

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
Of May 18, 2015**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular meeting held on May 18, 2015

Cathy Bozza (Zoning Assistant) 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, Ms. Perchuk, Ms. Baratta,  
Mr. Racenstein, Mr. Naveh & Mr. Zharnest

Absent: Mr. Lowenstein, Mr. Puzio, Mr. Pohlman,

Also in attendance: Board Attorney: Bruce Rosenberg, Court Reporter; Alexis Perez; Assistant Zoning Officer; Ann Peck & Assistant Zoning Secretary; Cathy Bozza

Board Professional in Attendance: Mr. Paul Azzolina, Board Engineer  
Mr. Kenneth Ochab, Board Planner  
Mr. Hal Simoff, Board Traffic Engineer

Ms. Bozza reads correspondence from Todd Newman (Chairman) regretfully resigning from his position.

A discussion amongst Board Members to move forward on a vote for new Chairman.

Mr. Racenstein makes a motion to move forward with vote and Ms. Baratta seconds the motion.

**VOTE:** Mr. Seibel, Mr. Blecker, Ms. Perchuk, Ms. Baratta, Mr. Racenstein  
Mr. Naveh & Mr. Zharnest, **Yes.**

**Motion carries.**

**Nomination for Chairman.**

Ms. Baratta nominates Mr. Seibel for Chairman and Mr. Blecher seconds the motion.

**VOTE:** Mr. Seibel, Mr. Blecker, Ms. Perchuk, Ms. Baratta, Mr. Racenstein  
Mr. Naveh & Mr. Zharnest, **Yes.**

No other nominations for Chairman. Motion Carries.

Newly appointed Chairman Mr. Seibel opens the meeting.

**Residential Business Carried:**

1. Application #2015-12, Steven & Elianne Alexander,  
36-11 Berdan Ave, Block 2618, Lot 20, Zone R-1-2  
Proposed 2nd floor addition would maintain the existing side yard setback of 10.8' and 11.2' where 12' is required as per Section 125-12 Schedule of area yard and building requirements. Proposed 2nd story addition would have a height of 35.5' where 30' is permitted. Requires a D-6 Height variance as per Section 125-57.D (1)(d)[1] 7.

Mr. Andrew Karas (Attorney for the Applicants) steps forward, reviews prior testimony from previous meeting before calling his first witness, Mr. Cesar Padilla, Architect. Mr. Seibel (Chairman) certifies Mr. Padilla as an Expert in the Field of Architecture with no objections from the Board.

Mr. Padilla refers to the Site Plan which is entered onto the record as;  
Exhibit A1-Site Plan.

Mr. Padilla walks through the Exhibit with Board Members.

Mr. Karas (Attorney for the Applicant) begins questioning Mr. Padilla on the variances they will be seeking this evening.

Mr. Padilla reviews all side yard, FAR & D-6 Height variances requested and details each for the Board.

No Questions from Board Members.

Mr. Seibel opens for questions of this witness to residents living within 200ft. of the Applicant. Seeing none,

Mr. Seibel opens for questions from the General Public. Seeing none,  
Mr. Seibel closes this portion.

Mr. Karas calls his 2<sup>nd</sup> witness, Steven Alexander (Applicant)

Mr. Seibel swears in: Mr. Steven Alexander  
36-11 Berdan Ave  
Fair Lawn, N.J.

Mr. Alexander reviews Exhibit with Mr. Karas and testifies on cross that the height & character of the home is consistent with surrounding neighborhood.

No questions from Board Members.

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

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

Mr. Karas summarizes the application. Reviews all positive and negative criteria regarding this application and notes they have satisfied both.

Mr. Seibel asks for a motion.

Mr. Racenstein makes a motion to approve the application and Ms. Baratta seconds the motion.

**VOTE:** Mr. Seibel, Mr. Blecker, Ms. Perchuk, Ms. Baratta, Mr. Racenstein  
Mr. Naveh & Mr. Zharnest, **Yes.**

**Motion Carries.**

**APPLICATION APPROVED.**

**Residential New Business:**

1. Application # 2015-13, Yuriy Melnikov,  
13-17 Sunnyside Drive, Block 3601. Lot 12, Zone R-1-2  
Proposed additions and renovations of a non-conforming structure; Ordinance 1215-32 provides for expansion of a non-conforming structure provided the requirements are met. Exemption 125-32.B.(1)-Any non-conforming use or structure existing at the time of the passage of this chapter may be continued upon the lot or in the structure so occupied and any structure may be restored or repaired in the event of a partial destruction provided the restored structure is of no greater size that the original one and occupies no greater area than occupied by the original one. The proposed addition and a 14x4' new front covered porch will remove more than 50% of the existing structure which exceeds partial destruction. The structure will no longer be protected as a non-conforming structure. Proposed additions and new covered porch; New Porch would have a front yard setback of 21.9' where 30' is required. The west side of the structure would have a side yard setback of 7.75' where 10' is required. Removal of breezeway on the east side of the structure will increase the side yard setback of 2.25' to 6.2' where 10' is required as per Section 125-12 Schedule of area yard and building requirements.

Fees have been paid and there is proof of Service.

Mr. Seibel swears in: Mr. Yuriy Melnikov (Applicant)  
13-17 Sunnyside Drive  
Fair Lawn, N.J.

Mr. Melnikov explains in his testimony the plans to enlarge his home.

Questions from Board Members to understand denial...

Mr. Seibel swears in: Ms. Ann Peck (Assistant Zoning Officer) she explains why they are here...removal of more than 50% of the existing structure will cause him to lose their non-conforming grandfathered clause.

Questions from Board Members and review of plans are done.

Mr. Seibel swears in: Mr. William Mathes (Architect)

Mr. Seibel certifies Mr. Mathes as an Expert in the Field of Architecture with no objections from the Board.

Mr. Mathes answers questions that are asked from Board Members regarding square footage. The irregular lot is noted and discussed....  
No Further questions from Board Members.

Mr. Seibel opens to Residents living within 200ft. of the Applicant.

Mr. Seibel swears in: Linda Cobb  
13-11 Sunnyside Drive  
Fair Lawn, N.J.

Ms. Cobb has questions regarding the side yard setbacks requirements.  
Ms. Cobb is satisfied with answer.  
No further questions.

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

Discussion amongst the Board Members regarding non-conforming issues...

Mr. Seibel asks for a motion.

Mr. Zharnest makes a motion to approve the application and Mr. Blecher seconds the motion.

**VOTE:** Mr. Seibel, Mr. Blecker, Ms. Perchuk, Ms. Baratta, Mr. Racenstein  
Mr. Naveh & Mr. Zharnest, **Yes.**

**Motion Carries.**

**APPLICATON APPROVED.**

2. Application #2015-14, Saba Baruli & La Betlemidze,  
4-13 Dorothy Street, Block 2416, Lot 2, Zone R-1-2  
Proposed second floor and addition over garage would have a height of 34.1’  
where 30’ is permitted in the R-1-2 Residential zone as per Section 125-12  
Schedule of area yard and building requirements. D-6 Height variance  
required 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. He speaks to the history of the house and explaining a prior approval where an error had not been picked up on the revised plans and permits were issued in error. Unfortunately the Contractor made an error in the height and they are here tonight to rectify the situation.

Mr. Karas calls the Applicant up to testify.

Mr. Seibel swears in: Ms. La Betlemidze (Applicant)  
4-13 Dorothy Street  
Fair Lawn, N.J.

Ms. Betlemidze explains she is a new resident to Fair Lawn and explains what it is she would like to do with the home.

Architect’s Plan-Exhibit A1 is discussed. The proposal is to bring down the height from 38’ to 34’ from grade.

Discussion...

Mr. Seibel swears in: Ms. Ann Peck (Assistant Zoning Officer) she explains what had happened in the building department when the plans were first submitted and returned to be revised. The Contractor did not understand Fair Lawn’s requirement for the height to be measured from the center of the street

The Applicant is willing to come down in the height which will be 34’ from the center of the street which is the requirement.

Discussion continues...

No further questions from Board Members.

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

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

Mr. Karas summarizes the application speaking to the positive criteria.

Mr. Naveh makes a motion to approve the application and Ms. Perchuk seconds the motion.

**VOTE:** Mr. Seibel, Mr. Blecker, Ms. Perchuk, Ms. Baratta, Mr. Racenstein  
Mr. Naveh & Mr. Zharnest, **Yes.**

**Motion carries.**

**APPLICATION APPROVED.**

Mr. Blecher (Board Member recuses himself from the following Commercial Application)

**\*\*\*Please see minutes recorded on separate attachment.**

**New Commercial Business:**

1. Application #2015-05, Interior Renovations Services LLC,  
4-24 Banta, Block 3411, Lot 1, and Zone I-2.  
Application proposes to utilize a portion of the property as a “temporary” lay down and parking to support upgrades at the PSE&G Warren Point Substation. On behalf of the property owner, the applicant is requesting Preliminary/Final site plan approval for a revised parking layout the requires approximately 1,000 square feet of new asphalt, site lighting, parking signs and parking striping. The use of the property as a parking lot is a change in use, the applicant is applying for a use variance as per Section 125-57.D.(1)(d)[1]. As the “temporary” use (outdoor storage of equipment and materials) is a prohibited use in the I-2 zone. The applicant is applying for a use variance in accordance with section 125- 57.D.(1)(d)[1] the required maximum impervious coverage is 80% where 98% is proposed and as such the applicant is applying for a bulk variance as per Section 125-12 schedule of area yard and building requirements.

**Carried to Meeting of July 27, 2015  
No Re-notice necessary.**

**Recess:**

**Roll Call:** Mr. Seibel, Ms. Perchuk, Ms. Baratta, Mr. Racenstein  
Mr. Naveh & Mr. Zharnest,

**Resolutions:**

1. Application #2015-10, Rosaling Gundling,  
63 Heights Avenue, Block 6905, Lot 30, Zone R-1-3  
Proposed Addition & Renovations- Approved.

Mr. Naveh made a motion to accept this resolution and Ms. Baratta seconded the motion.

**VOTE:** All Present – AYE.

2. Application #2015-13, Wade Klein,  
5 Barry Place, Block 3802, Lot 23, Zone R-1-3  
Proposed Placement of New Air conditioning Condensor-Approved

Ms. Baratta made a motion to accept this resolution and Mr. Naveh seconded the motion

**VOTE:** All Present – AYE.

3. Application#2015-08, Brandon Schmidt,  
9-10 Burbank Street, Block 4523, Lot 4, Zone R-1-3  
Proposed New Covered rear patio & covered entrance-Approved.

Ms. Perchuk made a motion to accept this resolution and Ms. Baratta seconded the motion.

**VOTE:** All Present – AYE.

4. Application#2015-09, David Bostock,  
1 Burlington Place, Block 3713, Lot 7, Zone R-1-3  
Corner Property-Proposed Air Conditioner Condenser Placement-Approved

Ms. Perchuk made a motion to accept this resolution and Mr. Naveh seconded the motion

**VOTE:** All Present – AYE.

5. Application#2015-11, George Sabsovich,  
38-14 Allwood Place, Block 2404, Lot 52, Zone R-1-2  
Proposed Pergola, Patio & existing Hot Tub-Approved

Ms. Baratta made a motion to accept this resolution and Ms. Perchuk seconded the motion.

**VOTE:** All Present – AYE.

6. Application#2015-06, Leonid Ritenban & Melinda Richardson,  
3-11 Hartley Place, Block 3322, Lot 31&32, Zone R-1-3  
Proposed addition w/conditions-Approved.

Mr. Naveh made a motion to accept this resolution and Ms. Perchuk seconded the motion.

**VOTE:** All Present – AYE.

7. Application #2014-10, Barrister Land Development, LLC.  
41-25 &41-29 Dunkerhook Rd, Block 1702, Lots 5&6.  
Assisted Living Development-Denied

Mr. Racenstein made a motion to accept this resolution as amended and Mr. Seibel 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 the month of May 18, 2015 Meeting.

Ms. Baratta made a motion to accept this voucher and Mr. Racenstein seconded the motion.

**VOTE:** All Present – AYE.

2. Winnie Banta Hetherington Basralian & Kahn in the amount of \$3,150.00 for Legal Services rendered for Barrister Application.

Mr. Racenstein made a motion to accept this voucher and Ms. Racenstein seconded the motion.

**VOTE:** All Present – AYE.

**Minutes:**

1. Mr. Racenstein made a motion to approve the minutes for December 16, 2014 meeting and Mr. Zharnest seconded the motion.

**VOTE:** All Present – AYE

**Adjourn:**

Ms. Baratta made a motion to adjourn the meeting and Mr. Naveh seconded the motion.

**TIME:** 10:30 P.M.

**VOTE:** All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk