

## **SPECIAL MEETING OF JANUARY 30, 2006**

The special meeting of the Fair Lawn Planning Board of Monday, January 30, 2006, was called to order at 7:30 p.m. by Chairman Winston in the Council Chambers of the Municipal Building.

Notice of the Open Public Meeting Law was read stating that the newspapers were notified and notice posted on the first floor bulletin board of the Municipal Building.

### **ROLL CALL:**

Present: Deputy Mayor Owen McCarthy, Barry Winston, Todd Malkin, Joseph D'Arco, Peter Kortright, III, Michael Cohen, Alan Neggia, Albert Palmieri, Phil Cassidy, Harvey Rubinstein Absent: Honey Morgenstern

Also Present: Engineer John Rottenbucher, Board Attorney Douglas Bern and Board Secretary Cathryn Hochkeppel

### **Swearing in of new member**

Chairman Winston swore in Phil Cassidy as a new member of the board.

### **Appointment of Professionals**

Upon motion by Al Palmieri and a second by Todd Malkin the resolution appointing Boswell Engineering as the Board Engineer was approved. AYES: McCarthy, Winston, Malkin, D'Arco, Kortright, Cohen, Neggia, Palmieri NAY: Rubinstein\*

Upon motion by Todd Malkin and a second by Al Palmieri the resolution appointing Kaufman, Bern & Deutsch as Board Attorney was approved. AYES: McCarthy, Winston, Malkin, D'Arco, Kortright, Cohen, Neggia, Palmieri NAY: Rubinstein\*

### **41-41 Dunkerhook Avenue; Block 1703, Lots 4 and 10; conceptual**

Ira Levine appeared on behalf of the applicant. He explained that an application was presented to this Board over 1½ years ago. The initial application was to develop the area as townhouses. Mr. Levine explained that at that time Schoor DePalma reviewed the plans. The area was rezoned to R-5-2 for townhouse development. The project was reduced from 22 units to 18 units. The applicant went before the Zoning Board because there a variance for density. The applicant spent a year before the board. There was a consensus to approve a

\*See minutes of February 27, 2006 for additional explanation

17 unit development rather than 18 units, but it did not obtain the number of votes needed to approve the application. The applicant redid the plans to comply with suggestions and try to provide some benefit to the historical society. Mr. Levine stated an application was made to the County Planning Board and they approved the site plan. The county reduced the size of the roads. If approval is granted, the applicant is willing to restore the Naugle House to make the building structurally sound. Mr. Levine pointed out that the applicant is also applying for a minor subdivision to separate the Naugle House so it can be conveyed to the Borough.

Mr. Levine quoted from the planning report of Schoor DePalma made in 2004 relative to the zone change. He also explained the area surrounding the property. Mr. Levine explained that Schoor DePalma was concerned about the immediate area around the Naugle House and the applicant has resolved this by conveying a bigger piece of property. Plans also show that units 16 and 17 were moved away from the Naugle House. The Dunkerhook Road extension has been narrowed. Mr. Levine explained that the Planning Board of Bergen County has insisted on separate egress and ingress to add to the circulation of the traffic in the area. It has cost some parking spaces but the applicant can still provide enough parking. Rio Vista is now 24 feet wide and the access roads were also narrowed to 24 feet wide. Mr. Levine explained that one of the other concerns is buffering and a variance will be required on the west side. Mr. Levine commented that other than the buffer and lot size, the variances are minor.

Peter Kortright asked if the applicant owns lot five. Mr. Levine explained that the applicant has the right to purchase it, but not while Mrs. Vanderplaat resides there. Mr. Kortright expressed concern about the development of this property. Mr. Kortright also stated that he does not think it is necessary to have 48 spaces since 44 are required. Mr. Levine explained there was a request for spaces for the Naugle House. Mr. Kortright pointed out that there is a County Park across the street and he would suggest removing parking spaces 5 and 6. Providing affordable housing was also discussed and the applicant indicated he was willing to do so. Mr. Kortright suggested that they preserve as many trees on site as possible. Mr. Kortright questioned the need for the two retaining walls that would block the beauty of this site. Peter Kortright asked about the applicant's intentions regarding the adjoining property. Mr. Levine explained there is no immediate plan regarding that property. Mr. Levine explained that there were other reasons for acquiring an interest in that property which include the granting an easement in the rear. Board members also had concerns regarding sewer connections.

John Rottenbacher explained that the applicant will have to test the sewer capacity and had technical concerns regarding the sewer connections. Al Neggia also expressed concern about the depth of the lines and whether they would be below the frost line. Mr. Rottenbacher commented that an eight inch line downstream of the point of connection may not be adequate. Mr.

Rottenbucher also stated that there needs to be at least 10 feet separation between the sanitary sewer and water lines.

Harvey Rubinstein asked about construction of the lines and suggested that patios or structures should not be placed over the lines. John Rottenbucher stated that the water main has a dead end system and he suggested looping so that water will not stagnate. Chairman Winston commented that he was concerned about both the condition of the Naugle House as well as the security of the building. Chairman Winston added the well appears to be an attractive nuisance as a child could easily fall down the well. Chairman Winston suggested fencing or some other means of protection. Mr. Levine stated that this property is rather isolated which makes it difficult to protect at night.

Deputy Mayor McCarthy asked about the borough's obligation with regard to the private roadway. He is concerned about plowing, utilities and garbage pick up. Borough Attorney Bern stated that this could be addressed in a Developer's Agreement. Deputy Mayor McCarthy commented that if garbage pick up is to be curbside, the access road needs to meet borough requirements.

Michael Cohen asked about the drainage. Mr. Levine stated that calculations have been supplied. It was pointed out that Boswell Engineering did not receive the drainage calculations and they would have to provide. Mr. Cohen commented he had concerns about flooding in basement and what would be the solution for homeowners.

Chairman Winston added that all of the drainage questions did not appear to be answered. Michael Cohen asked about a light at the egress, and Mr. Levine replied that the County does not want a light because of the proximity to Saddle River Road. Wendy Dabney thanked the board for inviting her to the meeting. She explained that Mr. DiGeronimo had previously prepared a report regarding the repairs that need to be made to the Naugle House. Ms. Diepeveen also had made note of some of her concerns. Ms. Dabney added that she would have hoped that the façade would demonstrate some kind of sensitivity to the historical nature of the property. Ms. Dabney showed an aerial view of the area in detail and including the Vanderplaat property. Ms. Dabney also expressed concerns with regard to archeological preservation of the property. She said everyone should be looking at the entire area and it needs to keep its uniqueness.

Mr. Kapon stated that he does not understand why the adjoining property should effect this project and wondered how the Board considered each project. Chairman Winston explained that each application is considered on its own merits. There are many concerns with a larger development.

Harvey Rubinstein asked about the difference between a flap valve and a weir and John Rottenbucher explained in detail.

Harvey Rubinstein also questioned the lot size of the subdivision and Mr. Levine explained that it would not be a residence so the size did not matter for zoning purposes. Mr. Rubinstein suggested that the applicant consider moving the project to the east and eliminating one or more units. Mr. Rubinstein was also concerned about the turn around for emergency vehicles.

Al Neggia wondered if the six inch water main would be sufficient. He also mentioned that PSE&G had talked about gas lines being reduced to a 2 inch line in that area. Todd Malkin asked if the Board could require the applicant to repair the Naugle House prior to site construction and the Board Attorney suggested that the condition could be incorporated into the resolution.

Deputy Mayor McCarthy asked if parking would be permitted on Rio Vista Drive and was told no. Mr. Levine explained that the Association would enforce the no parking.

Mr. Rubinstein commented that parking spaces 10 and 11 are on too steep of an angle and he is concerned because there are no lights in area. Mr. Kortright said if those spaces are removed, it would be a nonissue.

Chairman Winston commented that he did not agree with the traffic report as the testing was done in the summertime. Mr. Kortright pointed out that in the summertime, there is less traffic. Chairman Winston stated he was not impressed with the report or its conclusions. Chairman Winston added that he felt part of the report was contradictory.

Chairman Winston encouraged the applicant to consider the board members' comments and to present an application accordingly.

### **Adjournment**

Upon motion by Todd Malkin and a second by Peter Kortright, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Secretary to the Board