

## REGULAR MEETING OF NOVEMBER 3, 2014

The meeting of the Fair Lawn Planning Board on Monday, November 3, 2014, was called to order at 7:30 P.M. by Chairman Brent Pohlman in the Council Chambers of the Fair Lawn Municipal Building.

The notice of Open Public Meetings Law was read stating that the newspapers were notified and a notice posted on the first floor bulletin board of the Fair Lawn Municipal Building.

### Roll Call

PRESENT: Deputy Mayor Amy Lefkowitz, Oliver Wilhelm, Amy Hummerstone, Larry Metzger, James Hughes, Peter Kortright, III, Daniel Furphy, Vice-Chairman Joseph Mele Chairman Brent Pohlman, Joan Fragala Absent: Benjamin Bontekoe

Also present: Board Attorney Thomas W. Randall, Esq., Engineer Jeffrey Morris and Board Secretary Cathryn Hochkeppel

### Approval of escrow bills

Cathryn Hochkeppel read the escrow bills (attached). Upon motion by Joan Fragala and a second by Joseph Mele, the escrow bills were unanimously approved.

### Approval of Minutes

Upon motion by Deputy Mayor Lefkowitz and a second by Joan Fragala, the minutes of the regular meeting of October 6, 2014 were unanimously approved. AYES: Deputy Mayor Amy Lefkowitz, James Hughes, Larry Metzger, Amy Hummerstone, Daniel Furphy, Joan Fragala, Peter Kortright, Chairman Pohlman Abstain: Joseph Mele

### Memorializing resolutions

*Bergen Development Group; Plaza Road & Cooper's Way; Block 3610, Lots 1 and 2; major subdivision*

Upon motion by Larry Metzger and a second by Peter Kortright, the memorializing resolution was unanimously approved. AYES: Daniel Furphy, Joan Fragala, Amy Hummerstone, Deputy Mayor Amy Lefkowitz, Peter Kortright, Oliver Wilhelm, Larry Metzger, Chairman Pohlman.

*13-09 River Road; Block 5610, Lots 27 and 28; major site plan*

Upon motion by Joseph Mele and a second by Amy Hummerstone, the memorializing resolution was unanimously approved. AYES: Joan Fragala, Amy Hummerstone, Daniel Furphy, Joseph Mele

## **General Public Comment**

Chairman Brent Pohlman opened the time for public comments and no public wished to be heard.

### **Raseem Saadah; One Wilcox Place; Block 1211, Lot 15.01; minor subdivision**

Alfred Acquaviva appeared on behalf of the applicant. He explained that the applicant is a resident for 29 years, has owned this large lot and is proposing to subdivide the lot in half. At the present time, there is no proposal for a building on the new lot. He explained that there are two small variances. There is a one and a half foot width variance on the new lot. The existing lot has a non-conforming rear yard setback for less than one foot.

Bruce Rigg, 100 Maple Avenue, was sworn in and qualified as an expert engineer and surveyor. He explained the existing conditions and the proposed subdivision. Bruce Rigg explained that because of the configuration of the lot, the new lot will have a width of 63.25 in one part rather than the 65 foot width required. He also noted the existing rear yard setback which requires a variance of less than one foot. He explained the plans in detail stating that the proposal is basically to cut the property in half. He stated that although there is currently no proposal for the new lot, the house can be conforming in all aspects. The current driveway is expansive and some of the pavement in that driveway will be removed. Mr. Rigg testified that there will be only one very small variance and there was no detriment to granting the variance for the width of the new lot since the new lot is twice the size required by ordinance.

Peter Kortright reminded the applicant that they are required to file with the county. He was also concerned about the drainage on the new lot. Mr. Rigg pointed out that the improvements on the proposed new lot will be removed. It was also noted that there is a shed encroaching on the proposed new lot and the new owner should be made aware of the encroachment. Joseph Mele asked about the driveways next to one another. He noted that the driveways created a conflict. Mr. Rigg stated that it was not an unusual configuration which exists on many cul-de-sacs. Mr. Mele proposed a shared driveway and easements. He also suggested drainage calculations be submitted relative to the new lot.

Deputy Mayor Lefkowitz asked the Board Engineer if he thought it was necessary to have a shared driveway and Mr. Morris replied that it is his experience that shared driveways cause problems between neighbors. The only people that will be using that end of the street are the two neighbors. Mr. Rigg stated that they could comply with Boswell Engineer's letter of October 28, 2014, with the exception of items 13 and 14 as there are neighbors involved. It would need to be addressed with the neighbors.

Chairman Pohlman opened the matter to the public for questions.

Nick Messina of Wyckoff Terrace asked about the portion of the notice that included a food handler application and was told that was an error in the notice, and the application was for a residential property only.

There were no other questions for the witness.

Daniel Furphy commented that he did not support a shared driveway and easement. Chairman Pohlman concurred stating that there is a lack of auto travel on this road and easements lead to hostilities and litigation. Consensus of the Board members was taken with the majority of the members favoring the two driveways as proposed rather than a shared access. Amy Hummerstone noted that every effort should be made to preserve the large oak trees.

Chairman Pohlman opened the matter to the public for comments and no one wished to be heard.

Larry Metzger moved that the application be approved subject to filing with the county, notice being given to the new lot owner relative to the encroachments, preserving large trees where possible, certifying that there will be no additional run off on the new lot to the satisfaction of the Board Engineer, and resolving issues 13 and 14 to the satisfaction of the Board Engineer. Peter Kortright seconded the motion which was unanimously approved. AYES: Deputy Mayor Amy Lefkowitz, Oliver Wilhelm, Amy Hummerstone, Larry Metzger, Peter Kortright, III, Daniel Furphy, Vice-Chairman Joseph Mele, Chairman Brent Pohlman, Joan Fragala

### **Adjournment**

Joan Fragala moved that the meeting be adjourned and Joseph Mele seconded the motion which was unanimously approved at 8:40 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Sec'y of the Board