

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Of July 19, 2010**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on July 19, 2010.

Chairman Todd Newman called the regular meeting to order at 7:35 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel, Mr. Sacchinelli, Mr. Meer & Mr. Newman

Absent: Ms. Spindel, Mr. Blecher & Ms. Taylor

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

Board Professionals: Paul Azzolina, (Engineer) & Peter Van Den Kooy(Planner)

Mr. Newman opens the meeting announcing the **Application of Camacho**, 7-02 Park Ave, will not be heard tonight and will be scheduled for a different date because of a deficient notice on the application. Residents will get new notice on the application.

Mr. Newman announces that **Application#10-034, Edward Guy**, 28-10 Southern Drive, will be carried to the August 16, 2010 meeting.

Mr. Newman also adds; **Commercial Application#09-038, 18-35 River Road, LLC**. will be carried to a Special Meeting scheduled for August 2, 2010.

New Residential:

1. Application#10-030, Andrzej & Jolanta Czajkowski
24-08 Watkins Avenue, Block 3319, Lot 48, Zone R-1-3
Proposed addition would increase the building coverage from 24% to 27.9% where 25% is permitted. Would maintain the existing side yard setbacks of 5.83 and 6.03' where 8' is required as per Section 125-12 Schedule of area yard and building requirement.

Mr. Newman swears: in Mr. Christopher Rodriquez, Architect to the Applicant from Carl Mecky, 22-08 Route 208, Fair Lawn, N.J.

Mr. Andrzej Czajkowski, Applicant who resides at 24-08 Watkins Ave, Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Mecky proceeds to explain that they are here tonight for a small addition to the back of the residence. There are two variances being sought. One is for the existing side yard that is less than 8ft. where 8ft. is required. It is a pre-existing condition that we did not create.

The addition that is proposed is not within this setback line.

The second variance is for an increase in building coverage from 25% to 27.9%. The lot is undersized by 20% and proves the hardship for what we are proposing.

Mr. Mecky explains the addition is a small family room at the rear of the house.

Mr. Mecky continues.....we are looking to modernize the house by having a kitchen/eat in/family room that is within one continuous space. Have the family room in back of the house with access to the rear yard. It is a single story addition, with a shed roof and does not affect light, air, or create a negative impact to any surrounding properties.

Mr. Newman begins questioning Mr. Mecky on the proposal...

Mr. Newman asks if Board Members have any questions.

Mr. Lowenstein asks if there were any thoughts to removing some of the pavers that exist at the front of the home...

Mr. Newman interjects and states there is not an impervious coverage variance being sought....

Mr. Lowenstein acknowledges this and states that the home is a very lovely home, however notes when he was at the home he noticed when you faced the home on the left hand side, there is a walkway that skirts around, a platform step....describes in details...and suggests for aesthetic purposes, if you would think about removing some of the pavers and putting some grass....

Discussion.....

Questioning continues from Board Members.

Mr. Newman opens the applicant to residents living within 200ft. for questions or comments, seeing none.

Mr. Newman closes this portion

Mr. Newman opens the applicant up to the general public for questions or comments, seeing none,

Mr. Newman closes this portion.

Mr. Mecky summarizes the application.

Mr. Karas makes the 1st motion to approve the application
Mr. Lowenstein seconds the motion

VOTE: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel,
Mr. Meer & Mr. Newman, YES.

Application Approved.

2. Application#10-031, Steven & Katherine Kwait
0-101 Whitehall Street, Block 3226.01, Lot 32, Zone R-1-3
Proposed one story addition and new patio would increase the building coverage to 33% where 25% is permitted. Would increase the impervious coverage to 38% where 35% is permitted. Would have a front yard setback of 9.5' & 14.29' where 25' is required as per Section 125-12 Schedule of area yard & building requirement.

Mr. Newman swears in: Mr. Steven Kwait, Applicant

Fees have been paid and there is proof of service.

Mr. Kwait explains he is here tonight for permission from the Board to add an 8x10 bathroom on to the main level of his home and to create continuity on to the back level of his home he would like to extend and add a 10x16 1/2ft. patio which would even out the back of the house as opposed to having just a small out jut for the bathroom alone.

Mr. Kwait states he has an undersized lot....

Questions on the proposed plan...

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

Mr. Karas asks what materials are to be used on the proposed patio..

Mr. Kwait explains it will be a covered patio with poured concrete and the roof will be asphalt and shingles, common frame and held up by posts.

Questions continue....

Mr. Newman asks if there are any plans in the future to turn this portion of patio into living space.

Mr. Kwait states now at this time, but maybe in the future.

Mr. Newman clarifies with Ms. Peck (Asst. Zoning Officer) that approval tonight would not prohibit him from turning this into living space anytime he wanted.

Ms. Peck states correct.

Mr. Karas questions Ms. Peck, that if in the future he does decide to enclose this patio, he would need building permits for the enclosure...

Ms. Peck states he would need building permits but not a variance...because there is no change in building coverage...but what about FAR?

Ms. Peck agrees and states yes & because of that, it would....

Mr. Newman explains this to Mr. Kwait that if in the future he was to enclose this portion of the patio, based on the Floor Area Ratio, you could end up before this Board again if the calculations put you over the FAR

Mr. Kwait appreciates the information.

Questions from the Board continue...

Mr. Lowenstein comments on some portions of Mr. Kwait property & states that although he is inclined to vote to approve, he would like Mr. Kwait to make an effort to conform to the maximum impervious coverage allowed....offers suggestions...

Discussion continues.....

Ms. Peck (Asst. Zoning officer) interjects and notes that all the pavers are not included in the calculations & the walkways that go to the garage & back. The architect did not include that in the plan, so it wasn't included in the impervious calculations...

Discussion on pavers.....

Mr. Kwait offers to lift anything that needs to be done, except the walkways, which would have to stay...

Mr. Newman states that there are only two choices here, lift everything up that is shown or come back with the right calculations and we can make a decision based on the correct

calculations. We cannot ask for a decision on impervious coverage calculations that are not correct.

Mr. Kwait states to get the approval tonight; he would be willing to lift up everything.

Discussion.....

Mr. Karas is questioning Mr. Kwait on one picture, Labeled Rear; 0-101 Whitehall Street. It is Garden Tent.

Discussion....

Mr. Newman wants to state on record what impervious coverage is not shown on this application and what will be removed.

Mr. Kwait is in agreement with the Board, that in order to move forward tonight, he is willing to have the Board vote on the application that will require him to **remove** any Impervious Coverage that is not shown on the plans here this evening.

This coverage includes; 1. A rectangular walks, approximately 2ft. wide that goes around the backyard.
2. A walk from the backdoor to the driveway and a walk from the backdoor to the street.

Discussion.....

Mr. Newman opens the applicant to residents within 200ft. Seeing none, Mr. Newman closes this portion.

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

Mr. Meer makes 1st. motion to approve the application with the amendment that the applicant is to remove all impervious coverage not shown on the plan.

Mr. Karas would like to make a suggestion, or a modification. When saying patio, may I suggest covered patio. Mr. Meer agreed.

Mr. Karas makes second motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel, Mr. Meer & Mr. Newman, **YES.**

Application Approved.

3. Application#10-032, Joseph & Theresa Thompson
38-38 Vanore Drive, Block 2517, Lot 7, Zone R-1-2
Proposed second story deck would have deck coverage of 7.7% where 5% is permitted as per Section 125-12 Schedule of area yard and building requirement.

Mr. Newman swears in: Theresa Thompson, 38-38 Vanore Drive, (Applicant)
Joseph Donato, (Licensed Architect in the State of New Jersey)
14 Route 4 West, River Edge, N.J.

Fees have been paid and there is proof of service.

Mr. Newman accepts Mr. Donato as an Expert Witness.

Mr. Donato begins his testimony explaining that the house is a single family home that just went under renovations for an add-a-level which has been completed & inspected & approved since with permits.

One of the aspects that the owner wanted was a deck on the second floor.

Mr. Donato explains the property is undersized. 55x100ft. 2000sf less than the requirement of 7500...

It is located between two open spaces. One being to the rear, it is an open ball field belonging to the school and directly to the left, is an open pedestrian walkway....this is where we are proposing to do a 12x15ft. Open deck. ...

Mr. Donato continues

With the addition, there is a permit for an 8x12ft. Deck which is within the deck coverage..

No increase in Building Coverage and no increase in impervious coverage.

We are increasing the allowable deck coverage from 5% to 7.7%.....reason being, this open deck will connect to an existing deck on the first floor. With the deck and the stairs and the existing deck, it increases to 7.7%.

Discussion.....

Mr. Karas questions Mr. Donato on the proposal which states; Removal of existing deck, What exactly does that mean?

Mr. Donato explains in order to get the permits that were applied for on the addition, we had to remove part of the existing decks that were already in the backyard. Explains it is not part of this application....prior to this, all the existing decks were removed.

The only deck existing is the one in the rear of the property.

Mr. Karas questions the necessary of the second story deck.

Mr. Donato explains this.....

No further questions from Mr. Karas.

Mr. Lowenstein questions the impact on the surrounding trees?

Mr. Sacchinelli questions the deck size and the necessary of such a large deck.

Mr. Newman asks Mr. Donato if it is possible to do a deck that would be structurally sound, including the staircase to the lower deck and keep it under 375sf. total.

Mr. Donato states it is doable. It would be a roughly a12x12 deck, he would ask Mrs. Thompson.

Mr. Newman would be interested to see if the applicant would agree to that.

Discussion continues....

Mr. Donato understands completely and his client will agree to this in order to get the approval.

Decrease will be 48sf....

Mr. Donato explains that he will do 3ft. wide stairs instead of 4ft. so that the deck can be larger....so the total deck coverage would be 375sf.

Discussion.....

Mr. Newman clarifies amendment to be made on approval of the application.

Mr. Newman opens the application to residents within 200ft. seeing none.
Mr. Newman closes this portion.

Mr. Newman opens the application to the General public, seeing none.
Mr. Newman closes this portion.

Mr. Diner makes 1st. motion to approve the application. Would have total deck coverage of 6.81 where 5% is permitted.

Mr. Newman would like to amend approval to include the total deck coverage cannot exceed 375sf.

Mr. Diner makes motion to approve amendment.

Mr. Frankel seconds the motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel, Mr. Meer & Mr. Newman. **YES.**

Application Approved.

4. Application#10-033, Benjamin & Sarah Keren
0-61 27th Street, Block 3211, Lot 31, Zone R-1-3
Proposed 2nd story addition would maintain the existing side yard setback of 9.76' where 10' is required. The removal of impervious coverage would reduce the existing impervious coverage of 73.17% to 52.34% where 35% is permitted as per Section 125-12 Schedule of area yard & building requirement.

Mr. Newman swears in: Sarah Keren, 0-61 27th Street, (Applicant)
Benjamin Keren, 0-61 27th Street (Applicant)

Fees have been paid and there is proof of service.

Mr. Keren begins his testimony and explains they are requesting a two story addition to the rear of the house. It will be a kitchen on the bottom and a bedroom on top. The extension is well within the building coverage allowed. We have two issues with the house, one being the side yard setback. It is a few inches shy of what is allowed, the other problem is we have a lot of impervious coverage on the lot.

Mr. Keren states he is reducing it quite a bit and will plant grass and start to plant trees. He is bringing the impervious down to 52.34% from 73.17%

Discussion on the proposal.....questions regarding the survey that shows quite a bit of impervious coverage on the property. How it was obtained.

The survey was done in 1923 & recertified to the Kerens in 2003. All concrete was existing. Pool was existing....bought with all the Impervious coverage as shown on survey.

Discussion continues on areas that will be removed & suggestions offered in order to reduce even more impervious coverage.

Mr. Keren is willing to remove more than planned and will agree to remove the concrete between the garage and the addition if he has to. He can put stones or grass...

Discussion continues.....
Concerns addressed.

Mr. Newman opens the application to residents within 200ft.

Mr. Newman swears in: Alfred Brunetti
0-40 27th Street, Fair Lawn

Mr. Brunetti begins his comments by stating he built a Bi-Level in 1973 and has lived here for 37years. He has a concern with the density that is happening within the area. He has seen a lot change over the years. He lives across the street and on the whole street, there are (3) two family houses. One of them you would never know it was a two family.

I see what is happening. People are outgrowing their houses, they make them bigger and then they leave them and use them as an investment.....

Mr. Brunetti continues.....He asks the Board to give that some consideration, and if this house is going to become a bigger house, then become a two family house.....two family houses put a burden on the area with parking and everything....please consider this. I wish the family luck, the house looks to be a beautiful home in the plans, but I am also concerned for down the road with the density.

Mr. Newman wishes to respond to Mr. Brunetti's concern and states that this Board and the Borough hear his concerns very clearly and have made great considerations to do the best that they can do to not overbuild the small lots that we do have in town...

Mr. Newman explains to Mr. Brunetti the reason behind the FAR, which goes to great lengths to attempt to control the size and the mass of structures that go up. This particular home is on a big lot therefore it does not require any zoning relief or variance in building coverage in FAR.

He explains that his concerns, as valid as they may be, generally speaking in town, are not actually concerns in this particular application. They fall well within the guidelines.

The town went to great lengths to regulate the FAR. The concerns about two families which shouldn't be two families are also a valid concern, but the size of a home does not dictate whether it could be a two family or not. The zone dictates that along with variance relief....

Mr. Newman continues.....

Mr. Brunetti appreciates Mr. Newman explanation of all told, but just wanted to show a different view point from a resident side.

Mr. Newman opens applicant to residents with 200ft. seeing none,
Mr. Newman closes this portion.

Mr. Newman opens to the General Public. seeing none.
Mr. Newman closes this portion.

Mr. Karas makes 1st. motion to approve the application.
Mr. Puzio makes 2nd motion to approve.

VOTE: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel,
Mr.Meer & Mr.Newman. **YES.**

Application Approved.

RECESS: 5min.

ROLL CALL: Mr. Diner, Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Frankel,
Mr. Sacchinelli, Mr. Meer & Mr. Newman.

Commercial Business Carried:

Let the record show that Mr. Sy Karas has recused himself from this application.

1. Application #10-035, 18-19 River Road, LLC. (Leone Construction, Inc.)
18-19 River Road, Block 5834, Lot 6, Zone I-2
Outdoor storage is not permitted in the I-2 Zone. Proposal to store vehicles,
equipment & materials in the rear parking lot outside related to business as per
Section 125-28C.

Mr. Andrew Karas (Attorney) on behalf of his client, 18-19 River Road, LLC.

Fees have been paid and there is proof of service.

Mr. Karas begins with a brief background of the application. 18-19 River Road, LLC is a contract purchaser of the property at 18-19 River Road & Caroline....the property has been vacant for approximately two years and sat un-utilized. His client is affiliated with Leone Construction. Leone Construction & 18-19 River Road, LLC had the same principles....

They are a construction company but their focus is limited to the installation of cell phone towers and utilities....what they would use a portion of the property for is in connection with the Construction site...

Mr. Karas continues....

What they intend to do is to store equipment in the rear of the property.....the type of equipment would be reels of wire, utilized for the business and also cabinets, cellular cabinets or storage cabinets....

There are a number of vehicles that his client also intends to park overnight on site that is utilized with the operation of his business....

Speaks to the Ordinance and how it does not permit overnight parking of vehicles and/or outdoor storage on the property, he is here before the Board for a D-variance to allow the property to be utilized with the outdoor storage and overnight vehicles...

Mr. Karas speaks to 3 witnesses he will be presenting tonight and also wants to bring attention to the Board that he is only presenting 1 half of a bi-ficated application. This application requires, #1, A Use variance & a D-variance but we will be before the Board for #2, A Site Plan Approval.

Tonight the only thing they are seeking approval for is a D-variance. In the event we do get approval for the D-variance, we will come back for a Site Plan application.

Mr. Karas calls his 1st. witness:

Mr. Newman swears in: Anthony Leone
99 Franklyn Street
Elmwood Park, N.J.

Mr. Karas begins his questioning asking what Mr. Leone affiliation is with 18-19 River Road, LLC.

Mr. Leone answers that he is buying the property through 18-19 River Road, LLC. I am a member of the company.

Mr. Leone testifies that he has the authority as manager to testify on behalf of this company.

Mr. Leone states he is the Treasurer of the Company, Leone Construction which is a company that installs Cellular antennas throughout N.J.

He is here as a Contract purchaser for this property.

Mr. Leone describes the business. He has contracts with all the Cellular companies, Verizon, Metro, T-Mobile. They contact his business to install all their cell antennas at sites throughout New Jersey. They purchase all the cabinets, antennas, cabling...deliver to our warehouse and we deliver to it to where ever the site is.

His business location is 358 Midland Avenue, Garfield, N.J. and is looking to move the business to a bigger space. He has been in the construction business for 30years.

Mr. Leone continues with detailing the nature of the business, hours of operations, number of employees....

Equipment looking to store outdoors at the site:

He is looking to store cabling from the cellular companies. Approximately, 15-40 spools of cables at a time, in addition to that cabinets that go along with each site, around 7x5ft. wide. 10-30 cabinets at a time....

We plan to install a privacy fence so no one could see what we have back there.

Proposed Vehicles to park outdoors in the rear of the property:

Pickup trucks, Dump Trucks, Excavators, Bob-cats, Roll off Container truck (40ft. long)
It would be the largest vehicle stored.

Mr. Leone continues.....

3-5 Deliveries a month, 95% of the vehicles are Box Trucks and a few Tractor Trailers (once a month)

Testimony continues.

Mr. Leone states he will not be using all the office space available and at a later time if he had tenants, he would come before the appropriate board if he were to lease to a tenant.

Mr. Karas completes his questioning.

Questioning from Board Members begins...

Mr. Puzio asks about the unused space inside the building and if that in fact can be used for storage...

Mr. Karas states that is the office part of the building and it is the way the building is designed right now.

Total number of vehicles is discussed.

Mr. Sacchinelli wants to know if maintenance for the trucks is going to be done on site.

Mr. Leone testifies to the fact that a mechanic comes to the yard and fixes the vehicles on site, unless it is a big project that cannot be fixed on site, they take it to him.

Oil changes are done on site. Transmissions are not.

Cell Phone cabinets are discussed and the amount of cabinets.

Reels of cables are discussed.

Discussion continues...

Emergency calls are discussed....normal hours are from 8-6pm...

Mr. Leone testifies maybe 6x a year....not often.

Mr. Sacchinelli has concerns with trucks that size and maintenance being done on the site. Oil changes, getting rid of the oil and tires, etc...

Mr. Karas states his client would not have a problem with having that as a condition, that all maintenance be done off site.

Questions & concerns continue.....

Mr. Puzio has concerns with the amount of cable reels being stored....

Mr. Leone answers his concerns....

Access for Emergency Vehicles is addressed.....

Mr. Diner questions the proposed two story building and what the use will be.

Mr. Karas explains that it is to be utilized for the Excavator and some of the larger equipment. They will be moving that building, in light of the Engineer report we got from the Borough. That building is going to be moved 50ft. away from the edge of the brook.

Mr. Karas will have testimony concerning that from the Engineer....

Mr. Newman questions if the size of this property prohibits him building a structure that can keep all of this stuff inside, does it?

Mr. Leone states that it would take away from the parking spaces, he believes.

Mr. Newman states the amount of employees were 6?

Mr. Karas reminds him that he is only taking a part of the Office Space and if he wants to utilize the remainder of the space so that it is not vacant, he needs required parking...

Discussion continues on this matter.....

Mr. Newman asks the general public if there are any questions for this witness, seeing none.

Mr. Newman closes this portion.

Mr. Karas call his next witness:

Mr. Newman swears in: Mr. Matthew Fox (Canger Engineering Associates)
6-20 Plaza Road
Fair Lawn, N.J.

Mr. Fox has been certified & accepted as an Expert Witness before this Board.

Mr. Fox begins his testimony and begins with explaining that Mr. Leone had come to his office and asked him to prepare a set of plans to submit to the Board in relation to the application being reviewed this evening. We prepared a set of plans entitled "Minor Site Plan" dated May 24, 2010-(5) five sheets are consisting in the set....

Plans show the Proposed Improvements, a variance map, a key map showing location of properties...landscaping plans, etc.....Wrought Iron fence along river road...lightening plan.

Mr. Fox continues....

Topography is shown & discussed....

4211sf office space/4511sf if storage & warehouse.

Mr. Fox discusses required parking spaces based on size of the rooms located within the building. Currently, there are 83 existing parking spaces on site.

Testimony continues....

Parking has been reduced to 66 parking spaces.

Mr. Fox continues with the description of the proposed site, speaking of the area where the construction materials will be located and the attempt to screen & buffer the area from adjoining properties....

Henderson Brook is discussed.....
Fencing is discussed...

The Birdsall Report is discussed....

Existing Loading Dock is discussed...the applicant has indicated that he does have the ability to control the number of trailers on the site, if there is any problem with maneuverability within the site, the applicant can specify that tractor trailers not be brought to the site.

Mr. Fox feels that the aisle widths are more than adequate and foresees no issues. Speaks to Emergency vehicles and sees no issues. Wide parking lot, fully paved.

Mr. Newman has concerns with the visual aspects discussed. The rear of the property would not be seen from River Road.

Explains.....

Mr. Fox states they have proposed a 6ft. privacy fence...

Discussion continues..... A number of issues are addressed.

Mr. Karas & Mr. Newman discuss the newly approved development of Retail/Commercial and residential apartments adjacent to the property that may adversely affect the residents in this new development who look out their windows and all its big trucks, etc... also, the additional vehicles going on and off the site at different hours and how it would intensify and affect the area.

Questions continue from the Board.

Mr. Sacchinelli has concerns of the amount of storage in the rear of the building overnight when all vehicles are parked and the maneuverability of Emergency vehicles during an emergency.

Mr. Fox clarifies for Mr. Sacchinelli that Mr. Leone was adamant about being able to maintain an open area in the rear of the building for the ability to move the equipment around...

Mr. Karas agrees if necessary to stripe an area.

Mr. Newman questions if the Fire Department had been to the site yet.

It is noted that all applications are sent to the appropriate departments as part of the procedure every month. The only report received was from the DPW.

Discussion continues....

Mr. Newman states that not only should there be striping, but that the striping should be dictated by the Fire Department.

Mr. Fox reviews and notes that he can provide a 24ft. aisle for circulation around the painted area and it still would leave him a substantial area for storage.

Mr. Karas states it will all be part of the site plan that will be submitted at a later date.

Mr. Karas notes to the Board that the River Road Improvement(Don Smartt) had called and approved of this application.

Questions continue from the Board....

Mr. Frankel questions the locked fence, discussion continues on how Emergency Vehicles can enter...

Mr. Fox addresses this concern, explaining how there is a mechanism where a key is stored on site, so if an emergency vehicle must enter the site, they can access the key and enter without a problem.

Discussion continues...

Mr. Newman realizes we are going too much into the Site plan and spinning our wheels tonight because our concerns are about Fire Department access to this site, we have to state it somehow generally in a Use variance approval and then we can really get into the specifics of it when the site plan comes before us.

Mr. Lowenstein questions the delivery trucks....and the route they would be taking into the site.

Mr. Fox anticipates the delivery trucks going along the rear of the building, as indicated in the proximity of the loading dock and storing the equipment inside the building or the lot and exiting the parking lot by making a maneuver back out to River Road, circulating around....I will depict that on the plan with our parking aisle, and our striping to restrict the area to where the material can be stored to insure proper circulation by Emergency Vehicles as well as others using the site for entering and exiting the rear portion of the building.

Discussion continues.....

Mr. Newman reminds the Board, that these issues that are being brought up will be discussed during the site plan presentation.....

Mr. Soukas would like to mark for the record, the entire package as A-1 collectively.

Vehicles that will be parked at the site is again discussed....

Mr. Fox has a sketch or layout, just to get an idea what will be submitted to the Professionals....marked as A2. (hands it to Board members)

Mr. Newman asks if there are any more questions from the Board, seeing none.

Mr. Newman opens the witness up to questions or comments from the General Public, seeing none.

Mr. Newman closes this portion.

Mr. Newman asks Mr. Karas to call his next witness.

Mr. Newman swears in: Katherine Gregory (Principal of Gregory Associates)
96 Linwood Plaza#350
Fort Lee, N.J.

Mr. Newman certifies Ms. Gregory as an Expert Witness.

Ms. Gregory begins her testimony...

Ms. Gregory refers to the Photo Exhibits that were handed to the Board Members by Mr. Karas. It is entitled "Existing conditions & surrounding neighborhood characteristics." For 18-19 River Road, Fair Lawn, N.J.

Exhibit marked-A3

Ms. Gregory explains what the Photo Exhibit shows a series of photographs taken by herself and also an aerial photograph located in the upper right hand corner. She has outlined the property to give them a better idea of the actual property and the surrounding area.

Ms. Gregory continues....bringing attention to the rear of the property in the series of photos on the bottom row. Speaking to the slope that was mentioned earlier....discusses concerns that were also mentioned throughout the hearing, including the question, "Can you see the rear of the property from River Road". She invites them to take a look at the pictures, especially the aerial.

Shows how the rear of the property is mostly shielded...

Ms. Gregory continues.....

Discusses abutting properties...and how the view would be. Refers to 2nd picture on the left on the 4th row....

Ms. Gregory reiterates the applicant is proposing having a privacy fence along that side of the property. The view would be shielded and when you take a look at the next door property, you can see most of the office parking is in the front of the building.

Continues with her photo exhibits.....detailing all photos...

Ms. Gregory understands that they have to meet both the positive and negative criteria.

Speaks to the Positive Criteria....there are two parts. One is that we have to prove special reasons, and also have to prove the site is particularly suitable.

Under Negative Criteria, we have to prove there is no substantial detriment to the Public good and no substantial impairment to the intent and purpose of the Zone Plan and Zoning Board (inaudible)...

She feels the site is particularly suitable based on its configuration...

Speaks to the rear of the property and feels it is especially suited for materials that need to be stored outdoors. It is shielded from River Road to a significant degree, it is located a couple of feet lower than River Road and the applicant is trying to minimize the outdoor storage, providing a small accessory building...

Continues....

Speaks to the vehicles and the question as to why all the vehicles can't be parked inside the building...the inside of the warehouse space is 14ft. tall and some of the vehicles would not fit into the space and there would probably have to be an analysis done to see if the larger vehicles could be parked inside the building just due to the weight...

Continues....

Speaks to Special Reasons...Fair Lawn is located in Planning area 1, according to State Plan and there are certain goals and objectives to Planning Area 1...Speaks about redevelopment of the area & utilizing existing infer structure. They are doing this here. Retaining & expanding Employment opportunities, we are making this available because this site has been vacant for two years and has not been productive.

Continues....

Ms. Gregory believes they are promoting Purpose C, which is adequate light; air & open space...decrease in impervious coverage, a proposed extensive landscaping plan...

Continues...

Ms. Gregory continues her testimony and speaks of the negative criteria and she does not believe there is a substantial detriment to the public good based on the fact that the surrounding properties have outdoor storage on them, so this area lends itself to this and the public is acclimated to the outdoor storage...

Parking is discussed...
Master Plan is discussed....

Ms. Gregory feels this is a unique application and hopes the Board would consider both the positive & the negative criteria that she has provided this evening and grant us the Use variance proposed.

Mr. Newman opens the Board for questions of the witness. Seeing none,
Mr. Newman opens the Board Professional's for questions of the witness.

Mr. Paul Azzolina, Board Engineer has no questions; he will wait for the site plan to address questions.

Mr. Peter Van Kooy, Board Planner has no questions, stating all questions or comments were addressed.

Mr. Newman questions Mr. Fox on how far from River Road will the storage area is.

Discussion...

Mr. Newman has concerns with bi-furcating applications in that a lot of stuff is discussed and everyone says; "of course we will" and "we definitely want to"...the fact is we are granting a Use, and any applicant can walk away and they have the Use and then can store anywhere on the site and unless we put it in the Resolution....

Mr. Karas has no issues with making it subject to the Resolution...

Discussion continues..

Mr. Newman wants to be sure that with this applicant or someone else 20 years from now, that we do not have an issue with storage in the area adjacent to River Road, which is very different from what is being proposed tonight. Can we come up with a measurement from River Road that would represent the closest to River Road there would ever be for storage on this site?

Discussion.....

Mr. Fox states the best way to answer that question for the distance from the parking spaces behind the existing building to the center of River Road, because there will be some of the trucks parked behind the building in that location.

Discussion continues.....

Mr. Newman feels it would make a lot of sense and sit better with him personally if they (the Board) could approve a Use that is specified in that way....

Conditions & agreements are discussed in order to insure approval of the Use.

1. Not to be closest than 136ft. to the center line of River Road.
2. Not to extend pass the northerly extension of the westerly building wall.
3. All storage must be adequately screened from River Road and from the adjacent properties to the extent discussed.
4. Construction & Utility vehicles not to exceed the number did not present in the application nor the size of the vehicles presented in the application outdoors.
5. No vehicle maintenance on site.
6. Not to exceed the material storage or amount of materials presented in application.

Mr. Newman asks the Board if there are any other questions or comments from the Board Members for any of the witnesses or Mr. Karas. Seeing none,

Mr. Newman opens the questions or comments to the General public for any of the witnesses. Seeing none,

Mr. Newman closes this portion.

Mr. Lowenstein makes 1st. motion to approve the application with the following conditions:

Mr. Soukas reiterates the Conditions:

Storage to be located within the Northerly extension of the Westerly wall of the structure currently located on the property & 136ft. to the center line of River Road with all storage screened from River Road in accordance to all representations made during the hearing and screened from adjacent properties. Storage of vehicles limited to the Construction & Utility vehicles and not to exceed the number and size of vehicles that were presented in the application-(15 vehicles) No On Site vehicle maintenance and not to exceed the material storage or amount of materials presented in the application.

Mr. Meer seconds the motion.

VOTE: Mr. Diner, Mr. Lowenstein, Mr. Puzio, Mr. Frankel, Mr. Sacchinelli, Mr. Meer & Mr. Newman. **YES.**

Application Approved.

Mr. Newman announces a request for a Variance Extension.

Application#09-021, Eileen Griparich,
37-10 Victoria Road, Block 2518, Lot 25
Proposed addition to a new front platform

Mr. Newman reads letter from Ms. Griparich asking for extension due to financial difficulties.

No objections from the Board.
All Present: AYE

Mr. Newman reiterates; **Application#09-038, 18-35 River Road, LLC**
is being carried to a Special Meeting on August 2, 2010.

Bills:

1. Nowell, Amoroso, Klein Bierman for June 30, 2010 in the amount of \$833.33
2. Nowell, Amoroso, Klein Bierman for June 30, 2010 in the amount of \$125.00
3. Nowell, Amoroso, Klein Bierman for June 30, 2010 in the amount of \$82.50
4. Nowell, Amoroso, Klein Bierman for July 19, 2010 in the amount of \$907.50

All Present: Aye
Opposed: 0

1. Karen Koscis in the amount of \$275.00 for tonight's meeting
2. Karen Koscis in the amount of \$100.00 for overtime at tonight's meeting.

All in Favor: Aye
Opposed: 0

1. Azzolina & Feury in the amount of \$30.00 for May 11, 2010
2. Azzolina & Feury in the amount of \$50.00 for May 11, 2010
3. Azzolina & Feury in the amount of \$61.00 for May 11, 2010
4. Azzolina & Feury in the amount of \$120.00 for May 11, 2010
5. Azzolina & Feury in the amount of \$400.00 for May 11, 2010
6. Azzolina & Feury in the amount of \$180.00 for May 13, 2010
7. Azzolina & Feury in the amount of \$720.00 for May 14, 2010
8. Azzolina & Feury in the amount of \$600.00 for May 17, 2010

Total of \$2,161.00

All In Favor: Aye
Opposed: 0

Birdsall in the amount of \$187.50 for May 13, 2010
Birdsall in the amount of \$412.50 for May 17, 2010

Total of \$600.00

All in Favor: AYE
Opposed:0

Birdsall in the amount of \$96.26
Azzolina & Feury in the amount of \$61.00
Azzolina & Feury in the amount of \$60.00

All in Favor: Aye
Opposed: 0

Estimates:

Azzolina & Feury in the amount of \$1,000.00 for 18-19 River Road, LLC.
Birdsall Engineering in the amount of \$3,000.00 for 18-19 River Road, LLC.
Birdsall Engineering in the amount of \$1,000.00 for 18-35 River Road, LLC.

All in Favor: Aye
Opposed: 0

Resolutions:

1. Application #2010-023, Wilfred & Amy Hopwood, 7 Bolton Place, Block 3808, Lot 10, Zone R-1-3– New Rear Porch & front entry- Approved.
2. Application #2010-025, Galina Ivanova & Oscar Ortiz, 4-25 Summit Ave, Block 4403, Lot 25, Zone R-1-3– Addition- Approved.
3. Application #2010-027, Victor Palagin, 4-01 Fair Lawn Avenue, Block 5726, Lot 16, Zone R-1-3– Second story cantilever- Approved.
4. Application #2010-028, Mildred Setteducato, 27-10 Urban Place, Block 3416, Lot 4, Zone R-1-3– Extending Front Platform- Approved.
5. Application #2010-029, Sprint/Nextel Corp., 20-10 Maple Avenue, Block 6801, Lot 1, Zone I-2– Install 3 additional panels, same height. One New panel antenna. 4 new 2' diameter dish antennas, one new equipment cabinet- Approved.

Mr. Meer made a motion to accept these resolutions and Mr. Sacchinelli seconded the motion.

VOTE: All Present – AYE.

Adjourn

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

TIME: 11:10P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk