

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
Of December 16, 2013**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on December 16, 2013

Chairman Todd Newman called the regular meeting to order at 7:15 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. Siebel, Mr. Sina, Mr. Lancaster, Mr. Puzio, Mr. Meer & Mr. Newman.

Absent: Mr. Sacchinelli, Mr. Gil

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. Paul Azzolina (Board Engineer)
Azzolina & Fuery Engineering

Peter Van Den Kooy
(Board Planner) CME Associates

New Residential:

1. Application # 2013-32, Daniel and Mira Stokar,
15-10 Ellis Avenue, Block 4514, Lot 16, Zone R-1-3
Proposed addition would increase the building coverage from 28.27% to 34.68% where 35% is permitted. Increase the impervious coverage from 34.68% to 40.50% where 35% is permitted. Would reduce the existing side yard setback from 5.95' to 5.0' where 8' is required. Would maintain the existing front yard setback of 13.96' where 25' is required as per Section 125-12 Schedule of area yard and building requirements.

Mr. Newman swears in: Mr. Daniel Stokar (Applicant)
15-10 Ellis Avenue
Fair Lawn, N.J.

& Mr. Eugene Coleman (Licensed Architect)
995 Richard Court
Teaneck, N.J. 07666

Mr. Newman certifies Mr. Coleman as an Expert Witness with no objections from the Board.

Fees have been paid and there is proof of Service.

Mr. Newman asks Mr. Stokar to please explain what brings him to the Board this evening.

Mr. Stokar begins his testimony by stating he is planning to add an extension to his home.

Mr. Newman reviews & clarifies the calculations & variance relief sought.

Discussion...

Mr. Coleman (Architect) reviews the proposed plan with the Board, explaining existing conditions and the free standing detached garage in the rear of the property & the driveway leading to this. They would like to put a one story addition in the rear. It would not affect the streetscape; the front of the home is not being changed at all, but the addition would allow the home to function & accommodate a growing family.

Mr. Coleman continues...they kept it a modest addition, explaining they are not putting in a large kitchen; they are making only moderate alterations...update the building.

Mr. Newman asks Mr. Coleman if this home did not have a detached garage so far to the rear of the lot, would you be requesting the amount of relief you are requesting this evening.

Mr. Coleman explains it would be greatly reduced. The existing non conforming...all the numbers would come down. Explains...

Discussion continues.....

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

Mr. Newman clarifies there are no FAR concerns & asks why this is?

Mr. Coleman testifies there is no change to the second floor...it has 3bedrooms, one bath.

Discussion....

Mr. Newman notes the 356sf that Building coverage the Garage causes is not calculated into the FAR....

Mr. Newman asks Mr. Coleman if this proposed addition fit with the character of the neighborhood.

Mr. Coleman states absolutely. We are not making any changes to the front of the home. The addition is to the rear and the roof line is staying the same...

No issues with obstruction of light, air flow to adjacent structures or yards.

Discussion continues.....

Mr. Coleman reviews the homes in the neighborhood which had similar additions or extensions.

Mr. Puzio (Vice-Chairman) asks Mr. Coleman regarding the side yard setback issue. Is there any way it could be kept within the same line as the existing sitting room?

Mr. Coleman explains... & notes 6inches is what makes the difference of achieving what they would like.

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

Mr. Newman opens to Residents within 200ft of the Applicant for questions or comments.

Mr. Newman swears in: Mr. Victor Miller
15-15 Morlot Ave
Fair Lawn, N.J.

Mr. Miller is here tonight representing 15-09 Morlot (Mother-in-Law) who is very sick and is not living there anymore. The house will have to be sold.

Mr. Newman clarifies with Mr. Miller that he is speaking on behalf of his wife's mother.

Mr. Miller states yes and explains his wife is the guardian.

Mr. Miller testifies the house is directly in line and the backyards are aligned. He is here tonight because he is worried. To him it looks like a big addition and everything is fine from the street view because it is all in the backyard.

Mr. Miller stated he looked at the plans and even though he is not an Architect, to him it looks sizeable.

Mr. Newman asks Mr. Coleman if he could address Mr. Miller's concerns.

Mr. Coleman explains the addition is only decreasing the rear yard by 4ft. The present rear yard is 41ft... The addition is one story high, and he does not consider this massive.

Mr. Miller still has issues with the porch/sunroom that is 4 1/2ft. beyond where it currently ends, further into the back yard & it looks like a block, a big square block on the back of the house. He feels it is imposing....

Discussion continues....

Mr. Newman asks Mr. Coleman if there is anything that isn't proposed now that architecturally could soften any boxy appearance to the rear of this house.

Mr. Coleman states in his opinion he does not feel this is boxy, explains...

Mr. Miller refers to the drawing and still feels it's going too far into the back yard.

Mr. Newman states in his opinion what he sees is a multi dimensional façade in the backyard...there are some elevations that are one story, there is an existing two story elevation behind it...there are a lot of attractive windows, a sliding glass door with a porch. It seems very attractive and dimensional. It does not seem boxy or block like at all. He feels it is very attractive.

Mr. Newman explains to Mr. Miller the applicant is not seeking any variance that has anything to do with the rear setback. They are far away from meeting any relief there.

Discussion continues....

Mr. Newman reiterates the variances sought for clarification with Mr. Miller.

Mr. Miller still feels it is imposing...the existing porch is only a fraction of the width.

Mr. Newman explains to Mr. Miller; the applicant is increasing the side yard coverage, from what he would see from his viewpoint by less than a foot wide.

Discussion continues....

Mr. Newman tells Mr. Miller the Board has heard his concerns and thinks the Architect & himself have adequately responded.

Mr. Miller states he doesn't feel they have adequately responded..

Mr. Newman replies he does feel they have adequately responded and to please take a seat unless he has another question...

Mr. Miller states he has a lot of questions...

Mr. Newman asks him to please proceed with another question.

Mr. Miller again states he has issues with this proposal and it will take all of the backyard.

Mr. Newman notes although he appreciates Mr. Miller's concerns, he does not share them. He does not feel this is the case. He does not think there is any particular concern that anyone should have regarding the 4ft that is closer to the properties this proposed addition will be. There is no visual obstruction or anything unsightly, adding the different dimensions to the building façade will soften it and make it appear so much nicer than it is currently.

Mr. Miller states he does not agree.

Mr. Newman states he is entitled to his opinion, but he must move on.

Mr. Lowenstein (Board Member) asks the Architect, Mr. Coleman if any consideration has been given in relocating the garage closer to Ellis Ave.

Mr. Newman asks if he could hold off the question because he is still open to the public.

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

Mr. Newman closes this portion.

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

Mr. Newman closes this portion.

Mr. Newman asks Mr. Lowenstein to proceed with the question for Mr. Coleman

Mr. Lowenstein recalls prior testimony between Mr. Coleman & Mr. Newman (Chairman) as to the existents of the garage at the far end of the property and how this increased the impervious coverage. If the existing garage could be moved forward, closer to the house and away from the backyard, you could free up more pervious coverage and back it away...

Mr. Lowenstein states Mr. Miller's argument is legit because it's not just the building, it's the garage & the garage acts as a barrier or as a block taking up a good portion of the rear...

Mr. Newman notes it is an existing garage...

Ms. Peck (Assistant Zoning Officer) clarifies for Mr. Lowenstein that the Ordinance exempts the driveway from the garage to the front of the house on a detached garage and non conforming lot, so moving it will not change any of the coverage's.

Mr. Lowenstein for clarification states; what Ms. Peck is saying is that it does not factor into any of the calculations of impervious coverage?

Ms. Peck reiterates when there is a detached garage on a non conforming lot the driveway from the front portion of the house to the garage is exempt from impervious calculation.

Discussion continues....

Mr. Lowenstein continues then to ask Mr. Coleman that he sees there is a proposal for moving a concrete patio. Is there any other impervious coverage that could be removed and still keep this proposal harmonious in the attempt to get them closer to the maximum permitted 35% rather than 40.5%?

Discussion....

Mr. Newman asks Mr. Coleman hypothetically; could he expand on this dwelling by bringing all the existing footprints up the 2 ½ stories and dramatically increase the living space without being before this Board this evening. Explains....

Mr. Coleman discusses this possibility with Mr. Newman...

Mr. Seibel (Board Member) asks if there is a fence along the back yard line.

Mr. Coleman states no.

Mr. Seibel asks if there are plans for a fence.

Mr. Coleman testifies there could be a possibility. Haven't given it much thought.

Mr. Seibel notes it may alleviate some of the neighbors concerns...

Mr. Miller (Resident within 200ft) steps forward.

Mr. Miller testifies there is Shrubbery between the two properties and he doesn't think there should be a fence...

Mr. Newman so notes and asks if there are any more questions from the Board, seeing none.

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

Mr. Newman asks for a motion.

**Mr. Lowenstein makes a motion to deny the application.
No Second motion to deny.**

Motion Fails.

Mr. Dunay makes a motion to approve the application.

Mr. Puzio seconds the motion.

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

Mr. Lowenstein, **NO.**

Motion Carries.

APPLICATION APPROVED.

2. Application #2013-33, Leonid Gubovich,
20-07 Halstead Terrace, Block 2807, Lot 16, Zone R-1-2
Proposed 29' x 13'4" in ground pool would increase the impervious coverage to
39% where 35% is permitted as per Section 125-12 Schedule of area yard and
building requirements.

Mr. Newman swears in: Mr. Leonid Gubovich
20-07 Halstead Terrace
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Newman asks Mr. Gubovich what brings him in this evening.

Mr. Gubovich begins his testimony by explaining he would like to put in a swimming pool. He has done a lot of research and decided to go with a Fiberglass pool. We tried to stay within the requirements but unfortunately the sizes the pool comes in we go just a little over it. He spent two to three months trying to go with a size that fit and he got as close as possible...

Mr. Gubovich spoke with his neighbors and they have no issues with this proposal.

Discussion...

Mr. Newman questions the current impervious coverage...not noted.

Mr. Gubovich is not sure of this.

Ms. Peck (Assistant Zoning Officer) notes the Pool Designer did not note the current coverage.

Mr. Dunay (Board Member) does the mathematics to approximate what the current impervious would be based on lot coverage & pool size- impervious coverage would be around 6%..

Discussion...

Mr. Dunay states; based on his calculations, his best guess would be they are 2% below the maximum requirement and the proposal would bring the applicant to 4% above the maximum.

Mr. Newman asks if there are questions or comments from Board Members.
Seeing none,

Mr. Newman notes; it is a pretty big lot and asks Mr. Gubovich if all the lots around him as big in size.

Mr. Gubovich testifies yes and even bigger.

Discussion continues...

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

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

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

Mr. Lowenstein (Board Member) would like to ask Mr. Gubovich a question and proceeds to state; in his testimony he mentioned he looked at the next size down in pools, what the dimensions of the next size down?

Mr. Gubovich testifies it was 24x12...

Discussion.....

Mr. Gubovich explains the pros and cons of Vinyl vs. Fiberglass....

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

Mr. Newman asks for a motion.

Mr. Meer makes a motion to approve the Application.

Mr. Puzio seconds the motion.

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

Mr. Lowenstein, **NO.**

Motion Carries.

APPLICATION APPROVED.

3. Application #2013-34, Andrei and Inna Braudo
35-19 Stelton Terrace, Block 2613, lot 31, Zone R-1-2
Proposed addition would increase the building coverage from 22.94% to 26.2% where 25% is permitted. Would decrease the impervious coverage from 50.54% to 46.9% where 35% is permitted. Maintain the existing side yard setback of 5.5' and 6.85' where 10' is required. Maintain the existing front yard setback of 29' where 30' is required as per Section 125-12 Schedule of area yard and building requirements. Increase the FAR from 24.6% to 43.5% where 40% is permitted as per Section 125-57.D.(1)(d)[1]

Mr. Newman swears in: Andrei & Inna Braudo (Applicants)
35-19 Stelton Terrace
Fair Lawn, N.J.

Glen Stubaus (Licensed Architect)
26-02 Broadway
Fair Lawn, N.J.

Mr. Newman certifies Mr. Stubaus as an Expert Witness with no objections from the Board.

Fees have been paid and there is proof of service.

Ms. Braudo begins her testimony by explaining to the Board they are here this evening seeking a variance to build an addition on their house. She explains her reasons behind the addition. The kitchen is really small. When she purchased the home there was no dishwasher or microwave and we had to remove the majority of the cabinets in order to accommodate these items....

Ms. Braudo continues...still the kitchen is too small. We have to use the hallway outside of the kitchen for dining purposes...but the hallway is also the only way to go up the stairs, go outside, etc. It's very hard to sit the entire family, especially with 3 small children.

Ms. Braudo continues.....works from home and it's hard the way its configured to function...

Mr. Newman so notes they are seeking a variance for a FAR. Explains it is a D-variance and requires them to receive 5 affirmative votes out of 7 from the Board.

Mr. Stubaus (Architect) begins his testimony and explains the application before the Board is for an addition to an existing small Cape Cod House. It was built in the 1940s. There are a number of existing non-conformities with the Zoning Ordinance...explains.

Lot area is 5500sf where 7500sf is required.
Lot width is 55ft where 75ft is required.
Front yard 29ft. where 30ft is required.
Side yards 5ft where 10ft is required
Impervious Coverage is 50% where 35% is allowed.

Mr. Stubaus reiterates these are all existing conditions. The addition could be built on top of this house without need for variances or coming before the Board...

But explains the variances they are seeking would be; for building coverage which would be increased from 22.94% to 26.2% where 25% is permitted but stresses the impervious coverage will be reduced to 46.9% from 50% by removal of an existing patio and pervious sidewalk...reduced by 3.64%. Speaks to the FAR.....

Testimony continues...

Mr. Stubaus explains the applicant is at a significant handicap because of the existing non conforming lot of 5500sf where the 7500sf is the requirement...2000sf less.
If the applicant had a 6500sf lot, they would not be here seeking variances.

Testimony continues....

Mr. Stubaus states it's clearly it is the intent of the Zoning Ordinance to allow larger homes in this neighborhood-R-1-2 Zone. The adjacent street, Hillside, which is one of the

nicest streets in Fair Lawn and has personally worked on a number of houses on Hillside and Jerome, Gardenview and these houses approach the area of 3600-4000sf of living area so within this zone, there are significantly larger homes. Much larger than what we are proposing tonight.

Mr. Stubaus continues...

The proposal is for a four (4) B/R- Parents and 3 Children. The first floor will be an open Living/Dining/Kitchen area. There is no separate family room, guest room or home office so in his opinion he does not feel this proposal is outlandish or out of character of the neighborhood.

The addition itself on the back of the house conforms to the side yard & rear yard requirements and from the street there will be no impact on the neighborhood because the addition would not be seen...

There are a number of homes in the neighborhood, basically the same Cape Cod type homes that have had second floor additions added on to them...

Mr. Stubaus continues...these variances can be granted without having any significant impact on the neighborhood. It is similar to other houses in the neighborhood while also reducing the impervious coverage at the same time which is a benefit.

Mr. Newman asks Mr. Stubaus to elaborate on the reason for the proportional difference in the building coverage compared to the increase with the FAR. It does not seem to match.

Mr. Stubaus explains they are adding over the existing garage so the footprint of the existing house does not count this garage area in the FAR and there is a one story enclosed porch at the rear of the property which would be absorbed or encompassed in the new addition in the rear. The new addition is a two story addition and so there is increase of living area on the first and second floor of the garage.

Mr. Newman is satisfied with this explanation and clarification.

Mr. Newman asks the Board if there are any questions for Mr. Stubaus.

Mr. Puzio (Vice-Chairman) asks for clarification. They are staying within the existing envelope on the front and both sides and the only increase would be the portion to the rear in which will be a two story.

Mr. Stubaus testifies yes this is correct. There will be no changes in the front or the sides and the addition of the rear complies with all the setbacks.

Mr. Newman asks if the FAR include the basement.

Mr. Stubaus explains it does not include the basement. The basement is calculated in the FAR is if the exposed foundation or front foundation is over 3ft above grade and it is not in this case....explains.

Discussion....

Mr. Newman asks if there is any visual impact to the neighbors in the rear.

Mr. Stubaus asks the Board if they would allow him to submit an exhibit of a Google Map Aerial view of the neighbors and surrounding properties.

Entered as Exhibit A-1 (Satellite picture of the Applicant & surrounding neighbor's properties)

Mr. Stubaus reviews the Exhibit with the Board.

Mr. Stubaus testifies this addition to the rear would not impact the neighboring properties and he sees no negative impact to light, air flow...none at all.

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

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

Mr. Newman asks for a motion.

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

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

Motion Carries.

APPLICATION APPROVED.

4. Application #2013-35, Aneta Piela
7-19 Cedar Street, Block 5830, Lot 23, Zone R-1-3
Proposed expansion of a legal non conforming two family dwelling in the R-1-3 zone requires a D-2 use variance Section 125-57.D.(1)(d)[1] as only one single family dwelling is permitted per lot as per Section 125-17.A(1)

Mr. Henry Solentovitch steps forward on behalf of the Applicant and states he has a Planner here tonight to speak on behalf of the applicant.

Mr. Newman swears in: Mr. Paul Bauman (Licensed Planner) and certifies Mr. Bauman as an expert witness without any objections from the Board.

Fees have been paid and there is proof of service.

Mr. Solentovitch (Applicant's Attorney) opens the application by explaining Mr. & Mrs. Piela purchased this property this summer. It is a two family house in a one family zone. The Application is to update the house...reviews Zone, etc.

Mr. Bauman (Planner) begins his testimony stating the house is in a state of semi disrepair...explains not only on the outside but internally within the building. The 2nd floor of the property which we are looking to expand has deficient floor height ceiling measurements, the walls are water damaged, etc. The proposal will not expand the overall footprint of the building...

Mr. Bauman reviews the site plan and what the applicant is proposing. They would like to completely gut one floor at a time and reconstruct it replacing the roof, the siding and windows, doors...resulting in a first floor addition, squaring off a kitchen area which has irregularities and adding a second floor & a basement access point....

Mr. Bauman continues...he believes the expansion should be approved by the Board for several reasons. The house is not a safe house, not only from a physical standpoint but an environmental standpoint. We hope to remedy both these conditions with the Board's approval. Reviews the Fire & Safety codes & testifies all would be brought up to the necessary requirements

Mr. Bauman testifies the façade of the building would be greatly improved & provides a desirable visual environment. The internals of the building will be greatly improved. In order to do this we would need the Board's approval for a non conforming use...there are additional factors to consider. We will not be adding anymore variances on this application and we will be bringing one of the non complying factors on the site more into compliance...refers to the Zoning Chart and the impervious coverage calculations, states they are removing the portion of a concrete patio and replacing it with a semi pervious Deck, which will now reduce the impervious coverage to the permitted requirement...

Mr. Bauman sees no negative impact with the application....

Testimony continues....

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

Mr. Dunay (Board Member) asks Ms. Peck (Assistant Zoning Officer) what is the history behind this property becoming a legal non conforming use? Was this a variance or was it historically always a two family house?

Ms. Peck states it is a pre-existing. They researched 7-15 & 7-09 which are also two families and date back to 1958...the area has a history of two family homes.

Discussion continues.....

Mr. Newman (Chairman) states he has a pretty good knowledge of the area. His family has been in the area since the 1940's and grew up around the same area in which there are a number of two families in this area.

Mr. Sina (Board Member) has a question regarding testimony of Fire Safety issues. Would the house not have gone through a CCO home Inspection?

Ms. Peck clarifies this question by stating a CCO inspection is just a visual inspection, Fire Inspectors look for visual Smoke Detectors, Carbon Monoxide Detectors.

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

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

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

Mr. Newman 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. Puzio,
Mr. Meer & Mr. Newman, **YES.**

Motion Carries.

APPLICATION APPROVED.

5. Application #2013-36, Robert Katz
7-24 Morlot Avenue, Block 5401, Lot 1, Zone R-1-3
Corner property – Proposed 6' fence on Hazel Place where on 3' fence is permitted as per Section 125-38.A. Fences and walls

Mr. Newman swears in: Robert Katz & Susan Rosenfeld (Applicants)
7-24 Morlot Ave
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Newman asks the applicant what it is that brought them here this evening.

Mr. Katz explains he would like to request a variance for a 6ft. fence on Hazel Place where only a 3ft fence is permitted.

Mr. Newman clarifies it is a corner lot both on Hazel & Morlot.

Mr. Katz testifies it is a very busy intersection at Morlot just off River Road. Their house sits across from the Van Riper Church & down the block from the Lyncrest School where many parents drop off and pick up children and sometimes they park on the side of Hazel or park on the front of Morlot.

Mr. Newman questions if this is mentioned because it has a bearing on the application.

Mr. Katz states ultimately he feels it does have a bearing on the application because it is also a security concern....

Mr. Katz continues....Security is a primary issue and they also have no use of the front yard as it sits on Morlot and the back yard is critical to our enjoyment of the property.

Mr. Newman refers to photos submitted with the application and asks Mr. Katz to review the photos with the Board.

Mr. Katz testifies he has found almost 20 homes within a 10 minute walk that are corner properties which all have a 6ft. fence...which are near the curb of the backyard properties, explains how he labeled all...very similar to the one they put up.

Mr. Katz continues with his testimony...he has plenty of cases where 6ft. fences have been erected to cover their backyard and Hazel is a dead end.

Mr. Katz explains a lot of people get lost, constant strangers get lost in the River & Morlot Avenue corner and they end up turning into our block...pulling over and googling right outside our window. They would like some privacy.

Mr. Newman reminds Mr. Katz for the record that each & every application before this Board stands on their own merit. Pertinent examples of similar fences notwithstanding though...

Mr. Newman refers to a picture of the applicants dwelling and notes testimony of the fence already being erected & asks Mr. Katz if this is the only picture of the fence.

Mr. Katz states it is his only picture because it was his understanding that Board Members were invited to look at the property before the proceedings.

Mr. Newman so notes but also reminds Mr. Katz they are also required to provide adequate photographs.

Discussion....

Mr. Newman asks when the fence was erected and asks Mr. Katz was he not aware of the Zoning requirements.

Mr. Katz testifies he obtained the Zoning requirements document from the Township and put it together with a friend of his. He was startled to find a notice posted stating there was a problem and went into the office on Monday to rectify the situation and apparently on the Zoning requirement document there is no mention of the fact the Township considers a back yard a front yard on a corner property. He did not see this anywhere.

Mr. Newman asks if he was aware of a permit that is necessary to erect a fence.

Mr. Katz testifies it was his understanding this gentleman had got the permit and he felt terrible that he did not and he made it his commitment to rectify the situation as quickly as possible.

Discussion with Ms. Peck (Assistant Zoning Officer)

Ms. Peck states she has additional pictures of the property that were taken with the notice given.

Mr. Newman would like the Board Members to see these. (Passed along to Board Members)

Pictures marked into Evidence.

Mr. Katz reiterates the document that is handed out at the Building Department has no mention of the township considering a back yard a front yard on a corner property or clearly he would have complied.

Discussion continues...has no bearing because if a permit were obtained, this would have been discussed & a permit would not have been issued without proper approval.

Mr. Puzio (Board Vice-Chairman) questions Mr. Katz. Asks if there are any sight line blockage.

Mr. Katz testifies not at all. The fence is purposely built right up against their neighbor's hedges...explains.

Ms. Rosenfeld steps forward to say a few words. She reiterates it was a matter of security purposes. She cannot let the kids out there with a 3ft. fence. Explains she has a friend who has a dog and the dog jumps right over.

Ms. Rosenfeld states before they even put the fence up, she bought an expandable hoses, etc....left a tricycle outside & someone had come by and stole it. The yard was so exposed and things were taken from it.

Discussion continues...

Mr. Newman reviews the Ordinance and the reasons behind this...

Review of the proposal by Board Members.....

Mr. Newman opens to Residents within 200ft of the Applicant for questions or comments.

Mr. Newman swears in: Mr. Jacob Taylor
5-19 Hazel Place
Fair Lawn, N.J.

Mr. Taylor has some comments having put an addition on and not knowing anything. He does know he needed to get a permit before doing anything. Their street is an open design in general & the fences are all set back off the property lines.

Mr. Taylor feels this fence looks like a big white wall to him. Living here since 1998, there has never been a fence there, now it is a big white wall that had gone up in a Cloak of Darkness.

Discussion.....

Mr. Newman again opens to Residents within 200ft of the Applicant for questions or comments. Seeing none,

Mr. Newman closes this portion.

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

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

Mr. Newman notes, after hearing comments from your neighbor, what the Board asks for many times in the past when looking at applications like this to try to avoid an appearance of a white wall is to construct a fence with a Lattice top or similar to the fence that is pictured on Bryant & Boyd

Mr. Newman continues....

Mr. Newman asks if there is anything they could do to soften the fence.

Mr. Katz testifies he took a walk around the block in considering this and noticed most of the fences were full fences and didn't have Lattice and his wife felt very strongly about this issue.

Ms. Rosenfeld testifies they did consider Lattice because Lattice is much prettier, however she is pretty tall and when she walks by, she can see what is going on in someone's backyard. She prefers that this could not be done...

Discussion continues....

Mr. Newman (Chairman) states the fence was built right up to the sidewalk which leaves no room for any kind of planting in front of it which is another way of softening the appearance of such a fence.

Mr. Katz testifies he would gladly plant. He states there is room...

Discussion...

Mr. Blecher (Board Member) makes some suggestions & recommendations stating there is very little room and if there were another foot there, they could have something to work with...

Mr. Newman refers to Pg. 5 of Photographs (12th & Norma) this has Shrubbery and a bed. You could see the difference in how it softens...

Discussion continues....

Mr. Newman suggests moving the fence in a foot or two if possible..

Mr. Katz testifies the vertical panels that come off the deck are about 5-6ft. each in length...

Mr. Newman does not understand this reply and asks Mr. Katz again is there any reason why it couldn't be moved in another 1 or 2 ft.

Mr. Katz states other than cost, no.

Discussion continues...

Ms. Peck (Assistant Zoning Officer) asks if a motion should be made in favor of the proposal that it be included in the motion for Mr. Katz to measure and provide that he will not be in the right of way. It appears he may be. Explains.....

There is usually a clearance of 8-10ft from the curb so there is a possibility that he has crossed the right of way because there was no permit issued and there is no permit currently.

Discussion & review...

Mr. Newman directs his statement to the applicants;
There may be a very good chance your fence is in the “Right of way” based on the visual. If this is the case, the fence will have to be moved anyway.

Discussion continues....

Ms. Peck states she would like to be sure before moving forward.

Mr. Blecher (Board Member) offers his recommendations & suggestions...

Mr. Newman suggests handling it one or two ways....speaks to the applicants. “You are hearing concerns about softening the appearance of the fence and that you may be in the “right of way”. You could agree to amend the application this evening in such a way that you would agree to move the fence back a certain number of feet from the sidewalk which would allow for planting and a guarantee that where your fence is located is not within the “right of way”...and vote this evening...or

Mr. Newman offers the second scenario for thought. Have the Applicants table the application this evening and have them look into whether or not the fence is indeed in the “right of way” and come back next month for a determination and a vote based on what has to happen....explains. Does the fence need to be moved, where to; etc...

Mr. Katz understands.

Mr. Newman also notes Mr. Katz could also proceed with the application as is and ask the Board to vote on it.

Discussion....

Mr. Katz reviews the suggestions of the Board...he feels it would be more of an eyesore. Explains....

Discussion continues....

Mr. Katz discusses his options....he asks the Board for an extended period of time for planting...

Mr. Newman understands and states they would certainly give them a reasonable window of time. We would even do this with the fence if need be.

Discussion continues....

Ms. Peck suggests to the Board that it may do the applicant a service to carry the application to January to give them time to explore it so he does not agree to something that he may not want to live with. There is no real urgency since it is up already.

Mr. Newman agrees with Ms. Peck and asks if Mr. Katz would agree to this.

Mr. Katz agrees to this suggestion.

Mr. Lowenstein (Board Member) directs his question to Mr. Rosenberg (Board Attorney) It will be highly likely there will be at least 3 new members of this Board effective January 1st or when the Reorganization. Date is. Will this in anyway prejudice this applicant?

Discussion.....

Mr. Rosenberg explains; because of the nature of the application, they will need the majority of those who are sitting. As long there are 7 continuing on the Board...

Ms. Peck interjects to clarify there are disks that could be sent to the Board Members of the meeting and do a certification.

Mr. Newman announces the carrying of the Application to January 27, 2014

APPLICATION CARRIED TO JANUARY 27, 2014

6. Application # 2013-37, Fernando Ramos
38-37 Northern Drive, block 2327, Lot 8, Zone R-1-3
Proposed 42' x 20' in ground pool would increase the impervious coverage from 33.5% to 46.75% where 35% is permitted as per Section 125-12 Schedule oa area yard and building requirements

Let the Record show, Mr. Seibel has recused himself from this Application.

Mr. Newman swears in: Mr. Fernando Ramos
38-37 Northern Drive
Fair Lawn, N.J.

Mr. Rob Likos (Pool Design Representative)
20-Rt.73 Northland Road
Hatfield, Pennsylvania

Fees have been paid and there is Proof of Service.

Mr. Ramos begins his testimony as to why he is here before the Board. He is requesting a variance for an in-ground pool and by doing so he will be increasing the impervious coverage.

Mr. Newman clarifies the calculations...increasing the coverage from 33.5% to 46.75% where 35% is permitted.

Mr. Likos (Pool Design Rep) would like to explain...begins his testimony.

They have tried figuring out ways to reduce it to a workable amount...offers an amendment to the calculations. They have reduced the initial proposal from 46.75% to 38% where 35% is permitted. Passes newly amended sheet to Board Members.

Discussion and review of the new calculations...

Mr. Newman would like the amendment entered as Exhibit A-1

Mr. Newman asks Mr. Likos for clarification. Is he keeping the pool size the same and reducing patio coverage to come to 38%?

Mr. Likos testifies yes and explains....

Discussion continues....

Mr. Newman notes this is a big lot, not undersized but oddly shaped.

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

Mr. Puzio (Vice-Chairman) asks Mr. Likos if this is more than just a pool. Questions an area where it looks to be a Hot Tub...

Mr. Likos testifies yes there is a section for a Hot Tub.

No other questions or comments from the Board.

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

Mr. Newman closes this portion.

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

Mr. Newman makes note of the automatic Amendment to this application and the significant reduction in the impervious coverage...the lot can certainly support the addition of a pool without any issues...

Mr. Newman asks if there are any other comments or suggestions for further reduction of impervious coverage, he asks for a motion.

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

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

Motion Carries.

APPLICATION APPROVED.

Mr. Newman asks for a Recess.

Mr. Newman calls meeting back to order

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

Mr. Newman so notes Mr. Lancaster is leaving for the evening and thanks him for his service to the Board.

7. Commercial Business Carried:

Application #2013-030, Patel Holdings, LLC
Amendment to prior site plan approval. Amendment to the prior parking variance of 27 spaces. Section 125-57.D.(1)(d)[1] requires D-1 variance for the proposed conversion of two retail spaces to apartments on the first floor where no residence is permitted on the first floor of a mixed use building in the B-4 zone as per Section 125-A.(2)

Mr. Carl Spector (Applicant's Attorney) steps forward...questions Ms. Peck on Board Member who was not in attendance at the last meeting and asks if he did get certified in order to vote tonight.

Ms. Peck (Assistant Zoning Officer) states; Mr. Seibel (Board Member) did in fact receive a copy of the hearing and she has a signed Certification from him. He is eligible to vote.

Ms. Peck states the Board Members who are eligible to vote:

Mr. Blecher, Mr. Lowenstein, Mr. Meer, Mr. Puzio, Mr. Seibel & Mr. Sina

Mr. Spector begins his testimony reviewing the application carried from the November 25, 2014 meeting.

Mr. Spector would like to clarify some of the issues the Board spoke of at the last meeting. They did some follow up with some of the issues and would like to supplement the application at this time with the two witnesses that were here at the last meeting. Mr. Spink (Architect for the Applicant) and Mr. Bailor (Planner for the Applicant)

Mr. Spector notes the Applicant is also present and duly available for questioning from the Board.

Mr. Spector would like to call his first witness: Mr. Spink.

Mr. Newman (Chairman) reminds the witnesses, Mr. Spink & Mr. Bailer, they are still under Oath.

Mr. Spector begins his cross of his witness.

Mr. Spink begins his testimony by noting there were two items. Brings to the attention of the Board the square footage that was questioned by Mr. Lowenstein (Board Member) stating on the drawing it was 618sf and our drawings showed the front apartment or unit as being 589sf. He also questioned this after it was pointed out and checked the footage. They did not include the walk-in-closet. The actual square footage is 621sf.

The second issue was trying to improve the image of the façade, which they have done.

Mr. Spink passes out "Color Renderings" of these revised drawings.

Mr. Rosenberg (Board Attorney) enters the drawings into evidence.

*A3& A4 Exhibits:

1. A-3 Photo of existing condition of the building taken from Google Earth-
2. A-4Color Rendering done by their Office which incorporates the options of Thought...

Mr. Spink continues....the new proposed rendering is what they are thinking of doing. Explains...changing all the windows on the first floor to a Residential style window, a large picture window in the middle, flanked by 2 smaller windows so it has a Palladian look to it.

Mr. Spink explains, the top of it will have a new canopy or awnings over the front. A canvas cover awning that will project out only a ft. further from where it currently hangs now.

Mr. Spink continues. They will add shutters to all of the first floor as well as the 2nd floor on the street side. On the opposite side which faces the parking lot, they will also add shutters there. They cannot add shutters on the first floor there because of the proximity to each other...

Testimony continues....

The Colonnade that runs along the side of the building, they will wrap the columns themselves to make them thicker with a Stucco finish at the top. The bottom will be covered with a stone water table at the front side of the building. Explains....

Mr. Spink states the last thing that is not shown is something they would like to do as well...in the overhang that runs along the front side, they would like to put small candle lights inside to light up underneath these awnings, just a little glow in the evening. The whole façade will still have a reading of a commercial look because of the awnings and the glow that will run there...

Discussion...

Mr. Newman asks if the intention would be to sign the Awnings again.

Mr. Spink testifies no. The tenant who is in that space has the intention of coming in with a small monument sign they would like to put on the property seeing they are the only Commercial Tenant there, a small monument sign that will give better visibility from the street.

Discussion....

Mr. Newman notes the drawing is a nice job done.

Mr. Newman asks if it is the Applicant's intention to clean the site up as a whole in the process of doing this...broken concrete, landscaping repair...etc.

Mr. Spector (Applicant's Attorney) reassures the Board and states on behalf of his client, with this particular rendering he would have to.

Mr. Spector speaks to his client and states to the Board they have his full cooperation in fixing what needed to be fixed.

Discussion continues.....

Planting is discussed...Mr. Spink agrees they could take 3ft off the building and put a planting in, but would like to keep it low because you cannot go above the water table because of the Commercial Space there ...explains...

Discussion on the type of low planting to be used....

Mr. Blecher (Board Member) notes they would have to provide for irrigation because of it being under the cantilevers and awnings. This would have to be part of the project.

Mr. Newman asks if this would be acceptable to the Applicant.

Discussion continues....

Mr. Lowenstein (Board Member) questions the Satellite dishes and if they will be prohibited to the tenants.

Mr. Spink testifies no, they will remain.

Discussion & questioning continues...

Existing lightening is discussed and noted they will remain.

Signage on the property will remain (Stop signs)

Mr. Blecher picks up on the topic of the Satellite dishes Mr. Lowenstein had brought up and asks if there were a possibility for them to be moved to the top of the building.

Mr. Spink believes they could be but it would be up to the tenants...whether it would incur a fee, he is not sure.

Discussion continues....

Mr. Spink does state the Applicant is going through high level to improve the look of the building with what he is proposing.

Clarification on what signs will be removed and what will remain.

Mr. Newman swears in: Mr. Peter Van Den Kooy (Board Planner)

Mr. Azzolina (Board Engineer) previously sworn in questions the sidewalk concerns of Mr. Newman's and asks if he was talking about the pavers where there has been some settlement...

Mr. Newman states yes and the sidewalk itself...

Mr. Azzolina will take a closer look at the concrete but the Pavers did catch his eye.

Mr. Newman clarifies it will be the applicant's intention to fix anything Mr. Azzolina may find a need to fix.

Mr. Spector (Applicant's Attorney) so notes and states yes.

Mr. Azzolina refers to his report dated November 22, 2013 which pertain to existing variance conditions. There were slight deviations from what was originally proposed by the Board back 2000ish as to what was actually constructed. ...explains.

There were slight deviations from the setbacks that were originally approved by the Board via human error or whatnot.

Mr. Azzolina suggests if the Board were to act in favor of this application, he would recommend the actual setback dimensions be specified in any Resolution, this way going forward there will be documented record of any relief granted.

Discussion continues....

Mr. Azzolina testifies minor differences but should be corrected...

Mr. Azzolina points out another issue and so notes even though the total number of spaces for parking is in compliance with the Ordinance – 2 parking spaces per Residential unit- the actual assignment for the existing one bedroom apartment as posted on a notice on the building and as indicated in the schedule is for Apt 2A & 3A are being provided a single space whereas per our code and per residential Site proven standards-2 spaces would be required. If this is how they intend to utilize this parking facility-it may represent a variance condition. It's a gray area.

Mr. Azzolina asks the Board's Attorney to weigh in on the matter as well...

Mr. Rosenberg (Board Attorney) clarifies if Mr. Azzolina is telling them, they need to allocate the proper number of spaces to the residential users.

Mr. Azzolina states per the code and residential standards, this would be recommended. They could correct this by allocating properly.

Discussion continues....

Mr. Rosenberg would note, since they are reducing the amount of Retail on the site, he would think the need for the Retail parking will be reduced as well- & asks; would it be the intention of the applicant to allocate properly to the Residential users.

Discussion continues....

Mr. Spector (Applicant's Attorney) would like his witness, Mr. Bailer (Applicant's Planner) to answer this concern of Mr. Azzolina.

Mr. Bailer testifies as part of the argument, they will be using the three parking spaces for the additional one parking space required for the commercial spot.

Discussion continues....

If required, Mr. Bailer states they would delineate it but does not feel it is a requirement.

Discussion continues...

Mr. Azzolina questions the parking for the one bedroom unit.

Mr. Bailer testifies it was an existing condition but the question he has is based on the overall calculations of the number of existing units with the proposed two units and the remaining commercial- is a parking variance required for the overall site.

Mr. Azzolina again points out to Mr. Bailer, they have the total overall number of spaces- however the demarcation of these spaces is not consistent with the ordinance.

Discussion continues....

Mr. Azzolina states; it is a determination for the Board to make, not having assigned parking spaces to the one bedroom unit. Makes note; there is a Studio apartment on the first floor that will have two assigned parking spaces according to your schedule.

Discussion continues in length.....

Mr. Newman asks Mr. Azzolina what is his recommendation. Should each of the apartments have two spaces?

Mr. Azzolina replies; if not, then a variance should be requested and if it's the finding of the Board that it can be granted, this would be the direction he would recommend. That it be specified going forward.

Mr. Newman asks Mr. Spector (Applicant's Attorney) what would be their choice of the two options.

Mr. Spector notes it would be easier to delineating a spot.

Mr. Spink (Applicant's Architect) testifies it would be easier of the two yes, but currently these one bedroom apartments are using the one parking space and there are no problems. Leaving those 3 spaces as visitor's spaces seems to be a better way in his opinion.

Discussion continues.....

Mr. Newman states the Board Engineer is comfortable with either/or and if they want to go with leaving the 3 spaces as visitors spaces, we will do an additional variance.

Mr. Azzolina reviews all options with Mr. Newman & Mr. Spink.

Discussion...

Mr. Spink in his opinion feels they should just leave the functionality the way it is and label the 3 spaces as visitor's spaces. It is an existing as such.
The tenants that are currently there are happy with the way it functions.

Discussion regarding the variance necessary for this...

Mr. Rosenberg (Board Attorney) clarifies it would be a variance to allow 1 parking space for the 1 Bedroom Apartment and still 2 for the Studio proposed.

Discussion....

Mr. Rosenberg states Mr. Spector is amending the Application to request the variance.

Mr. Azzolina has no other questions or comments.

Mr. Van Den Kooy (Board Planner) questions the operational hours of the Retail use between the Residential units.

Discussion.....

Mr. Spink does not know the hours of the operation but testifies there will be no changes to these hours.

Mr. Van Den Kooy does not know the standard in Fair Lawn that would be appropriate for this type of situation.

Mr. Rosenberg states; it is his recollection in the B4 zone, there is a limitation on the hours of operation where there are residences above.

Ms. Peck (Assistant Zoning Officer) clarifies...reads from the Ordinance.
(Prohibited 12midnight & 5am.)

Discussion....

Mr. Van Den Kooy questions the issue of the Non-Residential Development Fee.

Mr. Spink states for the Record it should be clear that before noon today Mr. Spector sent him a calculation from Mr. Tim Henderson (Borough's Tax Assessor)

Discussion.....

Mr. Bailer (Applicant's Planner) reviewed the calculation toward Affordable Housing for the proposed application from Mr. Henderson. This was calculated by taking the assessed value of the improvements and multiplying this by 6%...

Mr. Bailer respectfully disagrees with the 6%...explains.....

Mr. Bailer reads from the Ordinance...section 49-18-Section B...6% is calculated from increased residential density....

Mr. Bailer testifies that even though they are proposing two additional units, they are not here for a B-5 Density variance they are here for a D-1 Use variance.

Testimony continues.....

Mr. Bailer states it should be a fee of 1.5% based on the Ordinance of assessed value...

Mr. Van Den Kooy (Board Planner) replies; they have reviewed the Ordinance as well, and since they are technically not requesting a D-5 variance for density, he concurs with this analysis. Explains the Ordinance does specifically reference a D-5 variance being required for the basis of the 6% fee, otherwise a 1.5% fee is the standard.

Ms. Peck (Assistant Zoning Officer) suggests Ms. Cheryl Bergallia (Affordable Housing Consultant for the Borough) to review the application & possibly testify.

Mr. Rosenberg (Board Attorney) agrees with Ms. Peck and states to the applicant; if in fact, we need an interpretation of the Board's Ordinances, that's an A variance. It will be

required from this Board because the applicants states; they interpret it one way and we interpret it another way...this is an Interpretation variance and you have not noticed for this and haven't applied for this...in order to basically determine the interpretation issue of the code, there has to be qualified people to testify and with all due respect to Mr. Van Den Kooy, he is not the Borough's Affordable Housing Expert.

Mr. Rosenberg continues; if this is the position the applicant wishes to take, he can only recommend the application be carried. The applicant should re-notice to include an A variance because they disagree with the Interpretation of an Ordinance and ask the Board to interpret this Ordinance.

Discussion continues.....

Mr. Bailer (Applicant's Planner) interjects to state he is not disagreeing with the Ordinance. They are disagreeing how it is being applied to this application.

Discussion continues....

Mr. Bailer continues and notes this calculation is not going to be finalized until his client actually submits the Construction Documents so they will not get the final number of what it will be until this time.

Mr. Rosenberg clarifies what Mr. Bailer stated and thinks the issue here is interpretation. Mr. Bailer objected to the application of the 6% under the Borough's Ordinance & proving his belief as a Planner that the 1.5% is what should be applied in any action by the Board going forward and to him this is an interpretation of the Ordinance...

Discussion continues....

Mr. Bailer asks if they could get a "subject to".....

Mr. Rosenberg states in his opinion it would be inappropriate. You are asking for relief in its totality. He will defer to the Board, but he feels they are asking for a package associated with a use variance, a D variance and the application among other things in the relief, an affordable housing obligation.

Mr. Bailer asks for a moment to speak with his client & their Experts.

Mr. Spector (Applicant's Attorney) thanks the Board for allowing them to discuss this issue. After deliberating the explanation & the calculation, they are willing to accept the calculation as presented in this morning's email and **withdraw this objection.**

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

Mr. Seibel (Board Member) questions if there are any examples of first floor residential in a mixed use building in the general area.

Mr. Spink states no to the best of his knowledge.

Mr. Seibel asks if there are any examples of 1st floor residential in a mixed use building in a general area, not in the immediate area.

Mr. Spink testifies yes, in the City.

Discussion continues...

Mr. Seibel questions how long the lease is on the Commercial Unit.

Mr. Spink notes the tenants recently renewed for another year.
It is a 12 month lease.

Mr. Seibel questions if there are any plans after the 12months are up to turn the commercial unit into an apartment building.

Mr. Spink notes this is **not** the intention of his client.

Discussion continues....

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

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

Mr. Azzolina questions the Recycling & the Waste issue that came up at the last meeting. He didn't see a response from the Borough's Supervisor.

Ms. Peck (Assistant Zoning Officer) notes they did get back a report from the DPW Supervisor, Mr. Conte, but none was received from the Recycling Department and their position on this.

Mr. Spector states the applicant did make his own inquiry to his Waste Removal Service and there would be no change with their service with the change of use and will continue to collect privately as they do now.

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

Mr. Newman closes this portion.

Mr. Newman opens the application for questions or comments from the General Public. Seeing none,

Mr. Newman closes this portion.

Mr. Newman asks for a summation from Mr. Spector....

Mr. Spector has a long term plan to stay in this community and to continue the improvements of this property. His commitment is enormous....
This building could use a facelift and what they have proposed is building anew. It would be good as a whole, good for the Community, good for the River Road Improvement, etc....

He asks the Board to grant the D-1 variance as presented and amend it tonight..

Mr. Newman wants clarification from the applicant's Architect. The rendering they see tonight which is wonderful, is exactly what is proposed, correct? From the windows, the size of the windows, the trim on the windows, the color, etc....

Mr. Spink (Architect) testifies this is correct. The only thing that may change is the color of the Awning. They selected a Maroon color, the same as the shutters, but the shade may change if they cannot get the exact color...

Discussion....

Mr. Newman is satisfied with Mr. Spink's testimony and asks for a motion.

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

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

Mr. Seibel, **No.**

Motion carries.
APPLICATION APPROVED.

Mr. Newman opens for Public Comment. Seeing none,
Mr. Newman closes this portion.

Resolutions:

1. Application #2013-031, Alon & Maria Gesthalter, 16 Garwood Road, Block 3904, Lot 2, Zone R-1-1– In-ground Pool- Approved.

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

VOTE: All Present – **AYE.**

Vouchers:

1. Winnie, Banta, Hetherington, Basralian & Kahn in the amount of \$816.66 for Legal services rendered for December, 2013 meeting.

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

VOTE: All Present – **AYE.**

Mr. Newman states to the Board there is a letter that he takes no pleasure in reading, but he is also honored to read.

Mr. Newman reads Mr. Joe Meer (Secretary to the Board) Resignation Letter as a Member of the Zoning Board of Adjustment effective December 31, 2013

Mr. Newman speaks to Mr. Meer and asks if he would like to change his mind... (Laughter & memories are reminisced with time served.)

Mr. Lowenstein (Board Member) before adjourning would like to make a comment. He has not heard anything on his reappointment & his term is up but wanted to take the time now to thank Mr. Newman & everyone on the Board, noting it has been an honor & a privilege to serve.

Discussion...

Mr. Newman states if this is true, he has enjoyed working with him also. His opinion is greatly valued.

Mr. Dunay (Board Member) who was newly appointed to the Counsel through Election takes a few moments to let everyone know it has been an absolute pleasure serving with everyone. He has learned so much the past two years... Land use, etc. and thanks everyone for all they have taught him. He notes how sad it is to see Joe Meer leave as Secretary of the Board and appreciates all the years Joe has served to the Borough.

Mr. Newman thanks him for his kind words and also thanks him for his time served with the Zoning Board.

Mr. Seibel (Board Member) reminds everyone to take a look at the Wreaths outside the Borough dedicated to the Men & Woman who serve our Country.

Mr. Meer reminisces time served in the Military in the Vietnam War with interesting stories that holds everyone's attention....received an Army Commendation Medal. Speaks of the Brave souls in the Military...

Mr. Meer receives a round of Applause.

Adjourn

Mr. Meer made a motion to adjourn this meeting and Mr. Seibel seconded the motion.

TIME: 10:50P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk