

## **MINUTES OF THE SEPTEMBER 25, 2018 ZONING BOARD OF ADJUSTMENT REGULAR MEETING**

The following are the Minutes of the September 25, 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.

Mr. Hunt 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, Mr. Willie Hunt, Mr. Peter Roos, Ms. Mary Curran, Mr. Frank Russo, and Ms. Maureen Bernstock.

Ms. Cindy McNamara was excused.

Mr. Adam Kent was absent.

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

(During the time of the meeting the recording device was experiencing some technical difficulties. These minutes are done by notes written by the Planning and Zoning Board of Adjustment Secretary only.)

Bruce Whitaker steps forward and begins to discuss what happened during the last meeting. He mentions his last two witnesses and states that they had submitted a traffic study but it was handed in too late to be acknowledged for that meeting. He states that in that time they had done an updated version of the traffic study and they will be discussing that in further detail. Mr. Whitaker calls up his first witness, Mathew Seckler who is sworn in. He states that he is from Stonefield located at 92 Park Avenue in Rutherford. Mr. Seckler states his background and his qualifications. He states that he has gone before about 80 Boards as a Traffic Engineer and he has a Masters in Planning. Mr. Seckler begins to discuss the application. He states that the applicant asked him to do the traffic study for the property. Mr. Seckler states that he prepared the report for last meeting. He

states that he performed a parking utilization count during different times of the day over a period of days. He states that the spaces were counted including the parking in the cul-de-sac and the street. Mr. Seckler states that they had expanded the time frame of the parking research for a proper count along with a sign in sheet at the front desk of the Senior Center. Mr. Seckler begins to walk through his report. He states that he review the site plan and consulted the Ordinance looking at it as a new building. He states that they should have 100 parking space compared at 64 which they currently have. He states that 16 of the spaces are ADA accessible while one is for visitors. He adds that 46 of the spaces are for the resident in a first come first serve basis. Mr. Seckler states that there is no labelling of the spaces except for some assigned spaces. He states that the cul-de-sac needs to have a 40ft radius for emergency apparatus to safely maneuver, but being that there is head on park in the cul-de-sac it would make it difficult for any emergency vehicle to get through safely. He states that there are no sign for overnight parking. He states that he did an occupancy study, counted the number of cars then counted the number of spaces. Mr. Seckler states that if anyone else wanted to park in the parking lot they would not be able to being that the parked car exceeds the 64 spaces. He states that it limits the emergency vehicles to get around the cul-de-sac. He states that he has never seen head on parking in a cul-de-sac before. Mr. Seckler states that there was a sign in sheet for the potential visitors to check in. He states that there were about 25-30 visitors. He states that 82% of the visitors were for medical reasons. He states that the daily visitors would stay between 4-5 hours. Mr. Seckler states that it is not unexpected to have these kinds of visitors at the Senior Center. He refers to Table 2 and lists the non ADA parking spaces. He states that the study was done during September during various times of the day over a span of a few days. He states that it was greater than or equal to the number of spaces were. He adds that there was not enough parking to meet the demand. Mr. Seckler states that if the parking lot is 85-95% full then it is considered full. He states that it is clearly a great demand for the spots. Mr. Seckler states that the people that are moving out either to a family's house or elsewhere are older and tend to not have a car and the people that are moving in are younger and they do have cars. He states that 83% of households are in the age range of 60-64 and in the 83% they have cars. He states that people are stay in car for longer the demand of parking is on the rise. He refers back to the Ordinance and states that with the trends moving forward there is not enough capacity. He states that the Ordinance says that there should be a parking spot per unit which if this were to pass would bring them closer to compliance in regards to the Ordinance. He states that with all the aid and the meals on wheels circulating in ad out of the area there is not enough spaces. He states that they also studied the busiest times of the day (during the middle of the day and when everyone is sleeping) and concludes that the number of spaces are not sufficient. Mr. Seckler states that the head on parking in the cul-de-sac is a risk for emergency apparatus. He states that 64 spaces for 100 units is not sufficient. Mr. Whitaker asks Mr. Seckler if the head on parking in the cul-de-sac permit the large emergence vehicles to move with ease in case of and emergency. He states that it does not. He states that in the NJRSIS or otherwise known as New Jersey Residential Site Improvement Standards the abrupt stop for slower mileage (which is not the case with Hunter Place) is the reason for the cul-de-sac to be there. Mr. Whitaker asks Mr. Seckler from a Traffic Engineer perspective would he say that the number of spaces that should be there is 100 spaces. He agrees and states that this would bring them closer to the Ordinance. Mr. Whitaker states that parking should be on site and not in the street. Mr. Seckler agrees with this and states that they should have easier access to the building

with a safer walking path to the building itself. He then begins to talk about the street parking during the winter and how it could be problematic. Mr. Russo stated that they mentioned that they need to get the cars off the street when it snows. Mr. Seckler states that he doesn't know what the Borough regulations are. Mr. Russo states that does it not snow in the parking lot. Mr. Seckler states that it does, but they plow the parking lot and is more willing to dig the cars out of the lot than on the street. Mr. Russo Asks Mr. Seckler if he knew when Hunter was constructed. He states that it may predate the RSIS. Mr. Russo agrees that it is not uncommon for the standards to not conform. Mr. Whitaker asks how it does not conform. Mr. Russo states that his Planner mentioned something in that regards. Mr. Seckler states that it is the head on parking in the cul-de-sac. Mr. Russo asks if he is aware of any situation where there was an emergency vehicle that couldn't get through. Mr. Seckler states that he is not aware of any situation, but it is better to be prepared for the situation. Mr. Whitaker adds that it is basically eliminating an unsafe situation. Mr. Russo refers back to his last question. Mr. Seckler states that the RSIS standards are in place for safety standards. Mr. Russo states that he is still a bit hesitate to adding new standards to old roads. Mr. Russo asks the number of the ADA parking spaces. Mr. Seckler states that there are 16. It is then asked what the standard requirements are. Mr. Seckler states that there are a number of standards for example in a residential building it is one to one. One unit to one spot. He adds that there is a standard one to twenty five. One ADA spot for every twenty five. He states that it is higher for medical facilities and that 12/16 ADA spaces were taken which shows that they are in demand for more parking. Mr. Russo asks Mr. Seckler if he was able to go to the site. He states that he was there numerous times, but not during the times that were mentioned. He states that the spots were marked on an aerial image and checked off the spots. He states that the open spots were by the entrance which is the farthest from the building and they varied around the lot. Mr. Russo states that it was mentioned about research on ages and mobility of seniors. He then asks if the research complies with the study. Mr. Seckler states that he was unaware of the ages but is aware that there are 62 permits. Mr. Whitaker questions if there was not sufficient parking for the current use. Mr. Seckler states that the parking demand exceeds the spots on site. Mr. Whitaker asks in Mr. Seckler's professional experience what the outcome would be for insufficient parking. Mr. Seckler states that in his past experiences in a downtown area people would park on the street, cars would park in tandem, fire lanes, and grass. It was asked what the outcome would be for this particular use. Mr. Seckler states that he has not seen Senior Housing that needs parking, the street maybe in commercial areas. Mr. Russo brings up the report from Mr. Seckler and points out a mistake and asks for clarification on the first page last sentence dated September 14<sup>th</sup>. Mr. Seckler states that what he was trying to say was that the parking lot is reserved for residents with ADA parking. It was asked how many days the study took place. Mr. Seckler states that it was 4 days and in those 4 days the parking lot was full. He gave a summary of his report: onsite parking always had parking spaces, but for the demand there is not sufficient parking. He still believes the lot to be full but not 100% full, they do have some open spaces. Mr. Russo states is personal experience from walking in the area, he states that there are at least 7-9 available and 9-11 open spaces at night that are coming and going. He states that he is struggling with the idea of the onsite parking. Mr. Whitaker states that the Medical aids only come at night. Mr. Hunt asks if the people that were parking in the street were actually seen going into the building. Mr. Seckler states that they had a sign in sheet at the front desks for anyone that was coming and going out of the building and they tracked license plates. Ms. Lawlor

asks if their intension with the proposed parking lot would have a visitor's lot. Mr. Seckler states that the spaces closer to the building would be for the residents and the parking spaces farthest from the building would be for the visitors. He states that they are trying to create a visitors parking area. Mr. Russo asks if the new spot in relation to the cul-de-sac is farther or closer. Mr. Seckler states that it will be farther. Mr. Russo then asks about the least desirable spaces. Mr. Seckler states that there will be signs marking the spaces. Mr. Whitaker refers back to Ms. Lawlor's report stating that there should be not parking in the cul-de-sac and that there be signs stating this. Ms. Lawlor agrees and is then ask by Mr. Russo what would happen if the governing body did not agree. She states that they would want to have a safe turning radius for emergency vehicles and she agrees with the traffic expert.

The application is opened to the public for any questions in regard to the testimony that was given.

Mike Geib from 62 Hunter Place steps forward. He then asks if there is anywhere in the RSIS stating that it must be incompliance. Mr. Seckler states that there are certain standards that you can get a wavier for. He states that it is not something that you have to do. Mr. Geib asks for clarification on where the health aid are going to park, he asks if the new spots are going to be for them. Mr. Seckler states that it is not but it is where they are parking now. Mr. Geib then asked how many people use those services. Mr. Seckler states that he does not know but they come daily and at various times.

Being that there are no more questions the public session is closed.

Mr. Whitaker asks for a 5 minute recess. It is granted and they return at 9:20pm.

Mr. Whitaker called up Mr. Marzulli in regard to answering some of the questions that has a raised. Mr. Marzulli is still under oath. Mr. Marzulli states his background ones more. Raymond Marzulli he is from 264 Bellville and he is the property manager for the Senior Housing. Mr. Whitaker states that there was a question that was asked in regards to snow removal in the parking lot. Mr. Marzulli states that they have keys for all of the resident's cars. He states that when it snow they do not really like them going outside so they move and clean off the cars then after plowing put them back. He states that they have prevented a lot of falls. Mr. Marzulli has 2 photos that show property abutting the Senior Center. The first photo is labelled Exhibit A-8, the photo depicts the front yard of the neighbor's house. The house that is in the photo is the house adjacent to the Senior Center, Lot 15, the photos were taken 9/24/2018. The second photo is labelled Exhibit A-9, the photo show the back of the neighbor's house. Mr. Marzulli begins to describe each of the photos. The photos were passes around for the board to view. Mr. Russo asked what the purpose of the photos were. Mr. Marzulli states that it is to show what they will be buffering and begins to describe the buffering property. Mr. Marzulli mentions that in the rear of the buffering property they have supplies being stored in the back yard. Mr. Russo asked how long the supplies were back there. Mr. Marzulli states that he does not know how long they have been there. Mr. Russo asks Mr. Marzulli how many properties he owns. Mr. Marzulli refers to the front page of the plans and states that they own all the shaded in areas (Lot 21& 16). He states that they bought the properties in hopes to expand the parking lot in the future. Mr. Marzulli states that Lot 21 was purchased about

20 years ago. He states that there is a single family residential that is occupied by the Superintendent of the facility. Mr. Russo confirms that Mr. Marzulli owns the last 2 properties at the end of the cul-de-sac and they both have single family residential dwellings on them. Mr. Marzulli states that, that is correct. Mr. Russo asks if there was any thought of using Lot 21 instead of using Lot 16. Mr. Marzulli states that the house on Lot 16 is vacant and in need of a remodeling with the way it was left.

The discussion was opened to the Board. Being that there were not comments or questions the discussion is closed to the Board.

The discussion is opened to the public for questions.

Mike Geib of 62 Hunter place steps forward. He asks Mr. Marzulli if he knew how many people used the services. Mr. Marzulli states that he is not sure being that he is only there 1 day a week for 4 hours. Mr. Geib questions the photos and the said materials that where in the backyard of the abutting property.

Donna Kildonne of 67 Hunter Place steps forward. She asks at the time that was your intention to turn the property into a parking lot knowing that it was zone for a residential use. Mr. Marzulli says that, that is correct.

Being that there are no more questions the public session is closed.

Mr. Whitaker makes some concluding point for the application and states that, that is the conclusion of their presentation.

The application is opened to the public for any comments/concerns.

Michael Charles Geib steps forward and is sworn in. he states that he has taken photos and would like to present them to the Board. He labels the photos starting with P-1. He states that all photos that he is submitting are from July 27<sup>th</sup>, 2018. Mr. Geib then begins to address the room as an entirety and voice his concerns about the application and how he thinks in his opinion this would ruin the neighborhood that he has lived and loved. Some of his concerns were that this would be destruction to the neighborhood and he is worried about the property taxes.

Donna Kildonne steps forward and is sworn in. She states that she has been a resident on Hunter Place for over 24 years and she has never see an emergency apparatus have a difficult time getting in and out of the property. She then discusses the 2 properties that the Senior Center owns.

Being that there are no more comments so the public session is closed.

Mr. Whitaker addresses the comments from the public stating that in regards to the open spaces he believes that it was well described on how the parking lot capacity is not determined by how many spaces but by the overall capacity. Mr. Whitaker refers back to the traffic study. He states that the first words you have to look at in the inherent beneficial use. He states that the Senior Housing is just this and to fully achieve this they

need the adjoining properties. He refers back to older minutes from the original meetings. Mr. Whitaker begins to discuss about the 1 to 1 ratio of parking spaces and how they will be closer to the ordinance requirements. He discusses the cul-de-sac and the unusual head on parking and the potential to up no parking signs around it. He then puts this in the point of view. He then summarizes what they have addressed and met. He refers to Exhibit 2-A, he begins to discuss the exhibit. Mr. Whitaker mentions the Appraiser opinion on the property values not being harmed.

Mr. Russo went around the Board to see their opinion on the application. Mr. Abate states that he listened to both sides and believes that he has come to his decision. Mr. Hunt states that after hearing both side it has been n experience. Mr. Coss concurs with the fellow Board members. Ms. Bernstock states that she is ready to vote. Mr. Russo states that since 1976 they needed more parking property acquired for the additional parking, but made one of the properties for the Superintendent. He asks why they are just coming to the Board now. He states that the parking lot has been self-regulating and he is not convinced. In his opinion the applicant did not show sufficient need for additional parking. Before giving a motion Mr. Hunt asks for an attorney's point of view on the application. Mr. Brewer gives his professional point of view towards the application in hopes to help solidify the Board decisions and clarify whether it would be beneficial or detrimental to the property along with the surrounding properties. Mr. Roos made the motion while Mr. Abate seconded.

**Roll Call: Mr. Abate Yes, Mr. Coss Yes, Mr. Hunt Yes, Mr. Roos Yes, Mr. Russo No, Ms. Bernstock No, Ms. Curran Present.**  
**4/6 did not carry.**

**RESOLUTIONS: None.**

**NEW/UNFINISHED BUSINESS:**

1. Open Space.

**PUBLIC DISCUSSION:**

Opened to the public to bring up anything not talked about during the meeting. Being that there is none the public discussion is closed.

**ADJOURNMENT:**

Motion moved by Ms. Bernstock for the adjournment of this meeting at 10:30pm. **All voted in favor.**

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Sarah Okuyan