will stop, back at the Offices of Mr. Garrison or his Designee...this will be done by the DPW, not them and we will do the study that is expected to establish the Sewer availability.

Pavers are discussed and reasoning behind them.

Discussion continues...

Mr. Sacchinelli questions the Snow in the winter and if it has been calculated into this. Will this impact this system if you intend to pile snow in one area, when you have 12-15ft. piles of snow.

Mr. Missey testifies they do not have calculations for 12-15 ft. piles of snow...

Discussion continues....

Mr. Missey testifies that Snow would be transported off-site or to one of the Lawn areas.

Compactors or AC Units and their locations are discussed.

Mr. Missey testifies he thought there would be a Compactor but this would have to be worked out with the Recycling Coordinator & Sanitation Department of Fair Lawn. If they do not have the Service to service the Compactor, this is something that needs to be addressed.

Discussion continues...

Mr. Sacchinelli has concerns with this. He would like to see more information.

Mr. Missey concurs.

Mr. Newman (Chairman) notes this whole area would have to be reconfigured after meeting with the Recycling Coordinator. It would be an answer for their next meeting.

Mr. Missey agrees.

Mr. Sacchinelli asks if the Signage will be lighted.

Mr. Missey states solely the sign on the side of the Dunkerhook/Century Road side.

Mr. Sacchinelli has no further questions for now.

Mr. Newman (Chairman) asks if any of the other Board Members have questions.

Mr. Lowenstein (Board Secretary) states he had a great deal of difficulty with the set of drawings locating the driveway area. He believes he knows where it is but is confused because of his testimony. It indicated Pavers, permeable pavers. He does see the word “macadam” on several areas?

Mr. Missey explains. The Parking spaces will be the permeable pavers & the drive aisles will be the asphalt & macadam. These are impermeable.

Discussion....

Mr. Seibel (Board Member) questions the In-house Laundry in the Basement area.

Mr. Missey notes he is probably not the correct person who could answer that.

Mr. Newman (Chairman) notes it was testified to earlier by the Architect, that yes it was in the basement.

Mr. Seibel asks if the kitchen is also in the basement.

Mr. Missey notes it is where the kitchen is but he really doesn't know more than this.

Mr. Seibel will hold his questions for the Architect.

Fencing is discussed....

Mr. Sina (Board Member) discusses testimony earlier where it was said that a Pump Fire Truck can circulate in the driveway, but he is not sure if this is Fair Lawn's largest truck and this is a 3 story facility. They have a 50ft. long Ladder Apparatus Truck. He would be interested to know from the Fire Department if the largest vehicle could circulate in this area.

Mr. Newman (Chairman) notes there is already two non-answers to this. 1st, no it couldn't according to testimony that was given by the Engineer, and 2nd, we really need to hear from the Fire Department.

Ms. Peck (Assistant Zoning Officer) states she will reach out to the Fire Chief and try to get something for the Board.

Mr. Kataryniak (Board Traffic Engineer) asks that the Applicant provide a Truck Circulation Exhibit for the next meeting, he feels would be helpful as well.

Mr. Missey has no objections for this request.

Mr. Naveh (Board Member) questions the Site plan and the Main Entrance to the Facility. Would this be through the Lot 10 Easement?

Mr. Missey testifies no, the Main Entrance access point would be through Dunkerhook/Century Road Extension. There are two (2) entrances to the Facility.

Discussion...

Mr. Newman asks if there are any other questions from Board Members. Seeing none, Mr. Newman closes this portion.

Mr. Newman states because of the time, he will ask they adjourn for the evening, they will open the next meeting for questions for Mr. Missey from Residents living within 200ft. of the Applicant, followed by questions for Mr. Missey from Members of the General Public and followed by the Applicant's next witness.

Mr. Huntington (Applicant's Attorney) has one comment. He has a sense that many people who came out tonight and took the trouble to appear are concerned to know what the Applicant's intentions are with the Vanderbeck House. He would like to put Mr. Milenese on the stand to announce his intention so the people don't go home empty handed.

Mr. Newman states this is reasonable. He feels the Public would appreciate this as long as they understand at this point in time, any questions about what Mr. Milenese has to say will have to wait until the next meeting.

Mr. Newman swears in: Mr. Robert A. Milenese
President of Barrister Land Development Corp.
406 Highland Avenue
Wyckoff, N.J.

Mr. Milenese is questioned regarding several meetings he has had with the Historical Society here in Fair Lawn trying to work out different possibilities with respect to the Vanderbeck house.

Mr. Milenese explains they first started out trying to incorporate the house into the building and it just wasn't working out. They then tried to swap Land with the Town and everyone seemed to be in agreement except Green Acres, so they were unable to do that. They had a plan where they could save both homes, but Green Acres prevented them from doing this...

Mr. Milenese testified the next step was offering to restore the Naugle House if they had to take the Vanderbeck house down and also help the Town in the cleaning up of the property. The latest proposal which he offered to do in lieu of the other work was to move the VanderBeck House to the Naugle House property and this representation was made to the Historical Society and to the Mayor. They stand by this, so the worst case

scenario is we move the Vanderbeck house onto the Naugle House property where ever they would like as soon as the Town consents to having two homes to renovate.

Mr. Milenese testifies he will stand by his offer to help clean up the property if any is necessary because he understands the funding in Town is limited.

Mr. Milenese states he just wanted this on Record and will testify at the next meeting.

Mr. Newman (Chairman) just would like clarification...at this point in time, an offer to the Borough, one that hasn't had any details worked out and one we would need to hear updates on at the next meeting and probably thereafter, he would assume...

Mr. Milenese testifies yes.

Mr. Newman states they need to come up with a date for the next meeting...defers to Ms. Peck.

Discussion on date availability.

Mr. Newman does not recommend putting this Application on the end of a Regularly Scheduled Residential Zoning Meeting. They will cut themselves so short on time.

Mr. Huntington (Applicant's Attorney) agrees with this and suggests to adjourn until the next regular meeting and by this time have worked out a mutually agreeable day for a Special Meeting and it could be announced at the Regularly Scheduled Meeting without the necessity to re-advertise & re-notice.

Discussion...

Mr. Newman feels because of the magnitude of this Project and the Public interest, he would like to ask they re-notice in any case....

Mr. Huntington states if this is his request, they will abide it.

Discussion on how to proceed.

Mr. Newman & Mr. Huntington both agree to carry the Application to the regularly scheduled meeting of June 26, 2014 and re-notice.

Mr. Newman clarifies to the Public.

Mr. Mark (Kotler?)
39-08 Van Duran Ave
Fair Lawn, N.J.

Mr. Kotler states he does not think this meeting complied with the Open Public Meeting Act as it was not posted on the Borough Website nor under the Meetings Section or under the Calendar Section...I think we need to address this in some way.

Ms. Peck (Assistant Zoning Officer) knows it was published in the Record and two ads in the newspaper...she thought it was posted.

Discussion....

Mr. Lowenstein (Board Member) states he cannot attend the June 26, 2014 meeting.

Discussion.....

No further discussion,

Mr. Newman motions to adjourn.

Adjourn

Mr. Racenstein made a motion to adjourn this meeting and Mr. Sacchinelli seconded the motion.

TIME: 10:05P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk