

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
Of May 21, 2012**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular meeting held on May 21, 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. Karas, Mr. Puzio,
Mr. Seibel, Mr. Dunay, Mr. Lancaster, Mr. Meer & Mr. Newman

Absent: Mr. Blecher, Mr. Sina

Also in attendance were Bruce Rosenberg, Board Attorney; Candice Galaraza; Court Reporter, Ann Peck, Assistant Zoning Officer, Cathy Bozza, Zoning Board Secretary.

No Board Professionals in Attendance.

Mr. Newman makes the announcement of the following application to be carried per correspondence from Attorney, Andrew Karas who represents the following applicant.

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 June 18, 2012. No Testimony to be heard.

New Residential Business:

1. Application #12-016, Aleksandr & Valeriya Avdeev,
27-15 Berkshire Road, Block 3211, Lot 9, Zone R-1-3
Proposed second driveway would increase the impervious coverage from 41.71% to 49.29% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. Would require a variance for second curb cut as only one curb cut is permitted as per Section 125-48.C.(7)

Mr. Newman swears in: Ms. Valeriya Avdeev, (Applicant)
27-15 Berkshire Road
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Newman asks Ms. Avdeev to proceed.

Ms. Avdeev begins her testimony stating she is here tonight to ask for a second driveway on her property.

Ms. Avdeev purchased the home in 2008 explaining it was a pretty large home and it was their intention for the entire family. Her family consists of her husband, herself and two sons, along with a large extended family.

The purpose was always for her extended family to come over and stay for an extended period of time...explains...

Ms. Avdeev continues...explaining the parking on the street is not allowed and right now there are two cars for her husband & herself and whenever her father comes to help with the kids, we feel it is not practical to park on the driveway we have...we use the overnight parking with the Police when necessary....

Ms. Avdeev reviews the statement she submitted with her application...regarding her sister in Law who came to visit and left the car overnight, unfortunately someone ran into the car and totaled it...

Mr. Newman asks Ms. Avdeev how many cars belong to the occupants of the house.

Ms. Avdeev replies 2, with the potential in 10yrs. her two sons will be driving...

Discussion...

Mr. Newman asks Ms. Avdeev what the size of the driveway is currently.

Ms. Avdeev replies it is a single driveway.

Discussion....

Mr. Newman asks if the garage is used for a car.

Ms. Avdeev replies the garage is occupied by junk...

Size of the lot is discussed.

It is determined it is an undersized lot for the zone.

Pictures are reviewed and discussed.

Ms. Avdeev states she brought a lot of pictures to show there are other two car driveways around her neighborhood.

Mr. Newman reminds Ms. Avdeev every application stands on its own merit, explaining the Board has to look at whether or not the parcel can support the relief she is requesting...

Mr. Sacchinelli (Board Member) asks if there have ever been renovations done to the home since you moved in.

Ms. Avdeev testifies yes, her husband has done work on the house.

Mr. Sacchinelli (Board Member) asks if there was ever a two car garage at this location.

Ms. Avdeev explains in 2008 it was a single car garage and the second space was a family room....

Reviews survey....

Ms. Avdeev is questioned by Mr. Puzio asking why she cannot extend her driveway to the left...

Ms. Avdeev explains the paved stone sidewalk, how it leads right to the door. She further explains she would be parking in front of the windows and also in front of the front door which she feels it would decrease the property value & visually would not be appealing looking out her front window.

Discussion continues...

Mr. Newman asks if in any of the pictures she has submitted, if any show another property with two curb cuts.

Ms. Avdeev replies yes. Refers to page 7 & 8 on 27th street....

Discussion continues...

Ms. Avdeev refers to another 2nd curb cut....on Fair Lawn Parkway.

Mr. Newman mentions to Ms. Avdeev, these are both corner lots, so they are a little different from your situation.

Ms. Avdeev states she has a corner lot as well.

Mr. Puzio (Board Member) notes; the difference is the 2nd curb cut would not be around the corner.

Ms. Avdeev agrees but notes if you look at the survey the best use of space that she has would be to put it in the corner proposed. Explains.....

Mr. Sacchinelli (Board Member) questions Ms. Avdeev and notes she presently has a one car garage and she has two cars now...how many cars are you looking to park.

Ms. Avdeev states 3 cars & explains when her Dad comes to visit them he usually has to park in the street.

Discussion continues.

Mr. Rosenberg (Board Attorney) he would like to clarify based on the drawing that was submitted with the application, the applicant's proposed second **curb cut** is 12ft. Is this correct? As he understands this, the applicant is asking for a second driveway 22x20 but the curb cut is to be 12'. A 22ft. wide driveway could accommodate two vehicles...

Mr. Newman asks how she plans on using this driveway.

Ms. Avdeev testifies, for cars & we will also put a fence and a little baseball.

Mr. Newman notes she misunderstood the question. How would you park a car over there?

Ms. Avdeev explains the best she can.

Mr. Sacchinelli notes they would almost have to jump the curb to get over to where they would need to park...

Mr. Newman asks Ms. Avdeev is there is any impervious coverage that can be removed from the property.

Ms. Avdeev reviews and notes the driveway is a necessity, the walkway is used to get to the house, and the stone patio is where the stroller goes. The sidewalk takes me to the garbage and there is another little patio...not really, but she is open to suggestions.

Mr. Puzio reviews Picture#3, and notes there seems to be quite a few feet between (inaudible) ...suggests to the applicant that if she went 2ft. on one side & 2-3ft. on the other side, it wouldn't be directly in front of your front door but would impact the impervious coverage and lower it.

Ms. Avdeev so notes. She also states there is a "no parking with snow" sign right there and I would also have to cut down the tree.

Mr. Newman states before the tree & the sign, there is a couple of feet.

Discussion continues....

Street Parking is discussed.

Mr. Newman asks Ms. Avdeev is she could make the proposed driveway smaller. Although you do have an undersized lot and you are a corner lot, you definitely have issues at the site that warrant a variance, but you are asking for 50% impervious coverage and we can do something to try to decrease the impervious a little bit.

Discussion...

Ms. Avdeev suggests rather than 22ft. would it help to reduce it to 20ft. and keep the apron the same.

Discussion...

Mr. Lowenstein (Board Member) asks Ms. Avdeev if there are currently two vehicles, where does the other one park?

Ms. Avdeev states it doesn't. Her husband works for MTA so he works night shifts and when he comes home he leaves it on the street.

Mr. Karas(Board Member) asks what type of material is to be used and would she consider paving stones.

Mr. Newman explains to Ms. Avdeev, the reason why this is a suggestion is although the Borough does not consider paving stones to be pervious, there are a lot of paving stone products that are advertized to be pervious and do peculate water to an extent & although it does not change anything, it does change the spirit of things because we feel there may be less of an impervious coverage issue. Explains..

Flooding issues are questioned. Ms. Avdeev states none.

Mr. Newman recaps the application before calling for a motion.

Mr. Newman asks if there are any questions from the Board Members & seeing none.

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

Mr. Newman closes this portion.

Mr. Newman opens the applicant to questions or comments from the General Public.

Seeing none, Mr. Newman closes this portion & asks for a motion.

Mr. Lowenstein motions to deny this application.

Mr. Puzio seconds the motion.

Mr. Meer explains the vote will be **Yes (to deny) No (not to deny)**

VOTE: Mr. Sacchinelli, Mr. Lowenstein, Mr. Puzio, Mr. Seibel, **YES to deny.**

Mr. Karas, Mr. Meer & Mr. Newman, **NO to deny.**

Motion does not carry

Application denied.

2. Application #12-017, Neim Mamo,
15-19 Eberlin Drive, Block 4703, Lot 28, Zone R-1-3
Proposed addition would maintain existing right side yard setback of 9'20" and 9'33" where 10' is required as per Section 125-12 Schedule of area yard and building requirement.

Mr. Newman swears in: Mr. Neim Mamo (Applicant)
15-19 Eberlin Drive
Fair Lawn, N.J.

Mr. Karter Israni (Architect)
9 Tomalyn Hill Road
Montvale, N.J.

Fees have been paid and there is proof of service.

Mr. Newman asks Mr. Israni if he is a licensed Architect in the State of New Jersey.

Mr. Israni states he is a Junior Professional Engineer. His qualifications are Civil Engineering and professional Civil Engineer in the State of New Jersey, Pennsylvania & Florida.

Mr. Newman asks if he is testifying as an Expert in Civil engineering this evening or are you here as a Fact Witness?

Mr. Israni states he is here to testify on the Site Plan only.

Mr. Newman clarifies; more of a Fact witness to the site plan then; we are not qualifying you as an expert in Civil Engineering this evening, only as a Fact Witness.

Mr. Israni states yes.

Mr. Rosenberg (Board Attorney) asks if Mr. Israni is affiliated with LLG Architects.

Mr. Israni testifies he is partners with them; he works as an Engineer in the Office...

Mr. Newman proceeds and asks why they require a variance for this project.

Mr. Israni explains by referring to the submitted drawings, A-2. This house is facing Eberlin Drive and his client would like to put a second floor on. Explains the existing setbacks are shy of what is required.

Discussion.

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

Mr. Sacchinelli asks what the proposed square footage of the house is.

Mr. Israni replies 3200 square feet.

Mr. Newman opens the applicant to 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. Seeing none,
Mr. Newman closes this portion & asks for a motion.

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

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

Motion Carries.
Application Approved.

3. Application #12-018, Christopher & Patricia Berry,
37-19 Victoria Road, Block 2501, Lot 32, Zone R-1-2
Proposed 12x18' above ground pool would increase the Impervious coverage
from 38.43% to 42.57% where 35% is permitted as per Section 125-12
Schedule of area yard and building requirement.

Mr. Newman swears in: Mr. Christopher Berry (Applicant)
37-19 Victoria Road,
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Before proceeding, Ms. Peck (Assistant Zoning Officer) interjects to make a correction. There should also be a variance required for the 6ft. rear yard setback, where the requirement is 10' as per Section 125-37.B.

Mr. Berry begins his testimony and explains they would like to have a 12x18 pool above ground pool installed for our children. During the summer we feel it would be very beneficial to us...etc.

Discussion....

Mr. Lowenstein questions Mr. Berry on two rather sizeable sheds on the property, has he considered removing either or both to lower the impervious coverage/

Mr. Berry notes one is not a permanent shed so they will take it down, to leave more room for the pool but the other one is a permanent shed. It is on a cement block and would be costly to take down.

Ms. Peck notes the sheds were taken into consideration with the impervious coverage figures as noted.

Mr. Lowenstein asks Mr. Berry if there are any other areas of impervious coverage that he would consider moving.

Discussion....

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

Mr. Newman notes the lot is slightly irregularly shaped...very undersized..above ground pool would be removable...asks Mr. Berry would be opposed to putting a stipulation into the resolution that if the pool should fall into disrepair or is no longer used, you would agree to removing it.

Mr. Berry has no issue with this.

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

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

Mr. Newman opens the application to the General Public, seeing none.
Mr. Newman closes this portion and asks for a motion.

Mr. Meer makes a motion to approve the application with the stipulation that the pool will be removed if the pool is in disrepair. A note; shed to be removed is on the Westerly side. Applicant agrees.

Mr. Puzio seconds the motion.

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

Motion Carries.
Application Approved.

Order of Business:

Mr. Newman has discussion with Board Members addressing subject of posting public comments on Fair Lawn Patch Internet Newspaper.....

Vouchers:

1. Legal Services rendered to the Zoning Board of Adjustment for May, 2012 for Winne, Banta in the amount of \$816.66.

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

VOTE: All Present – AYE.

Resolutions:

1. Application #2012-012, Neil & Kathy Vander Teems, 12-39 Sunnyside Drive, Block 3620, Lot 11, Zone R-1-2– Proposed Addition & Front Porch- Approved.

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

VOTE: All Present – AYE.

2. Application #2012-013, Philip Gish, 13-45 Eastern Drive, Block 4618, Lot 3, Zone R-1-2– Proposed Addition- Approved.

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

VOTE: All Present - AYE

3. Application #2012-014, Alan & Gayle Kilman, 4-25 Dorothy Street, Block 2416, Lot 43, Zone R-1-2– Proposed Addition- Approved.

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

VOTE: All Present - AYE

4. Application #2012-015, Ellen Bender, 12-56 Burbank Street, Block 4606, Lot 31, Zone R-1-3– Proposed Sunroom- Approved.

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

VOTE: All Present – AYE.

Mr. Newman asks if all Board Members had a chance to review the draft memo for Council regarding the FAR guidelines.

Discussion.....

Mr. Newman asks for a motion for approval on FAR guideline to be forwarded & reviewed by Council.

Mr. Puzio made a motion to approve & Mr. Meer seconded the motion.

VOTE: All Present – AYE.

Adjourn

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

TIME: 8:30 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk