

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
Of June 17, 2013**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular meeting held on June 17, 2013

Chairman Todd Newman called the regular meeting to order at 7:10 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present: Mr. Sacchinelli, Mr. Lowenstein, Mr. Gil, Mr. Sina,  
Mr. Meer & Mr. Newman.

Absent: Mr. Blecher, Mr. Sina, Mr. Puzio, Mr. Lancaster  
Mr. Seibel, (Arrived 8:25)  
Mr. Dunay, (Arrived 7:30)

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

No Board Professionals in Attendance.

Mr. Newman announces the carrying of Application #13-018, Nickolas & Sara Trawinski. It **will not** be heard this evening. It will be carried to the July 22, 2013 Regular Zoning Meeting. The Attorney is not able to be here this evening and had to cancel.

Mr. Newman also reads a correspondence received from the Attorney representing Nicholas & Sara Twawinski advising Ms. Peck (Assistance Zoning Officer) explaining that subsequent to the filing of the application they realized the existing fence being relocated into the front yard setback has a height of 6ft. not 4ft., therefore our variance request is modified to reflect this revision...

**Residential Carried:**

1. Application#13-010, Ardian & Anila Kalia,  
32-12 Rosalie Street, Block 2309, Lot 1, Zone R-1-3  
Proposed 6' fence in the front yard setback where 3' is permitted as per Section 125-38 fences and walls.

Mr. Rosenberg (Board Attorney) states Mr. Gil is not qualified to act on this application being he was not in attendance the previous month if in fact it is concluded this evening. He is able to participate but not vote.

Mr. Rosenberg also explains there are 5 members who are qualified to act on the application although Mr. Dunay is expected to be here by 7:20...he would not have heard the whole presentation so...

Mr. Newman apologizes to Mr. & Mrs. Kalia but feels it would be in their best interest to wait to open the application until Mr. Dunay arrives...explains why...they need a certain number of yes votes and right now, one of the members who could vote is not here, he is expected, but you will be limiting a vote for yourself.

Mr. Lowenstein (Board Member) states he sits on the Ethics Board in addition to this Board and we meet approximately once a year, he will have to step away from the meeting but he will return..

Ms. Peck (Assistant Zoning Officer) notes to the Chairman, Mr. Newman that Application 1 & Application 3 are both FAR and will require 7 Board members in the affirmative.

Discussion....

Mr. Newman explains to the Applicants #13-015-Mr.& Mrs. Patel & Application #13-017-Mr. & Ms. Bostock, because their applications are both involving FAR, they also advise waiting until later to be heard so that it would be to their credit...

Applicants agree.

Mr. Newman calls in Application #13-016, Debra Kreps.

1. Application #13-016, Debra Krebs  
17 Lafayette Place, Block 2513, Lot 5, Zone R-1-2  
Proposed 4' fence in the front yard setback where only 3ft. is permitted as per Section 125-38, Fences & walls.

Mr. Newman swears in: Debra Miller Krebs  
17 Lafayette Place  
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Newman asks Ms. Krebs what brings her here tonight.

Ms. Kreb explains she has a piece of property across the street from TJ& Milnes...and the side of her property faces Philips Street which is somewhat a busy street...particularly on school days, in the morning and afternoon.

Ms. Kreb explains originally the way the property was structured, there was a shed there which if she said it was dilapidated, would be kind...it needed to come down and once I took that structure down, there was a gap ...Philip Street is now very obvious from the backyard.

Ms. Kreb continues with her testimony stating if she was to put a shed there, she was told she would need a variance anyway, so she decided on a fence...but if she wanted to put a fence with any amount of privacy, it would need to be more than 3ft. high and if she put it more than 3ft. high it would need more then 30ft. setback. In order to do the 30ft. setback, she would have to remove 5 trees, and she does not want to do this....she is willing to go with 4ft. which would give her a measure of privacy but I am still having to put it before her 30ft. front yard setback.

Mr. Newman states it seems the Borough considers your property one with two front yards..

Ms. Krebs apologizes and states yes.

Discussion...

Type of fence is questioned.

Ms. Krebs answers she is looking at a solid white PVC fence, 4ft. high.

Mr. Newman questions the line of sight and if there is any interference with traffic not being able to see...

Ms. Krebs testifies absolutely none.

Mr. Newman clarifies this is because we are looking at a fence that is in the rear of your property so it is quite away set back from the intersection.

Discussion....

Review of the Survey and location of the fence.

Pictures are reviewed that were submitted with the application. Ms. Krebs walks them through the pictures and trees that would need to come down if she was not given approval for the fence.

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

Mr. Newman summarizes the application.

Mr. Newman opens the application for questions or comments to residents living within 200ft. of the applicant. 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 and asks for a motion.

Mr. Sina makes a motion to approve the application.

Mr. Sacchinelli seconds the motion.

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

**Motion Carries.**

**Application Approved.**

Mr. Newman asks Application#13-015, Niraj & Amita Patel to please come to the Podium.

Mr. Newman swears in: Amita Patel & Niraj Patel  
11 Harris Place  
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Newman speaks to Mr. & Mrs. Patel & also asks Mr. & Mrs. Bostock to listen in as he explains the type of applications they have. They need use variances. A use variance requires 5 affirmative votes out of 7.

Mr. Newman continues ...there is a unique situation here tonight we're we are short of members. (As Mr. Newman speaks, Mr. Dunay, Board Member arrives.)

Let the record show Mr. Dunay has arrived at 7:30

Mr. Newman states where he was ready to say they had 5 voting members, momentarily they will have 6 members to vote. Out of the six you will need 5 affirmative.

Mr. Newman explains to the Applicants, they can choose to proceed..

Notes Mr. Lowenstein (Board Member)is leaving but will be back at some point ...within 30 minutes hopefully...They could sit and he could go through other housekeeping in the meantime and bring you back up to be heard when all 6 are here. It is your choice. At some point there will be seven members...but if you have time constraints, and want to move it along after the Kalia's....we could hear you now or sit and move on.

Ms. Patel states as long as it will be tonight.

Mr. Newman states hopefully it will be tonight and asks them to take a seat.

Mr. Newman asks the Kalia's to step back up to the podium and explains to them they would need 3 out of 5 votes and if they choose to proceed now.

Mr. & Mrs. Kalia choose to be heard and open their application.

Application#13-010, Ardian & Anila Kalia,  
32-12 Rosalie Street, Block 2309, Lot 1, Zone R-1-3  
Proposed 6' fence in the front yard setback where 3' is permitted as per Section  
125-38 fences and walls.

Mr. Newman swears in: Ms. Anila Kalia & Ardian Kalia (just for the record.)

Ms. Kalia begins her testimony stating they have a different drawing map.

Mr. Newman asks if anyone from the Board need a refresher as to what happen last month on what is happening with this application. Seeing none,

Mr. Newman moves forward.

New proposal (drawing) marked into Exhibit as A1

Ms. Kalia states the last time they were here, the recommendation was to get a Traffic Expert and there is a fee for that so we decided to amend the application.

Ms. Kalia continues....saying with all the concerns of the children walking by, they took this into consideration with the new amendment...now they are asking for a fence that will be the same height as the existing fence, up the driveway, with the two door gate, 10ft. wide, PVC gate and 48” height two door proposed. We are asking for a replacement, 48” high fence from post to property line. There will be no changes in size and the new one would be the same size as our neighbors. From 33<sup>rd</sup> street, we proposed 6ft. fence with 48” wide gate that would be 25ft setback from the sidewalk.

Discussion....

Mr. Newman clarifies the existing fence is a chain link fence with slats and they can't see through it now and asks if they ever had a issue with never not seeing a pedestrian?

Mr. & Mrs. Kalia both state, no.

Mr. Newman states this is the only thing that may convince him because he would still have concerns at 48” because of the size of the people we are talking about....it's near the Elementary School& half the population is shorter than 48”....just remember this...

Ms. Kalia notes they are leaving the existing fence as it is...

Discussion continues....

Ms. Kalia reassures Mr. Newman, that she cannot see through the fence now but there is enough of a view to get out of the driveway...she has never had a problem not seeing pedestrians.

Mr. Sacchinelli (Board Member) mentions they do sell fences with the top half lattice where they could see through ...4ft. top fence with half lattice/half solid bottom.

Mr. & Ms. Kalia have no issues with this type of fence if need be..

Discussion continues....

Mr. & Mrs. Kalia agree to this type of fence.

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

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 to the General Public for questions or comments. Seeing none,

Mr. Newman closes this portion.

Mr. Newman asks for a motion.

Mr. Dunay makes a motion to approve the application with the amendment that the top portion of the 4ft. fence would be lattice and 36” of the fence be solid PVC.

Mr. Meer seconds the motion.

**VOTE:** Mr. Dunay, Mr. Sacchinelli, Mr. Sina, Mr. Meer & Mr. Newman, **YES.**

**Motion Carries.**

**Application Approved.**

1. Application #13-017, Dave & Catherine Bostock,  
1 Burlington Place, Block 3713, Lot 7, Zone R-1-3  
Remove existing porch and replace with addition. Would maintain the existing side yard of 2.16' where 10' is required. Would increase the building coverage from 28.85% to 29.46% where 25% is permitted. Would increase the impervious coverage from 39% to 40.8% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. Would increase the FAR from 37% to 42% where 40% is permitted as per Section 125-57.D.(1)(d)[1]

Mr. Newman swears in: David & Catherine Bostock (Applicants)  
1 Burlington Place  
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Newman speaks to Mr. & Mrs. Bostock explaining they would need a use variance... Explains the use variance requires a super majority...explains they decrease their 5 affirmative votes if they want to proceed now with only 6 Board Members. We can proceed...we have a Quorum, so we can do it.

Mr. Newman asks if they would prefer to wait until Mr. Lowenstein returns, you will then have 7 members voting and you increase your odds or you could adjourn.

Mr. Newman explains....

Mr. Newman states he will continue to take care of Board Business which will take a little time and if we need to we will take a reasonable recess of 10minutes or so...if at

this time we do not have 7 Board Members and both applicants will have to make a decision to be heard or adjourned to the next meeting.

Applicants agree to wait....

Mr. Newman opens Order of Business: 7:45P.M.

Mr. Newman reads an e-mail that was forwarded to Ms. Peck from Cathy Hochkeppel (Planning Board Secretary)

A Special Meeting will be on June 18, 2013 in Room 201 of the Municipal Building for the purpose of discussing recommendations relative to impervious coverage...there will be 4 members of the Planning Board present...this Special Meeting has been probably noticed ....etc....

Discussion...Annual Report/etc....

Mr. Rosenberg (Board Attorney) has been copied the e-mails from the Planning Board...he has discussed this with Ms. Peck...the Zoning Board does not draft or enacts Ordinances, that is the Planning function and this Board does not engage in a planning function. As the Chairman has properly stated, this Board is to interpret the Ordinances...although it is appreciated there was an invitation to the Zoning Board to come and participate, his recommendation is the Board is legally not capable of doing so...he would be happy to send a letter to the Planning Board Chairman declining the invitation based on the statutory rules and authority that govern the Board...

Discussion continues....

Ms. Peck (Assistant Zoning Officer) notes she has done all the calculations for the Planning Board to help with the information regarding impervious coverage, particularly pools....along with minutes as to why the relief was granted...

She has a copy for the Chairman & the Board Attorney and will forward the information to Cathy Hochkeppel from the Planning Board.

Mr. Newman acknowledges Ms. Peck and thanks her for the intensive amount of work she did...

Mr. Newman asks if there are any other questions. Seeing none, Mr. Newman moves to the next order of business.

**Vouchers:**

1. Azzolino & Feury Engineering for 15-00 Pollitt Drive in the amount of \$702.00 for Professional Services rendered.
2. Azzolino & Feury Engineering for 17-01 Nevins Road in the amount of \$119.00 for Professional Services rendered.
3. Azzolino & Feury Engineering for 37-01 Broadway in the amount of \$292.50 for Professional Services rendered.

Mr. Dunay made a motion to accept these Invoices and Mr. Gil seconded the motion.

**VOTE:** All Present – **AYE.**

4. Winnie, Banta Hetherington Basralian & Kahn for legal services rendered to the Zoning Board for the month of June, 2012 in the amount of \$816.66

Mr. Sina made a motion to accept this voucher & Mr. Sacchinelli seconded the motion.

**VOTE:** All Present- **AYE**

**Resolutions:**

1. Application #2013-,009 Carrie Stevens/ Weiss, 13-05 Plaza Road, Block 3611, Lot 6, Zone R-1-2– Proposed removal of side porch & replace with addition- Approved.

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

**VOTE:** All Present – **AYE.**

2. Application #2013-011, Michelle & Robert Defina, 33-02 Nicholson Drivet, Block 2512, Lot 26, Zone R-1-2– Proposed Add-a-level/Front Canilever- Approved.

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

**VOTE:** All Present – **AYE.**

3. Application #2013-012, Miriam & Shlomo Bashan, 9 Burlington Place, Block 3713, Lot 2, Zone R-1-3– A proposed conversion of an existing garage

into living space- Approved.

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

**VOTE:** All Present – **AYE.**

4. Application #2013-013, Jennifer Bruseo & Kirk Shaw, 18-11 Landzettel Way, Block 1702, Lot 54, Zone R-1-2– Proposed In Ground Pool- Approved.

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

**VOTE:** All Present – **AYE.**

5. Application #2013-014, Tobi Marrone, 2-41 35<sup>th</sup> Street, Block 2316, Lot 1, Zone- R-1-3– Proposed second driveway & repave existing- Approved.

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

**VOTE:** All Present – **AYE.**

**Minutes:**

1. Mr. Meer made a motion to approve the minutes for the **April 1, 2013 Special Meeting** and Mr. Gil seconded the motion.

**VOTE:** All Present – **AYE**

**Mr. Newman calls for a Recess for 10 minutes...**

Mr. Sina makes a motion to recess & Mr. Sacchinelli seconds the motion.

**ROLL CALL:** Mr. Dunay, Mr. Sacchinelli, Mr. Gil, Mr. Sina,  
Mr. Meer & Mr. Newman

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

Mr. Newman explains to the applicants they are first in line in the order of business so they will get to make a decision first. Explains a Use variance requires 5 affirmative votes in order to be granted the relief they are seeking. They have 6 members present who could vote this evening...although he has mentioned the 7<sup>th</sup> member of the Zoning Board would return this evening, they have no idea when he could return or if he will return at all....we have to assume that we have 6 voting members...

Mr. Newman notes they can proceed with 6 members knowing the risk or adjourn to the July 22, 2013 meeting.....

Ms. Patel states they would like to move forward.

Mr. Newman has sworn in the Applicants earlier & proof of service was verified.

Mr. Newman corrects his error of wordage and states it is not a use variance but a FAR variance....not a use variance.

Ms. Patel begins her testimony by stating they are seeking the variance for the main reason of having a comfort of life in the township of Fair Lawn.

Ms. Patel explains she has two small boys and her in- laws, her husband's parents live in the house. They have an existing a 3 bedroom, one bath house. They are proposing a second floor addition with 3 bedrooms and two baths and the first floor would have a bedroom for her husband's parents with a bathroom attached and having a second car garage....

Ms. Patel continues with her testimony....her kids love Radburn and the neighborhood and they do not want to move..

Mr. Newman notes a Professional with them and to please step forward.

Mr. Newman swears in: Chintan Besai (Licensed Architect)

P.O. Box 257  
Kearny, N.J. 07032

Mr. Newman certifies Mr. Besai as an Expert Witness in the Field of Architecture with no objections from the Board.

Mr. Rosenberg clarifies with Mr. Besai that he is testifying as an Architect and not as a Planner.

Ms. Patel wants to add something to her testimony. She states when they calculated the FAR, according to the Ordinance Laws, the lot size they have is 7400sf...they are in a unique zone which requires .37%, ...if less than the 7400sf its .4% and if over the 7500sf its .4% too....their lot is a corner lot so its smaller in size. When calculating the FAR, they required a garage over 400sf to be included in the calculation, excluded if less than 400sf. Their garage is approximately 420sf so they had to include the area....

Ms. Patel explains the reason for the increase in the FAR. The proposed double story height of her home ....with this, the FAR calculations you have to count 2 times for square footage. They have two areas such as this. She is an Environmental Engineer and both her husband and herself are concerned with usage of lightening and use the least of electricity required.....she explains when they bought the house, it was facing East & West, so the Sun does comes up in the kitchen and ends the evening in the Living Room. They designed the house with a family room having a double story with a slope roof so they would get maximum daylight in the house and also setting on the front side of the Foyer doing the same, making the most of the Sunlight and because of the double story height, the FAR goes well beyond what is required.

Mr. Newman asks if the basement is included with the calculations.

Ms. Patel testifies no.

Mr. Newman clarifies the reason it is not is because it goes below the 3ft.

Ms. Patel testifies yes.

Mr. Newman asks Mr. Besai (Architect) if he would like to add anything professionally in regards to the FAR.

Mr. Besai testifies in terms of design, they have tried to comply with everything. The existing footprint of the house is what we build on except where the garage is added, etc....explains stating the requirements of the Borough in terms of “double height” spaces that has to be included in the ratio causes the increase.

Mr. Newman states also the Garage...

Mr. Besai states half of the garage. It is a one car garage now, and they are proposing a second.

Mr. Newman asks if there is a reason why they designed a garage that is only 25ft. in excess of what would be exempt from the FAR.

Mr. Besai testifies the reason being is the existing garage is a one car garage and he tried to match the front of the house...explains the details.

Discussion continues...

Mr. Newman asks if they could have made it smaller and still be useful to pull a car into.

Ms. Patel explains her mother in law drives and doing the winter time it would be very convenient to park her car in the garage.

Mr. Newman states that has no bearing. What he is saying is they could greatly decrease the FAR if you brought the square footage in your garage to 400sf. Is this not doable...could you still use the garage for two cars?

Mr. Patel steps forward and notes he did look at this and did the calculations. Explains...

Discussion continues...

Mr. Newman wants the record to show that at 8:22p.m., two Board Members (Mr. Seibel & Mr. Lowenstein) have joined the meeting and can participate in the application but cannot vote.

Mr. Newman explains to the Applicants that although two other Board Members have joined the meeting, they can participate but cannot vote because we started the hearing without them.

Mr. Newman returns to the application and notes what they (The Applicant's) are saying is the garage has to be this big...

Mr. Newman asks if there are any questions from the Board Members regarding this application.

Mr. Dunay (Board Member) states although he does recognize what the applicants are trying to do, he is struggling with this one. He notes the garage is adding 425sf to the FAR which otherwise would not be counted at all if just a few feet shorter but...he did some calculations..took 425sf & divided it by the lot area which is 7458, this is only 6%....if we didn't count the garage, this would take the FAR from 52 to 46, putting aside giving a little leniency because this is a 37% FAR zone and not a 40%, it still is significantly over 40%..although he appreciates the comment on why you have double

ceilings, he feels the FAR isn't meant per say to be a measure of how much floor area you have as the volume of the house relative to other houses....

Mr. Dunay continues to speak to the Applicant and states; the fear in respect to the Ordinance is that you will have these massive voluminous houses right next to other ones otherwise known as Capes. He is in the neighborhood quite a bit, and while there are some larger homes in the area and he does not deny this, there are still predominately, relatively modest Ranches & Capes...

Mr. Dunay notes he would struggle with approving this application in good conscience having been involved in one last year in which the applicant came before the Board, who is essentially around the corner from this one and who was required to ultimately amend the application...it was perceived to be too large.

Mr. Dunay speaks to the applicants and states he is just putting it out there for them to consider because he wants to be honest with them so we (the Board) can work with you and amend the application.

Ms. Patel responds; they do have large homes on the same street and there is being one constructed now right behind us. She is not denying it is a large home, but notes to the Board, it is a six family member home and they are just trying to make it comfortable to live...her boys are small now, but they will grow,,

Mr. Newman states although this may be true, those are issues the Board cannot consider in the deliberation of the application. Explains... It does not matter what one's family needs are or what one's desired use is for a particular application. It is whether or not we can grant the relief based on the proofs and based on Municipal Land Use Law.

Mr. Newman continues...to contrast your point and Mr. Dunay's point, although there may be larger homes as he said and as we see in the pictures, he is pretty certain not one of them required a 52% FAR variance from this Board. Although every application does stand on its own, he would still like to point out, 52% FAR are not something that usually see approval.

Mr. Newman states there are certain points that allow the Board to weigh things differently. ....An existing footprint that is an inch beyond what it should be-no one is going to make you pull the house back...there are certainly things that are reasonable.

Mr. Newman notes he was trying to go there with the Garage proposed, but 25ft. is significantly beyond what would be counted...explains...notes it is 425sf and it is somewhat beyond almost impossible to pull it back to where it wouldn't be counted.

Mr. Newman brings up Mr. Dunay's point, stating he described it well regarding the reason for the FAR & the Ordinance. It took a long time to be written and was not written carelessly, there was a thought process that went into all stipulation...

Discussion continues..

Mr. Newman believes he does have a point.

Mr. Sacchinelli (Board Member) discusses the Garage. If they were to just consider the one car garage, how would it affect the second story in the proposed plan.

Mr. Besai (Architect) testifies they would have to replace the Family Room roof completely because of the re planning of the Master Bath...

Discussion continues...

Mr. Sacchinelli continues to ask questions regarding reduction of room sizes...he also has concerns with the overall FAR.

Mr. Newman cuts to the chase and speaks to the Applicant's and their Architect, stating they already understand there are only 6 Voting Board Members. You will need 5 Affirmative votes for this FAR. You have heard from 3 of us openly that we have serious concerns regarding the FAR. If we do proceed with your application and you do not receive the 5 affirmative votes, in order to receive any variance relief, you would have to come back with what the Board considers a "Substantially different Application"....Mr. Newman explains this in detail....if it was not different enough as the previous application submitted, the Board would not act on it....you lock yourself in after a denial...

Mr. Newman notes what the Board sometime does is make the concerns open to you so we can give the option to you to amend the application and return at a later date and not be locked into the situation where it would have to be substantially different. You have heard some of our concerns where 52% is very high, for us to sit here tonight and think of ways to bring it down is not feasible but he feels it is something you could do with your Architect, if it is something you choose to do...you could very well proceed, but we not only look to do our job within the letter of the Law, but we also look to help out our residents at the same time....

Discussion continues...

Mr. Patel states the Garage idea was his...explains. If he reduces it back to a one car garage and the rearranges the upstairs, would this be considered? He is trying to understand what he could do so when he comes back...

Mr. Newman explains it is the percentage and as with any relief, there comes a point and he cannot tell him what that point is but there comes a point where the relief being requested is far beyond what the Board could reasonably consider....he thinks 53% is beyond what the Board could reasonably consider. He cannot give him a number and

won't give a number this evening...this is something he will have to figure out with their Architect and he is sure there is a dozen ways they can do it, being the Garage, the house. It is not up to us to tell you how to do it, it is just we have an Ordinance that we can possibly grant you a reasonable amount of relief from...it is based on proofs..

Discussion continues...

Mr. & Mrs. Patel understand and agree to carry the application to the meeting of July 22, 2013.

Mr. Rosenberg (Board Attorney) explains if both, Mr.Seibel or Mr. Lowenstein would like to qualify to act on this application next month, they certainly are capable of being qualified. They would have to listen to the entire disk to which Ms. Peck could give to them in which you would then have 7 voting members.

Discussion regarding next month's meeting continues....

**Mr. Newman announces the carrying of Application #13-015, Niraj & Amita Patel** to the Regular Zoning meeting of July 22, 2013. No further notice required.

Mr. Newman proceeds to the next application, noting they have already they have been sworn in.

Fees have been paid and there is proof of service.

1. Application #13-017, Dave & Catherine Bostock,  
1 Burlington Place, Block 3713, Lot 7, Zone R-1-3  
Remove existing porch and replace with addition. Would maintain the existing side yard of 2.16' where 10' is required. Would increase the building coverage from 28.85% to 29.46% where 25% is permitted. Would increase the impervious coverage from 39% to 40.8% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. Would increase the FAR from 37% to 42% where 40% is permitted as per Section 125-57.D.(1)(d)[1]

Mr. Newman asks to please explain why they are here this evening.

Ms. Bostock begins her testimony. They are here because they would like to replace the existing screened in porch with an addition. They will need several variances, including the FAR, coverage and setbacks.

She notes their lot is very small. It is less than half the minimum lot size in their zone. Her lot is 75x45.34ft...they already have a setback that is different from what is required in the zone. They are in Radburn, semi attached to the neighbor's house. They are basically looking to replace a structure that is already existing...the porch and we would like to take part of the garage for a second bathroom...

Mr. Newman explains every application stands on its own merit and every situation is very different even when they are similar. Although this is another FAR application, you have a significantly undersized lot which throws the numbers all over the place. If you were anywhere near a conforming lot, I don't think you would be here for a FAR relief this evening. You would not even be here for a building or impervious coverage relief.

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

Ms. Bostock would like to make another point if she may...their house is a Radburn model house. There are a few houses, quite a number of houses which have the same setbacks and have done similar additions...we are smaller than our two neighbors...we will be conforming to the existing character as you see from the application. We are actually catching up to what we call our Sister houses..

Mr. Newman asks if they have received approval from the Radburn Association for the Architectural design proposed.

Ms. Bostock states they have.

Mr. Newman asks Ms. Peck (Assistant Zoning Officer) if she agrees if the applicant's were on a conforming lot, there will be no building or FAR variance necessary.

Ms. Peck concurs with Mr. Newman, and does the calculations to clarify for Board Members.

Discussion....

Mr. Newman asks if there are any questions or concerns regarding this application from Board Members. Seeing none,

Mr. Newman opens for questions or comments from residents living within 200ft. of the applicant, 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 for a motion.

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

**VOTE:** Mr. Dunay, Mr. Sacchinelli, Mr. Lowenstein, Mr. Seibel, Mr. Gil,  
Mr. Meer & Mr. Newman, **YES.**

**Motion carries.**  
**Application Approved.**

**Adjourn**

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

TIME: 8:50 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk

