

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
Of December 22, 2014**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on December 22, 2014

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. Seibel, Mr. Blecher, Mr. Lowenstein, Mr. Puzio,
Mr. Racenstein, Mr. Pohlman, Mr. Naveh, Mr. Zharnest
& Mr. Newman.

Absent: Mr. Sacchinelli

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

New Residential:

1. Application # 2014-24, Nata1, LLC
5-32 John Street, Block 2401, Lot 2, Zone R-1-2
Existing non conforming lot. Lot is 50' x 110.52' where 75' x 100' is required.
Proposal is to remove existing structure and build new one family dwelling. C-1
variance is required as per section 125-57.d.(1)(c)[1]

Attorney for the Applicant: Mr. Bob Maloof from River Vale, N.J.

Fees have been paid and there is proof of Service.

Mr. Maloof speaks to the two variances on a pre-existing lot that is undersized. In need of variances for width and lot area. Explains....The proposal is to take down existing home and build new and satisfy the front yard and side yard setbacks, leaving pre-existing lot area and lot width deficiencies.

Mr. Glen Stubaus (Architect for the Applicant) is sworn in to testify.

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

Mr. Maloof introduces the renderings of the home to be constructed, prepared by Mr. Staubaus, dated October 7, 2014 into evidence.

Marked as Exhibit A1 & A2

Mr. Staubaus begins his testimony. Reviews & details the renderings with the Board.

Board Members discuss the character of the new home and how it will fit into the neighborhood, Landscaping, etc...no obstruction to light, air flow...the new home will conform to all requirements outside of the lot & width requirements.

No further questions from the Board.

Mr. Newman opens to residents living within 200ft.

Mr. Marty Grosal
5-22 John Street
Fair Lawn, N.J.

Resident questions the setbacks, concerns with the tear down and provisions to insure there will be no damage done to his home.

Mr. Newman swears in: Michael Salman (Principal Builder for the Applicant)
14-30 Elmwood Place
Fair Lawn, N.J.

Mr. Salman addresses these concerns to the resident and insures there will be no problem. Will let resident know when all construction will begin.

Discussion...

Mr. Newman opens to members of the General Public. Seeing none,
Mr. Newman closes this portion.

Mr. Newman asks for a motion.

Mr. Seibel makes a motion to approve the application.
Mr. Blecher seconds the motion.

VOTE: Mr. Seibel, Mr. Blecher, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein,
Mr.Pohlman, Mr. Newman, **YES.**

Motion Carries.
Application Approved.

2. Application # 2014-25, Jablonowski
7-17 Forest Street, Block 5829, Lot 24, Zone R-1-3
The existing front yard setback is 1’9” where 25’ is required expansion of a nonconforming structure requires a D-2 variance as per section 125-57-D(1)(d)[1] – Ordinance 125-32C(4) permits expansion without variance provided requirements are met-existing non conforming side or front yard setbacks are not less than 50% of the required side or front yard setbacks, but in no closer than 12 feet to the existing dwelling on the adjoining property.

Mr. Newman swears in: Mr. Robert Puzio (Architect for the Applicant)
785 Totowa Road
Totowa, N.J.

Mr. Mariusz Jablonowski (Applicant)
125 Bergen Street
Garfield, N.J.

Fees have been paid and there is proof of service.

Mr. Jablonowski testifies to the proposed plan. He would like to add a dormer and make more room.

Mr. Puzio reviews with the Board in detail what exactly they will be doing...speaks to the setbacks, etc...the front setback is the only setback they will not meet as far as requirements go because of the addition of the dormer.

Discussion on photos submitted with the application. The proposed architecture is very similar to the surrounding neighborhood.

Board Members ask a couple of questions regarding clarification of setbacks, etc.
No further questions from Board Members.

Mr. Newman opens to Residents within 200ft., seeing none.
Mr. Newman closes this portion.

Mr. Newman opens to members of the General Public for questions. Seeing none,
Mr. Newman closes this portion.

Mr. Newman asks for a motion.

Mr. Puzio makes a motion to approve the application with the amendment of 1’8” front yard setback vs. 1’9”ft.

Mr. Racenstein seconds the motion.

VOTE: Mr. Seibel, Mr. Blecher, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein,
Mr. Pohlman, Mr. Newman, **YES.**

Motion Carries.

Application Approved.

3. Application # 2014-26, Oster
1-15 Cyril Avenue, Block 4325, Lot 30, Zone R-1-3
Proposed new front covered porch and driveway expansion would increase the prior approved building coverage from 26.3% to 28.52% where 25% is permitted. Would increase the prior approved impervious coverage of 37% to 44% where 35% is permitted. Would decrease the front yard setback from 25' to 20' where 25' is permitted as per Section 125-12 Schedule of area yard and building requirements.

Mr. Newman swears in: Jody & William Oster
1-15 Cyril Avenue
Fair Lawn, N.J.

Fees have been paid and there is Proof of Service.

Mr. Oster (Applicant) begins his testimony explaining the proposed plan. Refers to the pictures submitted with application showing deterioration of steps and driveway. They would like to add a porch and handicap ramp for their daughter.

Entered into Evidence as Exhibit A-1 (Rendering of proposal by Homeowner)

Mr. Newman questions Lot size.
Discussion - (slightly undersized and a non-conforming structure.)

Board Members question length of proposed driveway, if the shed was included in calculations, etc.

Impervious overage concerns are expressed.

Discussion.....

No further questions from Board Members.

Mr. Newman opens to Residents within 200ft. for questions. Seeing none,
Mr. Newman closes this portion.

Mr. Newman opens to Members of the General Public for questions. Seeing none,

Mr. Newman closes this portion.

Mr. Newman asks for a motion.

Mr. Seibel makes a motion to approve the application.

Mr. Puzio seconds the motion.

VOTE: Mr. Seibel, Mr. Blecher, Mr. Puzio, Mr. Racenstein,
Mr. Pohlman, Mr. Newman, **YES.**

Mr. Lowenstein, **NO.**

Motion Carries.

Application Approved.

Mr. Newman calls for a Recess.

Mr. Newman calls the meeting back to Order.

Roll Call: Mr. Seibel, Mr. Blecher, Mr. Lowenstein, Mr. Puzio,
Mr. Racenstein, Mr. Pohlman, Mr. Zharnest & Mr. Newman.

Commercial New Business:

1. Application # 2014-27, FL Development, LLC
2-09 28th Street, Block 3308, Lot 27-31, R-1-3
Proposed subdivision requires approval as per Section 125-65.A proposed new Lot 31 will have lot area of 6000 sq ft where 6500sq ft is required as per Section 125-12 Schedule of area yard and building requirement. D-4 FAR for 48% where 40% is permitted as per Section 125-57.D(1)(d)[1]
Proposed Lot 27 would require a D-2 for the expansion of the existing two family dwelling which will remain and be renovated as per Section 125-57.D.(1)(d)[1]
Existing front yard setback of 21.7' where 25' is required. Impervious coverage of 42% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements D-4 for 64% where 40% is permitted as per Section 125-57.D(1)(d)[1]

Fees have been paid and there is proof of service.

Mr. Andrew Karas (Attorney for the Applicant) steps forward.

Mr. Karas begins his testimony regarding the property. Explains they are here tonight to sub-divide the two lots and also for a certification for the residence on Lot 27 as a two-family dwelling. Reviews and details the proposal to the Board Members...

Testimony continues....Reviews the history of the lots, existing as a two family back in 1971.

Mr. Newman swears in: Anthony Devizio
14 East Normal Ave
Upper Montclair, N.J.

Mr. Newman certifies Mr. Devizio as an Expert in the Field of Engineering & Land Surveyor with no objections from the Board.

Exhibit A1-Subdivision Plan prepared by Mr. Devizio for the Applicant is entered into evidence.

Mr. Devizio begins testimony detailing the subdivision of the lots & the required variances that are necessary.

Testimony continues....

Mr. Karas (Applicant's Attorney) refers to letter from Azzolina & Feury (Paul Azzolina, Board Engineer) reviews with Mr. Devizio the issues in question.

Mr. Devizio addresses the report...FAR is addressed. Height, driveway width, etc... Parking is discussed....2 parking spaces required on site.

Testimony continues...

Drainage Storm Water Ordinance is reviewed & discussed.

Mr. Newman swears in: Board Professionals

Review of Board Engineer's Report.Discussion

All issues addressed by Mr. Devizio.

Review of Board Planner's Report....Discussion

All issues addressed by Mr. Devizio.

No further questions from Board Professionals.

No further questions from Mr. Karas (Attorney) of his witness.

Questions from Board Members... questions on the parking for the two family dwelling, FAR and the subdivided lots, etc...

Mr. Devizio reviews the proposal and answers all questions.

Concern over granting FAR relief without seeing final plans...they don't know what the house looks like, there are no plans to agree to.

Mr. Karas (Attorney) states they will come back with the Architectural Plans. He has his Planner here, he would like to finish up with his planning testimony and come back for the limited Architectural Plan and vote at that time.

No further questions from Board Members.
No questions from the General Public.

Mr. Karas calls his next witness.

Mr. Newman swears in: Philip Abramsom
19 Hughes Place
Summit, N.J.

Mr. Newman certifies Mr. Abramsom as an Expert in Planning with no objections from the Board.

Mr. Abramsom has reviewed the application along with the area and property of the application that is proposed. Details all the work he has done regarding this application...

Speaks to the D- variances required...reviews the positive and negative criteria.
Discusses the MLUL with the Board...

Exhibit A-2-Photographs depicting some of the homes surrounding the property...

Mr. Abramsom continues his testimony detailing the specifics of the new home proposed. Reviews C-variances with the Board... Speaks to the non-conforming use and lot sizes...

Testimony continues...referring to the MLUL and noting the benefits clearly outweigh any negative impact...design of the home is comparable to the other homes in the neighborhood...no neighbor is affected. It does not negatively impact the zone R-1-3.

Board Professional (Planner) refers to the Master Plan and notes it specifically recommends lessening the FAR to .35. Will this start a precedent? She has concerns...

Discussion....

Mr. Abramson addresses her concerns in reference to this question. He sees an established neighborhood, etc.....he would ask the Board to reserve their judgment on this issue and this specific question until they see and review the plans at the next meeting to see the relationship between these dwellings.

Discussion continues.....

Mr. Abramsom notes if he was to apply the redevelopment criteria to this, he believes it would qualify...

Discussion continues...

No further questions from Mr. Karas of his witness.
No further questions from Board Members.
No further questions from Board Professionals.
No questions from the General Public.

Date for next meeting is discussed.

Mr. Karas asks to carry the Application to January 26th, 2015.

APPLICATION CARRIED TO JANUARY 26TH. NO FURTHER NOTICE REQUIRED.

Mr. Newman announces the carrying of Application #2014-10, Barrister Land Development, LLC, no testimony will be heard this evening, to the January 26, 2015 for purposes of picking a Special Meeting date only. Re notice required. No Testimony to be heard this evening.

Reads correspondence from Barrister Land Development, LLC asking for the extension of time....

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

Resolutions:

1. Application #2014-19, Timothy Raimondo, 0-17 26th Street, Block 3215.01, Lot 10 , Zone R-1-3– Proposed Addition and Front Porch- Approved.

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

VOTE: All Present – AYE.

2. Application #2014-23, GRL Holding Corp, 22-09 Rosalie Street, Block 3327, Lot 28&29,Block 3326, Lots 29, 30&34– Appeal determination of the Zoning Officer/Change of use from exiting parking lot to a new one family- Approved.

Mr. Seibel made a motion to accept this resolution and Mr. Pohlman seconded the motion.

VOTE: All Present – AYE.

Vouchers:

1. Winnie Banta Hetherington Basralian & Kahnin the amount of \$816.66 for the month of December, 2014 meeting.

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

VOTE: All Present – AYE.

Correspondence:

Mr. Newman reads an email addressed to Ms. Peck announcing the resignation of Mr. John Gil effective December 31, 2015.

Discussion amongst Board Members on Annual Report.

Adjourn

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

TIME: 10:30 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk