

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting of  
February 25, 2008**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on February 25, **2008**.

Chairman Scott Levy called the regular meeting to order at 7:10 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present: Mr. Karas, Ms. Spindel, Mr. Meer,  
Mr. Sacchinelli, Mr. Blecher, & Mr. Levy

Absent: Mr. John Nakashian, Mr. Todd Newman, Mr. Benny  
Salerno  
& Mr. Diner. Mr. Doug Charipper arrived at 7:15 p.m.

Also in attendance were William Soukas, Board Attorney; Karen Kocsis, Court Reporter; Ann Peck, Assistant Zoning Officer and Cathy Bozza, Zoning Board Clerk.

Mr. Levy opens and tells the Board he is going to skip over the first two applications that are listed because they are a D-variances and by statute, D-Variations requires 5 affirmative votes to pass. We do not have 7 members and with that said we will start with:

1. Application #2008-07-Allison Putrino, 27-01 Kipp Street, Block 3507, Lot 10, Zone

R-1-2. Existing lot is 5000sf where 7500sf is required. Lot frontage of 50' where 75' is required. Proposed addition would maintain existing front yard setback of 13'17" where 30' is required as per Section 125-12 Schedule of area yard and building requirement.

Mr. Levy swears in Mr. Tom Desocio, 24-13 Hemlock Avenue, Fair Lawn, N.J.  
Mr. Dan Adamen, 13-29 Sunnyside Drive, Fair Lawn, N.J.

Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Joseph Mogelli from the firm of Mogelli Associates, 2 University Plaza opens for Allison Putrino and Tom Desocio, the applicants who are Husband and Wife. This is a house that Allison and Tom at 27-01 Kipp Street in Fair Lawn. It is a typical block in FairLawn. They bought the house with raising a family in mind and they needed additional space and the variances that we are requesting today are variances that are pre-existing.

Mr. Mogelli refers to 1st witness, Mr. Tom Desocio. Proceeds to question him on plans that were submitted and asks him to explain to the Board what he plans to do with the property?

Mr. Tom Desocia: I am trying to renovate the first floor and add a second level for a planned future family.

Mr. Mogelli: You plan to stay within the existing footprint and nothing is getting excavated, you are going straight up. Correct?

Mr. Desocia: Correct

Mr. Levy: What is the height of the proposed addition?

Mr. Mogelli: The height is 29'.

Mr. Levy: Anyone on the Board have any questions of this witness?

Mr. Levy: None. Council, you can call your next witness.

Mr. Mogelli: I would like to call Dan Adaman as my next witness.

Dan Adaman: States that he is a real estate appraiser and holds a state license in New Jersey and New York.

Mr. Mogelli: You are familiar with the subject property?

Mr. Adaman: Yes. We took photos and the neighborhood mostly consists of two story expanded ranch homes and the proposed site plan would add value to the area. The neighboring house is a single family expanded ranch that has added a level.

Mr. Levy: Just for the record, there is a series of 5 photos. One photo is showing the subject property and one is showing the property across the street. The home next store, is that the one you are speaking about?

Mr. Adaman: That is correct. The home next store was similar to what we have. It was a ranch style house as well.

Mr. Levy: Anyone from the Board have comments or questions? No one.

Mr. Levy: I will open the applicant to the public within 200ft. Seeing no one, I will close that portion.

Mr. Levy: I will open the applicant to the General public.

Witness steps up:

My name is Angelina Waldren and I am representing my grandparents, Christopher & Ann Chichetti who are at 26-16 Berdan, directly behind 27-01 Kipp street. The situation

at hand is that they do not have a problem with the addition, the problem that they do have is water runoff due to the construction next to them to the right and they did have water runoff and caused flooding because the street is slightly elevated from Berdan and they wanted to be sure that any drains or runoffs will be directed towards Kipp Street and not to the backyard leading to more flooding during rain on their property.

Mr. Levy: Council?

Mr. Modelli: Chairman, what I see from the plans is that it would be more beneficial to us if we had the runoff towards the front.

Mr. Levy: For the record, you will make sure that any construction or any work on the property, runoff or any drainage will be captured on site towards Kipp.

Mr. Modelli: Absolutely.

Mr. Levy: Ms. Waldren, you are very familiar with your grand- parents property? You have stayed there a certain amount of time.

Ms. Waldren: Yes. I live in FairLawn, myself around the corner.

Mr. Levy: By Law, you are bringing in third party concerns and for the record I cannot allow that to come in so that is why I am asking you specific questions. You are familiar with the house and you stayed in the house on numerous occasions. You have seen drainage and runoff problems on the property?

Ms. Waldren: Yes, I have. My concern is the same.

Mr. Karis: Are you aware of any runoff presently from this property on to your relatives property.

Ms. Waldren: No, not currently.

Mr. Levy: Also for the record, applicant has agreed to a provide litigation of any runoff during construction and finished project.

Mr. Levy: Anyone else from the general public or within 200'?  
Seeing no one, I will close that portion. (Mr. Modelli summarizes)

Mr. Modelli: This is a young couple who are very happy to be in the town of Fair Lawn and want to raise a family in Fair Lawn and this application would assist them in doing so. The application is very clear. There are pre-existing conditions that do exist here but nothing out of the ordinary that hasn't already been done in Fair Lawn. Any concerns as far as the runoff I will address that immediately.

Mr. Karis makes motion to approve the application. Ms. Spindel seconds the motion.

VOTE: Mr. Karis, Ms. Spindel, Mr. Sacchinelli, Mr. Blecker, Mr. Meer & Mr. Levy  
YES.

**APPLICATION APPROVED.**

Mr. Levy: We now have seven members sitting, so we are now going to hear Residential Old Business.

2. Application 2007-102, Salvatore Calabro  
21-18 Dalton Place, Block 3225, Lot 25, Zone R-1-3  
Existing lot is 5000sf where 6500sf is required. Lot frontage of 50' where 65' is required. D-2 expansion of a non-conforming 2 family requires approval.

Proposed addition would increase the impervious coverage from 35.37% to 43.72% where 35% is permitted. Would maintain existing front yard setback of 10.50' where 25' is required. Would have FAR of 56% where 40% is permitted.

The existing building height is 34.50' and addition would be 30' where 30' is permitted

measured from the center of the street as per Section 125-12 Schedule of area yard and building requirements.

Mr. Levy swears in Salavatore Calabro and Lawrence Guthartz, Registered Architect in the State of New York & New Jersey.

Mr. Levy: Just for the record, Mr. Guthartz has prepared plans and has presented to this Board before and has been accepted as an expert witness and will be so in this application.

Mr. Guthartz: Basically what we are doing here is we have an existing non-conforming lot with an existing non-conforming residence. It is a two family which is still existing.

Mr. Soukas (Board Attorney) apologizes for interrupting, and states that included among the applicant's request for relief is an expansion of the non-conforming nature of the property as a two family. Unless the borough has some indicia that in fact it has been treated as such, what you are asking for is a Zoning Certificate in addition to the variance relief you are requesting. It is the burden of the applicant to show that it has been used and recognized as a two-family.

Mr. Soukas: However you would like to proceed Mr. Chairman.

Mr. Levy: Why don't you proceed with the application as far as proving the requirements for the variances and then when the information is here we will add that on too.

Mr. Guthartz: Getting back to the FAR, which is required to be 40% at a maximum for this property is at 56%. The existing height of the building is at 34.5' and the new addition is going to be 30' maximum as taken from the center of the street. The residence is a two-family and there is no additional space for them to expand.

Mr. Levy: Turns to Assistant Zoning Officer and asks if there is any information regarding this property being used as a two-family?

Assistant Zoning Officer replies that she has information regarding the house. In 1978 there is a building permit on record in the tax office and it was noted as a two-family on the property card since. It looks to have been that way for at least 30 years.

Mr. Soukas says we can put the Certification as a two-family in the resolution and include it in the vote as well.

Mr. Guthartz continues: The house is small and they have a fairly large family, the second floor is basically an attic that is used as a one bedroom. The lot is small and the area is consistent with most of the houses on the block they are all on small lots.

Mr. Levy: You mention that the lot is small, so what shows on addition to this house that the lot would be able to hold the enormity with the addition?

Mr. Guthartz: The front yard. The way the house is setback. It is about 40'. It is a

corner lot and Dalton street has an entrance, a main entrance and  
we  
are not touching that at all.

Mr. Levy: You have a series of pictures as part of the package. The bottom left  
hand  
picture is taken from the rear of the house as it exists now?

Mr. Guthartz: No, that is taken from the side. The side that is west and the  
other side is  
where the existing little addition is right now. There has always  
been  
two driveways and we are reducing the amount of paved area on  
the  
other side.

Mr. Levy: Do you need the existing driveway that is listed here?

Mr. Calabro: We have five family members and we have at least 4 cars all the  
time.

Mr. Levy: Right, but you are asking for a new driveway that is 16' wide by 35'  
long.

35x16'w can fit four cars? O.K. What is the character of the  
neighborhood?

(Mr. Levy reviews the site plans)

Mr. Levy: Anyone from the Board have comments or questions?

Mr. Karas: I would like to go back to the two-family situation. On looking at the  
photographs, I see the front entrance, is that also the entrance to  
the second story? (Mr. Guthartz answers yes)

Mr Karas: The photograph on the right lower portion of the photograph shows an  
entryway next to the driveway. (Mr. Guthartz answers it is the  
entrance to  
the first floor and to the basement.

Mr. Karas: Is there any second entrance to either the first or second floor?

Mr. Gurtharz: There is none.

Mr. Karas: There is no second entrance to the second or the third floor?  
Correct.

Mr. Guthartz: Correct.

Mr. Karas: The third floor has a bedroom in it, presently existing. So it is not an  
attic.

Mr. Guthartz: Technically it is a bedroom in an attic space. I don't know how  
else  
to define it.

Mr. Karas: Is this a three-story building?

Mr. Guthartz: That depends on how you define an attic space?

Mr. Levy: There is a bedroom up there. It is listed as a legal bedroom. To me  
that  
is a third floor and not attic space? I don't have a problem with that  
because it's been that way for thirty years. The applicant said he  
bought it  
that way.

Mr. Karas: I know that a third floor or a third story requires second entrance  
whether it  
is by a fire escape or not.

Mr. Levy: Actually, you brought something up that I wasn't aware of. Larry,  
there is  
only one entrance to both apartments?

Mr. Guthartz: There is only one entrance to the second floor.

Mr. Levy: How does one get into the first floor? Looking at the plans, that would  
be  
A2, correct?

Mr. Gurtharz: Correct. Going up the front stairs, there is a hall, there is a step on  
the  
right hand side and then go into the living room.

Mr. Levy: In adding the second floor, that is where the apartment will be?

Mr. Guthartz: That is where it is now.

Mr. Levy: Physically, to get in there is only one main entrance? I would take it that

the people who are using the second floor is family? I think I agree with Sy

Karas. There are building requirements with a second story. There is a safety

issue here. This is a two family house with only one entrance.

Mr. Calabro: Yes. I know.

Mr. Karas: One of the things that concern me is the increase of the impervious coverage and also the increase to the FAR which is going to 56%.?

(Mr. Guthartz & the Board go back and forth with percentages and numbers)

Mr. Levy: There is a problem with the amount of Floor to area ratio that is being asked for. There is 40% that is allowed, you are asking for 56%.

That is

16% over and that is quite a bit and we have problems with that. The

idea

is whether or not it can be reduced.

Mr. Charipper: May I ask a question? Do you think you would want to adjourn this or

give it some more time to look at and review.

Mr. Levy: There are still some questions with this application.

Mr. Karas: May I also add, if we are going to carry this, I think we should deal with all

the problems and questions at one time. I would ask that you also communicate with the fire department to find out whether a second

floor

does not require a second exit and entrance or you may need a fire

escape on

the third floor.

Mr. Levy: That is not a zoning issue that is building code enforcement. We have no

pervue on that, but now that you have heard comments on that,  
please take  
that under consideration.

Mr. Levy: Just for the record, we have a set of drawing prepared by your office.  
A1-thru A5, we will mark as A1 with today's date. There is also part of  
the application submitted where there are a series of photo's on one  
(1)pg.  
4 photos. We will mark them as A-2 with today's date.

Mr. Karas: One more thing, Mr. Chairman if I may? Is the front porch supposed  
to be  
included in the building coverage? It wasn't figured in the building  
coverage.  
Those figures will have to be revised.

Mr. Levy: O.K. Mr. Gutharz, you & Mr. Calabro do understand what is going on &  
you  
agree to adjourn with no further notice and agree to accept to carry  
this  
application to March 24th, 2008.

### **APPLICATION CARRIED TO MARCH 24, 2008**

3. Application 2008-06, Iris & Moardechai Anavi,  
9-15 Malcolm Terrace, Block 2526, Lot 5, Zone R-1-2  
Existing lot is 5400sf where 7500sf is required. Lot frontage of 54' where 75'  
is required. Proposed addition would increase the building coverage from  
20.03% to 28.18% where 25% is permitted. Addition would increase the  
existing  
imperious coverage from 40.07% to 40.57% where 35% is permitted. Would  
maintain  
existing side yard setbacks of 6.38' & 6.59' where 10' is required. Would  
maintain  
existing front yard setback of 21.01' where 30' is required. FAR of 48.5%  
where 40%  
is permitted requires a D variance as per Section 125-12 Schedule of area  
yard and  
building requirements.

Mr. Levy swears in Mr. & Mrs. Anavi & Mr. Sedrick, a Licensed contractor.

Fees off \$88.00 have been paid and there is proof of service.

Mr. Levy: Mr. Anavi, would you please explain to the Board the reason you are here.

Mr. Anavi: My family & I have lived in Fair Lawn around 7 years and since then we have had two kids in this house. We are looking to expand our family. Also, our family does not live in this area so they come to stay with us during the holidays and we need a much larger space. To add two additional bedrooms and a family room. We need to expand our kitchen area. Regarding the variances we are looking for, most of them are pre-existing. (Mr. Anavi explains all setbacks, impervious coverage,) and necessary changes needed.

Mr. Levy: The height of the House with the addition?

Mr. Sedrick: 29.65'.

Mr. Levy: Anyone from the Board have comments or questions? No one.

Mr. Levy: Opens up applicant to the public within 200'. Seeing no one Mr. Levy closes this portion.

Mr. Levy: Opens up applicant to the general public. Seeing no one, Mr. Levy closes this portion.

Ms. Spindel: Just one question. How big did you say the proposed patio will be?

Mr. Anavi: The patio we are taking out. It currently exists. We are building

a deck.

Mr. Levy: Mr. Sedrick, the addition to the house falls in line with the adjoining houses? In particular the back of the house? That stays in character with the rest of the houses in the area?

Mr. Sedrick: I am not sure if I have any reference to that, but I am familiar with the site.

Mr. Levy: Based on your familiarity, can you answer the question.

Mr. Sedrick: Not to my memory, No.

Mr. Anavi: If you look at the pictures, there is a home on Malcolm Terrace and you can see a similar addition that they currently have.

Mr. Levy: Mr. Sedrick, this is a question I think you should answer since you are the expert on this one. Relatively, it's not where it is over expanding?

Mr. Sedrick: In my experience, it is a pretty conventional design for a home with this character. It is in my experience it is staying in the character of the area.

Mr. Levy: Anyone else with comments or questions. I closed the audience portion, so with that I'll entertain a motion.

Mr. Meer makes 1st motion to approve application. Mr. Charipper seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Charipper, Mr. Sacchinelli, Mr. Blecker, Mr. Meer, YES. Mr. Levy, NO

Motion carries 6 to 1

**APPLICATION APPROVED**

4. Application 2008-08, Baha Andj & Gladys Eldana,  
3-23 Grunauer Place, Block 3319, Lot 35, Zone R-1-3  
Proposed new garage and addition would have front yard setback of 20.30'  
where 25' is required. Would reduce side yard from 10' to 8' where 10' is  
required as per Section 125-12 Schedule of area yard and building  
requirements.

Mr. Levy swears in Mr. Eldana

Fees totaling \$88.00 has been paid and there is proof of service.

Mr. Levy: Mr. Eldana, please explain to the Board what it is you would like to do.

Mr. Eldana: I want to fix the house and move the existing garage because it is  
falling apart and move it to the front of the house. I want to add a  
dormer  
to the top of the garage.

Mr. Levy: Does anyone have comments or questions?

Mr. Karas: Your survey shows a garage to the rear of the property. That is being  
removed and the series of photos, are they pictures of your  
property.

Mr. Eldana: No, those are pictures of other properties on the same block.

Mr. Karas: The only thing that you are doing now besides the addition is that you  
are  
reducing the side yard from 10' to 8'.

Mr. Levy: Any one else from the Board have questions, no one.  
I'll open the applicant to the general public.

Mr. Levy swears in Harvey Rubenstein, Rutgers Terrace.

Mr. Rubenstein states that he couldn't hear everything and wanted to clarify if  
it was  
just a garage or a garage with a second story addition?

Mr. Levy: This is a garage with a partial second floor. A dormer that is being raised.

Mr. Rubenstein: How high is the garage?

Mr. Eldana: The highest point of the house will be 29.5' and I will not be going beyond that.

Mr. Rubenstein: How many houses encroach upon the sideyard. I assume their supposed to be 10'. Correct.

Mr. Levy: Anyone else from the general public have any questions, seeing no one.

I close this portion. Anyone from the Board with additional comments or questions? Seeing no one, I'll ask for a motion.

Mr. Charipper makes 1st. motion to approve application. Mr. Sacchinelli seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Charipper, Mr. Sacchinelli, Mr. Blecker, Mr. Meer & Mr. Levy: YES

Motion carries.

**APPLICATION APPROVED.**

RECESS: 5minutes

ROLL CALL: Mr. Karas, Ms. Spindel, Mr. Charipper, Mr. Sacchinelli, Mr. Blecker, Mr. Meer & Mr. Levy.

4. Application #2008-09, Alexander Sulkin  
23 Reading Terrace, Block 3607.01, Lot 13, Zone R-1-3  
Proposed patio and new walkway would increase the impervious coverage from 23.51% to 36.89% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirement.

Mr. Levy swears in Mr. Goussarova Sulkin & Elena Sulkin.

Fees of \$88.00 have been paid and there is proof of service.

Mrs. Sulkin: We have been living in Fair Lawn since 1998 and have two children who were born here and have a very small house and a very small lot. The original purpose for the project was to replace damaged brick. We did not expect any issues with that and just to replace a couple of bricks would not require any permits. We picked the brick to match the ones that were being replaced, to keep every thing as close to the original design as we could. When everything was said and done, it turned out to be a little over 35% allowed. Radburn did give us approval.

Mr. Levy: I'm going to give you a little hand slapping here. You did the work with- out permits. I understand that it was exterior work and I do appreciate the pictures because what you did was keeping in character with the concept of Radburn. The expansion is the minutest. You are only about 1-1/2 of what you are allowed. You cannot put anything above that. You do under- stand that?. Anyone from the Board have any questions?

Ms. Spindel: I have a couple of questions. Did you notify Radburn that you were doing any of this?

Mr. Levy: Jane, they did the work without the approval. Radburn notified them that that did do wrong by not getting approval, but after inspecting the work, did approve the work and have no problems with it.

Ms. Sulkin: What I thought would be replacing a couple pieces of broken brick turned into replacing everything. My kids couldn't play outside or

anything.

Mr. Levy: Anyone else from the Board have questions? Seeing No one.  
I'll open up the applicant to the public, seeing no one, I'll close  
that portion.

Ms. Spindel makes 1st. motion to approve application & Mr. Karas seconds the  
motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Charipper, Mr. Sacchinelli, Mr. Blecker, Mr.  
& Mr. Levy. YES

### **APPLICATION APPROVED.**

5. Application 2008-11, Corrado Gugliotta,  
2-32 Grunauer Place, Block 3323, Lot 5, Zone R-1-3  
Proposed above ground pool and patio would increase the impervious  
coverage  
from 36.39% to 53.72% where 35% is permitted as per Section 125-12  
Schedule of area yard and building requirement.

Mr. Levy swears in Mr. & Mrs. Gugliotta

Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Levy: Mr. Gugliotta, would you like to explain the increase of impervious  
coverage of 53%.?

Mr. Gugliotta: Yes. We are proposing to put in an above ground pool and a  
patio  
that increases the impervious coverage.

Mr. Levy: I am not sure by the plan I have where you're adding and what is  
existing,  
and what is proposed.

Ms. Gugliotta: The patio is there already, but on the plan it shows a deck.  
During the

construction we switched it to a paved patio, not realizing that  
we were going to have a problem.

Mr. Levy asks Mr. Gugliotta to show him exactly where on the plans does it  
show where the paver patio is now.

Mr. Levy: Just for the record, Mr. Gugliotta showed me on the plan where it  
says paved patio where apparently there was a deck.....

Ms. Gugliotta interrupts and tells Mr. Levy there never was a deck and the  
Zoning officer explains to Mr. Levy that it was a brand new home and the original plan  
was to have a deck but throughout the course of construction, a family member  
came from Italy and offered to built a patio instead of the deck. They didn't  
realize there would be a zoning issue. They came to Zoning for a pool, which is when  
I advised them that the patio did not have approval, so they are applying also  
for the patio coverage.

Mr. Levy: This patio has been there since 2002? Has there been any drainage  
problems or water problems since then?

Mr. Gugliotta: No, we have all underground seepage and tie-ends.

Mr. Karas: As far as the size of your pool is concerned. Have you considered  
reducing the size in order to reduce the impervious coverage?  
15x30 seems to be a pretty good size pool.

Mr. Gugliotta: We haven't thought about it but if we have to, we will.

Mr. Levy: On a professional level, to reduce the size of the pool is not the issue.  
It's minimal. It's more or less reducing the patio that's the issue.

Ms. Gugliotta: I guess we can but it's hard because my husband's Uncle came  
from Italy,  
and built the patio and it's sort of sentimental to us.

Ms. Spindle: I don't understand the wings on that, the curve? Maybe you can pull it in

and square it off? Would that make a difference with the impervious coverage?

Zoning Officer: It might, but I don't know what that would do to the existing patio.

Mr. Levy: My question is; It's been there since 2002, and there has not been any complaints nor drainage issues?

Mr. Gugliotta: No

Mr. Levy: Are there any questions from the Board.

Mr. Karas: What is the size of the patio currently? Is it feasible and would it reduce the

impervious coverage to move the pool onto a part of the patio?

Zoning Officer: You cannot install any part of an aboveground pool onto a patio. It must be on sand

The Board discusses openly ways to reduce the impervious coverage with the patio.

Mr. & Mrs. Gugliotta stresses to the Board that that do not wish to remove any of the

patio if possible because of the emotional attachment and sentiment with the uncle

placing it. Since then the Uncle has passed on.

Zoning Officer: What are we looking to get it under?

Mr. Karas: If we could get it under 50%.....

Zoning Officer: Currently, the patio is at 10.83% as existing, if you wanted to get it

under 50%.....

Mr. Levy: Let's all keep in mind that what added this impervious coverage is a pool.

The pool is not a permanent structure on this. It is an aboveground.

Mr. Karas: If this application is approved, we could have it inserted that if the property  
is sold that the pool can be removed.

Mr. Levy: Absolutely.

Mr. Charipper: I'd be flexible with some sort of restriction or condition with approval.

Zoning Officer: I think before we call a motion, to clearly state the conditions.

Ms. Gugliotta: I just want to understand, that if you decide to approve our application, we  
have to take the pool down if we sell the house. Correct?

Mr. Levy: Yes.

Mr. & Mrs. Gugliotta agrees.

Mr. Levy: Anyone else from the Board have comments or questions? No one.

Mr. Levy opens up applicant to the general public. Seeing no one, Mr. Levy closes this portion.

Mr. Charipper makes 1st motion to approve application with condition that pool is to be removed if the applicant decides to sell the house.

Mr. Sacchinelli seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Charipper, Mr. Sacchinelli, Mr. Blecker, Mr. Meer

& Mr. Levy. YES

**APPLICATION APPROVED WITH CONDITIONS.**

6. Application #2008-10, Gerald & Claudia Grassi  
0-03 Yost Place, Block 2221, Lot 12, Zone R-1-3  
Proposed 6ft. fence in front back yard setback as per Section 125-38(A)  
Fences & Walls.

Mr. Levy swears in both Mr. & Mrs.Grassi.

Fees totaling \$88.00 has been paid and there is proof of service.

Mr. Levy: What is it you would like to do Mr. Grassi?

Mr. Grassi: I would like to remove the existing fence and replace it with a 6' PVC fence and extend the fence line along Sycamore Place.

Mr. Levy: Just for the record the pictures submitted of your home and surrounding homes, we will label. #A1-0-03 Yost, #A2-Front of 03 Yost, #A3-back of 118 Cambridge #A4-75 Blue Hill, #A5-88 Blue Hill, #A6-side view of 88 Blue Hill, #A7-back of Tunbridge, #A8.102 Blue Hill(corner house)

Mr. Levy: A1 is your house and that is existing and that is the fence you want to remove.

Ms. Grassi: Correct, we want to match up with our neighbor. Our house is a corner property, we are between Yost& Sycamore.

Mr. Levy: You want to bring the fence 13' towards Sycamore and line it up with the neighbor's fence. How high is that fence?

Mr. Grassi: 3ft. Which is what the town will allow. We want 6ft.

Mr. Levy: You do see that most of the pictures depicting the homes in your area are 3ft to 4ft. I'm going to ask you a question, instead of having a 6ft. fence, how about a 5ft. fence with a lattice on top?

Ms. Grassi: We would be very happy with that.

Mr. Levy: Anyone else from the Board have comments or questions?

Ms. Spindel: It will not interfere with the tree. You don't plan on doing anything with the tree?

Mr. Levy: You'll make sure that you won't, correct? Just for the record, the corner house, the placement of the fence will not interfere with the site lines around the corner.

Ms. Spindel: You have a piece of fence in the front of the house, is that going to match with the new fence on the other side?

Mr. Grassi: Yes.

Mr. Karas: The fence that you are putting up, have you agreed that the fence will 5' total height with the top being lattice?

Mr. Grassi: Yes.

Mr. Karas: My thinking is that the fence ought to be in line with the southside of your building. That would probably be within the setback line, I would have no problem in approving that. Would you agree to that?

Ms. Grassi: If I may explain; the reason why we want to put it as explained is because we have a little one and we would like to give her a bigger playing area.

Mr. Karas: That is my point. Your backyard is 80ft.long and if we take off 13ft. you will still have a backyard of 67ft. long and as so far as the other side is concerned it appears to me as if it is about 40ft. You will still have a very substantial backyard that would be enclosed anyway.

Mr. Levy: I have a question. It says, enclosed porch. Enclosed Porch is what this is.  
move it (Points to picture) what you want to do now is take the fence and closer towards Yost. I personally don't have no problem with what you want to do, but I don't understand why you want to bring the fence line to the corner of the house now. I have no problem if you want to move it back to where it is at the corner now. That would reduce the fence maybe an additional 15'.

Mr. Grassi: The fence will not be extended anymore towards Yost.

Mr. Levy: You're drawing doesn't indicate that.

Mr. Levy shows Mr. Grassi the plans and discuss his options regarding the fence.

Mr. Levy: So everyone knows, the indication of the fence that was part of the application submittal is not correct. The line of the fence would start at the South-East corner of the enclosed porch where the existing chain link fence is now, go South towards Sycamore Drive and then back West towards the neighbor's fence post. The enclosed porch on Sycamore would have no fence in front of it.

Mr. Levy: Anyone else with comments or questions?

Mr. Levy opens the applicant to the public.

Ms. Sylvia Dubowick steps forward who lives at 0-02 Yost Place, FairLawn, N.J.

Mr. Levy swears in Ms. Dubowick.

Ms. Dubowick asks the applicant if she has any intentions of putting the fence anywhere in the front. Also on how high the fence will be.

Ms. Grassi reassures her no on putting the fence in the front and responds to 5ft. as far as the height is concerned.

Mr. Levy interjects and makes sure that it is understood that the fence is 5' total in height including the lattice.

Mr. Levy asks if anyone else from the general public have any questions?

Mr. Harvey Rubenstein, 28 Rutgers Terrace, FairLawn, N.J. 07410

Mr. Levy swears in Mr. Rubinstein.

Mr. Rubenstein: Based on the drawings that you did. The most important thing is the integrity of the site distance to the corner. Are you satisfied with it?

Mr. Levy: Yes, I am very satisfied. They will not impede the site triangle at all.

Mr. Levy closes the portion to the general public.

Mr. Blecker makes 1st. motion to approve the application with the condition that it is 5' total height including the lattice. Mr. Sacchinelli seconds the approval.

VOTE: Mr. Karas opposes the application because the current fence is in line with the Southside of the enclosed porch and along the Southside of the building.

He does not see any justification to extend that towards the sidewalk. **NO**

Ms. Spindel, Mr. Charipper, Mr. Sacchinelli, Mr. Blecker, Mr. Meer & Mr. Levy  
**YES.**

Motion carries 6 to 1.

**APPLICATION APPROVED.**

Application #2008-12, Martha Carlucci & Louis Gallo,  
2-19 Berdan Avenue, Block 5627, Lot 6, Zone R-1-3  
Existing lot frontage of 50' where 65' is required. Proposed addition needs approval as per Section 125-12 Schedule of area yard and building requirements.

Mr. Levy swears in Martha Carlucci & Louis Gallo.

Fees of \$88.00 have been paid and there is an open water bill that is due of \$215.08 and there is proof of service.

Mr. Levy reviews the application and asks the Zoning Officer if the applicants are here only for the frontage?

Ms. Peck responds yes. The lot frontage.

Mr. Levy: Everything else with the proposed structure falls within the ordinance except

that there is a pre-existing condition on this lot that there is a 50' frontage where 65' is required.

Ms. Carlucci explains they have no way they can change the property lines on their site, so that it is considered a hardship and that is why they are asking for the variance?

Mr. Levy: Everything else as far as conception as far as the addition goes falls within ordinance. Correct?

Ms. Carlucci: Yes, or under.

Mr. Levy asks if there are any questions from the Board. No one.

Mr. Levy opens up the applicant to the general public.

Mr. Harvey Rubenstein steps forward. 28 Rutgers Terrace, FairLawn.

Mr. Levy swears Mr. Rubenstein in.

Mr. Rubenstein: Is this an addition or a new house?

Ms. Carlucci: This is an addition. The ground floor will remain almost the same. We are taking down the kitchen wall, which is not a holding wall and making a family room kitchen.

Mr. Rubenstein: Are you staying within the footprint?

Ms. Carlucci: No, we are extending out the back.

Mr. Rubenstein: The sideyard, the frontyard and the backyard are all according to what the regulations call for?

Ms. Carlucci: The sides and the front are not changing. The integrity of the house in the front is not changing. We are keeping the existing porch. The front of the

house is setback so that it looks more open.

Mr. Rubenstein: The height?

Ms. Carlucci: The house is below the requirement. It is 24ft.

Mr. Rubenstein is satisfied with Ms. Carlucci plan and sits.

Mr. Levy asks if anyone else from the general public have any questions, seeing no one. Mr. Levy closes this portion.

Mr. Meer makes 1st. motion to approve the application. Ms. Spindel seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Charipper, Mr. Sacchinelli, Mr. Blecker, Mr. Meer & Mr. Levy. YES

**APPLICATION APPROVED.**

Application #2008-13, Lior Cohen,  
39-11 Paterson Street, Block 2401, Lot 16, Zone R-1-2  
Existing lot is 7250sf where 7500sf is required. Proposed rebuild and expansion of fire damaged house would have a lot frontage of 72.50' where 75' is required as per Section 125-12 Schedule of area yard and building requirements.  
Section 125-8 definitions-Lot frontage.

Mr. Levy swears in Lior Cohen Of 39-11 Paterson Street & Mr. Larry Guthartz, Licensed Architect in the State of N.J. & N.Y.

Fees of \$88.00 have been paid and there is proof of service.

Mr. Guthartz: We are here because of the property that we are doing the addition on  
that also had fire damage is an undersized lot. 7250sf where  
7500sf is  
required. We are adding the addition over the existing first floor of  
this  
split level. We have no idea of what the full extent of the fire  
damage is.

Mr. Levy: You are staying within the height requirements and all other setback requirements for all other zoning ordinances. Correct?

Mr. Guthartz: Correct.

Mr. Levy: Mr. Guthartz, I see that you are extending the driveway as well, Correct?

Mr. Guthartz: No that is incorrect. We are reducing the driveway because right now it steps to the property line. We are taking it down to 18ft. We are also removing the concrete patio and walkway in the backyard and side of the house. I am reducing the impervious coverage.

Mr. Levy: Anyone else have comments or questions?

Ms. Spindel: You only show pictures of the house that Mr. Cohen is buying. There is no other photos of what is in the neighborhood.

Mr. Guthartz: Correct. The house across the street from him we just did an addition on the second floor. Same conditions. Split level.

Ms. Spindel: Is this a stucco facade? I don't appreciate the strucco facade, but it won't keep me from voting.

Mr. Levy: Larry, the final height of the house is going to be 29ft.?

Mr. Guthartz: From the front of the street it is not going to exceed 29ft.

Mr. Levy: Anyone else have comments or questions? Seeing no one.  
Mr. Levy opens up to the general public. Seeing no one. I'll close that portion.

Mr. Karas makes a motion to approve the application. Ms. Spindel seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Charipper, Mr. Sacchinelli, Mr. Blecker,  
Mr. Meer  
& Mr. Levy. YES.

**APPLICATION APPROVED.**

**Vouchers**

1. Bills submitted by William Soukas in the amount of \$833.33
2. Bills submitted by Paul Azzolina in the amount of
  1. \$1,029.75-Zap Lube
  2. \$ 956.25-SK Chemical
  3. \$4,143.75-18-01 Pollitt Drive
  4. \$ 603.75- McDonald's
  5. \$ 172.50-Scholastic Bus Co.
3. Bill submitted by Karen Koscis in the amount of \$275.00

Doug Charipper made a motion to approve these estimates and Brian Blecker seconded the motion.

VOTE: All Present – AYE.

**Resolutions:**

1. Application #2007-101- Joseph & Jamie Caruso, 3-06 Bellair Ave; Block 5513  
Lot 32, Zone R-1-3-Addition-Approved
2. Application #2008-001- John & LuAnna Tardio, 16-15 Parmalee Ave,  
Block 5704, Lot 7, Zone R-1-3-Addition-Approved
3. Application #2008-002- Steven & Helen Grill, 10-02 Plymouth Drive,  
Block 4411, Lot 23, Zone R-1-3– Driveway Expansion-Approved
4. Application #2008-003- Harjakam Singh & Ranjit Bindra, 8-11 22nd Street,  
Block 3519, Lot 2, Zone R-1-3– Addition-Denied
  
5. Application #2008-004- Alexandra & Aizik Hoffman, 20-10 Hunter Place,  
Block 2807, Lot 23, Zone R-1-2– Addition- Approved.
6. Application #2008-005- Gayle Longaker, 1-22 36th Street, Block 2317, Lot  
15, Zone R-1-3– Rebuilt of fire damaged house- Approved.

Doug Charipper made a motion to accept these resolutions and Sy Karas seconded the motion.

VOTE: All Present – AYE.

**Minutes**

1. Doug Charipper made a motion to approve the minutes for the November 19, 2008, and December 10, 2008 meeting and Ms. Spindel seconded the motion.

VOTE: All Present - AYE

**Adjourn**

Doug Charipper made a motion to adjourn this meeting and Sy Karas seconded the motion.

TIME: 10:00 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk