

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
Of JULY 22, 2013**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular meeting held on July 22, 2013

Acting Chairman Joe Meer 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. Dunay, Mr. Blecher, Mr. Lowenstein, Mr. Puzio
Mr. Seibel, Mr. Sina & Mr. Meer

Absent: Mr. Sacchinelli, Mr. Gil, Mr. Lancaster & Mr. Newman

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.

Acting Chairman Joe Meer makes an announcement in regards to Application #13-018, Nicholas & Sarah Twawinski will not be heard this evening and will be carried to the Regular Zoning Meeting of August 19, 2013 due to the death of a family member of their Attorney. No further public notification is necessary.

Residential Carried:

1. Application #13-015, Niraj & Amita Patel,
11 Harris Place, Block 2708.01, Lot 5, Zone R-1-2
Proposed 2nd story addition and expansion of the one car garage to two car garage. Increase the building coverage from 21.68% to 26% where 25% is permitted. Impervious coverage from 34.66% to 39.7% where 35% is permitted. Maintain existing side yard setback of 8' where 10' is required. Maintain existing front yard setback of 25.7' from Harris Place where 30' is required. Maintain existing front yard setback 25.7' from Hamilton Road where 30' is required as per Section 125-12 Schedule of area yard and building requirements. Increase FAR from 18.83% to 52.02% where 37% is permitted as per Section 125-57D(1)(d)[1]

Discussion amongst Mr. Bruce Rosenberg (Board Attorney) with Acting Chairman, Joe Meer regarding who would be qualified to act on the application due to the fact there were absentees last month amongst the Zoning Board Members when the application was opened and heard.

Mr. Meer questions Mr. Seibel & Mr. Lowenstein if they had a chance to read the transcripts.

Mr. Lowenstein states he was provided with a disk and listened to the audio version of it.

Mr. Rosenberg states he will sign the Certification that has been provided that demonstrates he is qualified to act on the application.

Mr. Seibel states he has done the same and he is qualified to act also on the application.

Mr. Rosenberg notes Mr. Blecher & Mr. Puzio were not in attendance last month and are able to participate in the hearing of the application but cannot vote.

Mr. Rosenberg explains to the Applicants they have 5 voting members to hear the application. It is their decision as to whether or not they would like to proceed based upon the amended plan or would like to adjournor they do have another option, they could make their presentation this evening on the amended application and the Board Members who are not qualified to vote could be provided with the disk and they could vote on the application next month....it is totally up to the applicant...

Mr. Rosenberg reminds the Applicants & the Board, it is a D-4 FAR variance in which you/they will need 5 of the 5 voting members to achieve this...

The Applicants (Mr. & Mrs. Patel) want to proceed.

Mr. Meer reviews the application & summarizes the reasons they are before the Board tonight being carried from the previous month...

Mr. Meer reviews the calculationsstating originally they had asked for a FAR of 52%...noting he does not recall the Board ever approving such a large FAR...

Mr. Meer notes the amended Plan and asks the applicants to proceed reminding them they are still under Oath.

Mr. Chintan Besai (Applicant's Architect) steps forward.
P.O. Box 570
Kearny, N.J.

Mr. Rosenberg (Board Attorney) requests that Mr. Besai review for the record the plans you will be referring to and the revision date.

Mr. Besai does so...(Inaudible)

Exhibit A-1- Amended Plan (consisting of 3 sheets-Revision date July 9, 2013.

Mr. Besai begins his testimony stating the home is a 3 bedroom/one story house which is a corner lot...

Mr. Besai explains what they have done to bring the FAR down. It will have a one bedroom on the first floor with a kitchen and family room/3 bedroom including the Master Suite on the top floor....

Mr. Besai explains what they have done to amend the plan and be in compliance with the requirements as best as they could.

Mr. Seibel (Board Member) asks what the new amended FAR going to be.

Mr. Besai explains it will be 39.97%...

Mr. Rosenberg asks if Mr. Besai testimony stated the permitted FAR was 40%....???

Mr. Besai testifies he stated if it were a 7500sf lot it would have been 40%, but it is not, so it is 37%....

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

Mr. Lowenstein clarifies the FAR Calculations & requirements.

Mr. Meer opens the application to Residents living within 200ft. of the applicant for questions or comments. Seeing none,

Mr. Meer closes this portion.

Mr. Meer opens the application to the General Public for questions or comments. Seeing none,

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

Mr. Lowenstein makes a motion with amendments to be approved.

Mr. Sina seconds the motion.

VOTE: Mr. Dunay, Mr. Seibel, Mr. Sina, Mr. Lowenstein & Mr. Meer, **YES.**

Motion Carries.
APPLICATION APPROVED.

Residential New Business:

1. Application #2013-019, Juan and Luisa Hinojosa
26-20 Kipp Street, Block 3508, Lot 30, Zone R-1-2
Proposed 12' x 16' above ground pool would increase the existing impervious coverage from 37.30% to 41.14% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements

Mr. Meer swears in: Luisa Hinojosa (Applicant)
26-20 Kipp Street
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Ms. Hinojosa begins her testimony stating she is requesting a 12x16 above ground pool.

Review of the Plan amongst the Board Members...

Mr. Meer notes the existing impervious coverage is above what is allowed and now you would need more..

Discussion....

Mr. Meer questions the square footage of the Lot and states it is a small lot for the zone.

Discussion continues....

Mr. Dunay (Board Member) states; after doing his own calculations, if they were on a 7500sf lot & not an undersized lot, they would only be at 27.4% impervious.

Mr. Lowenstein notes the survey of July, 1998 attached to the proposal, questions the shed in the left rear of the property...it also has proposed shed...but it has been crossed out..??

Ms. Hinojosa explains. Originally the shed they wanted was a 12x20ft. We changed it to a 12x12ft shed...

Mr. Meer asks if any other Board Members have questions. Seeing none,

Mr. Meer opens the application to Residents living within 200ft. of the Applicant for questions or comments. Seeing none,

Mr. Meer closes this portion.

Mr. Meer opens the application to the General Public for questions or comments. Seeing none,

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

Mr. Dunay makes a motion to approve the application.

Mr. Blecher seconds the motion.

VOTE: Mr. Dunay, Mr. Blecher, Mr. Lowenstein, Mr. Seibel, Mr. Sina, Mr. Puzio
Mr. Meer, **YES.**

Motion Carries.

APPLICATION APPROVED.

2. Application #2013-20, Dmitriy Yermolin
22-24 Raphael Street, Block 3326, lot 5, Zone R-1-3
Corner lot. Raphael Street proposed 6' fence where only 3' fence is permitted in the front yard setback as per Section 125-38 Fences and walls.

Mr. Meer swears in: Dmitriy Yermolin, (Applicant)
22-24 Raphael Street
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Yermolin begins his testimony to request a 6ft. fence on the corner of the house where a 3ft. fence is the requirement. He explains his children play in the back yard and it will prevent them from running into the street. Because he has a corner lot, both sides of the house are open, one side being the driveway, one being a backyard of sorts. He wants them to be safe in the backyard.

Discussion...

Mr. Blecher (Board Member) makes a clarification on the location of the fence as he reviews the proposal.

Mr. Lowenstein (Board Member) questions shrubbery at the location of the fence...

Mr. Yermolin testifies he does not have shrubbery.

Mr. Lowenstein states he visited the property today and states he thought there were a well maintained amount of shrubs there...

Mr. Puzio (Vice-Chairman) explains the shrubs are on the Hartley Place side...states location of the proposed fence is across the Raphael Street side, heading west towards Banta...

Mr. Lowenstein thanks Mr. Puzio for the clarification because he had a concern with the line of sight, but that has been resolved...

Discussion continues....

Mr. Sina (Board Member) questions the type of fence.

Mr. Yermolin testifies it will be 5ft. with 1ft. of Lattice on top.

Ms. Peck (Assistant Zoning Officer) clarifies for the record there will be two 6ft. gates..

Mr. Dunay (Board Member) clarifies the requirements & setbacks, again noting an undersized lot is the reason for the variance requirement..

Mr. Meer asks if there are any other questions from the Board members. Seeing none,

Mr. Meer opens the application to Residents living within 200ft. of the Applicant for questions or comments. Seeing none,

Mr. Meer closes this portion.

Mr. Meer opens the application to the General Public for questions or comments. Seeing none,

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

Mr. Puzio makes a motion to approve the application.

Mr. Sina seconds the motion.

VOTE: Mr. Dunay, Mr. Blecher, Mr. Seibel, Mr. Sina, Mr. Puzio & Mr. Meer, **YES.**
Mr. Lowenstein, **NO.**

Motion Carries.

APPLICATION APPROVED.

3. Application # 2013-21, George Iakobishvili
5-03 Berdan Avenue, Block 5618, Lot 4, Zone R-1-3
Proposed addition, renovation and driveway expansion would have impervious coverage of 38.9% where 35% is permitted. Would maintain the existing side yard setback of 7.12' where 8' is required. Would maintain the existing front yard setback of 23.72' where 25' is required as per Section 125-12 Schedule of area yard and building requirements. Would increase the FAR from 20.8% to 47.1% where 40% is permitted requires a D-4 Variance as per Section 125-57.D.(1)(d)[1]

Mr. Meer swears in: Ms. Panmar Aulet & George Iakobishvili (Applicant's)
5-03 Berdan Avenue
Fair Lawn, N.J.

Miroslaw Lewandowsky (Architect)
31 Wilson Drive
Ogdensburg, N.J.

Mr. Meer certifies Mr. Lewandowsky as an Expert Witness in the Field of Architecture without any objections from the Board.

Fees have been paid and there is proof of service.

Mr. Meer asks the Architect to proceed with the proposal.

Mr. Lewandowsky testifies the current proposal is a one family house, 1 ½ story. The proposal consists of two additions. One being the first floor in the rear of the existing house and an entire 2nd floor addition on top of the existing house...

They are in Zone R-1-3 and they need 4 variances....explains.

Maintaining the existing side yard, maintain existing front yard setback...increasing the impervious coverage & FAR.

Mr. Lewandowsky explains although they are still above impervious coverage, because of the proposal of providing 3 parking spaces instead of two, they are still reducing it by removing some impervious areas, explains they will remove the shed in back...

Mr. Lewandowsky explains the increase in the Floor Area Ratio but points out the reasons behind the increase...

Currently the family consists of two people with the In-Laws and plan on having a family. His client would like to expand the home in order to have more livable space for the future.

Mr. Lewandowsky points out in the neighborhood there are also homes of this size proposed and this is an undersized lot of 5000sf where the requirement is 6500sf.

Assuming the FAR was calculated at a lot size of 6500sf. the FAR would be only 36%.

Height of the building would be within the calculations...etc.

Mr. Meer questions the reason for the enlargement of the driveway.

Ms. Aulet testifies for herself, her husband, and her In-Laws. It creates a problem, because we all leave at different times, we all have jobs. We have to wake each other to move the cars, so we want to be able to park next to each other instead of behind each other.

Ms. Aulet also states; they are giving half of the driveway in length. They just want it wider....we cannot park in the street in the winter because of the snow plows. There is a sign.

Mr. Dunay (Board Member) clarifies the shortening of the driveway....reiterates to the Board members what the Architect had pointed out, the FAR would be on at 36% if this in fact were not an undersized lot...

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

Mr. Lowenstein (Board Member) asks the applicant if they have explored any other alternatives to parking the vehicles, suggesting the Commercial Establishments, one being across the road as a possibility...

Ms. Peck (Assistant Zoning Officer) interjects to explain to Mr. Lowenstein there is no overnight parking of vehicles on Commercial Parking other than vans..

Mr. Lowenstein next question to the applicant is; could they currently park the four vehicles in the existing driveway, and if you were to have single width rather than double width, how many would fit.

Ms. Aulet testifies 3 vehicles..

No further questions....

Mr. Meer questions water issues or flooding..

Ms. Aulet states she has never had an issue.

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

Mr. Meer opens the application to Residents living within 200ft. of the Applicant for questions or comments. Seeing none,

Mr. Meer closes this portion.

Mr. Meer opens the application to the General Public for questions or comments. Seeing none,

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

Mr. Lowenstein makes a motion to deny the application.
No second motion is made to deny.

Mr. Meer asks for another motion.

Mr. Dunay makes a motion to approve the application.
Mr. Puzio seconds the motion.

VOTE: Mr. Dunay, Mr. Blecher, Mr. Seibel, Mr. Sina, Mr. Puzio & Mr. Meer, **YES**.
Mr. Lowenstein, **NO**.

Motion Carries.
APPLICATION APPROVED.

Mr. Meer opens for Public Comment. None.

Resolutions:

1. Application #2013-010- Ardian & Anila Kalia, 32-12 Rosalie Street, Block 2309, Lot 1, Zone R-1-3– 6ft. fence in Front yard setback- Approved.

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

VOTE: All Present – **AYE**

2. Application #2013-016, Debra Krebs, 17 Lafayette Place, Block 2513, Lot 5, Zone R-1-2– 4ft. fence in front yard setback- Approved.

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

VOTE: All Present – **AYE**

3. Application #2013-017-Dave & Catherine Bostock, 1 Burlington Place,
Block 3713, Lot 7, Zone R-1-3- Proposed Addition- Approved.

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

VOTE: All Present – **AYE**

Vouchers:

1. Winne Banta Hetherington Basralian & Kahn in the amount of \$816.66 for
Professional services rendered for the July 22, 2013 meeting.

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

VOTE: All Present – AYE.

Minutes

Mr. Puzio made a motion to approve the minutes for the April 22, 2013 meeting and Mr. Dunay seconded the motion.

VOTE: All Present - AYE

Adjourn

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

TIME: 8:30 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk