

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Reorganization Meeting
Of January 23, 2012**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment Reorganization meeting held on January 23, 2012.

The Board Secretary, Cathy Bozza called the reorganization meeting to order at 7:10 p.m. and declared the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: **Present:** Mr. Karas, Mr. Lowenstein, Mr. Puzio, Mr. Sacchinelli, Mr. Blecher, Mr. Meer & Mr. Newman.

Newly Appointed Alternates in Attendance to be sworn:

Richard Seibel, Alternate **I**,
Daniel Dunay, Alternate **II**,
Frank Sina, Alternate **III**,
William Lancaster, Alternate **IV**

Also in attendance: Candice Galaraza, Court Reporter, Ann Peck, Assistant Zoning Officer, Cathy Bozza, Zoning Board Secretary. No Board Professionals in attendance.

Ms. Bozza (Zoning Secretary) asks the appointed members by Council to please step forward to be sworn in. Gary Sacchinelli & Brian Blecher step forward to be sworn from Alternates to Members, along with newly appointed alternates.

Ms. Cathy Bozza (Zoning Secretary) swears in all appointed.

The Zoning Secretary, Cathy Bozza opens the Nomination for Chairman.

Mr. Sy Karas nominates **Mr. Todd Newman** for Chairman.

Mr. Brian Blecher seconds this nomination.

No other Nominations for Chairman.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas, Mr. Seibel, Mr. Lancaster, Mr. Meer, YES. Mr. Dunay & Mr. Sina, NO

Ms. Cathy Bozza (Zoning Secretary) turns meeting over to Mr. Todd Newman, Appointed Chairman.

Mr. Newman continues with Open Nominations:

Nomination for Vice-Chairperson:

Mr. Karas makes a motion to nominate **Kevin Puzio** for Vice-Chairman.
Mr. Lowenstein seconds the nomination.

No other nominations for Vice-Chairperson.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas,
Mr. Seibel, Mr. Dunay & Mr. Sina, Mr. Lancaster,
Mr. Meer & Mr. Newman, **YES.**

Nomination for Secretary:

Mr. Sacchinelli makes a motion to nominate Joe Meer for Board Secretary.
Mr. Lowenstein seconds this nomination.

No other Nominations for Secretary.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas,
Mr. Seibel, Mr. Dunay & Mr. Sina, Mr. Lancaster,
Mr. Meer & Mr. Newman, **YES.**

Nomination for Board Attorney:

Mr. Karas nominates Mr. Bruce Rosenberg for Board Attorney of Winne Banta
Hetherington Basralian & Kahn, P.C. Hackensack, N.J.

Mr. Puzio seconds the nomination.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas,
Mr. Seibel, Mr. Dunay & Mr. Sina, Mr. Lancaster,
Mr. Meer & Mr. Newman, **YES.**

Nomination for Board Engineer:

Mr. Puzio nominates Mr. Paul Azzolina (Azzolina & Feury Associates) for Board
Engineer.

Mr. Meer seconds the nomination.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas,
Mr. Seibel, Mr. Dunay & Mr. Sina, Mr. Lancaster,
Mr. Meer & Mr. Newman, **YES.**

Nomination for Traffic Engineer:

Mr. Lowenstein nominates Mr. Mark Kataryniak (French & Parrell Associates) as Board Traffic Engineer.

Mr. Puzio seconds the nomination.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas,
Mr. Seibel, Mr. Dunay & Mr. Sina, Mr. Lancaster,
Mr. Meer & Mr. Newman, **YES.**

Nomination for Board Planner:

Mr. Lowenstein nominates Mr. Peter Van Den Kooy (Birdsall Engineering, Inc.) as Board Planner.

Mr. Puzio seconds the nomination.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas,
Mr. Seibel, Mr. Dunay & Mr. Sina, Mr. Lancaster,
Mr. Meer & Mr. Newman, **YES.**

Nomination for Certified Court Stenographers:

Mr. Puzio nominates Laura A. Carucci, CSR, RPR, LLC for Court Stenographer.

Mr. Karas seconds the nomination.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas,
Mr. Seibel, Mr. Dunay & Mr. Sina, Mr. Lancaster,
Mr. Meer & Mr. Newman, **YES.**

Mr. Meer asks for a moment to explain to all the newly appointed members, a reminder to them as he does every year, “If a vote is to abstain, it counts as a vote and the alternate does not vote.” “If the vote is not voting, it allows the alternate to vote, the same as recused.”

Newly appointed Board Attorney, Bruce Rosenberg also discusses the rights of the newest Alternates, their rights as Alternates to the Zoning Board, explaining they have the right to ask questions of the applicants, of their witnesses and have all the same rights as any of the regular members who sit on the Board, etc.....explains what the procedures are if a member is absent or needs to remove himself from the application....etc..

Mr. Newman reopens the meeting with the reading of the Open Public Meetings Act and announces the applications being carried this evening where no testimony will be heard.

Residential Business Carried:

Application#11-041, Mr. Feng Zhang,
36-09 Ferry Heights, Block 2606, Lot 23, Zone R-1-2
Proposed addition would increase the building coverage from 19.5% to 25.6% where 25% is permitted. Would increase the impervious coverage from 28% to 36.3% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. Increase in FAR from 25.5% to 43.9% where 40% is permitted would require a D4 use variance as per Section 125-57.D.(1)(d)

Mr. Newman swears in: Mr. Feng Zhang (Applicant)
36-09 Ferry Heights
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Frank Hall (Architect for the Applicant) steps forward to speak on behalf of Mr. Zhang.

Mr. Newman swears in: Mr. Frank Hall
27 Chestnut Street
Ridgewood, N.J.

Mr. Newman qualifies Mr. Hall as a Certified Architect with no objections from the Board.

Mr. Zhang begins his testimony by explaining he is here tonight having submitted plans last month and because there had been a FAR variance question with no representation, the Board carried it to this month, requesting he bring his Architect for questioning.

Ms. Peck (Assistant Zoning Officer) notes for the record, there was no testimony the prior month; the board carried it, so any Board Member that did not hear it all, would be able to vote tonight.

Mr. Hall begins his testimony explaining to the Board the reason they are here before the Board. He explains the addition is for a single family residence. It is for an addition at the rear of the first floor of the home and an entire second addition over the entire of the first floor with the exception of the front end. The addition would require a variance for a FAR.....building coverage and impervious coverage.

Mr. Hall refers to his Exhibit Sheet, A-1

The Board discusses the increase in the FAR with Mr. Hall and the increase in the Impervious.....Building coverage....

Mr. Hall explains it is an undersized lot for the zone. It requires a 7500sf lot; we have a 6050sf lot...causing this to be over with building coverage, etc...

Discussion continues....

Mr. Hall continues detailing the proposed plans. Discussing the floor plan, discusses concerns over character of the neighborhood, open space, etc...his applicant is doing an extension to the back which would provide for a larger kitchen, a larger breakfast area. It is exactly what all his clients are doing with the majority of homes he is working on. An open space type living, that will maintain the value of the property...etc...

Discussion continues....

Mr. Hall continues to address all concerns & questions regarding the addition in detail. Façade is discussed...Exhibit A3...Vinyl siding with trim...portion of the lower floor/existing will be changed to Stucco.

Mr. Newman asks if it would be feasible in any way to reduce the size of this proposal without affecting the design.

Mr. Hall explains the FAR variance is the largest variance they are asking for and that would be the most difficult. In order to do this, he would need to eliminate one bedroom and it was a key element of this design, for his client to have 4 bedrooms. A bedroom for themselves, for each of the children and a guest room for the frequent times they get visits from their parents....

Mr. Lowenstein questions calculations which are a little confusing...

Mr. Hall explains....

Discussion continues....

No more questions from the Board.

Mr. Hall summarizes and states he feels comfortable with what he is presenting in the design, etc...

Mr. Newman opens the witness to residents living within 200ft. of the applicant. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens the application to the General Public.

Mr. Joe Mele steps forward.

Mr. Newman swears in: Mr. Joe Mele
15-25 11th Street
Fair Lawn, N.J.

Mr. Mele also represents the Fair Lawn Environmental Commission and welcomes the newest members to the Board. He would like to ask a couple of questions. He would like to know if this home is consistent with other homes in the neighborhood. Consistent meaning, in height & size...

Mr. Hall answers Yes to the questions and states there are similar homes in the surrounding area and gives approximate locations.

Mr. Mele asks Mr. Hall, with the addition, how will the roof drainage work...will it be recharged back into the ground? What is the current drainage system?

Mr. Hall states there are gutters & liters that drain out to the surface...

Mr. Mele would like to know if he would be able to recharge some of the water onto the pervious areas, a seepage pit or something.

Mr. Hall states with the granting of the variance, if the Board sees fit, we would be looking at the Borough Ordinance and be sure to do all that is required, regarding a seepage pit.

Mr. Mele would ask of Mr. Hall as compensation with allowing some of these variances, to do something beyond the minimum.

Mr. Mele questions the existing landscaping. Will there be trees affected by this new addition. Will trees need to be taken down?

Mr. Zhang (Applicant) answers he thinks maybe one tree, but he has all intentions to replant new ones.

Discussion continues.

Mr. Newman brings the Tree Ordinance into discussion....

Mr. Mele seems satisfied with these answers and steps down.

Mr. Newman asks if there are any further questions from the General Public. Seeing none,

Mr. Newman closes this portion and asks for a motion.

Mr. Karas makes 1st. motion to approve the application

Mr. Blecher seconds the motion

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Karas, Mr. Puzio,
Mr. Meer & Mr. Newman, YES.

Mr. Lowenstein, **NO**.

Motion Carries.

APPLICATION APPROVED.

2. Application#11-042, Gary & Richard Santana,
7-13 Berdan Avenue, Block 5611, Lot 40, Zone R-1-3
Proposed new driveway would result in two curb cuts where only one is
permitted as per Section 125-48.C.(7) Would increase the impervious coverage
from 32.72% to 38.61% where 35% is permitted as per Section 125-12
Schedule of area yard and building requirement.

It is so noted Mr. Kevin Puzio (Board Member) recused himself from this application.

Mr. Meer (Board Secretary) informs Mr. Seibel, (Alternate I) he will be voting on this application.

Discussion...

Mr. Newman notes Mr. Seibel did not hear the testimony in this application previously.

Mr. Rosenberg (Board Attorney) notes: if this is the case, Mr. Seibel, in order to qualify will have to listen to the tape of the prior hearing transcript, unless the applicant wishes to move forward with six voting members.

Discussion...

Mr. Rosenberg states we will go to Alternate II-asks Mr. Daniel Dunay if he has any conflict with this application.

Mr. Dunay states he has no conflict and he was present at the last meeting.

It is so noted, he was not a Board Member at the time of the first hearing, so he is not eligible to vote.

Mr. Rosenberg again reiterates to the Applicants, it will be their decision to proceed with six voting members because Mr. Dunay is not qualified as a 7th voting member. Explains.....the application would have to be carried to the next month... You would need the majority of the member's votes, if there are six, you will need 4 affirmative votes...

Applicants will move forward with the six members.

Ms. Peck (Assistant Zoning Officer) reminds the Chairman & Board Members there was a memo given to each member, from the request made last month for the Traffic Safety Officer & the Borough Engineer regarding this application.

Discussion.....

Mr. Newman reads the opinions of both the Traffic Safety Officer & the Borough Engineer submitted....

- Mr. Newman swears in:
1. Gary Santana (Applicant)
202 Dobbs Ct
Saddle Brook, N.J.
 2. Richard Santana (Applicant)
331 Maplewood Drive
Paramus, N.J.

Mr. Gary Santana & Richard Santana, homeowners of a two- family home located at 7-13 Berdan Avenue, Fair Lawn, N.J.)

Mr. Newman reiterates for the record that Mr. Gary Santana & Richard Santana are willing to move forward with the application with six voting members.

Fees have been paid and there is proof of service.

Mr. Gary Santana opens his testimony with a recap of what they were proposing. The application was for a second driveway in order to accommodate parking because of the situation at the 7-13 Berdan Ave, where there is limited parking size wise.

They feel it is a hazard for the residents to park in front of the house. You are only allowed to park one car because of the traffic pattern on Berdan Avenue approaching River Road.

Describes the hazard to Board Members....it is a safety issue & a concern as Landlords.

The house is surrounded by mostly Commercial Property. It would not be an eyesore of that nature with putting a second curb cut....we would like more parking for the residents without having to park on the street.

Discussion....

Mr. Gary Santana is asked if any Commercial Vehicles are parked at this residence.

Mr. Gary Santana testifies no.

Mr. Newman notes the testimony from the previous month was the garage was used for Commercial Storage...

Mr. Richard Santana steps forward and states, he is a Professional Plumber and keeps nothing more than fittings, etc...nothing more.

Discussion continues....

Mr. Newman & Mr. Rosenberg discuss Conditions that may be added to the Resolution, if in fact needed for “No storage of Commercial Vehicles” at the site.

Mr. Sacchinelli, asks if the garage was not being used for storage, would there be enough parking?

Discussion....

Mr. Sacchinelli discusses a different proposal...He is looking for a hardship?? There is a garage in the back that is not being used...

Discussion continues.....

Mr. Richard Santana again describes the issues of safety when pulling cars in & out, it's not the amount of cars that is the issue...

Different proposals are discussed....

Mr. Newman discusses the two curb cuts. It is something the Board rarely grants. We are hearing testimony it is a safety issue when cars are backing out of your driveway but your proposal is to create a second curb cut to back out of an area that is even closer to the turning point discussed....

If the proposed driveway was half the size that it's proposed at, it would bring the Impervious Coverage down....

Discussion continues...

Mr. Santana is willing to discuss options...asks if gravel can be used.

Ms. Peck (Assistant Zoning Officer) states gravel is not allowed for driveways.

Mr. Newman asks if there are any questions or comments from Board Members.

Mr. Karas questions the depth of the driveway.

It is determined it is 36Lx9ft.W

Mr. Blecher (Board Member) notes it is rather a long driveway for cars; could you shorten this a bit?

Mr. Santana states yes, maybe by 5ft. or so...

Mr. Santana offers the removal of the patio, which is 10x15ft. We could make it 10x10

Calculations are done....

Ms. Peck states if Mr. Santana is willing to take out the patio, he will no longer need the variance.

Mr. Blecher suggests a solution...he has seen driveways where it is just stripped where the tires go...the rest is filled with grass.

Both Santana's are willing to do that. They would do two strips of concrete and keep the rest, grass.

Mr. Newman notes; with this, the Board would be voting on the application for a second curb cut only.

Mr. Newman asks if there are any questions or comments from residents living within 200ft. of the applicant. Seeing none,

Mr. Newman closes this portion.

Mr. Newman opens the application to the General Public.

Mr. Newman swears in: Sasha Vehrken
7 Brighton Place;
Fair Lawn, N.J.

Discusses other options regarding design of driveway (inaudible)

Ms. Vehrkens seems satisfied with design as proposed after discussion.

Mr. Newman asks if there are any other questions or comments from the General Public. Seeing none, Mr. Newman closes this portion and asks for a motion.

Mr. Blecher makes 1st. motion to approve the application, noting there would be no need for a variance for additional impervious coverage with applicant's amendment to proposal.

Mr. Sacchinelli seconds the motion.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Karas,
Mr. Newman, **YES.**

Mr. Lowenstein, **NO.** Mr. Meer, **NO.**

Motion carries. 4-2
Application Approved.

Residential New Business:

1. Application #12-001, Oleg & Liana Shames,
3-10 Hartley Place, Block 3325, Lot 17, Zone R-1-3
Proposed driveway widening and shed would increase the impervious coverage from 48.25% to 52.22% where 35% is permitted as per Section 125-12 Schedule of area yard & building requirement.

Mr. Newman swears in: Mr. Oleg Shames (Applicant)
3-10 Hartley Place
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Shames begins his testimony and explains he is here tonight to widen his driveway in order to park his two cars because overnight parking is not allowed. He currently has a single driveway. (inaudible).....

Discussion.....

Mr. Newman notes for the record, the applicant is willing to remove the existing blacktop refers to the survey...along the side of the house. A piece 8x35=280sf.

Discussion on calculations....

Ms. Peck states it washes out the variance....the removal of the blacktop along the side of the house= the amount of driveway widening proposed.

Mr. Newman reiterates; the applicant is willing to remove impervious coverage and has to essentially create the situation, he would not require a variance. We will have to ask for a motion to accept the amended proposal which would be no increase to the impervious coverage.

Ms. Peck reviews this amended proposal with the applicant to be sure this is what he has agreed to.

Mr. Shames understands and agrees.

The shed is discussed.

Ms. Peck notes for clarification the following; the metal shed has been removed. The applicant already installed a 10x10 shed without a permit. When the proposal for the widening of the driveway came in, as well as the proposed shed, this put him over on Impervious Coverage.....when he removes the 35ft. section to the left, it would give him enough of impervious coverage for the widening of the driveway, to make it more usable and also placement of the shed.

Discussion continues....

Mr. Newman asks if there are any more questions from Board members, seeing none,

Mr. Newman opens the application to residents living within 200ft. for questions or comments, seeing none,

Mr. Newman opens the application to the General Public for questions or comments, seeing none.

Mr. Newman closes this portion and asks for a motion.

Mr. Newman recaps before a motion is called, stating we are asking for a motion for the applicant to extend the driveway without increasing the Impervious Coverage as amended.

Mr. Lowenstein makes 1st. motion to approve the application as amended.

Mr. Newman notes before his motion is seconded, if he may please amend the motion with the requirement the “old driveway” must be removed before or at the same time the “new driveway” is installed.

Mr. Lowenstein motions to approve with said requirement.

Mr. Meer seconds the motion.

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas, Mr. Puzio,
Mr. Meer & Mr. Newman, **YES.**

APPLICATION APPROVED.

2. Application #12-002, Helen Morganstern,
12-55 Lexington Street, Block 4611, Lot 26, Zone R-1-3
Proposed additions would increase the building coverage from 25% to 28.87%
where 25% is permitted. Would increase the impervious coverage from 34.67% to
37.48% where 35% is permitted. Reduce the existing side yard setback from 7.45'
to 6.6' where 10' is required as per Section 125-12 Schedule of area yard and
building requirement.

Mr. Newman swears in: Helen Kleinberg
12-55 Lexington Street
Fair Lawn, N.J.

Harry Kleinberg
12-55 Lexington Street
Fair Lawn, N.J.

Glenn A. Stubaus (Architect)
26-02 Broadway
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Karas (Board Member) recuses himself from this application.

Mr. Rosenberg (Board Attorney) explains to the new Alternates the description of a
reason why you would “recuse” yourself in an application....if you find any conflict and
relationship with the applicant, etc....

Mr. Newman certifies Mr. Stubaus as a Professional in the Field of Architecture with no
objections from the Board.

Mr. Rosenberg asks if there are any members of the Public who wish to cross examine
Mr. Stubaus as to his qualifications.

Mr. Peter Jeffer steps forward. He practices Law in Midland Park and he is here to represent his next door neighbors. He will not cross examine him in regards to his credentials.

Mr. Stubaus steps forward and begins his testimony stating the proposal before the Board tonight is a twofold. It is a garage addition. The property is 65ft. x100 deep lot....

Marked into evidence: A1-Exhibit –Drawing of proposal-dated December 1, 2011

Mr. Stubaus continues...the applicant would like space for two cars. Referring to the width of the property of the existing structure and the location of the existing, it is not possible to add a garage to the side...

Mr. Stubaus continues to explain the hardships this property is facing...Building coverage, etc....

Discussion continues...

Mr. Stubaus explains this property is a parallelogram, it is not a rectangle. When this property was subdivided and a house was constructed in the late 1940's, the house was placed parallel to the front property line which makes it unparallel to the side property line.....

Mr. Stubaus continues with his testimony explaining the proposal...

Mr. Stubaus states the house could have been made to be in conformance with the requirements at the time when it was constructed but because of this unusual condition with the shape of the lot...it creates this existing condition today. No matter what we add on to the garage it creates a variance.

Discussion continues....

Mr. Stubaus continues with the proposal, explains with the advancing age of the applicants, they are looking for one floor living. The existing 1949 Dormer condition remains, there is no proposal to put an Add-a-Level proposal on this house...if you look at the FAR. Explains...because the proposed garage is over 400sf. it is counted in the FAR calculation...if the garage was less than 400sf. it would be calculated into the FAR....

Discussion continues....

Mr. Stubaus testifies he does not feel the structure of the house is overbuilt with the property line....

Continues...

Mr. Newman asks if there are any questions from the Board Members.

Mr. Newman calls Mr. Jeffer to the stand for any questions for Mr. Stubaus.

Mr. Newman swears in: Mr. Peter Jeffer
2-12 Godwin Ave
Midland Park, N.J.

Mr. Jeffers is here to represent his next door neighbors: Mr.& Mrs. Wolfe
Who reside at 12-41 Lexington Ave, Fair Lawn, N.J.?

Mr. Jeffers begins by asking Mr. Stubaus if there will be any change to the retaining wall
between the two properties.....

Mr. Stubaus states there is no change. The driveway is an existing driveway and with the
property lines that currently exist, there will be no encroachment onto the next property.
There is a low railroad tire retaining wall which (inaudible).....

Mr. Jeffers explains his clients are concerned about water...

Ms. Kleinberg (Applicant) explains the retaining wall as it exist today was put up by her
parents many years ago and she states some of the railroad tires are warped and leaning,
so they were thinking of removing the tires and putting a stone wall.. Are we taking
down the hill? No. the integrity of the hill will be supported.

Mr. Jeffers asks the applicant if they are willing to have an Architectural Plan to make
sure if you do change the wall, because the stone wall will not hold back dirt. Can you
install it per the town requirement?

Ms. Kleinberg states whatever the town requires is what they will do.

The question is asked why there was such a wall installed.

Mr. Stubaus (Architect) notes he has no idea why the wall was put in years ago. He states
there is a difference in grade between the two properties. He does not know if the
retaining wall was put in as a landscape feature, the difference in grade is not that great.

Discussion continues....

There is no Zoning or Town Ordinance requiring the wall...

Ms. Kleinberg explains, many years ago there was no retaining wall, her father got tired
mowing it, and so he put up the retaining wall.

Mr. Jeffers moves on to the discussion of the Garage. He would like to know how much closer the new garage is to the property line.

Mr. Stubaus explains...

Discussion continues...

Mr. Jeffers continues his questioning. He would like to know if the driveway will be extended.

Mr. Stubaus states no. There will be no changes to the driveway. It will remain as it exists.

Discussion continues.....

Mr. Jeffers asks if there is any way they could reduce the Building coverage.

Mr. Stubaus discusses this.

Mr. Jeffers discusses the Fire Code Requirement.

Deck Plan is discussed. Mr. Stubaus explains this is neither Pervious nor Impervious area. Explains the Ordinance allows 5%.

Discussions continue....

Mr. Jeffers questions Mr. Stubaus if there is a way to reduce the driveway on the left side of the Garage as you enter.

Discussion continues....

Mr. Jeffers states he is concerned with water that may come down to affect his clients (neighbor's) property.

Mr. Stubaus points out for the record, the neighbor's property is higher than his clients and there is no opportunity for drainage to go from their property to your client's property...

Roof Pitch is discussed....

Discussion continues...

Calculations are again reviewed for Mr. Jeffers....

Tree Removal is discussed.

Ms. Kleinberg explains she went to the Town, received the proper permits for removal of some trees which were diseased & dead. She intends to replant on the back & side border. There is Shrubbery shared & she will only cut back the shrubbery that is affecting only her property on her side...

Mr. Jeffers questions the new construction recently done to the house and questions whether everything was properly permitted...and why not it be done all together..

Mr. Stubaus explains the applicant didn't want the construction of the living space to be held up by the time frame of making an application to the Board. Construction of the living space, the kitchen and the bathroom is under construction now...all done with the proper permits and all being inspected by the Building Department while the application for the garage addition needed the variance. This application will not affect the current construction going on...

Mr. Jeffers confers with his clients.

Mr. Jeffers clients concerns have all been satisfied and he has no further questions.

Discussion on Fire safety with the Garage being so close...

Mr. Saccinelli questions the depth of the garage and wonders why you would need such a deep garage...

Discussion....

Mr. Stubaus explains and addresses the concern.

Minor concerns are questioned by the Board Members.
All questions & concerns are addressed.

Mr. Newman opens the application to residents living within 200ft. of the applicant.

Mr. Newman swears in: Ellen Wolfe
12-41 Lexington Street
Fair Lawn, N.J.

Ms. Wolfe asks if there will be any more trees cut down.

Ms. Kleinberg addresses this concern and states no more trees are intended to be cut down, however the trees that were diseased & already cut down, had two other trees that are starting to show signs of disease. If and when it becomes sick enough where it becomes a detriment to the structure of our property or the neighbors property, I will have

to go to the town again and request they take a look at it. If they feel they should be taken down, then yes. I plan to replant.

Discussion continues....

Ms. Wolfe has no further questions.

Mr. Newman asks if there are any other questions or comments from residents living within 200ft. seeing none,

Mr. Newman opens to members of the General Public. Seeing none,
Mr. Newman closes this portion and asks for a motion.

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

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Seibel, Mr. Puzio, Mr. Meer & Mr. Newman, **YES.**

Motion Carries.

APPLICATION APPROVED.

Mr. Newman requests a 5minute recess.

Mr. Newman reopens the meeting.

ROLL CALL: Mr. Blecher, Mr. Sacchinelli, Mr. Lowenstein, Mr. Karas, Mr. Seibel, Mr. Dunay, Mr. Sina, Mr. Lancaster, Mr. Puzio, Mr. Meer & Mr. Newman, **Present.**

3. Application #12-003, Laurie Brickel,
12-34 Western Drive, Block 4613, Lot 18, Zone R-1-3
Proposed addition and deck would increase the impervious coverage from 38.7% to 42.2% where 35% is permitted. Would maintain the existing side yard setback of 7.6', 7.7' and 5' where 8' is required. Would maintain the existing front yard setback of 24.8' where 25' is required as per Section 125-12 Schedule of area yard and building requirement.

Mr. Newman swears in: Laurie Brickel (Applicant)
12-34 Western Drive
Fair Lawn, N.J,

Fees have been paid and there is proof of service.

Mr. Brickel begins her testimony by stating she is requesting an extension to the backroom of the house. Removing the deck and replacing it with the addition.

Discussion....

Review of the plan submitted...

Ms. Brickel explains the house has no Dining room and it has a small room in the back that is a 12x10, she has a large family and she would like to be able to accommodate the growth of the family and add to this room.

The room proposed will be the exact size of the deck that is there now.

Discussion continues....

Proposal is reviewed and discussed by the Board Members...

Mr. Newman asks if in any way this proposal will affect her neighbors with open air, light.

Ms. Brickel states it should have no effect on any.

Discussion continues...

Calculations are again discussed...

(Tape Recorder is not working properly) stopped recording...

Mr. Newman opens the applicant to anyone living within 200ft. of the resident.
Seeing none,

Mr. Newman opens the applicant to the General Public for questions or comments,
Seeing none,

Mr. Newman closes this portion and asks for a motion.

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

VOTE: Mr. Blecher, Mr. Sacchinelli, Mr. Puzio, Mr. Seibel,
Mr. Meer & Mr. Newman, **YES.**
Mr. Lowenstein, **NO.**

Motion Carries.

APPLICATION APPROVED.

4. Application #12-004, Joel Berlin
26-02 Berdan Avenue, Block 3507, Lot 22, Zone R-1-2
Board must determine Res Judicata-Proposed new two car garage would have a front yard setback for accessory structure of 30' where 40' is required as per Section 125-12 Schedule of area yard and building requirement.

Mr. Newman swears in: Mr. Joel Berlin, (Applicant)
26-02 Berdan Ave
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Bruce Rosenberg (Board Attorney) speaks to the newest members of the Board and explains to them Res Judicata. Explains the rights of the members...

Mr. Berlin begins his testimony regarding this application, first explaining to the Board when & why he first came to the Board in 2010.

Mr. Berlin details his newest application stating he feels it is substantially different.

Discussion on 1st. application...

Mr. Rosenberg explains to Mr. Berlin, the Board must vote on "Res Judicata" and he does not feel the Board can truly vote whether or not the application is substantially different from the previous application because of the age of the application and also the lack of review of the previous application....

Ms. Peck (Assistant Zoning Officer) is questioned on the previous application and is she could review the previous application with all the members...

Discussion continues...

After much deliberation, it is determined the application should be carried because of lack of information from the previous application amongst the Board.

Mr. Berlin questions this...

Mr. Newman (Chairman) explains to Mr. Berlin, that a vote cannot be justly made with regards to the Res Judicata because of the lack of information with the previous

application and asks that he agree to carry the application to the following month so that a decision can be made regarding this...

Mr. Newman apologizes for the inconvenience.

Mr. Berlin understands and agrees to the carrying of the application.

Note: Previous application will be copied and sent to all Board Members prior to the next meeting along with current application so that a just decision can be made.

APPLICATION CARRIED TO FEBRUARY 27, 2011.

Mr. Newman opens Order of Business:

ANNUAL REPORT

1. Annual Report is discussed- Board suggests & recommends the entire paragraph regarding “Swimming Pools” is removed.

Mr. Karas makes 1st. motion to approve the amendment to the Annual Report.
Mr. Lowenstein 2nds this motion.

All in Favor: AYE

VOUCHERS:

1. Azzolina & Feury Engineers in the amount of \$3,777.75 for 18-35 River Road, LLC.

Mr. Lowenstein makes 1st. motion to approve
Mr. Puzio seconds the motion.

All in Favor: AYE

MINUTES: November 21, 2011 & December 19, 2011

Mr. Karas makes 1st. motion to approve the minutes of November 21, 2011
Mr. Sacchinelli seconds the motion.

All in Favor- AYE

Mr. Lowenstein makes 1st. motion to approve the minutes of December 19, 2011
Mr. Karas seconds this motion.

All in Favor- AYE

Adjourn

Mr. Lowenstein made a motion to adjourn this meeting and Mr. Puzio seconded the motion.

TIME: 11:17 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk

