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BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENTS
MONDAY, SEPTEMBER 30, 2013
COMMENCING AT 7:09 P.M.

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IN THE MATER OF: : TRANSCRIPT
THE PUBLIC HEARING OF THE : OF
BOROUGH OF FAIR LAWN ZONING BOARD : PROCEEDINGS
OF ADJUSTMENT MEETING RE: :
APPLICATION #13-018, Trawinski :
APPLICATION #2013-25, Groth :
APPLICATION #2013-26, Lazar :
APPLICATION #2013-27, Schnipper :
APPLICATION #2013-28, Feola. :
.....

B E F O R E:
THE BOROUGH OF FAIR LAWN ZONING BOARD OF ADJUSTMENTS
THERE BEING PRESENT:

- JOSEPH MEER, ACTING CHAIRMAN
- KEVIN PUZIO, VICE CHAIRMAN
- DANIEL DUNAY, MEMBER
- BRIAN BLECHER, MEMBER
- GARY SACCHINELLI, MEMBER
- JAMES LOWENSTEIN, MEMBER
- RICHARD SEIBEL, ALTERNATE I
- JOHN GIL, ALTERNATE II
- FRANK SINA, ALTERNATE III
- WILLIAM J. LANCASTER, ALTERNATE IV

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A P P E A R A N C E S :

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A L S O P R E S E N T :

CATHY BOZZA, Zoning Board Secretary
ANN PECK, Assistant Zoning Officer

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I N D E X

<u>W I T N E S S</u>	<u>SWORN</u>	<u>PAGE</u>
APPLICATION #13-018, Trawinski		7
Bruce Rigg	11	
Examination by Mr. Liebman		11
Board Questions		15
Public Portion		23
Scott Epstein		23
244 Market Street, Elmwood Park		
Susan Ortega		27
3-27 Lyncrest Avenue, Fair Lawn		
APPLICATION #2013-25, Groth (NOT HEARD)		
APPLICATION #2013-26, Lazar		42
Teodor Lazar	42	
Board Questions		43
APPLICATION #2013-27, Schnipper		48
IRIS SCHNIPPER	48	49
DANIEL SCHNIPPER	48	48
Board Questions		49
APPLICATION #2013-28, Feola		58
LAURIE FEOLA	58	58
JOHN FEOLA	58	58
Board Questions		59
 BOARD BUSINESS		 67

1 ACTING CHAIRMAN MEER: Good evening.
2 I'm Joe Meer. I'm the secretary, but in the absence
3 of the Chairman I will be presiding at the meeting.

4 It's the September 30th meeting of the
5 Zoning Board of Adjustment for the Borough of Fair
6 Lawn is now called to order.

7 I wish to advise that the notice
8 requirements of The Open Public Meetings Act have
9 been satisfied. The notice of the meeting has been
10 posted on the bulletin board of the Fair Lawn
11 Municipal Building, posted on the Borough of Fair
12 Lawn's website and has been duly published in The
13 Bergen Record.

14 The Fair Lawn Zoning Board of
15 Adjustment is a quasi-judicial body that hears
16 requests for relief from municipal building ordinance
17 provisions. We are not the people in black robes,
18 but we have the right to grant or deny your
19 application. If the board grants your application, a
20 resolution must be passed. And in that resolution
21 will be certain restrictions and requirements.

22 Any decision by the board can be
23 appealed within 45 days of the publication of the
24 decision. If that appeal is granted and if you were
25 to undertake to do work or to take some other action,

1 you could, at the end of that time, be required by a
2 court to restore the premises as before. I also
3 caution you that all decisions of the Board of
4 Adjustment are subject to subsequent approval by the
5 construction official of the work that you do after
6 all building permits are paid for and all provisions
7 of the county, state and applicable federal statues,
8 including The Americans With Disabilities Act, are
9 complied with.

10 The first order of business is the roll
11 call.

12 Mr. Dunay?

13 MR. DUNAY: Here.

14 ACTING CHAIRMAN MEER: Mr. Blecher?

15 MR. BLECHER: Here.

16 ACTING CHAIRMAN MEER: Mr. Sacchinelli?

17 MR. SACCHINELLI: Here.

18 ACTING CHAIRMAN MEER: Mr. Lowenstein?

19 MR. LOWENSTEIN: Here.

20 ACTING CHAIRMAN MEER: Mr. Seibel?

21 MR. SEIBEL: Here.

22 ACTING CHAIRMAN MEER: Mr. Gil?

23 MR. GIL: Here.

24 ACTING CHAIRMAN MEER: Mr. Sina?

25 MR. SINA: Here.

1 ACTING CHAIRMAN MEER: Mr. Lancaster?

2 MR. LANCASTER: Here.

3 ACTING CHAIRMAN MEER: Mr. Puzio?

4 VICE CHAIRMAN PUZIO: Here.

5 ACTING CHAIRMAN MEER: Mr. Meer is
6 here. Mr. Newman is absent.

7 The first order of business is held
8 over business from the previous meeting that was
9 carried from August 19th, Application 13-018,
10 Nicholas and Sarah Trawinski.

11 Now, the persons who are eligible to
12 vote on this application would be Mr. Puzio, Mr. Gil,
13 Mr. Sina and myself.

14 MS. PECK: No, correction, it's Mr.
15 Puzio, Mr. Meer, Mr. Sina and Mr. Lancaster.

16 MR. ROSENBERG: Mr. Newman is not here
17 this evening. All the other board members are
18 recused.

19 MR. LOWENSTEIN: James Lowenstein,
20 board member.

21 Mr. Chairman, I'd like to go on record
22 that I am recusing, continuing to recuse myself on
23 this application.

24 MR. SEIBEL: I too, Richard Seibel, am
25 going to recuse myself.

1 MR. BLECHER: Same for Brian Blecher.

2 MR. GIL: And John Gil, recusing.

3 MR. DUNAY: Daniel Dunay, I'm recusing.

4 MR. SACCHINELLI: Gary Sacchinelli,
5 recusing.

6 ACTING CHAIRMAN MEER: Okay.

7 (Whereupon, Members Lowenstein, Seibel,
8 Blecher, Gil, Dunay and Sacchinelli recuse
9 themselves from this hearing.)

10 ACTING CHAIRMAN MEER: Mr. Liebman.

11 MR. LIEBMAN: Good evening. I'm Stuart
12 Liebman from The Firm of Wells, Jaworski & Liebman in
13 Paramus.

14 And I'm here on behalf of the
15 applicants Nick and Sarah Trawinski. We did begin
16 this public hearing in August and we went through,
17 really, all of our testimony at that time. And we
18 reached a point where there were some comments and
19 questions from the public and from the board with
20 regard to possible modifications to the plan.

21 And ultimately, we decided, we asked
22 for the application to be carried to this evening to
23 allow us some time to review and consider the
24 comments and talk with the engineers and work on some
25 design -- possible design changes. And that has

1 resulted in a modification of the plan, which we did
2 submit to the board. And the new plan continues to
3 be dated March 18th, 2013, however -- I'm sorry,
4 it's actually dated December 26th, 2012, but it is
5 last revised September 17th, 2013.

6 MR. ROSENBERG: Mr. Liebman, for the
7 record, we can introduce that as Exhibit A-3.

8 MR. LIEBMAN: Yes.

9 (Whereupon, Modified Plan Last Revised
10 9/17/13 is received and marked as Exhibit A-3
11 for Identification.)

12 MR. ROSENBERG: I believe the last
13 exhibit that you had introduced was A-2.

14 MR. LIEBMAN: I believe that's correct.

15 MR. ROSENBERG: Thank you.

16 MR. LIEBMAN: I will have our engineer
17 back in a moment to describe the modifications, but I
18 would just simply, by way of overview and
19 introduction of the changes to the plan, tell you
20 that we think this is a vastly improved plan and a
21 lot of it is based on the feedback that we got from
22 the board previously with regard to the two curb
23 cuts, which were the particularly objectionable item.

24 We went through the history of the
25 impervious coverage and information on that at the

1 last hearing. We have modified the plan to eliminate
2 a number of the variances.

3 We have eliminated the fence setback
4 variances, which now complies. We'll be relocating
5 the fence, but to a place where we are in compliance.

6 And we have eliminated the variance for
7 the second driveway, the second curb cut. In fact,
8 the entire drive on Willow Street and all the paved
9 area there is being removed and the new driveway that
10 was proposed on Lyncrest is still on the plan, it's
11 modified.

12 And we've added a proposed two-car
13 garage on that side, which conforms, in all respects,
14 to the zoning by way of setback, et cetera.

15 And we are removing more of the
16 impervious surface that's related to the existing
17 driveway that on the property.

18 So we are left with seeking only one
19 variance, and that is for the impervious coverage,
20 which is the number that it is at right now,
21 approximately. It's about 1/10th of one percent
22 less. So we're at 41 percent now. We're proposing
23 40.9 percent. And we -- obviously we have less
24 visible display of cars parked on the site, which we
25 talked about at the last meeting. We talked about

1 expanding the driveway over on Willow and adding
2 pavement and asphalt there and parking more cars
3 there. And with this garage, we are able to be avoid
4 that.

5 I would like to call up our engineer,
6 who will give you more of the facts and figures and
7 describe the plan as revised in greater detail,
8 that's Bruce Rigg.

9 MR. RIGG: Bruce Rigg, Rigg Associates.

10 MR. LIEBMAN: I remind you, Bruce,
11 you're still under oath.

12 MR. RIGG: Yes.

13 B R U C E R I G G,

14 having been previously sworn, continues to
15 testify as follows:

16 DIRECT EXAMINATION

17 BY MR. LIEBMAN:

18 Q. You were qualified and accepted at the
19 prior hearing as a licensed professional engineer in
20 the State of New Jersey?

21 A. Yes.

22 Q. And you will be continuing to testify
23 as an expert in that capacity.

24 A. Yes.

25 Q. So we've introduced the prior plan, I'd

1 like you to now describe what we're showing on the
2 plan that's been marked as Exhibit A-3.

3 A. Sure.

4

5

6 MR. RIGG: Actually, Mr. Liebman said
7 it all, but I'll say it again.

8 MR. LIEBMAN: I'm not under oath, so
9 you've got to go again.

10 MR. RIGG: The plan, as he stated, is
11 last revised September 17th. My clients and I spent
12 quite a bit of time going back and forth trying to
13 come up with a concept to which we thought would work
14 best on the site and try and meet the objectives of
15 the board and the ordinances.

16 The final result we have here is the
17 entire driveway that exists on Willow Street will be
18 removed. We had an additional driveway, so we had
19 two driveways, one on Lyncrest, one on Willow, where
20 the one driveway was going to be. And instead of
21 just the driveway -- if I could, I'll back up.

22 Originally, my client wanted a shed in
23 this location for storage (indicating).

24 Q. And that was shown on the prior plan.

25 A. That was shown on the prior plan. Our

1 objective at this point is we're adding a garage,
2 which would fit right into the side of the house,
3 that would fit into the actual bend in the house now,
4 with a 28-foot front yard where a 25 is required. We
5 have a 10.1-foot side yard where a 10-foot is
6 required. We have a 20-foot wide driveway, so it's
7 compliant. We have sufficient room for two cars in
8 front of the garage.

9 Q. The curb cut is also 20-feet. Right?

10 A. Yes, that's correct. And we have two
11 cars within the garage. We made the garage 23-feet
12 wide, with the intent to make sure there'd been
13 sufficient room for two cars inside.

14 By then, the fence that was in the
15 corner of the house, we're showing it at a minimum of
16 25. My client, he may actually bring it further back
17 into the site, but at this point in time, we're
18 showing that we're not asking for the fence in the
19 rear. We'll make sure that fence is greater than
20 25-feet in accordance with the requirements for that
21 size fence.

22 The floor area ratio, which I don't
23 show on here, I did check that, and this
24 configuration, we're less than the floor area ratio.
25 You're allowed a 4.4 for a lot of this size. It will

1 be less than .4. We will not be asking for a
2 variance for floor area ratio, so it will be
3 compliant in that also.

4 Q. And when you've calculated that, you've
5 included the area of the garage, since it's greater
6 than --

7 A. Yes. I included the garage. Actually,
8 being attached we figured it should be part of the
9 dwelling. We have the first and second floor.

10 There is some basement, not for the
11 entire house, but all of it meets the criteria, so
12 that there is no issue regarding that.

13 So the house will be compliant
14 regarding floor area ratio.

15 We have an existing non-conforming
16 setback on Willow, we're not changing that. And we
17 have an existing impervious, in this current
18 configuration, the previous coverage is 5,486. When
19 we're finished, we'll have 5,478 or 40.9 percent. So
20 we exceed the 35 percent permitted.

21 We also believe, as we were doing this,
22 that we've actually cleaned up and made the
23 configuration work much better for the site, cleaned
24 up the yard. It cleans up the driveway and at the
25 same time, serves my client's purposes for both the

1 storage of vehicles and the storage that he had in
2 the shed.

3 Essentially, that's the application.
4 That's what we're proposing.

5 Q. And the plan continues to show the
6 removal of the fenced area with what was the dog run
7 area, that is to be removed.

8 A. Yes, that's correct.

9 Q. And other than that, no other changes
10 on the site?

11 A. We have nothing else proposed.

12 MR. LIEBMAN: I don't have any other
13 questions for Mr. Rigg.

14 I offer him to the board for questions.

15 VICE CHAIRMAN PUZIO: I guess my first
16 question is, typically, with an application like
17 this, we have plans for the building itself, which we
18 don't have.

19 So I guess my first concern is that
20 we're being asked to vote on something we really at
21 this point have no idea what type of structure is
22 going to be put up, other than a two-car garage.

23 MR. LIEBMAN: Obviously, working on
24 this, it was a work in progress right up until the
25 filing time. And it's almost like a bifurcated

1 application. The impervious coverage is the issue.
2 It's not the garage. It's not the size of the
3 garage. It's not the setback of the garage.

4 As you've just heard, it conforms to
5 the front yard setback. It conforms to the side yard
6 setback. It will conform to FAR. And we stipulate
7 that it will conform to the height. And all of that
8 zoning will be reviewed at the time that we pursue a
9 building permit.

10 So we believe, for the purposes of this
11 application, since there's no variances related to
12 that structure, that the board can act on its
13 footprint. Because, you know, if we're asking for
14 height variance, you want to see the structure, or
15 side yard variance or front yard variance, we'd want
16 to see that, to see what the impact is going to be.
17 But this is fully conforming.

18 If the impervious coverage conformed in
19 the rear, we wouldn't even be before the board, we
20 would be going and getting a building permit for that
21 exact garage, that exact driveway.

22 So we would like to ask the board,
23 based on the nature of the comments we had the last
24 time and kind of the strong feelings that the board
25 had about the second driveway, which we've eliminated

1 in this application, we're hoping before we spend
2 money designing the structure, that we would get the
3 board's vote on the only variance we're requesting,
4 which was simply the impervious coverage, which is a
5 horizontal kind of variance, not a vertical variance.

6 ACTING CHAIRMAN MEER: Anybody else?
7 Go ahead.

8 VICE CHAIRMAN PUZIO: Based off our
9 last conversation, since you brought it up, there was
10 no mention of a structure such as this going up on
11 this property.

12 So this is a major change, and again,
13 typically, even though it's impervious coverage, we
14 get plans of the structure being put up.

15 So I mean, that along with the other
16 question, and I guess now it's been addressed that
17 impervious coverage went from 31 percent previously
18 approved to what is, I guess, currently today 41
19 percent.

20 MR. LIEBMAN: Well, we addressed that
21 at the last hearing.

22 VICE CHAIRMAN PUZIO: But we didn't
23 know exactly what the numbers were.

24 MR. LIEBMAN: Well, no, it was on the
25 plan. It was on the plan all the time. So we

1 addressed at the last hearing that the best that we
2 could resurrect, that Ms. Peck and I could do in
3 reviewing the plans available in the building
4 department that were reviewed and perhaps endorsed by
5 the board were about 31, almost 32 percent in
6 building coverage. And that we determined that there
7 was 40.9 percent or 41 percent that exists.

8 What we also described is that there
9 was a good reason for, and a lot of reason for,
10 perhaps the discrepancy or the confusion here in that
11 this plan and its various coverages and it's various
12 additions were reviewed by least four different
13 municipalities, by Fair Lawn, by Saddle Brook, by
14 Garfield, by Elmwood Park, by Hackensack. So we
15 tried, and we put together the bits and pieces and
16 that's where you see the footnote of footnote number
17 eight, the general notes of the previous improved
18 impervious are shown reflect areas provided by the
19 zoning officer based on previously improved permits.

20 Since then, we've discovered another
21 plan that's in the building department files that
22 shows that almost 30 -- well, actually, the plan
23 shows 41.86 percent coverage. That plan was
24 reviewed, stamped and signed off on by building, by
25 fire, by a few other departments. And it was the

1 plan that was used for review by another municipality
2 who was reviewing this permit request based on the
3 nature of the prior application. And with that, we
4 find that there was a letter that was reviewed and
5 said that the coverage was going to be 34, almost 35
6 percent. So we have a few different numbers and a
7 fair amount of confusion in reviewing from the
8 different municipalities. What we described last
9 time, we don't want to really go backwards. We
10 really want to clean it up right now. We want to
11 show you exactly what's there now. And we believe
12 that the request that we're making is reasonable.
13 We're not saying, give it to us now because it's
14 there, that's not the basis of the variance, we know
15 that. We're saying that we believe that it is a fair
16 plan and it fits the area and that we think the board
17 would have approved this previously. And we ask the
18 board to approve it again now.

19 So, yeah, the coverage has been there.
20 The information has been there. We've had it on the
21 plan previously, where, you know -- I think Ms. Peck
22 would back me up on that. Our files, the Borough of
23 Fair Lawn's files are less than --

24 MS. PECK: Complete.

25 MR. LIEBMAN: -- complete. And perhaps

1 less than precise on what, you know, what was
2 approved and what should have been.

3 But we do have a plan that shows almost
4 42 percent signed off by five different inspectors
5 before a seal was issued. But we're not saying, you
6 know, give it to us because of that. And we're not
7 saying that we don't have to be here because of that,
8 because if that was our position, I would say "I have
9 a variance; I have an approval for a variance; I
10 don't need to be here". We're not saying that at
11 all. We want to make it clean so that nobody has to
12 look into the zoning records anymore and we can just
13 take from this date forward.

14 MR. ROSENBERG: So just for the record,
15 if I may, so we're all on the same page, as the plan
16 reflects, Mr. Liebman, so it's 31.7 percent going to
17 40.9 percent where 35 percent is permitted by code?

18 MR. LIEBMAN: Correct.

19 MR. ROSENBERG: Just so we're all on
20 the same page. I just want to make sure.

21 MR. LIEBMAN: Exactly right.

22 MR. ROSENBERG: All the board members
23 and the members of the public understand and the
24 record should reflect that.

25 MR. LIEBMAN: Yes.

1 MR. ROSENBERG: Thank you.

2 ACTING CHAIRMAN MEER: Anyone else from
3 the board?

4 Mr. Lancaster?

5 MR. LANCASTER: There's a note here,
6 driveway and curb to be removed in non-paved area to
7 receive topsoil. Shouldn't that be paved area to
8 receive topsoil on the side?

9 MR. RIGG: Once the pavement's removed,
10 it would be a non-paved area.

11 MR. LANCASTER: So that whole area is
12 going to receive grass?

13 MR. RIGG: All of this (indicating) is
14 going to be grass. The entire -- the existing
15 driveway in that location will be completely removed
16 and become grass area.

17 MR. LANCASTER: Up to that stone mulch
18 area?

19 MR. RIGG: Yes.

20 ACTING CHAIRMAN MEER: Any other
21 questions from board members?

22 (NO RESPONSE.)

23 ACTING CHAIRMAN MEER: Okay. I'm going
24 open this up to the general public.

25 Anyone within 200-feet wishes to

1 comment for or against this application?

2 (NO RESPONSE.)

3 MR. LIEBMAN: Mr. Chairmen, if I might,
4 I'm just looking at my notes on here. One item I
5 would just like to add before the public gets up,
6 there was discussion at the last meeting about a
7 fence that is on the property line, of our vinyl
8 fence that's shown on the plan as slightly over the
9 property line. And the testimony previously was that
10 it was put in as close as possible to the chain link
11 fence, which is on this neighbor's to the south
12 property. And for that reason, to be close, to be
13 together, not create a gap. And there was some
14 discussion about it before, I don't think it was
15 resolved.

16 We said that we would relocate, if that
17 is what the neighbor desires, and we would be willing
18 to take that offline and talk to the neighbor about
19 that.

20 We think there's good reason to keep it
21 that way, because when you create a two-foot gap
22 between fences it's nothing but something that
23 collects leaves and dirt and stuff. So, for the
24 record, we are willing to do that relocation, but we
25 would like to -- if we are approved, we would like to

1 have an a opportunity to speak with the neighbor and
2 see what they would like to do, so that we can reach
3 an agreement and not create a hazard or a nuisance.

4 MR. EPSTEIN: Scott Epstein, 244 Market
5 Street, Elmwood Park, speaking on behalf of Joddi
6 Kaye, 3-23 Lyncrest Avenue, Fair Lawn.

7 Hello, board, good to see everybody
8 again.

9 ACTING CHAIRMAN MEER: You were sworn
10 the last time.

11 MR. EPSTEIN: Yes, I was.

12 S C O T T E P S T E I N,
13 244 Market Street, Elmwood Park, New Jersey,
14 having been previously sworn, continues to
15 testify as follows:

16 ACTING CHAIRMAN MEER: Okay. You're
17 still under oath.

18 MR. ROSENBERG: Could you just give me
19 the spelling in this case, the name again, please?

20 MR. EPSTEIN: K-a-y-e, first name
21 Joddi, J-o-d-d-i.

22 MR. ROSENBERG: Thank you.

23 MR. EPSTEIN: You're quite welcome,
24 sir.

25 Thank you all very much for taking a

1 couple minutes and reworking the plan a little bit to
2 try to appease as many people as possible in our
3 neighborhood. We appreciate the effort.

4 I did have a question regarding a
5 zoning board legal term that I have no idea how it
6 all works, and I can never get a straight answer.
7 There's something called a setback of structure or
8 something regarding property lines.

9 Do we know what the setback of certain
10 things are in relationship -- like there happens to
11 be a hot tub that's listed as 4.2 feet from the
12 property line, is that a normal amount or is there
13 supposed to be a greater amount of distance? Do we
14 know the answer?

15 MR. LIEBMAN: I think you have that on
16 the plan.

17 MR. RIGG: I do. It concerns an
18 accessory building. We have 4.2, we're showing it, a
19 three-foot minimum is required and we have 4.2.

20 MR. EPSTEIN: I was just asking what is
21 normal.

22 And as far as the driveway is concerned
23 in the front with the curb cut, that would be a full
24 double width driveway curb cut in the front on
25 Lyncrest?

1 MR. RIGG: Yes.

2 MR. EPSTEIN: And the driveway would
3 match the curb cut?

4 MR. RIGG: Yes.

5 MR. EPSTEIN: And that would go up to a
6 proposed two-car garage?

7 MR. RIGG: Yes.

8 MR. EPSTEIN: And would that two-car
9 garage be a single story or a multistory?

10 MR. RIGG: The garage is, it's a
11 one-story garage. The building, itself, I'm not sure
12 if my client has finalized it, but he may add some to
13 the second floor, he may not, that's up to them.
14 It's not going to exceed the floor area ratio.

15 MR. LIEBMAN: Or the permitted height.

16 MR. RIGG: Or the permitted height,
17 absolutely.

18 MR. EPSTEIN: And the garage space, as
19 well, in regards to the property line, would be
20 within the allowable setbacks.

21 MR. RIGG: Ten-foot is the required,
22 10.1 is proposed.

23 MR. EPSTEIN: Okay. Don't know, just
24 asking.

25 You guys have all the experience in

1 this.

2 And the curb cut that exists on Willow,
3 will that remain or does that actually get
4 remanufactured as a curb?

5 MR. RIGG: It should be removed.

6 MR. EPSTEIN: It should become a solid
7 curb?

8 MR. RIGG: It should be --

9 MR. EPSTEIN: I guess there won't be
10 any driving onto that property from the Willow side
11 normally?

12 MR. RIGG: That's correct.

13 MR. EPSTEIN: And the fence is going to
14 be 25-feet from Willow on to the property?

15 MR. RIGG: It's 35 from the curb, 25
16 from the right-of-way, but it will be --

17 MR. EPSTEIN: So it's going much
18 further back?

19 MR. RIGG: It will be a minimum of --
20 well, we actually only had it proposed at 22.

21 MR. EPSTEIN: So that was actually
22 repropoed --

23 MR. RIGG: Further back so that there's
24 no longer a variance.

25 MR. EPSTEIN: Okay. That was all the

1 questions that I had at this time.

2 Thank you.

3 ACTING CHAIRMAN MEER: Yes, ma'am.

4 MS. ORTEGA: Good evening, Susan
5 Ortega.

6 S U S A N O R T E G A,

7 3-27 Lyncrest Avenue, Fair Lawn, New Jersey,

8 having been previously sworn, continues to

9 testify as follows:

10 ACTING CHAIRMAN MEER: You're going to
11 have to speak louder and I have to swear you in.

12 MS. ORTEGA: I spoke at the last
13 meeting as well. I live directly next to Mr.
14 Trawinski, 3-27 Lyncrest Avenue, Fair Lawn, New
15 Jersey.

16 I think when we discussed at the last
17 meeting, I had expressed my concerns about having the
18 driveway. You know, I have a very small piece of
19 property. I have 50-foot width. I have a conjoined
20 driveway with Ms. Kaye, you know, when I purchased
21 the house, that's the way that it was. I've been
22 living there 27 years. I have really deep concerns.

23 Now, not only do they want to put a
24 driveway, now they want to put a structure. I have a
25 six-foot fence from the owner outside my rear bedroom

1 window, outside my daughter's bedroom window. My
2 master bedroom is in the front of the house, okay.

3 Now I'm going to have not only the
4 driveway 10-feet from the property line, the noise
5 and now a structure, which will completely obstruct
6 my view. I think this is total disregard for the
7 neighborhood.

8 And, again, it impacts the parking.
9 And in, addition, they were concerned about pulling
10 out a tree on the Willow side. Two trees will need
11 to come out that are near to my property.

12 And should the borough decide this as
13 their tree at the curb in front of my property, there
14 used to be two. The borough had removed one tree
15 because of height and root overgrowth. Should the
16 borough decide to take that tree out, there will be
17 no shade in that area whatsoever because two trees
18 are in that area that will mostly like need to come
19 out in order to put a structure and the driveway.

20 So I have serious concerns about this.
21 I don't want to look out on that.

22 And then the parking, where are we
23 supposed to park? You know, we have to stack our
24 parking, like everyone else in the neighborhood. We
25 pull out on to the street, now there's another curb

1 and there's a fire hydrant. So I have to park a
2 block from my home so that I can park on the street.
3 That's not convenient for me. I'm very upset about
4 this. I am very, very, very upset about this. This
5 is even worse than the previous plan.

6 And, in fact, in addressing the
7 property line issue, I also have commissioned a
8 survey of my own property, because the survey was
9 done just now, which should have been done before the
10 pool went in and before the other things went in, the
11 survey was supposed to have been done, it was not
12 done. So they just recently did a survey.

13 I spoke with my attorney. My attorney
14 has advised me to commission a survey, which I did.
15 And that the fence should be moved off my property
16 line. She said, let's get the survey and the fence
17 should be moved off the property. So that's what I
18 have to say.

19 I'm not happy about this at all.

20 MR. LIEBMAN: I would repeat that we
21 are willing to relocate that fence. Clearly, that's
22 the neighbor's desire. And we will do that.

23 ACTING CHAIRMAN MEER: This neighbor's
24 house is on the south side?

25 MR. LIEBMAN: Yes, I believe she is the

1 neighbor to the --

2 MR. ROSENBERG: Over here, Joe, I
3 believe (indicating) .

4 MR. LIEBMAN: Again, if we meet the
5 setbacks, we meet floor area ratio, we'll meet the
6 height so that the structure is, you know, for all
7 intents and purposes, a lawful structure and the
8 board does not have to grant any variance relief for
9 it.

10 Do you have any info on the trees?

11 ACTING CHAIRMAN MEER: Anybody else?

12 MR. ROSENBERG: Wait, he's asking Mr.
13 Rigg a question, Joe.

14 MR. RIGG: There is -- in this
15 immediate area where the garage is going
16 (indicating), there are some existing trees that will
17 need to be removed, yes.

18 MR. LIEBMAN: Not municipal trees.

19 MR. RIGG: Not municipal trees.

20 Now, if there was, of course, a shade
21 tree that was affected, Fair Lawn has a process where
22 you have to replace them, and I believe it's -- I
23 know in the county roads it's four inches of trees.

24 ACTING CHAIRMAN MEER: Are there any
25 kind of shrubbery along the property line that might

1 grow?

2 MR. RIGG: There is a shrub row that's
3 shown on here, but we're not going to affect anything
4 on the property line. There's a fence that runs down
5 currently to the existing end of our house. Our
6 client, if it makes it better for them, they may be
7 about to extend that fence right down to the front of
8 the garage, so that she'd have the privacy of the
9 fence. I would think she'd prefer it back further.

10 But again, my client, I'm pretty sure,
11 would say yes to that, if that would help her by
12 having a fence to separate the two. I just -- this
13 is a six-foot vinyl. I think my client, I'm putting
14 a personal view in here, I would prefer it to stay
15 where it is. That's around the pool area, and I
16 think the area being open would be much better for
17 both parties.

18 MR. ROSENBERG: Mr. Meer, are you
19 asking also for maybe additional buffering, is that
20 what you're asking of the applicant?

21 ACTING CHAIRMAN MEER: Maybe, you know,
22 to hide, have some variety or something like that on
23 the south side.

24 MR. LIEBMAN: To extend that existing
25 shrub row?

1 ACTING CHAIRMAN MEER: Yeah.

2 MR. LIEBMAN: If that's something that
3 the board would like the applicant to do. And again,
4 mitigating the variance, but because there's no
5 variance there, but yes.

6 ACTING CHAIRMAN MEER: Well, it's much
7 better than a fence, in my opinion.

8 Mr. Lancaster?

9 MR. LANCASTER: You know, listening, we
10 don't have a drawing of this garage. I can see the
11 neighbor's point of view looking on, who knows what
12 kind of structure. I mean, I think that is part of
13 the impervious coverage. Isn't that footprint of
14 that garage part of this 40.9? So it is included in
15 here. If it wasn't in here, we would be less than 35
16 percent.

17 So I don't think you can discount it
18 that it's not included in the impervious coverage.
19 And I think she does have a right to see it.

20 I know we don't like looking at
21 structures all the time, but I think we at least have
22 a right to see this thing.

23 ACTING CHAIRMAN MEER: I'm assuming the
24 garage is going to look like the house.

25 MR. LIEBMAN: Aesthetically, to be

1 consistent with the design of the house, yes, you
2 know, I understand the comment.

3 If I may respond to the board member's
4 comment, however, coverage is a horizontal item. And
5 looking at the plan and this plan view is what needs
6 to be reviewed for coverage. If we were to come back
7 to you and present to you a plan that showed a solid
8 wall that was 30-feet high with a flat roof. I don't
9 know flat roof, flat roof is okay, not okay,
10 whatever. If it came straight up 30-feet and over
11 and down and fit within the 10-foot setback and the
12 25-foot setback people may think it's ugly, but
13 there'd really be nothing you could say. It's really
14 just a coverage.

15 MR. LANCASTER: And it is part of the
16 40.9 percent.

17 MR. LIEBMAN: Understood. But I'm
18 saying to bring that additional information wouldn't
19 change coverage.

20 MR. LANCASTER: If the board said you
21 can only go 35 percent, then you've got a problem.

22 MR. LIEBMAN: Then we could remove
23 other impervious coverage and still have this garage,
24 that's just part of the --

25 MR. LANCASTER: Understood. But right

1 now, this is part of that 40.9.

2 MR. LIEBMAN: Yes, it is. I agree with
3 you.

4 ACTING CHAIRMAN MEER: Anyone else
5 within 200-feet who wishes to speak for or against
6 this application?

7 (NO RESPONSE.)

8 ACTING CHAIRMAN MEER: Seeing none, how
9 about from the general public?

10 (NO RESPONSE.)

11 ACTING CHAIRMAN MEER: None, I will
12 close that motion.

13 And there's only four people voting so
14 we'll need --

15 MS. PECK: There's no use variance, so
16 just the majority.

17 MR. LIEBMAN: Three out of four.

18 ACTING CHAIRMAN MEER: A motion and a
19 second.

20 MR. LIEBMAN: Mr. Chairman, I don't
21 know if you want to do it before or after motions
22 were made, there's four members who are eligible.
23 Obviously, three out of four is the number that is
24 needed. Two board members have indicated that they
25 have some reservation about not seeing some

1 additional information. Obviously, if that were the
2 only issue and if that were to mean those board
3 members would be uncomfortable voting in the
4 affirmative, we might want a chance to address that.
5 So would it be possible to --

6 MR. ROSENBERG: To poll?

7 MR. LIEBMAN: To poll.

8 MR. ROSENBERG: I think it is, sure.

9 MR. LIEBMAN: To poll and get some of
10 that guidance. And then I would like to take two or
11 three minutes just to talk to my client about that.

12 MR. ROSENBERG: Sure. And of course,
13 Mr. Liebman, perhaps for the next meeting, if that's
14 the way the board wants to go, you would then be able
15 to provide the transcript to the fifth board member
16 who would be here, I would imagine, at the October
17 meeting, just a point.

18 MR. LIEBMAN: And obviously, I don't
19 know the other two board members, they may also feel
20 that --

21 MR. ROSENBERG: They may. They
22 absolutely may, sure.

23 So, Mr. Meer, I guess what Mr. Liebman
24 is asking is that you sort of informally poll the
25 four board members and whether they feel that they

1 need to have an architectural rendering of the
2 proposed two car garage.

3 MR. LANCASTER: You know, I think they
4 cleaned up a whole bunch in the back, I like that.
5 You know, they listened to the comments of this board
6 from last time, that's important. But I do have a
7 concern with that garage, so...

8 MR. LIEBMAN: And thank you, it's good
9 to know what your thought, kind of, process is
10 overall while we're waiting for that.

11 VICE CHAIRMAN PUZIO: As I stated
12 before, my concern is definitely that we don't have
13 any type of plan structure to look at. And as a
14 matter of fact, out of your own words you said, well,
15 could be one story, could be one-and-a-half story, we
16 don't know at this point. Every other vote that -- I
17 believe, that I can recall that we've taken on
18 impervious coverage included plans if it entailed a
19 building, if it wasn't for anything else.

20 So I think without having a plan to
21 look at, I'd struggle with this application.

22 MR. LANCASTER: I just have one more
23 question, was there ever a garage on this property?

24 MR. LIEBMAN: I don't know.

25 MR. LANCASTER: Okay. Right now, there

1 is none.

2 MS. PECK: I can answer the question.
3 They converted the garage into a living space when
4 they did a big renovation of the house.

5 MR. LANCASTER: Is that acceptable to
6 Fair Lawn? In some towns, it's not.

7 MR. SINA: I have to second their
8 concerns and agree with them.

9 If the issue is to get a set record
10 finally for everything, then I agree, it would be
11 nice to have a set record as well and see what is
12 being proposed for the garage.

13 ACTING CHAIRMAN MEER: You're asking
14 for this to be deferred to the next --

15 MR. LIEBMAN: Well, not yet. I was
16 asking first to hear whether or not the board members
17 have trouble voting perhaps in favor of the
18 application, only because there is no building
19 elevation shown of the garage. And if that's the
20 only real hang up, then I want to talk to my client
21 about taking the time to bring that to you.

22 MR. ROSENBERG: Mr. Meer, do you have
23 any opinion, since you're a voting member as well for
24 Mr. Liebman and his client?

25 ACTING CHAIRMAN MEER: I'm satisfied

1 there's no two curb cuts. It looks like it's a vast
2 improvement other the original. But to be fair to
3 the applicant, there's not enough board members this
4 evening, you know.

5 MR. LIEBMAN: Could we take a brief
6 recess? Could we take a three-to-five minute recess
7 only?

8 ACTING CHAIRMAN MEER: Sure.

9 MR. ROSENBERG: Mr. Chairman, just if
10 you would just take a roll to authorize the recess.

11 ACTING CHAIRMAN MEER: Okay. Mr. Sina?

12 MR. SINA: Yes.

13 ACTING CHAIRMAN MEER: This is a vote
14 to authorize a recess.

15 Mr. Lancaster?

16 MR. LANCASTER: Yes.

17 ACTING CHAIRMAN MEER: Mr. Puzio?

18 VICE CHAIRMAN PUZIO: Yes.

19 ACTING CHAIRMAN MEER: Mr. Meer, yes.

20 Okay, it's now --

21 MR. LIEBMAN: Five minutes. We're
22 running.

23 (Whereupon, a short recess was taken).

24 ACTING CHAIRMAN MEER: Okay, we've
25 taking the minutes. We're taking the poll of the

1 people that can vote and coming back from this
2 five-minute recess.

3 Mr. Sina?

4 MR. SINA: Here.

5 ACTING CHAIRMAN MEER: Mr. Lancaster?

6 MR. LANCASTER: Here.

7 ACTING CHAIRMAN MEER: Mr. Puzio?

8 VICE CHAIRMAN PUZIO: Here.

9 ACTING CHAIRMAN MEER: Mr. Meer is
10 here.

11 MR. LIEBMAN: Okay. Thank you.

12 My clients first want me to thank the
13 board for your feedback on this and recognizing some
14 of the improvements that have been made to the plan.
15 The last step is we will take the time and have
16 someone prepare that plan that shows what the
17 proposed elevations are and we'd like to come back at
18 the next meeting and show that to you.

19 ACTING CHAIRMAN MEER: Now, if you can,
20 just show like some sort of a plan --

21 MR. LIEBMAN: A plan development, yes,
22 we can do that.

23 MS. PECK: So it will be carried to
24 October 28th.

25 MR. LIEBMAN: No further notice.

1 MR. ROSENBERG: Mr. Liebman, on that
2 issue, I'm going to recommend that you do notice. I
3 think it's important, because the plan, I think now
4 adds a structure that was not included in your
5 original notice. And I just think to be on the safe
6 side, I would recommend to the chairmen and the board
7 members that they require you to re-notice.

8 MR. LIEBMAN: I think one could argue
9 that it's either a less severe plan, because I've
10 eliminated variances.

11 MR. ROSENBERG: It is.

12 MR. LIEBMAN: But we can do that. We
13 have the time, so we can do that.

14 MR. ROSENBERG: Thank you.

15 MR. LIEBMAN: Thank you very much.

16 ACTING CHAIRMAN MEER: I just want to
17 announce that the first of the new business
18 applicant, Ralph Groth, will be carried to the next
19 meeting, October 28th, so nothing will be heard
20 tonight. So if anybody is here for that application,
21 see you next month.

22 Some of the board members, the
23 Trawinski application carries to October 28th and
24 they're going to come back with the plans for the
25 garage and for shrubbery on the south side of the

1 property.

2 MR. LOWENSTEIN: Mr. Chairman, can we
3 make a suggestion that you either have a special
4 meeting or put them at the end of the meeting? We've
5 got about five or six members of the board that were
6 sitting out there for a good hour. So either give
7 them a special meeting or put them at the end of the
8 night.

9 MS. PECK: To give them a special
10 meeting, I have to charge them \$1,500.

11 MR. LOWENSTEIN: I understand. That's
12 just a suggestion, that's all.

13 ACTING CHAIRMAN MEER: It's already
14 been decided that it will be delayed until next
15 month.

16 MS. PECK: Could we just call the board
17 on that? That's the normal thing.

18 MR. ROSENBERG: The Chairman has that
19 prerogative at the meeting.

20 ACTING CHAIRMAN MEER: And residential
21 new business application 2013-25, Ralph Groth, that's
22 being carried to October 28th.

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1 ACTING CHAIRMAN MEER: So now we have
2 application number 2013-26, Teodor and Louella Lazar.

3 Okay, Mr. Lazar, you're going to
4 testify.

5 MR. LAZAR: That's correct.

6 T E O D O R L A Z A R,

7 41-02 Erli Road, Fair Lawn, New Jersey, having
8 affirmed to tell the truth, testifies as follows:

9 ACTING CHAIRMAN MEER: Okay. Fees in
10 the amount of \$113 has been paid and there's proof of
11 service, so the application is complete.

12 Okay, Mr. Lazar, I guess you want to --
13 are you comfortable standing.

14 MR. LAZAR: That's fine.

15 ACTING CHAIRMAN MEER: Could you tell
16 us why you're here?

17 MR. LAZAR: I'd like to build a deck.
18 And the current setback line is at 40-feet on the
19 Saddle River Road side. And the proposed back would
20 be 21.77 feet. So we build closer to Saddle River
21 Road, for 21.77 feet rather than 40-feet, which is
22 the current setback line.

23 MR. DUNAY: If I am reading this
24 correctly, this is a situation where we have, and Ms.
25 Peck, maybe you can confirm this, we have two front

1 yard setbacks, because it's a corner lot?

2 MS. PECK: Right.

3 MR. DUNAY: So as a result there is
4 typically the side yard, which is really the River
5 Road side of the house only have a 20-foot setback,
6 in fact, because it is concerned a second front yard
7 or a space with a situation where it is a 40-foot
8 setback and thus, in fact, that house itself is
9 within the setback and the proposed deck is within
10 the setback?

11 MS. PECK: Correct.

12 ACTING CHAIRMAN MEER: Is your house
13 across that one that seems to be they have stopped
14 construction on it?

15 MR. LAZAR: Actually, it's right next
16 to it.

17 ACTING CHAIRMAN MEER: Okay. And what
18 is there now? There's no deck, nothing?

19 MR. LAZAR: Nothing, it's just a patio.
20 The proposed deck would be right above the patio.

21 ACTING CHAIRMAN MEER: Anybody from the
22 board wishes to ask any questions?

23 MR. LOWENSTEIN: James Lowenstein,
24 board member.

25 It's not really a question, Mr. Lazar,

1 but I did go out and visit the property and I just
2 wanted to share my observations with the board.

3 The survey from April 23rd of 2007
4 indicates that a block wall, which is parallel to
5 Saddle River Road and that's setback I measured about
6 11 and-a-half feet from the property line along South
7 River Road. That wall is completely covered by
8 shrubbery, so it's concealed by shrubbery. And the
9 deck, proposed deck, would be concealed even further
10 behind by that.

11 So you know, I'm comfortable with this
12 application based on the vegetation which conceals
13 it. It's on a busy street. I don't think there's
14 any neighbor that would be offended by this and it
15 seems to be a legitimate application.

16 ACTING CHAIRMAN MEER: Any other board
17 member?

18 Mr. Dunay.

19 MR. DUNAY: Mr. Chairman, I just have
20 one quick question, which I can't take complete
21 credit for.

22 Why, sir, did you choose to place the
23 deck on the side of the house closer to Saddle River
24 Road as opposed to the alternate side of the house?

25 MR. LAZAR: Because on that side is the

1 kitchen. If I follow the setback line, I'll be lead
2 to the bathroom and bedroom.

3 MR. DUNAY: So if you were on the other
4 side, it would adjoin your bathroom and bedroom,
5 which would make the deck less useful to you?

6 MR. LAZAR: Correct.

7 ACTING CHAIRMAN MEER: Any other board
8 member?

9 (NO RESPONSE.)

10 ACTING CHAIRMAN MEER: Okay, seeing
11 none, is there anybody within 200-feet wishes to
12 speak for or against this application?

13 (NO RESPONSE.)

14 ACTING CHAIRMAN MEER: Seeing none,
15 I'll close that portion of the meeting.

16 Anybody from the general public wants
17 to speak for or against this application?

18 (NO RESPONSE.)

19 ACTING CHAIRMAN MEER: I'll close to
20 portion of the meeting.

21 We're now come to a -- do I have a
22 motion.

23 MR. LOWENSTEIN: Mr. Chairmen.

24 ACTING CHAIRMAN MEER: Mr. Lowenstein
25 is going to make the motion.

1 MR. LOWENSTEIN: As to application
2 number 2013-026 of Teodor and Louella Lazar regarding
3 property commonly known as 41-2 Erli Road, Block
4 1514, Lot 20 in and R-1-2 Zone, which seeks to get
5 permission from this board for a proposed deck, which
6 would have a 21.77-foot front yard setback on Saddle
7 River Road where 40-feet is required for an accessory
8 structure as per section 125-12 schedule of area yard
9 building requirement be approved.

10 ACTING CHAIRMAN MEER: Okay. Do I have
11 a second?

12 VICE CHAIRMAN PUZIO: I'll second.

13 ACTING CHAIRMAN MEER: Mr. Puzio.

14 Okay.

15 Mr. Dunay?

16 MR. DUNAY: Yes.

17 ACTING CHAIRMAN MEER: Mr. Blecher?

18 MR. BLECHER: Yes.

19 ACTING CHAIRMAN MEER: Mr. Sacchinelli?

20 MR. SACCHINELLI: Yes.

21 ACTING CHAIRMAN MEER: Mr. Lowenstein?

22 MR. LOWENSTEIN: Yes.

23 ACTING CHAIRMAN MEER: Mr. Seibel?

24 MR. SEIBEL: Yes.

25 ACTING CHAIRMAN MEER: Mr. Puzio?

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VICE CHAIRMAN PUZIO: Yes.

ACTING CHAIRMAN MEER: And Mr. Meer,
yes.

Congratulations.

MR. LAZAR: Thank you everybody.

1 summery in terms of why, at this point, we're looking
2 to do that.

3 MS. SCHNIPPER: Well, as I wrote in
4 our, you know, reasons why we would like to be
5 granted the variances, we're very family oriented.
6 We like the spend holidays with immediate family,
7 extended family. And my living space seems to be
8 changing and we would like to have bedrooms for each
9 of our children and our family is growing. Our son
10 got married and my husband's parents would like to
11 come and visit and our siblings. So we would like to
12 do some construction. And that's pretty much why
13 we're looking to add the space.

14 And I did a, kind of a -- more of a
15 little site analysis and the initial problem is our
16 lot is undersized, so it explains if we did have a
17 6500 square feet deck in a normal size lot, then two
18 of the variances wouldn't even have been an issue and
19 the FAR variance would be less than one percent.

20 MR. ROSENBERG: Mr. Chairman, if I
21 would, just for the record, let's mark this Exhibit
22 A-1. It's a supplemental prepared by the applicant
23 justifying the request for the variance in being
24 proper to the board.

25

1 (Whereupon, Supplemental Document is
2 received and marked as Exhibit A-1 for
3 Identification.)

4 ACTING CHAIRMAN MEER: Okay. Anybody
5 from the board wishes to ask questions of the
6 applicant?

7 MS. SCHNIPPER: Also we happen to be
8 very lucky. We have very nice neighbors, maybe one
9 big reason why we chose not to move away. We all
10 look out for each other. In fact, Mr. Lowenstein --

11 MR. LOWENSTEIN: Yes.

12 MS. SCHNIPPER: -- he was walking
13 around my property today and a neighbor came by
14 saying, I saw someone walking around your property.

15 MR. SCHNIPPER: Let them ask the
16 question.

17 ACTING CHAIRMAN MEER: Your backyard
18 faces -- your backyard is on 208?

19 MR. SCHNIPPER: Yes.

20 ACTING CHAIRMAN MEER: Okay. Anybody
21 from the board have any questions?

22 MR. LOWENSTEIN: Mr. Chairman?

23 ACTING CHAIRMAN MEER: Yes, Mr.
24 Lowenstein.

25 MR. LOWENSTEIN: Mr. Lowenstein, board

1 member.

2 I know each of these stands on their
3 own merits, each application. And I know the
4 Chairman is not, not yourself, but Mr. Newman, often
5 engages in an analysis similar to the applicant,
6 which is if it were on a conforming lot, then it
7 would be like this. And to me, that's unpersuasive,
8 because we have a lot that is the size that it is.
9 When people choose to buy a home, they do their due
10 diligence, they survey it. They know where they are
11 relative to the requirements. And presumably, if
12 it's a little undersized, that's reflected in the
13 price reduction, that's reflected in the tax
14 assessment based on the reality.

15 So to rely on that as a basis to obtain
16 a variance always troubled me.

17 I would say that, in my view, the
18 building coverage is really de minimus, I do not have
19 a problem with that. The impervious coverage, which
20 although this is an area of significant concern for
21 me, I could also live with that one.

22 But the thing that does concern me the
23 most is on the floor area ratio, which seeks to go to
24 46 percent.

25 Do you have your professional here?

1 MR. SCHNIPPER: He is not here, but he
2 can equate some of the numbers in terms of what that
3 would be if you --

4 COURT REPORTER: Could you please speak
5 up, sir.

6 MR. SCHNIPPER: Our professional is not
7 here. His numbers are included in that exhibit that
8 we provided the board with and it would be slightly
9 over if it were a conforming lot.

10 I guess to your other point, Mr.
11 Lowenstein, is that you're giving us more credit than
12 we deserve when we bought the house 22 years ago. We
13 didn't do any diligence -- I didn't know what is
14 conforming lot was until we started this process, so
15 be that as it may.

16 MR. LOWENSTEIN: But as I say, Mr.
17 Schnipper, the one thing that chiefly concerns me is
18 the FAR, the variance that you're seeking for that.
19 And I was wondering, what I really wanted to hear
20 from the professional, I guess, is if there is any
21 alternative which would slightly reduce the proposed
22 addition, which might bring it closer to conformity,
23 that's really what I'm going for.

24 So is this something that you've
25 contemplated? Do you have a plan B, as it were?

1 MR. SCHNIPPER: We do not.

2 MR. LOWENSTEIN: I have nothing
3 further, Mr. Chairman.

4 MR. ROSENBERG: Other board members,
5 Mr. Chairman.

6 ACTING CHAIRMAN MEER: Any other board
7 members?

8 Mr. Dunay?

9 MR. DUNAY: I think all of Mr.
10 Lowenstein's points are very well taken. I would
11 just note for Mr. Lowenstein that when they did buy
12 the house 23 years ago, the FAR ratio was not, in
13 fact, even an ordinance at the time. So if that's
14 the standard to which we're going to hold them, we
15 should probably think that too.

16 I would just note that I did just go
17 through the math as if this were a conforming lot.
18 So if, in fact, the square footage of the lot were
19 6500 square feet as opposed to 5760 square feet, the
20 proposed building coverage, rather than 25.6 percent
21 would, in fact, be approximately 22.7 percent. The
22 proposed impervious coverage would be approximately
23 34 percent relative to the 38.4 percent that's
24 proposed. And the floor area ratio, as the applicant
25 has said, would be approximately 40.9 percent rather

1 than 46 percent, so there would be a slight overage
2 there.

3 That's all the comments that I have.

4 ACTING CHAIRMAN MEER: Rich Seibel?

5 MR. SEIBEL: Mr. Seibel, board member.

6 I'm going to take it one step further.

7 Do you know how old the house is?

8 MS. SCHNIPPER: 1950s.

9 MR. SEIBEL: 1950s.

10 MS. SCHNIPPER: Yeah.

11 MR. SEIBEL: And the lot size is
12 96-feet deep, is that correct, I'm looking at the
13 survey, it says 96-feet. So do we know -- so it's
14 possible that this was never a conforming lot. Is
15 that true?

16 MS. SCHNIPPER: I can't answer that. I
17 don't know what the prior was for that time.

18 MR. SEIBEL: We don't even know what
19 the zoning was when the house was first constructed?

20 MS. SCHNIPPER: We could find out.

21 MR. SEIBEL: It's not that important.
22 I'm just curious, that's all.

23 ACTING CHAIRMAN MEER: I just want to
24 point out that the backyard is facing 208, so it's
25 not like they're really intruding on anything.

1 Any other board members have any
2 questions?

3 (NO RESPONSE.)

4 ACTING CHAIRMAN MEER: Okay. I'm going
5 to close that portion of the meeting.

6 Is there anybody within 200-feet who's
7 for or against this application?

8 (NO RESPONSE.)

9 ACTING CHAIRMAN MEER: Seeing none,
10 I'll close that portion of the meeting.

11 Anybody from the general public who
12 wishes to speak for or against the application?

13 (NO RESPONSE.)

14 ACTING CHAIRMAN MEER: Seeing none,
15 I'll close that portion of the meeting.

16 Do I have a motion?

17 MR. DUNAY: Mr. Chairman, I'd like to
18 make a motion that with respect to -- do we have an
19 application request? Sorry. With request to
20 application number 2013-027, Iris and Daniel
21 Schnipper of 32-15 Southern Drive, Block 2415, Lot 2,
22 Zone R-1-3, where the proposed additional increase of
23 building coverage to 25.6 percent where 25 percent is
24 permitted, where the proposed additional increase the
25 impervious coverage to 38.4 percent where 35 percent

1 is permitted. And where the proposed addition would
2 maintain the existing site during setbacks of
3 seven-foot-three-inches and seven-foot-eight-inches
4 where 18-feet is required. And where the proposed
5 addition would increase the floor area ratio from 49
6 percent to 46 percent where 40 percent is permitted,
7 a requirement floor variance and move that the
8 application be approved.

9 ACTING CHAIRMAN MEER: Do I have a
10 second?

11 MR. BLECHER: Brian Blecher, second.

12 ACTING CHAIRMAN MEER: Okay. Mr.
13 Dunay?

14 MR. DUNAY: Yes.

15 ACTING CHAIRMAN MEER: Mr. Blecher?

16 MR. BLECHER: Yes.

17 ACTING CHAIRMAN MEER: Mr. Sacchinelli?

18 MR. SACCHINELLI: Yes.

19 ACTING CHAIRMAN MEER: Mr. Lowenstein?

20 MR. LOWENSTEIN: Even though I do have
21 some reservations about the application, I'm
22 satisfied that as a total package, it's acceptable to
23 me, so I vote yes.

24 ACTING CHAIRMAN MEER: Okay. Mr.
25 Seibel?

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MR. SEIBEL: Yes.

ACTING CHAIRMAN MEER: Mr. Puzio?

VICE CHAIRMAN PUZIO: Yes.

ACTING CHAIRMAN MEER: And Mr. Meer, I
vote yes.

Congratulations.

MR. SCHNIPPER: Thank you.

ACTING CHAIRMAN MEER: Congratulations.
The motion carries.

1 ACTING CHAIRMAN MEER: Next application
2 is application 2013-028 John Feola.

3 MS. FEOLA: Laurie Feola.

4 MS. PECK: I have fees of \$113 and
5 there's proof of service.

6 ACTING CHAIRMAN MEER: Okay. Let's
7 swear you in.

8 L A U R I E F E O L A ,

9 10-20 Burbank Street, Fair Lawn, New Jersey,
10 having affirmed to tell the truth, testifies as
11 follows:

12 J O H N F E O L A ,

13 10-20 Burbank Street, Fair Lawn, New Jersey,
14 having affirmed to tell the truth, testifies as
15 follows:

16 ACTING CHAIRMAN MEER: Thank you.
17 Could you please tell us why you're here and what
18 you're trying to do?

19 MS. FEOLA: We're looking to put a
20 pool, an above-ground pool in our backyard.

21 We have a family of five and just
22 looking to keep us during the summers.

23 I'd just like to stipulate that the
24 existing impervious coverage is actually smaller.
25 It's stated in here that the existing coverage is --

1 MS. PECK: 38.2.

2 MS. FEOLA: 38.2. It's actually 34.8.
3 There was a patio in the backyard that had been
4 removed a couple of years ago and replaced with a
5 deck. So the existing impervious coverage is lower.

6 We also want to amend the size of the
7 pool from 30-feet by 15-feet to 26 by 15, which would
8 decrease the coverage that we're asking from 45.86 to
9 41 --

10 MS. PECK: No, 37.04.

11 MS. FEOLA: 37.05.

12 ACTING CHAIRMAN MEER: Okay. 34.8.

13 MR. ROSENBERG: I'm sorry, Ms. Peck,
14 what is now the impervious proposed?

15 MS. PECK: The original was 38.2. With
16 the removal of the patio, to existing goes to 34.89.

17 MR. ROSENBERG: Yes.

18 MS. PECK: Then with the removal of the
19 patio and the decrease in the size of the pool, the
20 request goes to 37.04.

21 MR. ROSENBERG: Residence 45.86?

22 MS. PECK: Correct.

23 MS. ROSENBERG: Thank you.

24 ACTING CHAIRMAN MEER: You don't like
25 Memorial Pool?

1 MS. FEOLA: Will that sway your vote?
2 I'm not a big fan of sand, cleaning up and --

3 MS. PECK: Good answer.

4 ACTING CHAIRMAN MEER: Incidentally,
5 putting in a plug for Memorial Pool. There's only
6 two or three, sand bottom pools in the state that are
7 like that, and it got terrific ratings, as far as
8 cleanliness and so forth. But a lot of money went
9 into it. But that has nothing to do with your --

10 MS. PECK: Let's get this done, so we
11 can go home.

12 ACTING CHAIRMAN MEER: Okay. Anybody
13 from the board wishes to comment on this application?

14 MR. SEIBEL: Rich Seibel.

15 ACTING CHAIRMAN MEER: Mr. Seibel.

16 MR. SEIBEL: Actually, the sand does
17 have something to do with it. They're going to put a
18 layer of sand on the lawn there. And when it rains,
19 water is going to go through the sand down into the
20 ground, because it's only going to be like a plastic
21 sitting on the sand there for a little while. But
22 for the aboveground pool, you wouldn't even be here.
23 The house was built in 1942?

24 MS. FEOLA: Yes.

25 MR. SEIBEL: And you're on a 56 by

1 105-foot lot. And I did a little research, you
2 bought the house in 1995.

3 Now, ten years from now, what are you
4 going to do with the pool?

5 MR. FEOLA: Keep swimming.

6 MS. PECK: You think it will last that
7 long?

8 MR. FEOLA: From what the pool builders
9 are telling us -- I'm sorry.

10 MS. FEOLA: Yes. From the places that
11 we're looking at pools, we're actually looking for a
12 pool that has a 20-year lifespan.

13 MR. SEIBEL: But eventually, it's going
14 to get torn down from --

15 MS. FEOLA: I would say in 20 years if
16 it's, you know, if it's wearing out, like you put a
17 shed up and it starts to rust and it becomes an
18 eyesore, then yes, it would come down.

19 MR. SEIBEL: And then you have all the
20 impervious coverage --

21 MS. FEOLA: Back.

22 ACTING CHAIRMAN MEER: Mr. Sacchinelli?

23 MR. SACCHINELLI: The impervious
24 coverage that used to be 38.2, do we know if there
25 was a -- you said that there was, what is it?

1 MS. FEOLA: It was a 12 by 12, the
2 block patio.

3 MR. SACCHINELLI: Did you put that on
4 top of that?

5 MS. FEOLA: No, we moved that.

6 ACTING CHAIRMAN MEER: Okay. Anybody
7 else from the board?

8 MR. DUNAY: Mr. Chairman?

9 ACTING CHAIRMAN MEER: Okay. Mr.
10 Dunay.

11 MR. DUNAY: I have two questions. The
12 first one, so what is the conforming lot, what is the
13 square footage?

14 MS. PECK: 65.1.

15 MR. DUNAY: 65. So I would just note
16 that, in fact, it is a non-confirming lot. It's only
17 approximately 56 by 105 square feet.

18 Now, I haven't done the math, but I'm
19 going to venture that where there's a conforming lot,
20 in fact, this would not require a variance.

21 MR. ROSENBERG: 37.04.

22 MR. DUNAY: If it were over, it would
23 be very small.

24 Now, I apologize and I am personally in
25 favor or an unconditional approval of this board

1 matter, so I apologize in advance for this question.

2 I know the board has struggled with
3 above ground pools in the past and putting different
4 conditions on it.

5 What is our current --

6 MR. ROSENBERG: The current position of
7 the board is that they -- based upon my opinion a
8 year or so ago, that they really aren't enforceable.
9 So you can't ask the applicant to remove them,
10 because they run with the land, like any other
11 structure runs with the land. And that's the opinion
12 that I gave about a year and-a-half ago and the board
13 accepted that.

14 MR. DUNAY: That's fine with me.

15 MS. PECK: And the request by the board
16 is still within the planning board reviewing the
17 impervious coverage changes they proposed.

18 ACTING CHAIRMAN MEER: Okay.

19 MR. LOWENSTEIN: Mr. Chairman?

20 ACTING CHAIRMAN MEER: James
21 Lowenstein.

22 MR. LOWENSTEIN: What will be on top of
23 the pool during the off season? Do you plan to have
24 a cover on it?

25 MS. FEOLA: We could put a cover on it.

1 MR. LOWENSTEIN: Will it be open to the
2 elements?

3 MS. FEOLA: No, we would put a cover on
4 it.

5 MR. LOWENSTEIN: What type of cover
6 will that be?

7 MS. FEOLA: Honestly, I can't -- I
8 don't know what kinds of covers we have available.

9 MR. LOWENSTEIN: Well, what I'm getting
10 at is, is it something that will allow snow or rain,
11 whatever, to penetrate in or is it intended to be an
12 impervious coverage?

13 MS. FEOLA: I would venture to say an
14 impervious coverage on top of the pool. I don't know
15 of a cover that allows that to seep in.

16 MR. LOWENSTEIN: They have mesh covers.

17 MS. FEOLA: If it were a requirement, I
18 would go that route.

19 MR. LOWENSTEIN: That's all I have, Mr.
20 Chairman.

21 ACTING CHAIRMAN MEER: Again, this is a
22 nonconforming lot. And what they're asking is not --
23 they're going to be existing with 38.2.

24 MR. ROSENBERG: 34.89. And they're
25 going at 37.04.

1 ACTING CHAIRMAN MEER: 34.89 to 37.04.
2 Anybody within 200-feet that wishes to
3 speak for or against this application?

4 (NO RESPONSE.)

5 ACTING CHAIRMAN MEER: Seeing none,
6 I'll close that portion of the meeting.

7 Same thing, anybody from the general
8 public wishes to speak for or against this
9 application?

10 (NO RESPONSE.)

11 ACTING CHAIRMAN MEER: Seeing none, I
12 will close that portion.

13 Do I have a motion?

14 VICE CHAIRMAN PUZIO: I'll make a
15 motion, Mr. Chairman.

16 ACTING CHAIRMAN MEER: Mr. Puzio.

17 VICE CHAIRMAN PUZIO: In the matter of
18 application 2013-028 John and Laurie Feola, 10-20
19 Burbank Street, Block 4522, Lot 6, Zone R-1-3, be
20 permitted the imposed above ground pool, which would
21 increase the existing impervious coverage from 34.89
22 percent to 37.04 percent where 35 percent is
23 permitted per section 125-12 schedule of area yard
24 and building requirements.

25 ACTING CHAIRMAN MEER: Okay. And

1 anybody second?

2 MR. SEIBEL: Second.

3 ACTING CHAIRMAN MEER: Rich Seibel.

4 Mr. Dunay?

5 MR. DUNAY: Yes.

6 ACTING CHAIRMAN MEER: Mr. Blecher?

7 MR. BLECHER: Yes.

8 ACTING CHAIRMAN MEER: Mr. Sacchinelli?

9 MR. SACCHINELLI: Yes.

10 ACTING CHAIRMAN MEER: Mr. Lowenstein?

11 MR. LOWENSTEIN: I vote to approve. I
12 am impressed that the application was reduced in size
13 from almost 46 percent impervious down to 37.04, so
14 that gets my vote.

15 ACTING CHAIRMAN MEER: Mr. Seibel?

16 MR. SEIBEL: Yes.

17 ACTING CHAIRMAN MEER: Mr. Puzio?

18 VICE CHAIRMAN PUZIO: Yes.

19 ACTING CHAIRMAN MEER: Mr. Meer, I vote
20 yes.

21 Congratulations.

22 MS. FEOLA: Thank you.

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1 MR. ROSENBERG: There are three
2 resolutions that need to be adopted.

3 ACTING CHAIRMAN MEER: We have three
4 resolutions here.

5 MR. ROSENBERG: The last page will show
6 you who can vote.

7 ACTING CHAIRMAN MEER: Application
8 13-022, Karen Crane and Neil Goldberg.

9 Application 13-023, Dana Meyer on
10 Elmwood Place in Fair Lawn.

11 And resolution 13-024, Helen
12 Fitzsimmons on Hopper Avenue.

13 First one, Karen Crane and Goldberg.
14 Mr. Sacchinelli, Mr. Gil, Mr. Seibel, Mr. Meer.

15 MR. ROSENBERG: And Mr. Puzio, they
16 voted no, Puzio and Newman.

17 ACTING CHAIRMAN MEER: Mr. Newman and
18 Mr. Puzio voted no.

19 MR. ROSENBERG: We make a motion.

20 ACTING CHAIRMAN MEER: Mr. Sina, Mr.
21 Sacchinelli, Mr. Gil and Mr. Seibel and myself.

22 And I need a for motion.

23 MR. SINA: I'll make a for motion.

24 MR. ROSENBERG: Mr. Sina made the
25 motion.

1 ACTING CHAIRMAN MEER: Mr. Sina.

2 MR. SACCHINELLI: Second.

3 MR. ROSENBERG: Mr. Sacchinelli,
4 second.

5 ACTING CHAIRMAN MEER: So I sign where
6 it says chairperson tonight?

7 MS. PECK: Yeah, you're going to sign
8 with chair. All in favor?

9 (Resolution is approved by an
10 affirmative vote of Mr. Sina, Mr. Sacchinelli,
11 Mr. Gil, Mr. Seibel and Acting Chairman Meer.)

12 ACTING CHAIRMAN MEER: Okay. Next one
13 is Dina Meyer on Elmwood Place. Mr. Lowenstein,
14 opposed. Mr. Sacchinelli, Mr. Gil, Mr. Seibel, Mr.
15 Meer, Mr. Newman and Mr. Puzio all voted for it.
16 Do I have a --

17 VICE CHAIRMAN PUZIO: I'll make a
18 motion, Mr. Chairman.

19 MR. GIL: Second.

20 MR. ROSENBERG: Mr. Puzio made the
21 motion. Mr. Gil, second. Ask in favor and whose
22 opposed.

23 ACTING CHAIRMAN MEER: All those in
24 favor?

25 (Resolution is approved by an

1 affirmative vote of Mr. Sacchinelli, Mr. Gil,
2 Mr. Seibel, Vice Chairman Puzio and Acting
3 Chairman Meer.)

4 ACTING CHAIRMAN MEER: Opposed?

5 MR. LOWENSTEIN: Mr. Attorney, am I --

6 MR. ROSENBERG: You're allowed to vote.

7 It's just a question on the resolution, do you agree
8 with the resolution?

9 MR. LOWENSTEIN: Oh, that's what the
10 question is, not does it accurately reflect the
11 decision on the board?

12 MR. ROSENBERG: No, that's not the
13 question.

14 MR. LOWENSTEIN: Then I'll be
15 consistent and vote no.

16 ACTING CHAIRMAN MEER: The next one is
17 Helen Fitzsimmons on Hopper Avenue. And on that one,
18 Mr. Lowenstein was opposed. Mr. Sacchinelli, Mr.
19 Seibel, Mr. Meer, Mr. Newman and Mr. Puzio all voted
20 in favor.

21 I need somebody to make a motion in
22 favor.

23 MR. SEIBEL: I'll make a motion.

24 MR. ROSENBERG: Mr. Seibel.

25 Second.

1 VICE CHAIRMAN PUZIO: I'll second.

2 MR. ROSENBERG: Mr. Puzio.

3 ACTING CHAIRMAN MEER: All those in
4 favor?

5 (Resolution is approved by an
6 affirmative vote of Mr. Sacchinelli, Mr.
7 Seibel, Vice Chairman Puzio and Acting
8 Chairman Meer.)

9 ACTING CHAIRMAN MEER: And opposed?

10 MR. LOWENSTEIN: Mr. Lowenstein.

11 ACTING CHAIRMAN MEER: All right. A
12 bill from Winnie, Banta, Hetherington, Basralian &
13 Kahn, for the zoning board of adjustment for the
14 month of September, 2013, \$816.66.

15 MR. SINA: I'll make a motion to
16 approve.

17 ACTING CHAIRMAN MEER: To approve the
18 bill.

19 MR. SINA: Yes.

20 ACTING CHAIRMAN MEER: Who's joining.

21 MR. DUNAY: Second.

22 ACTING CHAIRMAN MEER: Mr. Dunay.

23 Anybody opposed?

24 (NO RESPONSE.)

25 ACTING CHAIRMAN MEER: Okay, I have --

1 there's nothing else.

2 MS. PECK: Minutes. We have minutes.

3 ACTING CHAIRMAN MEER: June 17th and
4 July 26th were e-mailed to everyone. I need a motion
5 to approve or make any amendments.

6 MS. PECK: A motion for June 17th.

7 MR. LOWENSTEIN: Do we have to review
8 the roll, who was in attendance? You can't make a
9 vote on it if you weren't there. Correct?

10 ACTING CHAIRMAN MEER: June 17th and
11 July 26th.

12 MS. PECK: Mr. Dunay, Mr. Sacchinelli,
13 Mr. Lowenstein, Mr. Meer, Mr. Newman, Mr. Seibel,
14 Mr. Gil, Mr. Sina and Mr. Lancaster. I'm sorry, not
15 Mr. Lancaster, sorry.

16 MR. DUNAY: I'll move to approve.

17 MS. PECK: Dunay, first.

18 Second?

19 MR. SINA: Second.

20 MS. PECK: Mr. Sina. All approved.

21 (Minutes are approved by an affirmative
22 vote in favor of Mr. Dunay, Mr. Sacchinelli,
23 Mr. Lowenstein, Mr. Seibel, Mr. Gil, Mr. Sina
24 and Acting Chairman Meer.)

25 MS. PECK: Eligible to vote for July

1 22nd minutes is Mr. Dunay, Mr. Blecher, Mr.
2 Lowenstein, Mr. Puzio, Mr. Meer, Mr. Seibel and Mr.
3 Sina.

4 MR. LOWENSTEIN: Move to approve.

5 MR. BLECHER: Second.

6 MS. PECK: Mr. Lowenstein. Who's
7 second?

8 MR. BLECHER: Me.

9 MS. PECK: Mr. Blecher.

10 All in favor?

11 (Minutes are approved by an affirmative
12 vote in favor of Mr. Dunay, Mr. Blecher, Mr.
13 Lowenstein, Mr. Seibel, Mr. Sina, Vice
14 Chairman Puzio and Acting Chairman Meer.)

15 ACTING CHAIRMAN MEER: Thank you.

16 Okay. I need the motion to adjourn.

17 MR. BLECHER: I'll make that.

18 MR. LOWENSTEIN: I'll second.

19 (Whereupon, the meeting is adjourned.

20 Time noted 8:41 p.m.)
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C E R T I F I C A T E

I, PATRICIA A. PUCCIARELLO, a Notary Public of the State of New Jersey, A Court Reporter of the state of New Jersey, hereby certify that the foregoing is a verbatim record of the testimony provided under oath before any court, referee, board, commission or other body created by statute of the State of New Jersey.

I am not related to the parties involved in this action; I have no financial interest, nor am I related to an agent of or employed by anyone with a financial interest in the outcome of this action.

This transcript complies with regulation 13:43-5 of the New Jersey Administrative Code

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Notary Public of the State of New Jersey
My commission expires March 12, 2014
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