

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
OF JULY 21, 2014**

Following are the Fair Lawn Zoning Board of Adjustment's Meeting minutes from the Zoning Board's regularly scheduled meeting held on July 21, 2014.

Chairman Todd Newman called the 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. Gil, Mr. Seibel, Mr. Racenstein, Mr. Polhman, Mr. Naveh,
Mr. Lowenstein & Mr. Newman

Absent: Mr. Blecher, Mr. Sacchinelli, Mr. Puzio, Mr. Sina

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

Board Professionals in Attendance: None

Pledge of Allegiance is cited, led by Mr. Seibel.

Mr. Newman announces the carrying of Application #2014-15, Oceanos Bar & Sea Grill for Residents or members of the General Public who are present this evening....

This Application will be carried and no Testimony will be heard this evening.

Mr. Newman briefly reads the memo from the Attorney representing this Application asking for the extension to August 25th, 2014 with no further Public Notice. The Professionals they have obtained need time to review the Reports submitted to the Borough.

Before moving to the 1st & only application of the evening, Mr. Newman would like to review the dates for availability regarding the Barrister Special Meeting requested.

Mr. Milanese (President of Barrister Development, LLC.) steps to the Podium.

Ms. Peck (Assistant Zoning Officer) reviews the dates with Board Members...

Discussion...

Mr. Milanese agrees to September 4, 2014 Special Meeting Date and clarifies with the Board if they need to re-notice.

Mr. Rosenberg (Board Attorney) states Mr. Huntington (Applicant's Attorney) was asked to re-notice and he agreed to do so.

Mr. Milanese understands.

Ms. Peck (Assistant Zoning Officer) reads aloud to the Public for clarification; the Barrister Application will be heard at a Special Meeting, September 4, 2014 at 7:00pm.

Residential New Business:

1. Application #2014-16, Alyssa & Michael Locascio,
0-160 Blue Hill Avenue, Block 1207, Lot 13, Zone R-1-3
Corner property proposed 6ft. fence in front yard setback on Blue Hill Avenue where only 3ft. is permitted as per Section 125-38 Fences and yards.

Mr. Newman swears in: Michael Locascio & Alyssa Locascio
0-160 Blue Hill Ave;
Fair Lawn, N.J.

Fees have been paid and there is proof of Service.

Mr. Newman asks the Applicant's to proceed & tell them why they are here this evening...

Ms. Locascio begins her testimony by explaining a couple of years ago they decided to fence in part of the usable part of their property so that their Son could play outside. They live on a Corner lot and on a very steep hill so they decided to build a Retaining Wall and make their driveway a little wider and fence in some property so their son could play, they did this and shortly afterwards they got an Italian Greyhound mix, a dog.

Ms. Locascio explains the dog has hopped the fence twice. Since then, their son has been diagnosed with some medical conditions involving coordination imbalance issues... She explains they obviously have concerns about the height of their fence now considering all of these factors and we are asking to make it a little taller to keep everyone safe.

Mr. Newman explains although sympathetic to these issues they are facing, unfortunately none of these factors matter in terms of the Board's determination.

Mr. Newman notes they have a corner lot, so the fence they are talking about is in their true front yard...? Reviews survey with the Applicant's.

Discussion...

Mr. Newman (Chairman) notes they have a really odd shaped lot and the house is very oddly positioned on the lot. If the lot was not so odd shaped and the house was not so oddly positioned, perhaps they could have configured something a lot different than what is proposed. Correct?

Ms. Locascio states yes. They did consider, upon speaking with Ann Peck (Assistant Zoning Officer) fencing in the area she guesses, what they would consider the true side of the yard, (Refers to area on survey) and explains in order to do this, they would have to build another Retaining wall which is very, very steep and would be adjacent to the neighbor's driveway.

Discussion continues...

Clarification on existing height of fence, etc...

Mr. Newman asks if what they are looking to do is similar to what has been done at 0-68 Amsterdam which is depicted in the set of pictures submitted with their application.

Ms. Locascio replies yes, and she was hoping to keep the current configuration because there is very little yard to begin with. She was hoping it would not have to be set back any more than it is currently set back, as they can see from the photograph.

Discussion continues...

Photos are reviewed of Applicant's property.

Ms. Locascio explains the fence is set back & not blocking any views whatsoever.

Mr. Newman reiterates the fact that because this lot is so oddly configured, the corner of Sunderland & Blue Hill protrudes out quite a bit which gives "line of sight" clearance past your entire property when someone pulls up to clear the corner...it looks to be, unless there is Landscaping blocking it, that someone trying to make a right on Blue Hill from Sunderland can see Blue Hill Avenue through their front yard pretty well...

Ms. Locascio states yes.

Mr. Newman asks Ms. Locascio if this proposed fence would impede this in any way.

Ms. Locascio states; she does not believe so.

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

Mr. Lowenstein (Board Member) questions the 2nd page of the photographs submitted. Lower right, does this picture represent the front property from across the street?

Ms. Locascio states yes.

Mr. Lowenstein has no further questions.

Mr. Seibel (Board Member) asks if she is considering any Lattice work on the top of this fence.

Ms. Locascio testifies yes. They were proposing something similar to what is existing there now and possibly a 1ft. of Lattice. They are pretty open to suggestions or whatever they need to do to make it safe for everyone.

Mr. Newman suggests 2ft. of Lattice.

Ms. Locascio sees no issue with this.

Discussion...

Recommendations on how to soften the fence and discussion on landscaping possibilities....

Mr. Newman states they wouldn't make it a condition of approval but would like to suggest it to them to lessen the impact...

Mr. Rosenberg (Board Member) clarifies the location of the proposed fence. He had concerns regarding the clearance of the cars...

Ms. Locascio addresses his concern and clarifies the location.

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

Mr. Newman asks if there are any Residents livings within 200ft. of the Applicant for questions or comments. Seeing none,
Mr. Newman closes this portion.

Mr. Newman asks if there are any questions or comments from the General Public. Seeing none,
Mr. Newman closes this portion and asks for a motion.

Mr. Seibel makes a motion to approve the application.
(6ft. in total) -4ft. Solid Fence with 2ft. Lattice on top)

Mr. Racenstein seconds the motion.

VOTE: Mr. Gil, Mr. Seibel, Mr. Racenstein, Mr. Pohlman, Mr. Naveh
Mr. Lowenstein & Mr. Newman, **YES.**

Motion Carries.

Applicaton Approved.

Mr. Newman moves to Order of Business:

Resolutions:

1. Application #2014-06, Vincent Fantacone
1-14 Berdan Avenue, Block 5517, Lot 47, Zone R-1-3
Zoning/2 Family Clarification. Proposed Expansion & 6ft. Fence in front yard setback.
Proposed Deck/Accessory within front yard setback-Approved.

Mr. Seibel makes a motion to accept this Resolution and Mr. Gill seconds the motion.

VOTE: All Present-AYE

2. Application #2014-11, Trigub,
36-16 Tierney Place, Block 1608, Lot 6, Zone R-1-2
Proposed removal will exceed partial destruction. Variance to rebuild-Approved

Mr. Seibel makes a motion to accept this Resolution and Mr. Gill seconds the motion.

VOTE: All Present-AYE

3. Application #2014-12, Itkin,
17-09 Greenwood Drive. Block 3701, Lot 16, Zone R-1-2
Rebuild on existing Foundation-Approved

Mr. Seibel makes a motion to accept this Resolution and Mr. Gill seconds the motion.

VOTE: All Present –AYE

4. Application #2014-13, Grambone,
5 Pomona Ave, Block 6902, Lot 14, Zone R-1-3
Proposed Expansion-Approved

Mr. Pohlman makes a motion to accept this Resolution and Mr. Naveh seconds the motion.

VOTE: All Present- AYE

5. Application #2104-14, Matriss,
2-34 Kenneth Avenue, Block 4324, Lot 1, Zone R-1-3
6ft Fence in front yard setback- Approved.

Mr. Pohlman makes a motion to accept this Resolution and Mr. Naveh seconds the motion.

VOTE: All Present- AYE

Vouchers:

1. Winnie Banta Hetherington Asalian & Kahn in the amount of \$816.66 for Professional Services rendered at the July 21, 2014 meeting.

Mr. Seibel made a motion to accept this voucher and Mr. Naveh seconded the motion.

VOTE: All Present – AYE

Minutes:

1. Mr. Lowenstein makes a motion to accept the minutes of May 29, 2014 and Mr. Seibel seconds this motion.

VOTE: All Present – AYE

2. Mr. Lowenstein makes a motion to accept the Special Meeting minutes of June 5, 2014 and Mr. Naveh seconds this motion.

VOTE: All Present – AYE

Adjourn

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

TIME: 7:48 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk