

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Special Meeting
Of June 14, 2010**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Special meeting held on June 14, **2010**

Chairman Todd Newman called the regular meeting to order at 7:20 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present: Mr. Karas, Mr. Lowenstein, Mr. Puzio, Ms. Spindel,
Mr. Meer & Mr. Newman

Absent: Mr. Diner, Mr. Frankel, Mr. Sacchinelli, Mr. Blecher
& Ms. Taylor

Also in attendance were William Soukas, Board Attorney; Karen Kocsis, Court Reporter; and Cathy Bozza, Zoning Board Secretary.

Commercial Old Business:

1. Application#09-038, **18-35 River Road, LLC.**
18-35 River Road, Block 5834, Lots 1, 3&4, Zone I-2
Preliminary and final site plan approval for development. Retail/Commercial uses and a 64unit residential garden apartment building. Sign variances 125-41.B.(3) (b)125-41.B.(40(40(b) 125-41.C.(3) and waivers.

Mr. Newman opens the meeting & turns it over to Mr. Stuart Liebman, Attorney for the Applicant.

Mr. Liebman begins by explaining to the Board that they thought they had an agreement. His client is here this evening with all witnesses here. His client had a final form of an agreement that they thought would be signed right here, tonight by the neighbors, the Rivera's property. My client just received a call saying that they will not be coming and will not sign the agreement. One of the two principles is in agreement and one is not. Based on that slim hope, we ask that you carry us to the next regularly scheduled meeting, not another Special Meeting.

Mr. Liebman takes a moment to let us know that his applicant would like to thank the Board for every accommodation they have made. The board & the staff have been much more than reasonable. We are very grateful.

Mr. Liebman continues to state that last week he had communicated with the Board and explained that he thought he had an agreement, even up to tonight. It is very possible that he will be contacting the Board in the next day or two to withdraw the application. It appears most likely that will happen. He does not want to do that just yet, though.

He explains he has not had a chance to sit down with Rivera's with his client and see if they could come to an agreement.

The Board has invested a lot of time and my Applicant has invested a lot in this application, so we are trying very hard because we believe it is something very good for the Community and for the area.

Mr. Newman speaks on behalf of the Board and states that they agree. It looks like it will be something very good for the Community and we hope that it will not die. We, the Board also appreciate all your Professionals coming out this evening again and we will carry you to the next regular meeting of June 21, 2010.

Discussion....

Mr. Liebman states he will keep the Board informed as to the status of the application prior to the meeting of June 21, 2010.

Ms. Spindel asks Mr. Liebman what exactly is the problem that is holding up the agreement with Rivera's.

Mr. Liebman wishes he knew because then they would address the issue. There seems to be a discomfort, for lack of a better term with the owners of the property next door to exactly what will happen. What the future of the property is. They would like to see in Black & White what the County is going to do and what the Board is going to do before it happens. I have been doing this a long time and have never been able to produce that kind of information.

Mr. Liebman continues.....

Financial Considerations were being asked for and agreed to.
We are giving them 28 parking spaces instead of what was first agreed to....dedicated completely to them to replace what may happen.

In fairness to them, they like status quos....for a long time, they have resisted a level of change that the County has asked them to cooperate with in Road widening.

There are a lot of little pieces that we think we have in place, we are building new dumpsters, building new steps, refinishing the back of the building, providing new parking spaces, providing money, repaving & restriping the entire lot....we are trying to make it clear what it will look like along River Road. All we can do is draw a picture.

I think they(Rivera's) are nervous about what might happen if the Board or the County says: Let's move another foot. They will not sign until it is all done.

It has been very frustrating....I don't know exactly what the sticking point is.

Mr. Newman asks if there are any other questions or comments from Board Members.

Mr. Liebman thanks the Board Members.

Mr. Newman announces that the Application 09-038, 18-35 River Road, LLC. will be carried to June 21, 2010 Regular Meeting.

Mr. Liebman would like to put on the record the consent to an extension of time to carry to that date.

Mr. Newman thanks Mr. Liebman.

Adjourn

Mr. Karas made a motion to adjourn this meeting and Mr. Puzio seconded the motion.

TIME: 7:45 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk