

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
Of April 23, 2012**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular Meeting held on April 23, 2012

Chairman Todd Newman 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. Sacchinelli, Mr. Lowenstein, Mr. Seibel, Mr. Lancaster,  
Mr. Meer & Mr. Newman

Absent: Mr. Blecher, Mr. Karas, Mr. Puzio,  
Mr. Dunay (Arrived 8:00)

Also in attendance were Bruce Rosenberg, Board Attorney; Candice Galaraza; Court Reporter, Ann Peck, Assistant Zoning Officer, Cathy Bozza, Zoning Clerk (Absent)

No Board Professionals in Attendance.

**New Residential:**

1. Application#12- 012, Neil & Kathy Vander Teems  
12-39 Sunnyside Drive, Block 3620, Lot 11, Zone R-1-2  
Proposed addition and new front porch would reduce the front yard setback from 25.25' to 19.25' where 30' is required. Would reduce the right side yard setback from 9' to 4.9' and maintain the left side yard setback of 8.68' where 10' is required. Would have deck coverage of 7.25% where 5% is permitted as per Section 125-12 Schedule of area yard and building requirements.

Mr. Newman swears in: Mr. Neil & Kathy Vander Teems (Applicants)  
12-39 Sunnyside Drive  
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Vander Teems begins his testimony explaining they are proposing an addition and a new front porch...we are looking to put a new front porch in the same location and looking to wrap it around the front of the house. It will reduce the front yard

setback to 19.25' where 30' is required. The house is 25ft. from the street and we cannot change this...we are also asking to reduce the setback on the right side from 9' to 4.9', explaining he has a 5ft. porch currently and wants to reduce it to 4ft.

Mr. Vander Teems continues...he would maintain the left side setback at 8.68' and where the deck coverage stands at 7.22% currently, he would like to remove the deck and make it smaller but with the addition of the wraparound porch, it is included as deck coverage, so it brings the coverage back up to 7.25%

Mr. Vander Teems states his deck currently is 16x33' and he will be reducing it to 11x17ft, the addition would come out to be 17x17ft. & have the deck next to it but the deck will be a covered deck. They were thinking of putting a balcony above the covered deck, so it would be a deck on top of a deck....

Discussion between Mr. Newman (Chairman) & Ann Peck (Assistant Zoning Officer) regarding uncovered/covered deck & impervious coverage.....

Mr. Rosenberg (Board Attorney) notes for the record, the plans submitted have been prepared by John Lagaro, Registered Architect, consisting of 4sheets.

Mr. Vander Teems also explains to the Board, there is a pool in the backyard which also is counted in the coverage...

Discussion continues...

Clarification on exactly what is being done with the porch... including the little kitchen addition with a deck to the side...etc.

Mr. Vander Teems continues his testimony on clarification on exactly what is being done with the porch... including the little kitchen addition with a deck to the side...etc.

Discussion continues....

Mr. Newman asks if the wraparound porch is in character with the rest of the neighborhood.

Mr. Vander Teems testifies he feels it would enhance the character of the neighborhood. It is eye pleasing and describes another home within the surrounding area and there are bigger homes in the neighborhood and does not feels there will be any negative effects on anyone.

Mr. Newman asks if there are any other questions from Board Members...  
Seeing none,

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 for questions or comments. Seeing none,

Mr. Newman closes this portion.

Mr. Newman reviews the application for the Board, noting this is an irregularly shaped lot and seems to have a number of circumstances that are forcing them to seek a variance....details...

Mr. Newman asks for a motion.

Mr. Meer makes 1<sup>st</sup> motion to approve the application.  
Mr. Seibel seconds the motion.

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

Motion Carries.

**Application Approved.**

2. Application #12-013, Philip Gish  
13-45 Eastern Drive, Block 4618, Lot 3, Zone R-1-3  
Proposed Addition would increase the building coverage from 25.56% to 26.96% where 25% is permitted. Would maintain the existing side yard setback of 5' and 7.37' where 8' is required as per Section 125-12 Schedule of area yard and building requirements.

Mr. Newman swears in: Mr. Philip Gish, (Applicant)  
13-45 Eastern Drive,  
Fair Lawn, N.J.

Ms. Rita Gish  
13-45 Eastern Drive  
Fair Lawn, N.J.

Mr. David Goscinski, (Contractor)  
JJed Remodeling  
71 Fleetwood Road  
Dumont, N.J.

Fees have been paid and there is proof of service.

Mr. Gish begins his testimony explaining he wants to put a Laundry room on the ground floor which would be in back of the house behind the kitchen. The addition would be on a beam with two piers..

Mr. Newman asks if the Building Inspector would have an issue with this.

Ms. Peck (Assistant Zoning Officer) explains if there is, they would have to take it up with the Building Department.

Mr. Newman clarifies; you are here tonight for a variance to increase the Building coverage from the existing to 26.96%

Discussion...

Mr. Newman asks Mr. Goscinski (Contractor) if it is reasonable to decrease the size of a Laundry room smaller than 7x10ft.

Mr. Goscinski explains; given her situation and her mobility to get around. I would not recommend it; it would be kind of tight.

Discussion...

Mr. Goscinski states he is staying within the lines of the existing structure.

Mr. Newman asks if there are any similar expansions on their block.

Ms. Gish explains....

Mr. Newman notes it is an undersized lot and had it been a 6500 sf. they would not be here this evening...

Mr. Newman asks if there are any questions from the Board. Seeing none.

Mr. Newman opens the application to residents living within 200sf. of the applicant for questions or comments. Seeing none.

Mr. Newman closes this portion.

Mr. Newman opens the application to the General Public for questions or comments. Seeing none, Mr. Newman closes this portion.

Mr. Newman asks for a motion.

Mr. Seibel makes a motion to approve the application.  
Mr. Meer seconds the motion.

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

Motion carries.

**Application Approved.**

3. Application#12-014, Alan & Gayle Kilman  
4-25 Dorothy Street, Block 2416, Lot 43, Zone R-1-2  
Proposed addition would increase the building coverage from 23.3% to 26% where 25% is permitted. Would maintain the existing side yard setback of 11.45' where 12' is required as per Section 125-12 Schedule of area yard and building requirement.

Mr. Newman swears in: Mr. Alan Kilman (Applicant)  
4-25 Dorothy Street  
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Kilman begins his testimony explaining to the Board members he would like to put on a two story addition off his Master Bedroom, make it larger and adding a closet...a workout room, etc...

Mr. Newman clarifies for the record the addition that is proposed would bring you from a building coverage of 23.3% to 1% over the required 25% permitted.

Mr. Rosenberg (Board Attorney) notes for the record, the Architectural plans were submitted by Edward Chudzinski, consisting of 4 sheets dated December 12, 2011.

Plans entered into Record as Exhibit A-1.

Mr. Newman asks if there is any other way to accomplish what you are trying to accomplish and stayed within the required building coverage.

Mr. Kilman explains...not really, we are trying to stay to the end of the deck so it would look appealing to the eye from the backyard. Stay within the lines of the structure...

Property lot size is discussed.

Discussion continues.....

Mr. Newman notes the property size certainly supports this structure.

Mr. Newman asks if there would be any obstruction of light, air flow to neighboring structures to which Mr. Kilman states it would only affect one neighbor and she is in support of the plan.

Mr. Lowenstein (Board Member) asks Mr. Kilman when he acquired the property and notes the survey is dated 1981.

Mr. Kilman testifies he bought his home 20 years ago and does not have another survey.

Mr. Sacchinelli (Board Member) questions if the roof line is going to match the other lines.

Mr. Kilman testifies the roof will be a little higher to match the gazebo ceiling but cannot be seen from the street side in any direction.

Mr. Newman asks if there are any more questions or comments from the Board Members, seeing none.

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

Mr. Newman closes this portion.

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. Lowenstein makes a motion to approve the application.  
Mr. Sina seconds the motion.

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

Motion carries.

**Application Approved.**

4. Application#12-015, Ellen Bender  
12-56 Burbank Street, Block 4606, Lot 31, Zone R-1-3  
Proposed 12x12 Sunroom would increase the building coverage from 24.2% to 27.1% where 25% is permitted. Would increase the impervious coverage from 32.3% to 35.2% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirement.

Mr. Newman swears in: Ellen Bender (Applicant)  
12-56 Burbank Street  
Fair Lawn, N.J.

Tom Segrich  
380 Nelson Road  
Monroe, N.Y.

Mr. Newman asks Mr. Segrich if he is a Licensed Professional.

Fees have been paid and there is proof of service.

Testimony begins as Mr. Segrich explains he is the Manager for the Patio Enclosures which is the Manufacturer of the Sunroom they will be discussing this evening. He is not a Planner or an Architect. He is here tonight to answer questions that perhaps Ms. Bender would not be able to answer.

Mr. Newman clarifies Mr. Segrich will be a Fact witness only tonight.

Mr. Newman asks if this is a prefabricated structure.

Mr. Segrich states, it is not. It is a Custom Extruded structure.

Discussion....

Ms. Bender details her property as a 50x100 lot. One smaller house on the block and The construction of two bigger houses...house across the street was taken down a few years back and a much larger home was built. Her home on the street is one of the smaller homes...explains there would be nothing seen from the front, and the rear

of her property is all trees, refers to pictures. Neighbor would not see anything, Side neighbors have bushes & a fence.

Mr. Newman makes note to Ms. Bender the pictures submitted show homes that are bigger in the area, but have no similarity to what is proposed.

Ms. Bender explains, the only similarity I have is a next door neighbor with a screened in porch.

Discussion continues.....

Mr. Newman asks if anyone from the Board has questions....

Mr. Sacchinelli questions Ms. Bender regarding grading & if the new sunroom would affect the neighbors as far as drainage is concerned..

Ms. Bender testifies she has never had a water issues and the ground would be level.

Mr. Newman summarizes the application...An approval tonight is an approval for the Impervious & the Building coverage. The approval runs with the Land and at anytime future residents of the property may decide to create a solid structure, not a Sun porch as Ms. Bender has proposed.

Discussion..

Mr. Newman asks if there will be anymore questions or comments from the Board. Seeing none,

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

Mr. Newman opens the application to the General Public. Seeing none,

Mr. Newman closes this portion.

Mr. Newman asks for a motion.

Mr. Meer makes motion to approve the application, noting property is an Undersized Lot.

Mr. Seibel seconds the motion.

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

**Motion carries.  
Application Approved.**

Mr. Newman reads a memo addressed to Ms. Ann Peck, (Assistant Zoning Officer) received via fax from Andrew Karas, Esq. asking for the carrying of the following application to the meeting of May 21, 2012.

- 1. Application 12-011, Center City Transport,**  
23-00 Route 201, Block 5902, Lot 9, Zone B-1  
Proposed overnight parking of limousines at the existing Limousine Office.  
Outdoor storage is not permitted in the B-1 Zone as per Section 125-24.D (4)  
A D-1 Use Variance is required as per Section 125-57.D. (d){1}  
**Application carried to the Zoning Board meeting of May 21, 2012**

**Minutes:**

Mr. Dunay made a motion to approve the minutes for the February 27, 2012 meeting and Mr. Sacchinelli seconded the motion.

VOTE: All Present – AYE

**Resolutions:**

1. Application #11-040, Iris & Eduardo Galan, 39 Garwood Road, Block 2811, Lot 2, Zone R-1-2- Approved.

Mr. Meer made a motion to accept this resolution and Mr. Lowenstein seconded the motion.

VOTE: All Present: AYE

1. Application #12-006, Simran Sethi, 5-22 Elizabeth Street, Block 1406, Lot 8, Zone R-1-2-Approved.

Mr. Sina made a motion to accept this resolution and Mr. Sacchinelli seconded the motion.

VOTE: All Present: AYE

2. Application #12-009, Nathan Glessner, 22-01 Myrtle Ave, Block 5814, Lot 11, Zone R-1-3- Approved.

Mr. Lowenstein made a motion to accept this resolutions and Mr. Dunay seconded the motion.

VOTE: All Present – AYE.

3. Application #12-010, Michael & Michelle Rosenblum, 18-05 Hillery Street, Block 2710, Lot 6, Zone R-1-2- Approved.

Mr. Lowenstein made a motion to accept these resolutions and Mr. Sacchinelli seconded the motion.

VOTE: All Present – AYE.

**Vouchers:**

1. Mr. Bruce Rosenberg, of Winne, Banta, Hetherington, Basralian & Kahn, PC in the amount of \$816.66 for Legal Services rendered to the Zoning Board for the month of April, 2012 meeting.
2. Laura Carucci (Board Court Reporter) in the amount of \$269.00 for Professional services rendered to the Zoning Board on March 19, 2012 & \$146.00 for overtime fees for a total of \$415.00.
3. Laura Carucci in the amount of \$269.00 for Professional services rendered to the Zoning Board on Monday, February 27, 2012.
4. Nowell, Amoroso Klein Bierman in the amount of \$315.12 for Legal services rendered regarding Litigation & related costs...
5. Legal services regarding Sebastian Letini vs. Jennifer Aliamo & the Zoning Board of Adjustments of the Borough of Fair Lawn in the amount of \$328.75
6. Nowell, Amoroso & Klein Bierman on 3/15/12, legal services rendered to the Zoning Board of Adjustments in reference to “Neidani application” in the amount of \$449.82
7. Azzolina & Feury Engineering, Paul Azzolina (Board Engineer) Professional Services rendered to 18-35 River Road, LLC in the amount of \$293.50

Mr. Lowenstein made a motion to accept these resolutions and Mr. Sina seconded the motion.

VOTE: All Present – AYE.

Mr. Dunay (Board Member) discusses with the Board, the Board Attorney, had circulated a draft “FAR Bonus” resolution a few months ago. He is not sure how to proceed with this or if the Board wants to proceed with this?

Discussion....

Bruce Rosenberg (Board Attorney) reviews with the Board how they would like to proceed with this information.

Discussion continues....how to modify the Ordinance....

Mr. Newman (Chairman) suggests to all Board Members to again review information and make note of exclusions or suggestions...

### **Adjourn**

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

TIME: 8:20 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk