

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Of February 23, 2015**

Following are the Fair Lawn Zoning Board of Adjustment's Meeting Minutes from the Zoning Board Regular meeting held on February 23, 2015

Chairman Todd Newman 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. Seibel, Mr. Blecher, Ms. Perchuk, Mr. Lowenstein
Mr. Puzio, Mr. Racenstein, Mr. Naveh, Mr. Zharnest
& Mr. Newman

Absent: Mr. Sacchinelli, Mr. Pohlman

Also in attendance were Bruce Rosenberg, Board Attorney; Candice Galaraza, Court Reporter; Ann Peck, Assistant Zoning Officer & Cathy Bozza, Zoning Assistant.

Board Professionals in Attendance: Board Engineer: Paul Azzolina, (Azzolina & Feury)
Board Planner: Chas Holloway for Jennifer Beahm (CME)

Mr. Seibel makes a Special Dedication to the Men who served on February 23, 1945 during the Battle of Hiroshima. Five Marines and one Navy Corpsman raised the American Flag atop Mount Suribaci. Three of the six Americans who raised the Flag would die during the Battle and the total killed in Action would number 6,821. As Members of the Zoning Board of Adjustments, what they do is memorialize for future generations to see, and should they ever come across the minutes it would show to them they never forgot the Bravery and Sacrifice of these Great American Heroes.

Pledge of Allegiance is cited.

Mr. Newman swears in Re-appointed Member, Mr. Racenstein for another term.

Residential New Business:

1. Application #2015-01, Frank Angotti,
24-05 Rosalie Street, Block 3320, Lot 25, Zone R-1-3
The proposed driveway widening and new walkways would increase the impervious coverage from 34.22% to 42.7% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements.

Mr. Newman swears in: Frank Angotti (Applicant)
24-05 Rosalie Street
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Angotti testifies he is looking to widen his driveway to fit another car and create walkway into his home.

Discussion on the impervious coverage being increased quite a bit...size of the lot is discussed. Discussion on undersized lot and if he were on a 6500x100 lot he would be under the requirement of 35%.

Mr. Newman asks if there is any impervious existing on lot that could be removed to offset the new impervious coverage...pervious pavers are discussed.

Mr. Angotti testifies no.

Board Member asks & clarifies if the calculations of the impervious have factored the new shed on property and why garage is not being used for second car.

Discussion continues...

Similar driveways in neighborhood...no problems with rainwater runoff on property.

No further questions from Board Members.

Mr. Newman opens to residents living with 200ft. of the Applicant, Seeing none,
Mr. Newman closes this portion.

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.
Mr. Blecher seconds the motion.

VOTE: Mr. Seibel, Mr. Blecher, Ms. Perchuk, Mr. Racenstein, Mr. Puzio,
& Mr. Newman, **YES.** Mr. Lowenstein, **NO.**

Motion Carries. 6-1
Application Approved.

2. Application #2014-02, Alex Lorenzo,
0-122 Tunbridge Road, Block 1210, Lot 17, Zone R-1-3
The existing side yard setback is 5.23' where 8' is required and 10.5' from the neighboring structure where 12' is required. Expansion of a non-conforming structure requires a D-2 variance as per Section 125-57.D (1) (d) [1] Ordinance 125-32.C. (4) permits expansion without variance provided requirements are met—the existing non-conforming side or front yard setbacks are not less than 50% of the required side yard or front yard setbacks, but is no closer than 12 feet to the existing dwelling on the adjoining property.

Mr. Newman swears in: Alex Lorenzo (Applicant)
0-122 Tunbridge Road
Fair Lawn, N.J.

Fees have been paid and there is proof of Service.

Mr. Lorenzo states he is here this evening to do some renovations to his home...

Turns over testimony to his Architect.

Mr. Newman swears in: Daniel D'Agostino (Architect)
26 E. Main Street
Little Falls, N.J.

Mr. Newman certifies Mr. D'Agostino as an Expert in the field of Architecture with no objections from the Board.

Mr. D'Agostino begins his testimony with review of the proposal on the Board Exhibit, explaining they are expanding an existing non-conforming. The main relief they are seeking is the side yard setback. There are a couple of conditions unique to Fair Lawn in his experience. Explains...refers to the Yes & No checklist...less than 50% of the required side or front yard setback and in no case being closer than 12ft...

Mr. D'Agostino moves to walk the Board through the Floor Plans. He would like to give the Board an idea of what is existing and what he thinks would be better suited for the house.

Speaks to the renderings to give the Board a sense of the Design aesthetic and the scale of what they are creating....

Mr. D'Agostino details the design for the Board...moves to the 2nd page of renderings. Existing and proposed Basement Plan. No additional square footage being added.

He turns the Board's attention to the 3rd page. 1st floor and roof plan. ..explains it is outdated in terms of the size and number of rooms. They propose to tear everything out from the exterior walls, inward and create an open floor plan. The entire roof will be removed...speaks to the next page which really shows what the proposal will be....1st floor/2nd floor/ roof.

Mr. D'Agostino discusses the materials to be used on the exterior of home...

They are reducing impervious coverage by eliminating a side yard stair path and door access. Refers to the last part of his presentation, a series of renderings of the before and after...

Turns testimony over to Mr. Lorenzo (Applicant) to speak to the recent undertakings and additions in his surrounding neighborhood, some of which are directly next door.

Mr. Lorenzo (Applicant) reviews the photos with the Board showing homes with similar additions in his neighborhood.

Mr. D'Agostino concludes his testimony by noting although they are making the house larger, it is not for real estate value, it is in order to make the house livable and make the necessary improvements to fit their lifestyle.

Discussion and questions from Board Members.

Mr. Newman clarifies with Ms. Peck the variance being requested.

No further questions from Board Members.

Mr. Newman opens to Residents within 200ft. of the Applicant for questions. Seeing none, Mr. Newman closes this portion.

Mr. Newman opens to Members of the General Public for questions or comments. Seeing none, Mr. Newman closes this portion and asks for a motion.

Mr. Lowenstein makes a motion to approve the application and Mr. Puzio seconds the motion.

VOTE: Mr. Seibel, Mr. Blecher, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein & Mr. Newman, **YES.**

Motion carries.

APPLICATION APPROVED.

Mr. Newman calls a 5 Minute Recess before hearing the Commercial application.

Mr. Newman calls the Meeting back to Order.

Roll Call: Mr. Seibel, Mr. Blecher, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein, & Mr. Newman, **Present.**

Commercial Business Carried January 26, 2015:

1. Application # 2014-27, FL Development, LLC
2-09 28th Street, Block 3308, Lot 27-31, R-1-3
Proposed subdivision requires approval as per Section 125-65.
A Proposed new Lot 31 will have lot area of 6000 sq ft where 6500sq ft is required as per Section 125-12 Schedule of area yard and building requirement.
D-4 FAR for 48% where 40% is permitted as per Section 125-57.D.(1)(d)[1]
Proposed Lot 27 would require a D-2 for the expansion of the existing two family dwelling which will remain and be renovated as per Section 125-57.D.(1)(d)[1]
Existing front yard setback of 21.7' where 25' is required. Impervious coverage of 42% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. D-4 for 64% where 40% is permitted as per Section 125-57.D (1)(d)[1]

Mr. Andrew Karas steps forward. (Attorney for the Applicant) reviews with the Board at the last hearing they basically covered the entire application, provided testimony from the Engineer and the Planner to support the application and the required standard of the application. It is a sub-division application.

Mr. Karas states they are back here at the request of the Board with Architectural plans in terms of the layout of the house as it pertains to the FAR.

Mr. Karas refers to a receipt of a report from the Board's Planner, dated February 3, 2015 and notes the only comment needed to be addressed is Pg. 4 in regards to the FAR.

Mr. Karas will call back his Engineer, to speak in regards to this and then will call the Architect to review the Architectural Plans with the Board.

Mr. Anthony Devizio, steps forward, (previously sworn) begins his testimony to address the comment on Pg. 4 of the Board's Planner Report regarding the FAR calculation.

Testimony & clarification on correct calculations of the basement height and explanation of the Garage being included as part of the basement and excluded from the FAR. Discusses the interpretation of the Code in reference to the FAR with the Garage being excluded.

Mr. Newman swears in Board Professionals:

Board Planner: Chas Holloway, (CME Associates) representing Jennifer Beahm.

Board Engineer: Paul Azzolina, Azzolina & Feury Engineering

Discussion on the interpretation of the Code.

Mr. Holloway (Board Planner) addresses the FAR issue and notes based on the testimony the Garage will have to be constricted to 400sf. in order to comply with the nature of the Ordinance.

Mr. DeVizio (Architect) agrees to make this adjustment to the plan.

Mr. Devizio recaps & reviews the rest of the report with the Board, addressing the main focal points, Tree mitigation, storm age pit added, curb cut adjusted to meet requirements...

Mr. Holloway has no further questions for this witness.

Mr. Seibel (Board Member) clarifies the Lot is 27.01. & the new lot would be 31.01. and the Garage amendment.

No further questions from Board Members.

Mr. Newman opens to Residents within 200ft. of the Applicant for questions. Seeing none, Mr. Newman closes this portion.

Mr. Newman opens to Members of the General Public for questions or comments. Seeing none, Mr. Newman closes this portion and calls for the next witness.

Mr. Karas (Applicant's Attorney) calls his next witness, Jeff Schlecht.

Mr. Newman swears in: Jeff Schlecht (Licensed Architect)
16 Allen Avenue
Glen Rock, N.J.

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

Direct Cross from Mr. Karas.

He is familiar with the application before the Board and prepared the Architectural plans.

Exhibit marked as A3-Architectural Plans,

Mr. Schlecht testifies their intent was to build a two story Single Family Home, Center Hall Colonial...walks the Board through the plans. Detailing 1st floor, 2nd floor, roof and deck, exterior and interior.

Mr. Schlecht testifies it fits into the neighborhood in character and is similar with existing residences being Center Hall Colonials.

No questions from Board Members.

No questions from Board Professionals.

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

Mr. Newman opens to Members of the General Public. Seeing none, Mr. Newman closes this portion.

Mr. Karas (Applicant's Attorney) refers to the Zoning Certification...to certify that the existing dwelling on Lot 27.01 is a two family residence. He previously submitted a Resolution that was passed by this Board back in 1971 which references the property as a two family residence....

Mr. Karas calls his client, Mr. Simonetti to testify on a Tax Bill recognizing the property as a two family.

Mr. Newman swears in: Mr. Paul Simonetti
4-07 Berdan Avenue
Fair Lawn, N.J.

Mr. Karas shows Mr. Simonetti a document which he would like him to identify.

Mr. Simonetti identifies the Document as a Tax bill and states the 2x's after the address reflects a Two Family Home according to the Tax office.

Marked as Exhibit A-4-Tax Bill for the property at issue.

Marked as Exhibit A-5-Correspondence dated October 7, 1971 by the Secretary of the Board to a Mrs. Ida Malone at 2-09 28th Street in Fair Lawn and attached is correspondence dated September 22, 1971 and a Resolution, whereby the Resolution reflects the property is a 2 family residence.

Mr. Rosenberg (Board Attorney) clarifies and discusses a letter from Mr. Karas dated, December 23, 2014 to Ms. Peck which included copies of the Resolution but also in the package he would note another letter dated September 27, 1971 which states the Tax Accesses' record indicates this is a 2 family house...

Discussion on history of home.....evidence is clear, this is a two family home.

Mr. Puzio (Board Vice Chairman) clarifies all setbacks are within the requirements...

Mr. Devizio (Applicant's Architect) reviews all zoning chart calculations and variances required with the Board.

Mr. Seibel (Board Member) questions & clarifies the impervious coverage.

Mr. Devizio explains they are over the requirement on impervious coverage mainly because of the widening the driveway which brings them into compliance with the parking requirement...

Discussion continues....

D-4 variance is discussed and amendment is made from 64% to 58% where 40% is permitted.

No further questions from Board Members.

Mr. Karas summarizes the application.

Mr. Azzolina (Board Engineer) testifies they did receive the revised Architectural Drawings. He did not prepare a written report but comments set forth in his report dated 12/19/14 have been addressed in full.

Mr. Newman asks for a motion.

Ms. Peck (Assistant Zoning Officer) reminds the Chairman there will have to be 2 motions. The first being for the Zoning Certification on the existing two family that will remain and the second motion will be made on the sub-division and the new construction of a one family.

Mr. Seibel makes a motion to approve the Zoning Certification stating this is a two family dwelling as stated in the minutes of 1971 and also the Assessor's Property Record Card indicating this as a legal two family dwelling and Mr. Racenstein seconds the motion.

VOTE: Mr. Seibel, Mr. Blecher, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein, Mr. Zharnest, & Mr. Newman, **YES.**

Motion carries.

Mr. Newman asks for a motion on the Sub Division.

Mr. Seibel makes a motion to approve the sub-division and new construction of a single family home on said lots and expansion of the existing two family dwelling on said lots with said amendment regarding garage.

Mr. Lowenstein seconds the motion.

VOTE: Mr. Seibel, Mr. Blecher, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein, Mr. Zharnest, & Mr. Newman, **YES.**

Motion Carries.

APPLICATION APPROVED.

Mr. Newman calls for a short Recess:

Let the record show Mr. Blecher (Board Member) was not feeling well and has left for the evening.

Roll Call: Mr. Seibel, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein, Mr. Zharnest, Mr. Naveh & Mr. Newman, **Present.**

Meeting is delayed for a short period. Board Traffic Engineer is running late.
Mr. Newman uses this time to do Order of Business.

Minutes:

Mr. Lowenstein makes a motion to approve the minutes as amended of November 20, 2014 and Mr. Racenstein seconds this motion.

VOTE: All Present – AYE

Mr. Seibel makes a motion to approve the minutes of November 24, 2014 and Mr. Racenstein seconds the motion.

VOTE: All Present – AYE

Mr. Rosenberg (Board Attorney) for the record has provided each of the Board Members a Memorandum that was asked for the Barrister Application prepared by him for the Board to review before the Special Meeting of February 26, 2015.

Discussion....

Mr. Newman calls another Recess.
Mr. Newman calls meeting back to Order.

Roll Call: Mr. Seibel, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein, Mr. Zharnest, Mr. Naveh & Mr. Newman, **Present.**

Let the record show, Mr. Kataryniak is now present.

Mr. Newman swears in all Board Professionals for this Application:

Peter Van Den Koo- Board Planner (New World Engineering)
Paul Azzolina- Board Engineer (Azzolina & Feury)
Mark Kataryniak-Board Traffic Engineer (French & Perrello Associates)

Commercial New Business:

1. Application #2015- 03, 12-04 Properties LLC/Rachko Medical, 12-04 Saddle River Road, Block 1609, Lot 2
1970 approved non-conforming use of a Medical building in an R-1-2.
Proposal to expand and use the existing attic space as general office use. Condition of prior approval was attic was to be used for storage only. D-2 variance required for expansion of a non-conforming use as per Section 125-57.D.(1)(d)[1].
Minor site plan approval required for changes to parking areas and site as per Section 125-65. Parking variance required for 24 spaces proposed and 20 spaces required as per Section 125-48A(2) Proposed new handi-cap ramp will in increase the impervious coverage from 37.2% to 41.9% where 35% is permitted and reduce the front yard setback on Berdan 25.2.' to 4' where 30' is required.

Fees have been paid and there is proof of Service.

Mr. Louis Mangano, of 395 River Drive, Elmwood Park, N.J. here on behalf of his client, Dr. Maurice Rachko. Gives a brief description of the history of the building. Speaks to the Resolution in 1970. The approval of building being converted into a Medical Building in a residential zone. Variance approved with condition: 2nd floor has to be used for storage only....

Discussion....

Marked into evidence as Exhibit A-1, Resolution in 1970.
(Mr. Newman reads the findings & facts of the Resolution)

Discussion & review regarding Resolution & Rider...nothing stating condition...

Mr. Newman swears in: Glenn Stubaus (Architect)
26-02 Broadway
Fair Lawn, N.J.

Mr. Stubaus speaks in reference to the conversation discussing the Rider.. He believes in similar questions before the Board that the discussions and testimony during hearings become part of the Resolution.....

Mr. Rosenberg (Board Attorney) agrees, stating it becomes part of the Record. Explains...
If the applicant in 1970 agreed the added space was to remain "as is" without change, it becomes part of the record of the proceedings.

Ms. Peck (Assistant Zoning Officer) also states the information is also in the minutes of June 1, 1970.

Discussion & review continues....

Mr. Mangano continues with the reason they are here tonight...D-2/Parking/ Impervious...
He will call the Experts to testify along with Dr. Rahko to speak to the operations...

Mr. Mangano concludes his testimony & calls Dr. Rahko forward.

Mr. Newman swears in: Dr. Maurice Rachko (Applicant)

Mr. Rachko explains he and his wife are both physicians, trying to re-locate into this area...
Saw the building, found out it was a Medical building and now he is trying to bring the existing old building up to new standards....explains he would like to comply with the ADA codes for he & his wife's patients.... He would like to use the attic for professional use; accounting, etc...

He & his wife are both Specialists, not Primary Care Physicians who see 4-5 patients every 5 minutes....on average, they have one patient per hour...

Dr. Rachko speaks to the Operations: 1 Physician, one Assistant and maybe 2-3 people per level.

His wife practices two days per week, from 9-12pm in Paramus currently and if they relocate, he does not expect it to be busy 6-7 days per week. He currently still holds a position in New York so either he will relocate and work with her on a different level or find a Cardiologist to occupy the offices they do have...

Standard Operation proposed would be; 9am-4pm (Lunch 12-1) & 3-4 half days in a week; 9-12: pm 3-5 patients during morning hours and 3-5 patients in the afternoon per 1 level depending on the procedures that are sometimes done.

Mr. Newman (Chairman) questions what type of procedures is he speaking of?

Dr. Rachko testifies being he is a Cardiologist, an Echo-Cardiogram may be done but no invasive procedures would be done. As far as his wife doing procedures, it may be Ultra-Sound for Thyroid or checking sugar, etc...

Mr. Puzio (Vice-Chairman) would like clarification of the proposed use for the Attic.....

Discussion...

Dr. Rachko testifies he would use the attic space for his Accountant's use or rent out the space on the top floor, maybe for another Medical use...

Mr. Rosenberg (Attorney) clarifies; the request is to expand the D-2 variance to allow a Professional Office....questions the medical portion?

Discussion...

Mr. Mangano (Attorney) explains Dr. Rachko is giving examples of things that could happen...

Discussion continues...

Ms. Peck (Assistant Zoning Officer) explains to Dr. Rachko & Mr. Mangano the parking calculation were based on the attic being used just as a general office because if he were to use it for a Medical use, the parking variance would change...

Dr. Rachko & Mr. Mangano concur. No medical, just general office as advertised.

Board Members....question the 3rd level having separate meters? Electric, Gas, Central Air and Private entrance? Does he plan to rent this portion out? Will there be Nucleus Stress Tests?

Dr. Rachko answers both questions...

The Board Traffic Engineer, Mark Kataryniak questions how many employees in total.

The Medical Offices on each floor would have a Physician, an Assistant & a Nurse for each floor and up to two (2) in the Tenant Area (attic) Safe assumption would be 6-8 Employees all day eventually.

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

Mr. Newman closes this portion.

Mr. Mangano (Attorney for the Applicant) calls his next witness...

Mr. Glenn Stubaus (Applicant's Architect) previously sworn steps forward.

Drawing is entered into evidence and marked as Exhibit A-2

Mr. Stubaus gives a history of the building. In 1970 a variance was granted to use first two levels, the lower level basement and the first floor as a Medical use and the attic area was to remain as storage...explains the Site to Board Members and the proposal planned.

Existing building is currently under renovations with building permits and because it was an existing Medical use, the permits were granted. Mostly the exam rooms are staying the same....

Mr. Stubaus continues with his explanation of the alterations to the building...ADA ramps, etc.. Moves to the description of what the attic would look like after renovations are done...

Mr. Stubaus speaks to the parking spaces and feels the parking spaces are sufficient. Explains...

No Questions from the Board Professionals at this time.

Questions from Board Members: Materials used for ramps? Height of ramps? Separate Gas Meters? Height of Attic? Exit? Sprinkler System or Smoke Alarm? Exterior changes? Reason for the increase of impervious coverage?

The Board Engineer, Paul Azzolina clarifies the modifications to the Floor area at the lower level.

Mr. Stubaus addresses all questions.

No further questions from Board Members or Board Professionals for Mr. Stubaus.
No questions from Members of the Public. Seeing none,
Mr. Newman closes this portion.

Mr. Mangano calls his next witness:

Mr. Newman swears in: Bruce Rigg (Engineer)
1000 Maple Ave
Glen Rock, N.J.

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

Mr. Rigg begins his testimony referencing his Site Plan-
Exhibit marked as A-3. 3 Sheets titled minor site plan dated February 5, 2015

Testimony begins describing proposal....reiterates prior testimony heard regarding the main change which is outside upgrading the access barriers making it ADA compliant. Modifying the parking lots closer to the standards of the Fair Lawn....speaks to setbacks...building coverage, impervious, etc.

Mr. Rigg notes there may be some modifications yet to the impervious and may have to up this a little to comply with some of the Board Professional's request for compliance and some other modifications to meet some of the requirements they are missing.

Testimony continues...Refuse area is discussed, modifications will be made to comply so a variance will not be necessary. Loading space is discussed...discussion regarding changes...review of all Board Professionals comments....

Parking spaces are reviewed. Modifications allowing more spaces to be created by moving the refuse area...Modifications will bring impervious up from 41.4% to 42.5%...

Testimony on bumper curbs proposed. All sidewalks will be replaced where necessary and the entire parking lot will be repaved. All spaces will be striped. A dry well will be installed. The existing roof drain is now run overland, modifications will be made so the system will take all of the roof drainage. New landscaping will be added.

Discussion on location of landscaping of both areas, on Berdan & Saddle River Road.

Board Questions begin. Signage is reviewed. Dry well is discussed. Trash bin location is reviewed and clarified. Street parking is discussed.

Board Traffic Professional. Mark Kataryniak questions the portion of the parking lot that is encroaching the right of way and the proposed plan. Concerns with the parking spaces along the edge. He recommends striping set back a foot or so to preserve edge of pavement.

Mr. Rigg agrees to this change.

Board Engineer, Paul Azzolina makes a clarification on his recommendation of the sidewalk being widened due to the overhang of the vehicles. Based on the testimony offered, concrete wheel stops will be provided, additional sidewalk may not be required....

Based on testimony given, the majority of the comments set forth in his report have been covered. Mr. Azzolina reviews the ramp and the code requirements...

Board Planner, Peter Van Den Kooy clarifies the refuse area and impervious coverage increase... Height of the fence is questioned. Mr. Rigg notes this is not their fence, it is the neighbors.

Clarification on the signage and the landscaping surrounding area.

Mark Kataryniak recommends extending the sidewalk on the easterly side of the parking lot where the trash enclosure will now be located...a 4ft. walkway to access the trash enclosure...Mr. Rigg agrees.

Discussion....

No further questions from Board Members or Board Professionals.

No questions from the General Public. Mr. Newman closes this portion.

Mr. Mangano (Applicant's Attorney) would like to bring Mr. Stubaus (Architect) back up to discuss Lighting.

Mr. Newman would like the record to show Mr. Racenstein has left the hearing for a moment.

Mr. Stubaus (Architect) steps forward and reviews the Lighting plan....A Light pole in the ramping area and parking lot area will be illuminated.....details the plan.

Mr. Azzolina (Board Engineer) comments the Lighting plan appears to be adequate, although the heights and foundations, etc...need to be added to the plan.

Mr. Stubaus agrees.

No questions.

Mr. Mangano calls his last witness.

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

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

Ms. Gregory hands out a Photo Exhibit to Board Members. An 11x17 Photograph Exhibit prepared by her, entitled existing conditions and surrounding neighborhood characteristics of the location.

Marked as Exhibit A-4

Ms. Gregory begins her testimony and review of the photographs for the Board....
Reviews the site, existing building, etc.

Speaks to the expansion of the non-conforming use. Special reasons are discussed...utilizing existing area, etc...positive and negative criteria is reviewed. Municipal Land Use Law is reviewed....

Lot coverage is reviewed....does not feel the increase in impervious is going to impact the neighbors. Landscaping will soften the impact...loading area is reviewed, parking is reviewed. Speaks to the amount of patients, noting the client is a Specialist, not a General Doctor where there could be 6 persons waiting and patients in the back rooms.

Ms. Gregory reviews the amount of employees per floor...hours of operation. Attic space. The site will accommodate uses at the site and parking variance could be granted. Street parking is available.

Positive & Negative criteria is referenced and discussed...

Ms. Gregory believes they meet both the positive and negative criteria.

Board Planner, Peter Van Den Kooy feels both positive and negative criteria have been accurately addressed and does not have any questions for this witness.

No questions from Board Members or Board Professionals.
No questions from the General Public. Mr. Newman closes this portion.

Mr. Mangano (Attorney for the Applicant) summarizes the application.

Mr. Newman asks for a motion.

Mr. Lowenstein motions to approve the application with amendments & conditions and Mr. Puzio seconds the motion.

Ms. Peck (Assistant Zoning Officer) makes notes Mr. Racenstein left the room during testimony so he is not eligible to vote. Both Mr. Navah and Mr. Zharnest will be voting.

VOTE: Mr. Seibel, Mr. Lowenstein, Ms. Perchuk, Mr. Puzio, Mr. Naveh, Mr. Zharnest
& Mr. Newman, **YES.**

Motion carries.

Application Approved.

Discussion amongst Board Members and Ms. Peck regarding the applications of PSE&G to be heard in March. Conflicts with our Board's Professionals scheduling so she would need approval on two Professionals who will be hearing the PSE&G Applications other than our Board Professionals. Resumes are discussed...fees, etc...

Mr. Newman asks for a motion.

Mr. Seibel makes a motion to accept the Professionals and Mr. Racenstein seconds the motion.
All Present: AYE

Adjourn:

Mr. Lowenstein makes a motion to adjourn and Mr. Racenstein seconds the motion.

All Present: AYE
Time: 10:30p.m.

Respectfully submitted,

Cathy F. Bozza
Assistant to Zoning