

**MINUTES OF THE AUGUST 28, 2018 ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING**

The following are the Minutes of the August 28, 2018 Regular Meeting of the Zoning Board of Adjustment of the Borough of Pompton Lakes that was held in the Council Meeting room of the Municipal Building, 25 Lenox Avenue, Pompton Lakes, New Jersey and was called to order at 8:00 P.M.

Adam Kent read the Open Public Meeting Law Statement of Compliance and led participants in saluting the flag.

The following members were present: Mr. Abate, Mr. Michael Coss, Ms. Cindy McNamara, Mr. Willie Hunt, Mr. Peter Roos, Mr. Adam Kent, Mr. Frank Russo, and Ms. Maureen Bernstock.

Ms. Mary Curran was excused.

Also present were Andrew Brewer, Board of Adjustment Attorney, Debra Lawler, Board of Adjustment Planner and Saarah Okuyan, Secretary.

**MINUTES:**

Regular Meeting Minutes dated July 24, 2018. Motion moved by Ms. McNamara, seconded by Ms. Bernstock. **All eligible voted in favor.**

**CORRESPONDENCE: None.**

**APPLICATIONS:**

1. BOA 18-03  
P.L. Senior Housing  
74 Hunter Place

Bruce Whitaker steps forward and begins to discuss the request for the ROW and refers to the Deed of the property from December 20<sup>th</sup>, 1959 and states that it includes the 15ft ROW. Mr. Russo states that he does not have a report from the Board Engineer for the traffic study and states that he is not inclined to read it or offer any feedback on it during the testimony of the application that evening. Mr. Steve McGowen Steps forward and begins to discuss the revisions that were made on the plans. He states that the physical changes are that it shows the ADA parking (restriping of parking lot) and shows a drop concrete apron. Mr. Russo states that last meeting they had asked for the drive aisles to be dimensioned. Mr. McGowen states that they are and explains them. Mr. Russo asks what the dimensions are from the river to the front of the building. Mr. McGowen states that it is 24ft. there was a discussion about a 2 way drive aisle in the parking lot to improve the traffic flow. Ms. Debbie Lawlor agrees with the 2 way drive aisle.

The discussion is opened to the Board.

Mr. Kent review the calculation for the drainage and states that the drainage wells are sized fine for the increase for the impervious but the bottom half of the parking will bypass the inlet just based on the grade, then run down to the property. Mr. McGowen begins to explain the drainage including the locations of the catch basins and goes into more detail about the drainage. Mr. Kent asks if the actual number it will catch is known. Mr. McGowen states that it should be efficient with the way that they graded it and goes into more detail about the drainage a little bit more. Mr. Russo asks if it would be appropriate for the Board Engineer to review the drainage and provide a report. Mr. Lawlor agrees.

The discussion is opened to the public.

John Keating from 31 Watervliet Avenue steps forward and states his concern with the drive aisles and that they need to be wide enough for fire apparatus to fit in to and that they cannot do K turns. Mr. McGowen states that it will be wide enough for them and elevates some of the other concerns that Mr. Keating had with the fire apparatus.

Being that there are no other questions for the application it is now closed to the public.

Robert McNernie steps forward and is sworn in. He states his extensive background in Real Estate and Appraisals. He states that he is a MAI (Member of Appraisal Institute), SRA (Senior Resident Appraiser) and CRE (Councilors of Real Estate). Mr. Whitaker asks Mr. McNernie if he had done an evaluation for the current property values and the effect if any to occur with the applicant's proposal. He states that he has and goes into detail about the research that he has done to prepare for the testimony. He states that it is not really going to have a negative impact on the surrounding properties. And includes that it is going to have no effect on the surrounding properties in fact it may be beneficial.

The discussion is opened to the Board.

Mr. Russo asks the benefit from the proposal for the surrounding properties. Mr. McNernie states that it will especially benefit Lot 15. Mr. Russo asks Mr. McNernie what currently abuts Lot 15. He states that there is a house. Mr. Russo asks that the removal of an existing dwelling to be replaced with a board on board fence and evergreens actually is a benefit to Lot 15. Mr. McNernie states that it is and that Lot 15 is going to have the biggest effect. Mr. Russo states that the property Lot 16 the dwelling could remain and there could be screening to benefit Lot 15. Mr. McNernie states that they are going to have to do something with that house and they cannot just take it as it is. He states that anyone who moves into it they would have to renovate. Mr. Russo asks if the surrounding properties' appraisal increase or decrease. Mr. McNernie states that they would stay the same. Mr. Russo assumes that there is no detriment, but there's no benefit as it relates to the property values. Mr. McNernie states that you cannot measure any benefit until construction begins.

The discussion is opened to the public.

Mike Geib from 62 Hunter Place steps forward and asks Mr. McNernie if he did their most recent appraisals. He states that he did not. Mr. Geib asks if he believes that demolishing a residential property is beneficial to the neighborhood. Mr. McNernie states that it will not have a negative impact.

Being that there are no other questions for the application it is now closed to the public.

Mr. Kent asks if the fact that the houses that sold farther away from the Senior Center is that a correlation or a random act. Mr. McGowen stated that Lot 15 was foreclosed on and in 2015 was on bank sale for \$415,000. Richard Price steps forward and is sworn in. He states he background and states that he was a Municipal Planner for numerous Borough and townships. Mr. Price states that he is testifying on the appropriateness on a D - Variance and site plan application for eventually demolishing the single family residents and replacing it with a parking lot for the Senior Center. He states that he agree with the Board Planner that as an individual Lot that is being converted, a D - 1 Variance is required parking. He states that Lot 15 is not a principal permitted use with in the R-4 Zone. Mr. Price then goes over the background of the parking lot and the square footage along with it he describes the application. He then goes over surrounding properties after discussing land use context. Mr. Price states that he went out and took pictures on August 21<sup>st</sup> approximately 9:30 - 10 AM and describes the photos before handing them to the Board. The photos are labelled Exhibit A - 7. Mr. Russo asks Mr. Price how many cars were parked in the bulb of the cul-de-sac. He states that there were about 9 cars. Mr. Russo then asks how many open spots were there currently within the lot at 9:30 - 10. Mr. Price states that he did not count them and that the purpose was not to take a parking analysis. Mr. Russo states that his testimony was that there was overflow parking on the street because the parking on site was inadequate. Mr. Price states that it was his observation that there was insufficient parking and that overflow parking occurred within the cul-de-sac and on the street something which he states had been told was the reason for it. Mr. Russo points out that he can tell by the photos that there are at least 9 open parking spots. Mr. Whitaker addresses his response and states that people might have left after the street was parked on and left the parking lot after. Mr. Brewer states that with using the word overflow is the reason for the miscommunication and might be the cause of the disagreement. Mr. Russo points out that in Exhibit 7 - A in photo 6 looks like there is still someone sitting in one of the cars. Mr. Russo asks Mr. Brewer if it would you agree with the analysis by the planner and Mr. Whitaker as it relates to inherit beneficial use. Mr. Brewer agrees with the analysis. Ms. Lawlor states that she agrees with a lot of the testimony that has been provided, but states that the one thing that they haven't heard was the correlation of the spill over parking that they have discussed to the lack of parking in the parking lot. She states that they have been provided with parking information that the Board will not go over tonight. She asks the applicant's planner what he thinks to be the reasonable occupancy in terms of saying that the lot is full and needs to be expanded. She state that when she read the study it said that at no point was the parking lot at 100% capacity. Mr. Price states that by traffic engineer is if you visit a parking lot and you see some open spaces that is by the traffic engineer considered to be full occupancy. Mr. Russo states that he is still struggling with losing a housing unit. He states that there is testimony that it is a loss of a one family. He states that the Board members know that they have lost lots of just single family residential dwellings in town for various reasons and this one is not a public safety reason. Mr. Russo states that yes

they have lost a single house here or there but there is a public safety aspect to it and he is struggling to be convinced as to whether the removal of a single family dwelling on the lot owned by the applicant and immediately adjacent to it is another single family. Mr. Price states that knocking down the dwelling would be a benefit to the Senior Center to be viable in the future. Mr. Russo states that he does not know if they can sell on viability because they really haven't gotten into whether or not this facility which is 100% occupied is going to suffer from not having additional parking. Mr. Abate brings up the ROW. Mr. Brewer clarifies that they will not be doing any changes to the ROW. Ms. McNamara asks how many spaces and if they are used. Mr. Price states that there are 63 spots and 100 residents. Ms. McNamara asks if they are full and how many of the residents have cars. Mr. Price states that they are full and he doesn't know how many of the residents have cars. Ms. McNamara states that if she lived there she would want her own spot and she would want it numbered. Mr. Kent asks if they think that people will still park on the street because they are closer or do you think that they will fill up the parking lot. Mr. Price states that he does believe that the lot will fill up first and states his reasoning for it. Mr. Whitaker brings up some points from last meeting in regard to putting signs on the street and the cul-de-sac. Ms. Bernstock asks about the pictures and asks if Mr. Price if he went at night. Mr. Price states that he only went during the day and is not fully aware of how it is at night but is aware that the cul-de-sac is empty.

The discussion is opened to the public.

Mike Geib from 62 Hunter Place steps forward. He asks Mr. Price If he was there any other time beside 9:30 – 10 AM. Mr. Price states that he was not. Mr. Geib states that Mr. Price mentioned the cars on the street and asks if he knows who they belong to. Mr. Price states that he does not know whose cars they were. Mr. Geib is allowed to look at Exhibit 7 – A. Mike Serra from 41 West Lenox Avenue asks if the parking be open to surrounding residents. Mr. Price states that the parking would only be for the Senior Center residents. Mr. Kent asked if there was going to be signs saying that it is only Senior Housing parking only. Mr. Price stated that there currently is.

Being that there are no other questions for the application it is now closed to the public.

Application BOA 18-03 P.L. Senior Housing has been carried to the next meeting no further notice is needed.

**RESOLUTIONS: None.**

**NEW/UNFINISHED BUSINESS:**

1. Open Space. Mr. Kent stated that he was not aware that there was a meeting.

**PUBLIC DISCUSSION:**

Opened to the public to bring up anything not talked about during the meeting. There are none so the public discussion is closed.

**ADJOURNMENT:**

Motion moved by Mr. Hunt for the adjournment of this meeting at 9:57pm. **All voted in favor.**

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Saarah Okuyan