

BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Of May 19, 2014

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on May 19, 2014.

Vice Chairman, Mr. Puzio asks everyone to stand to cite the Pledge of Allegiance.

Acting Chairman, Kevin Puzio 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. Gil, Mr. Seibel, Mr. Sacchinelli, Mr. Sina, Mr. Racenstein, Mr. Naveh, Mr. Lowenstein & Mr. Puzio

Absent: Mr. Blecher, Mr. Pohlman & Mr. Newman

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.

Mr. Puzio announces Application #2104-06, Vincent Fantacone has been carried to the June 23, 2014 Zoning Meeting. No Testimony to be heard this evening.

Mr. Puzio announces Application #2014-01, Rici Realty has been carried to a Special Meeting on June 5, 2014. No Testimony to be heard this evening.

New Residential:

1. Application #2014-07, Derek & Renee Bruno,
3-29 17th Street, Block 4307, Lot 33, Zone R-1-3
Proposed 2nd floor addition. Maintain existing side yard setback of 2.4' where 8' is required. Exemption 125-32.C.4. requires that the existing side yard be more than 50% of the requirement where 8% is required. Maintain existing front yard setback of 24.68' where 25' is required as per Section 125-12 Schedule of area yard and abuilding requirements.

Mr. Puzio swears in: Derek & Renee Bruno (Applicants)
3-29 17th Street
Fair Lawn, N.J.

Fees have been paid and there is proof of Service.

Mr. Bruno begins his testimony by explaining to the Board they are looking to expand their home for the expansion of their family. He states he has a little boy and they are going to have another baby boy in August. The house itself they recently purchased in November, 2013 needs to be expanded in order for us to live comfortably for the future.

Mr. Puzio asks if any of the Board Members have questions for this Applicant.

Mr. Seibel (Board Member) questions the Exemption of 125-32.C.4.

Ms. Peck (Assistant Zoning Officer) explains....the Ordinance has an exemption for expansion of a non-conforming structure or Lot.... A lot of the requirements is that the existing side yard be more than 50% of the requirement so because their side yard is only 2.4' they don't need meet that portion of the extension, so they are asking you to grant them this...they are not changing any other setbacks that wasn't there already, they just can't meet this one exemption.

Mr. Seibel clarifies out of the (9) extensions, this is the only one.

Ms. Peck states they meet everything, Bulk schedule, FAR, all the impervious and all the Building...

Discussion continues.....

House has been there since 1987.

Mr. Lowenstein (Board Secretary) asks if they will be maintaining the Garage or converting the Garage. He couldn't tell from the drawing.

Mr. Bruno testifies it will be converted.

Discussion.

Mr. Puzio clarifies with Mr. Bruno that he will be staying within the Building envelope. He will be going straight up and not adding anything to the sides?

Mr. Bruno testifies this would be correct.

Mr. Puzio asks if there are any other questions from Board Members, seeing none,

Mr. Puzio opens the Application to Residents within 200ft. of the Applicant for questions or comments. Seeing none,
Mr. Puzio closes this portion.

Seeing none,

Mr. Puzio closes this portion and asks for a motion.

**Mr. Sacchinelli makes a motion to approve the Application.
Mr. Racenstein seconds the motion.**

**VOTE: Mr. Gil, Mr. Seibel, Mr. Sacchinelli, Mr. Sina, Mr. Racenstein,
Mr. Lowenstein & Mr. Puzio, YES.**

Motion carries.

APPLICATION APPROVED.

2. Application#2014-08, Danielle & Lou Gomez
39-45 Sunderland Drive, Block 1206, Lot 3, Zone R-1-3
Proposed addition/renovation would increase the impervious coverage from 37.62% to 39.78% where 35% is permitted. Maintain the existing side yard setback of 5.5' and 6.0' where 8' is required. Maintain existing front yard setback of 20.62' where 25' is required as per Section 125-12 Schedule of Area yard and Building requirements.

Mr. Puzio swears in: Lou & Danielle Gomez (Applicants)
39-45 Sunderland Drive
Fair Lawn, N.J.

Fees have been paid and there is proof of Service.

Ms. Gomez opens with her testimony of wanting to expand their kitchen which is currently a very tiny area. They would like to push back the existing kitchen and add a closet. Details the proposal...

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

Mr. Puzio clarifies they are just expanding the back out 8.8ft. Into where currently the Commercial Space is behind the house.

Ms. Gomez explains it is within their property and they are not going any further back than this. They are not going out the sides or anything like this.

Mr. Puzio asks if there are any questions from the Board. Seeing none,

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

Mr. Puzio closes this portion.

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

Mr. Puzio closes this portion and asks for a motion.

Mr. Seibel makes a motion to approve this Application

Mr. Sina seconds the motion.

**VOTE: Mr. Gil, Mr. Seibel, Mr. Sacchinelli, Mr. Sina, Mr. Racenstein
Mr. Lowenstein & Mr.Puzio. YES.**

Motion carries.

APPLICATION APPROVED.

3. Application #2014-09, Donald & Christine Morris,
1 Addison Place, Block 3724, Lot 13, Zone R-1-3
Property is a Corner Lot. An Accessory located within the front yard setback
requires 35'. Proposed Generator would be located 10ft. from the front property
line where 35' is required as per Section 125-33.

Mr. Puzio swears in: Mr. Donald Morris (Applicant)

1 Addison Place
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Morris begins his testimony. States after 40yrs of living in Fair Lawn, they finally decided to add Central Air Conditioning to his home. When his Contractor went down to get their permit, they wanted to put the Compressor on the Street side of the home. Since his home is on a Corner lot of Addison & High Street, it was explained the Borough looks at the side of your home the same as the front of the home which requires a 35ft.

Mr. Morris continues. He refers to pictures that were submitted with his application, they have 10ft. to the property line plus another 10ft. which is a right-of-way to High Street.

Explains the location and clarifies it is not a Generator, it is a Compressor. The Air Conditioner will be in a heavily shrub area. The pictures he submitted are two months old so there is a lot more growth now. Ascetically they will not see it, the location is perfect and it would be the perfect spot for it, down the side of the house.

Mr. Morris explains the only other option would be in the backyard, off the Deck which would stick out like a sore thumb.

Mr. Lowenstein (Board Secretary) asks Mr. Morris about the two different locations that he submitted with his application, Plan A & Plan B.

Mr. Lowenstein notes both locations submitted are relatively the same distance from High Street.

Mr. Morris explains why he would prefer the location proposed. It would be hidden by shrubs and could not be seen.

Mr. Morris clarifies he is not proposing the 2nd location in the back. This was just to show it would be the only place they could put it if he could not do it.

Discussion continues...

Mr. Seibel (Board Member) asks what is directly located across the street on the High Street side.

Mr. Morris testifies it is a Church parking lot.

Mr. Seibel questions who would be affected by any noise. Would be the people in back of his home?

Mr. Morris testifies they wouldn't hear anything. They are maybe 100ft. The only people who would be affected would be them in their Den. There is no one nearby.

Discussion....

Mr. Seibel points out with the 2nd location in the back off the Deck, there would be a greater effect on the neighbors with regards to the noise than the primary location he is proposing.....

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

Mr. Puzio opens the Application to Residents living within 200ft. of the Applicant. Seeing none,

Mr. Puzio opens the Application to the General Public for questions or comments.

Seeing none,

Mr. Puzio closes this portion and asks for a motion.

**Mr. Racenstein makes a motion to approve the application.
Mr. Gil seconds the motion.**

**VOTE: Mr. Gil, Mr. Seibel, Mr. Sacchinelli, Mr. Sina, Mr. Racenstein
Mr. Lowenstein & Mr. Puzio, YES.**

Motion carries.

APPLICATION APPROVED.

Mr. Puzio proceeds to Order of Business.

Resolutions:

1. Application #2014-02, Mr. Zilberman, 21-24 Christine Court, Block 1501, Lot 5, Zone R-1-2– Proposed 12x26’ In-Ground pool and two story addition- Approved.

Mr. Seibel makes a motion to accept this Resolution & Mr. Sina seconds the motion.

VOTE: All Present: AYE

2. Application #2014-03, Nicholas & Jacqueline Messina, 12 Wyckoff Terrace, Block 1211, Lot 7, Zone R-1-3– Proposed New covered Front Porch- Approved.

Mr. Sina makes a motion to accept this Resolution & Mr. Seibel seconds the motion.

VOTE: All Present- AYE

3. Application #2014-04, Mr. Bill Otten, 3-02 11th Street, Block 5601, Lot 22, Zone R-1-3– An Accessory located within Front yard Setback- Approved.

Mr. Seibel makes a motion to accept this Resolution & Mr. Lowenstein seconds the motion.

VOTE: All Present- AYE

4. Application #2014-05, Mr. Sami Bindra, 7-15 Mansfield Drive, Block 3501, Lot 9, Zone R-1-2– An Accessory located within the Front Yard Setback- Approved.

Mr. Seibel makes a motion to accept this Resolution & Mr. Racenstein seconds the motion.

VOTE: All Present-AYE

Vouchers:

1. Winnie Banta, Hetherington, Basilian & Kahn in the amount of \$816.66 for the Professional fee for the month of May, 2014 meeting.

Mr. Seibel makes a motion to accept this voucher and Mr. Sina seconded the motion.

VOTE: All Present – AYE.

Mr. Lowenstein would like to note for the record, he will not be available for June 23rd, 2014 Zoning Board Meeting.

So noted.

Adjourn:

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

TIME: 9:00 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk