

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Re-Organization Meeting Minutes
Of January 27, 2014**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Re-Organization Meeting held on January 27, 2014

The Zoning Secretary called the 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. Puzio, Mr. Gil, Mr. Seibel, & Mr. Newman.

Absent: Mr. Sacchinelli, Mr. Blecher

Also in Attendance: Ann Peck, Assistant Zoning Officer.

Ms. Bozza (Zoning Secretary) asks the Appointed Members by Council to please step forward to be sworn in.

Mr. Todd Newman swears in: **Newly appointed:** Samuel Racenstein-Alternate II
Bradford E. Pohlman-Alternate III

Re-appointed: Richard Seibel, James Lowenstein,
John Gil, Frank Sina

Ms. Bozza begins Nominations:

Nomination for Chairman:

Kevin Puzio nominates **Todd Newman** for Chairman
James Lowenstein seconds the nomination.

Seeing no other nomination for Chairman, Ms. Bozza closes this portion.

VOTE: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Puzio, Mr. Sina, Mr. Racenstein
& Brad Pohlman, **YES.**

Re-Appointed for Chairman: Mr. Todd Newman

Ms. Bozza turns meeting over to Mr. Newman, Appointed Chairman.

Mr. Newman opts first to do the RFQ for Board Attorney....

RFQ's- Board Attorney- Bruce Rosenberg

1. Winnie, Banta, Hetherington, Basralian & Kahn, P.C.

No other RFQ's were submitted for Board Attorney.

Discussion...

Mr. Sina (Board Member) feels that Mr. Rosenberg has been a great asset to the Zoning Board of Adjustments.

All Agree.

Mr. Puzio nominates Mr. Rosenberg as Board Attorney.
Mr. Seibel seconds the nomination.

Seeing no other nominations for Board Attorney,
Mr. Newman closes this portion.

VOTE: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Puzio, Mr. Sina, Mr. Racenstein,
Mr. Pohlman & Mr. Newman, YES.

Re-Appointed for Board Attorney: Mr. Bruce Rosenberg

Mr. Newman continues with Open Nominations:

Nomination for Vice-Chairman:

Mr. Seibel nominates **Kevin Puzio for Vice Chairman**
Mr. Gil seconds the nomination.

Seeing no other nominations for Vice-Chairman, Mr. Newman closes this portion.

VOTE: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Sina,
Mr. Racenstein, Mr. Pohlman & Mr. Newman, **YES.**

Re-Appointed for Vice-Chairman: Mr. Kevin Puzio

Nomination for Board Secretary:

Mr. Seibel nominates Jim Lowenstein for Board Secretary.
Mr. Puzio seconds the nomination.

Seeing no other nominations for Board Secretary, Mr. Newman closes this portion.

VOTE: Mr. Gil, Mr. Seibel, Mr. Puzio, Mr. Sina,
Mr. Racenstein, Mr. Pohlman & Mr. Newman, **YES.**

Appointed Board Secretary: Mr. Jim Lowenstein.

Mr. Newman before moving forward with the rest of the Agenda this evening would like for Mr. Seibel to bring an issue before the Board and a motion to make.

Mr. Seibel speaks to the Board. He would like to make a motion and to bring before the Board the subject regarding the State of New Jersey 215th Legislature~ discusses where the Assembly & the Senate are in the process of enacting Legislation which would require a United States Flag to be displayed in the room in which Public Body covered by the division of the Senator Open Public Meetings Act.

Mr. Seibel continues...at the commencement of every meeting at a Public Body, the person presiding shall lead those persons present in a recitation of the following Pledge of Allegiance.

Mr. Seibel would like to propose to do the Pledge of Allegiance before every meeting as stated.

Mr. Newman feels this is an excellent proposal and states they could make a motion to amend the By-Laws to reflect this routine change in the meeting structure so it will reflect on the By-Laws and will then be on the Agenda for every meeting and live on in the future.

Mr. Seibel motions to include the Pledge of Allegiance in the By-Laws so it goes on long after they are gone.

Discussion on when to do the Pledge of Allegiance

Mr. Rosenberg (Board Attorney) states it would be done after the Open Public Meeting Act.

Mr. Puzio seconds Mr. Seibels motion.

The Board all agreed as a body to join in to second the motion.

VOTE: All Present: **AYE**

Mr. Newman asks Mr. Seibel to please lead the Board in the Pledge of Allegiance.

Mr. Seibel dedicates this first Pledge of Allegiance to Mr. Joe Meer who recently retired and to the Troops overseas.

Pledge of Allegiance is stated.

Mr. Newman opens the only application on the Agenda this evening.

Residential Application Carried:

1. Application #2013-36, Robert Katz
7-24 Morlot Ave, Block 5401, Lot 1, Zone R-1-3
Corner Property-Proposed 6' fence on Hazel Place where only a 3ft. fence is permitted as per Section 125-38.A. Fences & walls.

Mr. Newman reminds the Applicants, Mr. Katz & Ms. Rosenfeld they are still under Oath.

Mr. Newman reviews the application and recalls the conversation at the last meeting regarding changes the Board would like to have to the application. They asked you to discuss the situation with our Zoning Officer and to determine where the Right-of-way was...

Ms. Peck (Assistant Zoning Officer) states she believes Mr. Katz had spoken to a Professional regarding this.

Mr. Katz testifies this is correct.

Mr. Newman asks if his Professional is here this evening.

Mr. Katz states no but he has previously been in touch with Ms. Peck and got the instructions on how to proceed.

Mr. Newman asks if there is a report from his Professional.

Mr. Katz testifies he has a new Survey which was commissioned that was drawn up and passes the survey to Board Members.

Survey is entered as Exhibit A-2

The Board reviews the survey....

Mr. Newman asks Mr. Katz what type of Professional he obtained.

Mr. Katz testifies he is a Land Surveyor, Bernard Criscenzo.

Mr. Katz testifies they paid for a new survey to be commissioned and the survey shows the fence is between 1-1 1/2 feet into the public domain currently. They will move the fence back 3ft which is 1/2 a panel inwards as per the Board's request from the last meeting we attended. In addition there will be Shrubbery & Flora facing the street up against the fence as per the Board's suggestion also from the last time we met.

Mr. Newman asks what the measurement would be from the fence to the sidewalk.
How much planting room?

Mr. Katz testifies he would not know exactly but at least 4ft.

Mr. Newman states it sounds like adequate plantings space based on our conversations of last month.

Mr. Newman asks Mr. Katz if a Lattice Top was discussed at all.

Mr. Katz states yes and recalls being asked why they chose a full fence rather than anything with a Lattice. At that time, his wife explained the security issue involved and it was generally accepted they could stick with a full fence as long as there was Shrubbery or something attractive placed in front of it.

Discussion....

Mr. Newman recalls what the Board was looking for, something that would basically screen the fence, of course not in its entirety...but enough to make the Landscape more noticeable than the fence.

Mr. Katz testifies they will install baby Pines.

Mr. Newman notes hopefully looking for Shrubbery that would grow to at least 4ft...

Mr. Katz states; they probably are already 4ft

Mr. Newman speaks to the existing landscaping & Mr. Katz testifies he plans to plant more.

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

Mr. Rosenberg (Board Attorney) would like to clarify for the Record; is the proposal to move the existing fence 3ft. from the Property line as shown on the survey or is it 3ft from where it exists today?

Mr. Katz states 3ft. from where it exists today would make it a ½ of a 6ft. panel.

Discussion.....

Mr. Newman confers with Mr. Rosenberg noting he would not want to burden the Applicant with anything that would require recording on his Deed but is there a way the Board could require planting must be complete & approved by the Zoning Official prior to...

Ms. Peck (Assistant Zoning Officer) interjects to state Mr. Katz will need a fence permit anyway with a condition of approval.

Mr. Rosenberg notes the Resolution itself should set forth the conditions that the Board wishes to have so the Applicant knows the conditions they would have to meet.

Discussion...

Mr. Newman has concerns and notes the specifics of the Landscaping. He knows every application has to meet the conditions of the Resolution but there is a loose condition here with the type of Landscaping.

Discussion continues...

Mr. Rosenberg (Board Attorney) recommends specific wordage regarding the type of plantings, etc. The Resolution should be specific and the applicant needs to know what the Board is looking for as a condition of an approval.

Mr. Newman discusses this with Mr. Katz and asks if they are 4ft. Evergreens he is planning to do.

Mr. Katz testifies they currently have 3 Evergreens that are probably 4ft. They also have an Azalea bush that will grow beautiful and big. In the winter there is a tree in the backyard that would clearly in full bloom in spring & summer cover the fence in large part.

Discussion continues...

Mr. Newman clarifies for purposes of the Resolution.

4ft. Evergreens,
3ft on Center- (stumps have to be 3ft. apart on the Evergreens)

Mr. Katz is concerned with the expense of this condition of approval.

Discussion continues...

Mr. Newman states there really is no other way to adequately screen it...if you put 3-4 Evergreens in front of a fence that long, it will not screen anything. It would be just a couple of accents on the fence.

Mr. Newman compromises and states they could reasonably say 4ft. apart.

Mr. Katz agrees to this suggestion but would like clarification the Azalea's would be considered an Evergreen & the Tree to be considered an Evergreens.

Discussion...

Mr. Newman agrees to the Azalya but not a regular Tree being considered an Evergreen.

Discussion continues....

Mr. Katz reviews the Conditions of Approval with the Board for clarification. He wants to comply with all conditions.

Mr. Katz agrees to the conditions that shrubbery will be planted every 4ft.

Mr. Racenstein (Board Member) questions the length of the fence..

It is determined approximately 25-30ft. which would require 8 plantings...

Mr. Newman asks if all Board Members have other questions and if this stipulation is agreed upon by all. Seeing no objections,

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

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

Mr. Newman closes this portion and asks for a motion.

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

Fence to be moved 3ft into the property line
Planting of 4ft high Azalea's/Evergreens
No more than 4ft. apart in front of the Hazel Place side fence.

Mr. Sina seconds the motion.

Mr. Lowenstein would like to say a few words before voting. First he would like to express his appreciation for being appointed to the Secretary position. He would never be as good as Joe Meer. He will do his best to fill his shoes but knows he would never be as good as Joe.

Mr. Lowenstein has a question regarding clarification on the Board Member eligible to vote on this application.

Ms. Peck (Assistant Zoning Officer) calls the following names:

Mr. Gil who was not in attendance at the last meeting did listen to the tape & has his certification.

Mr. Lowenstein
Mr. Puzio
Mr. Newman
Mr. Seibel
Mr. Sina

VOTE: Mr. Lowenstein, Mr. Puzio, Mr. Seibel, Mr. Gil, Mr. Sina
& Mr. Newman, **YES.**

Motion Carries.
Application Approved.

Mr. Newman calls for a 5 minute Recess.

Mr. Newman calls the Meeting back to Order.

Roll Call: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Puzio, Mr. Sina,
Mr. Racenstein, Mr. Pohlman & Mr. Newman- **Present**

Review of RFQ's-Board Engineer

1. ***Azzolina & Feury Engineering-Paul Azzolina***
2. ***Boswell McClave Engineering.***
3. ***CME Associates***
4. ***Brooker Engineering***

Mr. Newman opens for discussion.....

Mr. Lowenstein (Board Secretary) begins discussion by first stating he was very impressed by all the quality & caliber of all the applicants...

Mr. Lowenstein mentions all would be outstanding, so this being the case one of the chief variables is the fees structure...he reviewed this quite carefully. He is inclined to re-nominate Azzolina & Feury., They indicate not only their fees, but they have not changed in 3years. This is a plus & an awareness of the budgetary restraints this of all the Municipalities and under.

Mr. Lowenstein questions the fee for the Professional's attendance to the meeting because upon review of the RFQ's submissions, he saw another submission with a \$150.00 fee to attend.

Mr. Lowenstein defers this question to Ms. Peck (Assistant Zoning Officer) who states they charge the applicant and notes Mr. Azzolina highest fee is \$119.00.

Discussion...

Ms. Peck clarifies they charge hourly.

Mr. Lowenstein nominates Azzolina & Feury for Board Engineers.

Mr. Newman would also like to add a few comments before there is officially a nomination, I would agree with Mr. Lowenstein and another important point with the current Board Engineer is they have been with us since 2000...this is going on the 14th yr.

Mr. Newman continues and states this is sometimes a revolving door, especially with the Commercial applications like Zap Lube, MacDonald's, etc. They come around time and time again. He feels if you have a firm and an individual with a personal knowledge of the history with these applications and were the actual professionals on these applications, it is certainly helpful when these applications are before us again, also the

knowledge of the town. Mr. Azzolina is for the past 4 years the Borough's Consulting Engineer & Land Surveyor so he would certainly support Azzolina & Feury again.

Mr. Puzio offers a few comments stating Mr. Azzolina knows the Board and it would get him experience of the Principal basically at the same cost of what an Engineer is at most the other firms. He would also support the Nomination for Azzolina & Feury.

Mr. Newman asks if anyone would like further discussion on the RFQ's for the Engineers. Seeing none,

Mr. Newman would ask for a nomination.

Mr. Puzio makes a nomination to re-appoint: Azzolina & Feury Engineering

Mr. Seibel seconds the nomination.

VOTE: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Puzio, Mr. Sina, Mr. Racenstein, Mr. Pohlman & Mr. Newman. **YES.**

Reappointed as Board Engineer: Paul Azzolina of Azzolina & Feury.

While the Board review the RFQ's, Mr. Newman has a few comments regarding last year's switch up from their long term Traffic Engineer. Mr. Newman being very frank felt the Board boxed themselves in because of the requirement of appearances. At that time the current Traffic Engineer, Mark Kataryniak did not know his appearance was one of the requirements and wasn't here for that meeting and as a result the Board chose another well-qualified Applicant.

Mr. Newman would echo the same sentiment they just were discussing in regards to the Board Engineer in reference to Mark Kataryniak, from French & Perrillo because he also had served the same length of time as Traffic Engineer for the Zoning Board...

Mr. Newman continues; for those of you who know Mr. Kataryniak, he is an extremely knowledgeable Traffic Engineer. He has gone to bat for this Board probably as much or more as any other Professionals he has seen. He goes the extra mile a lot and meets with Commercial Applicants to be sure everything is right time & time again. He has enjoyed having Mr. Kataryniak serve the Board and hearing what he had to say.

Mr. Newman comments on the Fee Schedule stating his fees are better also.

Mr. Newman opens for discussion.....

Mr. Racenstein (Newly appointed member) questions the past regarding French & Perrillo.

Mr. Newman explains to Mr. Racenstein, Mr. Kataryniak had served the Board under various firms throughout the years because the Board wanted him. He is currently with French & Perrillo.

Mr. Racenstein clarifies the current Traffic Engineer is Boswell...

Mr. Newman explains what had occurred last year and why they were not able to reappoint Mr. Kataryniak because the Board made a requirement for RFQ's, that being you had to be present at the Re-organization Meeting for them to be questioned if they were to be considered for the position.

Mr. Newman explains they were unable to appoint him as a result of the requirements, even though the Board would have liked to reappoint him. They appointed another well qualified Professional and stating there is nothing negative about the firm they did appoint for this year, but feels the continuity would be great to have Mr. Kataryniak back on board.

Mr. Puzio (Vice-Chairman) comments he would agree with Mr. Newman on this and also their fee structure would not create a burden for our residents...

Mr. Newman also notes Mr. Kataryniak was elected to help out this year for Zap Lube as Special Traffic Consultant so most who didn't know him got the chance to know him.

Discussion continues....

Mr. Gil (Board Member) acknowledges the fee structure of French & Perrillo, and acknowledges Boswell for the year well served but also agrees with the idea of going with someone who has the history with the Board and an established rapport.

Mr. Seibel makes a motion to nominate: French & Perrillo Associates

Mr. Puzio seconds the motion.

VOTE: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Puzio, Mr. Sina, Mr. Racenstein, Mr. Pohlman, & Mr. Newman, **YES.**

Appointed as Board Traffic Engineer: Mr. Mark Kataryniak of French & Perrillo.

Applicants for Board Planner:

1. *CME Associates/Peter Van Den Kooy*
2. *Hauer Gruel & Associates*

Mr. Newman with review of the RFQ's comments; there are no differences in the fee schedules, the differences I see here again is we have had Mr. Van Den Kooy for six years on the Board. He is another one we have kept with us regardless of Firm. I am sure Hauer & Associates are a very good firm but there is no real knowledge of Fair Lawn...

Discussion continues...

Mr. Lowenstein (Board Secretary) comments he has reviewed both of the RFQ's. He has worked with Peter Van Den Kooy and finds him terrific but he looked at both fee structures and was significantly impressed by the quality of their (Hauer Gruel & Associates) presentation package and found their fee schedule significantly lower, especially when you are talking about an Associate Planner at \$100-\$110 per hour and so forth...

Mr. Lowenstein suggests giving someone else an opportunity. In his opinion, its close but would opt to go with Hauer Gruel & Associates.

Mr. Newman opens for discussion with Board Members on thoughts regarding this...

Mr. Seibel comments that Mr. Peter Van Den Kooy is a very knowledgeable guy and likes his experience.

Mr. Puzio comments on a concern with the Sliding Scales. How would they know who they would get regarding the \$150.00 Professional or the \$130.00 Professional?

Mr. Rosenberg (Board Attorney) clarifies when the bill is broken down. By Law, it is a requirement to know who has done the service, the hours spent, the name of the person and the allocation.

Discussion...

Mr. Sina (Board Alternate) comments that although the fees are slightly higher than some on the hourly rates, his feeling would be to stay with CME, Peter Van Den Kooy for the matter of continuity, knowledge of the area and his experience with our Board.

Mr. Racenstein comments he agrees also with Mr. Sina on this matter. He has reviewed the Support Staff & notes “CME” has over 100 staff members whereas Hauer Gruel has no information on the amount of staff.

Discussion....

Mr. Newman asks for the Board to make a motion for Board Planner.

***Mr. Seibel nominates CME Associates, Peter Van Den Kooy for Board Planner
Mr. Gil seconds the nomination.***

VOTE: Mr. Gil, Mr. Seibel, Mr. Puzio, Mr. Sina, Mr. Racenstein,
Mr. Pohlman, & Mr. Newman, **YES.**

Mr. Lowenstein, **NO.**

Appointed as Board Planner, Mr. Peter Van Den Kooy, CME Associates.

Re-Appointment of Court Stenographer: Laura Carucci

No RFQ’s requested for Court Stenographer.

Ms. Peck (Assistant Zoning Officer) notes Ms. Carucci Fee Schedule still reflects a 2% reduction the Council had requested 2 years ago.

Mr. Newman asks for a motion.

***Mr. Puzio makes a motion to re-nominate Ms. Carucci as Court Stenographer.
Mr. Sina seconds the motion.***

VOTE: Mr. Gil, Mr. Seibel, Mr. Lowenstein, Mr. Puzio, Mr. Sina, Mr. Racenstein,
Mr.Pohlman & Mr.Newman. **YES.**

Ms. Laura Carucci appointed as Court Stenographer to the Board.

Mr. Newman opens for Public Comment. Seeing none,
Mr. Newman closes this portion.

Memorized Resolution:

1. Application 13-032, Daniel & Mira Stokar,
15-10 Ellis Avenue, Block 4514, Lot 16, Zone R-1-3
Proposed addition- Approved.

Mr. Puzio makes a motion to approve this Resolution
Mr. Seibel seconds the motion.

VOTE: All Present: **Aye**

2. Application#2013-35, Aneta Piela,
7-19 Cedar Street, Block 5830, Lot 23, Zone R-1-3
Proposed expansion-Approved

Mr. Lowenstein makes a motion to approve this Resolution
Mr. Puzio seconds the motion.

VOTE: All Present: **Aye**

3. Application 2013-34, Adrei & Inna Braudo,
35-19 Stelton Terrace, Block 2613, Lot 31, Zone R-1-2
Proposed addition-Approved

Mr. Lowenstein makes a motion to approve this Resolution
Mr. Puzio seconds the motion

VOTE: All Present: **Aye**

4. Application#2013-37, Fernando Ramos,
38-37 Northern Drive, Block 2327, Lot 8, Zone R-1-3
Proposed In ground pool-Approved

Mr. Puzio makes a motion to approve this Resolution.
Mr. Lowenstein seconds the motion.

VOTE: All Present: **Aye**

5. Application#2013-33, Leonid Gubovich,
20-07 Halstead Terrace, Block 2807, Lot 16, Zone R-1-2
Proposed In-ground pool-Approved

Mr. Puzio makes a motion to approve this Resolution.
Mr. Seibel seconds the motion.

VOTE: All Present: Aye

6. Application#2013-30, Patel Holdings, LLC
Amendment to prior site plan approval.

Mr. Sina makes a motion to approve this Resolution
Mr. Puzio seconds the motion.

VOTE: All Present- Aye 1-opposed

Bills:

Winnie, Banta Hetherington Basilain & Kahn in the amount of \$832.50 for Professional services served on Patel Holdings, LLC.

Mr. Lowenstein made a motion to approve this amount
Mr. Puzio seconds this motion.

Minutes

Mr. Sina made a motion to approve the minutes for the **October 28, 2013** meeting and
Mr. Seibel seconded the motion.

VOTE: All Present – AYE

Mr. Puzio made a motion to approve the minutes of **November 25, 2013** meeting and
Mr. Gil seconded the motion.

VOTE: All Present - AYE

Ms. Peck speaks to the all Board Members regarding the confirmation on their mailing information, etc..and explains she will be starting a new procedure this year; if a regular sitting member of the Board misses a regular meeting, they will receive a CD in their next Board package with a certification to be signed if you had a chance to read it, if not, you must let her know.

Ms. Peck also reminds the newly appointed Board Members information will be given

information early March or April on the New Jersey Bar Symposium run by the Bergen County Bar Association and held at Bergen Community College that is a requirement for all newly sworn in Members. They have 18 months to complete it.

Mr. Newman recommends they do have 18months but his suggestion would be to do it as soon as possible because it helps so much.

Ms. Peck also reminds all Board Members who are certified they could attend the Refresher course, but she would need to know who would be interested for registration purposes.

Discussion...

Mr. Newman asks for a motion to Adjourn.

Adjourn:

Mr. Racerstein made a motion to adjourn the meeting and Mr. Sina seconded the motion.

TIME: 8:15 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk