

## **REGULAR MEETING OF May 11, 2009**

The meeting was called to order by Chairman Peter Kortright at 8:00 P.M.

The notice of the Open Public Meetings Law was read.

### **Roll Call**

Present: Chairman Peter Kortright, III, Joseph D'Arco, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Honey Morgenstern, Baruch Gadot Absent: Joseph Baladi, Scott Osback, Todd Malkin

Also present: Board Engineer Kevin Tichacek, Board Attorney Douglas Bern, and Board Secretary Cathy Hochkeppel

### **Approval of Escrow Bills**

Upon motion by Joseph D'Arco and a second by Honey Morgenstern, the escrow bills were unanimously approved. AYES: Barry Winston, Philip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Chairman Peter Kortright, III, Joseph D'Arco, Baruch Gadot, Honey Morgenstern.

### **Approval of Minutes**

Upon motion by Deputy Mayor Lisa Swain and a second by Larry Metzger the minutes of the April 20, 2009 work session were unanimously approved. AYES: Chairman Peter Kortright, III, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Joseph D'Arco, Baruch Gadot, Honey Morgenstern

Upon motion by Philip Cassidy and a second by Deputy Mayor Lisa Swain, the minutes of the regular meeting of April 20, 2009, were unanimously approved. AYES: Chairman Peter Kortright, III, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Joseph D'Arco, Baruch Gadot Abstain: Honey Morgenstern

## **Memorializing Resolutions**

### **Metro PCS, One Cooper Way, Block 3516, Lot 1.01; cellular antenna,**

Board Attorney Douglas Bern explained the memorializing resolution of approval. Upon motion by Barry Winston and a second by Larry Metzger, the memorializing resolution was unanimously adopted. AYES: Chairman Peter Kortright, III, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot, Joseph D'Arco.

### **Reduce Construction, 22-50 Maple Avenue, Block 5903, Lot 7; sign variance**

Board Attorney Douglas Bern explained the memorializing resolution. Upon motion by Barry Winston and a second by Deputy Mayor Lisa Swain, the memorializing resolution was unanimously adopted. AYES: Chairman Peter Kortright, III, Barry Winston, Phillip Cassidy, Larry Metzger, Deputy Mayor Lisa Swain, Baruch Gadot.

## **General Public Comment**

Chairman Peter Kortright, III, opened the matter to the public and no public wished to be heard.

### **Hoeffner, 6-11 Plaza Road, Block 3524, Lots 23 and 24; minor subdivision**

Ronald P. Mondello, Esq., appeared on behalf of the applicant. He explained that the applicant is owner and occupier of the lots. He explained he had two witnesses. Scott Levy of Hamburg, New Jersey was sworn in and qualified as an expert planner. Mr. Levy explained that he reviewed the plans and is familiar with Fair Lawn's zoning and master plan. The area consists of residences. The site fronts Plaza Road. Mr. Levy testified that the site is irregular as it has a trapezoidal shape. He explained the configuration of the lots as well as the topography. The majority of the properties surrounding the site are residential. Mr. Levy testified that there are a number of properties that are similar in size to the proposed lots. The variances sought include pre-existing non-conforming items and relief for impervious coverage. The proposal will expand the lot line of lot 24. The minimum lot width is a pre-existing non-conformity. The depth is also being increased. The side yard is closer to the property line and the structure will continue to be used as a residence. The minimum side yard set back is changing from 6.4 to 6.5. Maximum impervious coverage on lot 23 is 42% where 35% is maximum. Mr. Levy testified that the residences proposed are consistent with the neighborhood and the size of the new house is consistent with the area. This would advance the purposes of the master plan as well. The only variance on lot 23 is the impervious coverage. He stated that currently the

property is underutilized. Mr. Levy testified that this qualifies under C(2)a and C(2)e criteria. He also explained the negative criteria. The application will not result in substantial detriment to the neighborhood and there is no substantial impairment to the zoning ordinance. The benefits outweigh the detriments. Mr. Levy added that this project will bring about better zoning for the community while preserving the residential nature of the neighborhood. He added that it will be a brand new, aesthetically pleasing structure that is consistent with the size of the other homes. Mr. Levy added that two uses that the property could accommodate are a non-profit day school or a house of worship that could have a greater impact on the neighborhood.

Barry Winston asked if the bus stop will interfere with the new curb cut and was told it would not. The applicant agreed to replace the sidewalk in the front area. Honey Morgenstern commented that she doesn't believe a large yard is under utilization of the property. She was also concerned about the ability of the fire trucks to fight a fire in the back house.

Larry Metzger asked about the trees and Mr. Levy explained that there are two trees that will come down. There is a 10 foot buffer that is being proposed to the east of lot 24. They will be planting evergreen trees in that area.

Kevin Tichacek commented that although the applicant is seeking an impervious coverage variance, they are providing seepage pits for the runoff.

Craig Miller, 5 Ramapo Terrace, asked about the existing structure and was told it will remain.

Ms Primerano, stated that her parents live on Lot 27. She was concerned about the congestion and the effect it would have on their property value.

Scott Levy explained that it will be a residential house. There will be sufficient buffering and it will keep the residential character.

Paul Fox, licensed land surveyor, was sworn in and qualified as an expert surveyor. He said he was familiar with the plans, the Fair Lawn zoning ordinances, and the area. The plot plan was marked as Exhibit A-1. He summarized the plans.

Phil Cassidy asked about the seepage pits and Mr. Fox explained in detail. A letter from Bergen County Soil Conservation stating that the applicant is exempt from the regulations was marked as Exhibit A-2. The applicant stated that he will still be installing the seepage pits.

Stephen Hoeffner, 6-11 Plaza Road, was sworn in and stated that he has been living in Fair Lawn 56 years and his family has lived in town 100 years. This is a plan that he has been dreaming of for many years. The intention down the road is for each of his children to own a house. Phil Cassidy asked about the buffering and Mr. Hoeffner said he would be happy to provide a buffer so that there is a lot of privacy.

Chairman Kortright opened the matter to the public.

Steve Toffer, 18 Madelyn Place stated his back yard is close. He felt that it was too intense for the area.

As no other public wished to be heard, Chairman Kortright closed the time for public comment.

Ronald P. Mondello, Esq., stated that the benefits of the application outweigh any detriments and will promote the general welfare.

Barry Winston moved that the application be approved subject to the added buffering review by the fire marshall and replacement of the sidewalk. Baruch Gadot seconded the motion. AYES: Barry Winston, Deputy Mayor Lisa Swain, Baruch Gadot, Chairman Peter Kortright, Joseph D'Arco, Philip Cassidy NAY: Honey Morgenstern

Chairman Peter Kortright recessed the meeting for 10 minutes at 9:00 P.M.

### **Route 208 Corridor Study**

Barry Winston commented that he was not sure the Board should be acting on this in light of the Court case. Attorney Douglas Bern said he will speak with the Borough Attorney and Special Master. He will report back next month. Phil Cassidy asked about playgrounds. Cheryl Bergailo advised that the zoning for the Kodak site would require improvements to outside space. Planner Cheryl Bergailo explained that there are priorities. The ordinance asks for as much open space as possible with a certain amount of green space. There was some discussion about sewer/water capacity and off tract improvements. Ms. Hochkeppel explained the developer's agreement and bonding process to the Board. Deputy Mayor Lisa Swain reiterated that there are green initiatives with sustainability in mind including street lighting and use of solar panels. Chairman Peter Kortright added that the Board needs to look at long term vision and plan for the future. Cheryl Bergailo stated that some things will be optional. Baruch Gadot commented that in light industrial areas solar energy is being applied. New and less expensive applications

are being developed every day. There will be financing, grants and tax incentives available for green initiatives. Mr. Gadot added that he thought that the approach for the architectural design/standards was excellent and thought that it might be expanded to other areas of the town.

Cheryl Bergailo said she would revise the document. Doug Bern will get back to the Board as to whether or not they could adopt the revised plan as part of the Master Plan.

### **Adjournment**

Upon motion by Philip Cassidy and a second by Honey Morgenstern, the meeting was unanimously adjourned at 9:30 p.m.

Respectfully submitted,

Cathryn Hochkeppel  
Municipal Housing Liaison/  
Land Use Administrator/  
Secretary of the Planning Board

CH:mc