

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
Of June 22, 2015**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular meeting held on June 22, 2015

Chairman Richard Seibel 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, Ms. Baratta, Mr. Lowenstein, Mr. Racenstein, Mr. Pohlman, Mr. Naveh, & Mr. Zharnest

Absent: Mr. Blecher, Ms. Perchuk & Mr. Puzio

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

All Board Professionals in Attendance: Paul Azzolina, Board Engineer  
Peter Van Den Kooy, Board Planner  
Michael Drobný, Acting Board Traffic Engineer

Pledge of Allegiance is cited.

Mr. Seibel makes an announcement he will hear Application #2015-17 first, due to the fact Mr. Rosenberg, Board Attorney will recuse himself from this Application and a colleague from his firm will sit for him through the hearing of this application.

**Residential New Business:**

1. Application #2015-17, Carla Copeland & Julian Koslow, 10 Beekman Crescent, Block 3807, Lot 5, Zone R-1-3  
Proposed new covered side entry and changes to front walk would increase the impervious coverage from 38% to 39% where 35% is permitted. Would reduce the existing side yard setback from 9.62' to 5.62' where 8' 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: Julian Koslow (Applicant)  
10 Beekman Place  
Fair Lawn, N.J.

Mr. Seibel swears in: Amy Hummerstone (Architect)  
14 Brearly Crescent  
Fair Lawn, N.J.

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

Ms. Hummerstone reviews and explains proposal and when asked testifies there will be no changes to the interior of home.

Ms. Hummerstone acknowledges plans must reflect side yard variance requested.

No Questions from Board Members.  
No Questions from Residents living within 200ft. of the Applicant.  
No Questions from the General Public.

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

Mr. Lowenstein makes a motion to approve the application.  
Mr. Racenstein seconds the motion.

**VOTE:** Ms. Baratta, Mr. Lowenstein, Mr. Racenstein, Mr. Pohlman, Mr. Naveh,  
Mr. Zharnest & Mr. Seibel, **YES.**

***Motion Carries.***  
***Application Approved.***

2. Application #2015-16, Eufenio & Anna Nunez,  
0-118 Tunbridge Road, Block 1210, Lot 18, Zone R-1-3  
The Board must rule on “Res Judicata” as the Zoning Board in 1998 ruled to deny a request for a 6ft. fence in the front yard setback. The property is a Corner property. Proposed 6ft. fence in the front yard setback on Sycamore Street where only 3ft. is permitted as per Section 125-38 Fences and Walls.

Fees have been paid and there is proof of Service.

Mr. Seibel swears in: Ms. Anna Nunez (Applicant)  
0-118 Tunbridge Road  
Fair Lawn, N.J.

Mr. Rosenberg (Board Attorney) reviews with the Board the application’s 1<sup>st</sup> approval necessary; to determine “Res Judicata” and upon the Boar’s determination, if approved, will hear current proposal...

Discussion takes place amongst Board Members before hearing application regarding clarification of “Res Judicata”.

Ms. Nunez testifies back in 1998 she was asking for a solid 6ft. PVC fence and the Board denied the application. She is now proposing a different type of fence-a 5ft. fence with 1’ Lattice...

Mr. Seibel asks Board Members for a vote for Res Judicata.

Ms. Baratta makes a motion it is not Res Judicata.

Mr. Zharnest seconds the motion.

**VOTE:** Ms. Baratta, Mr. Racenstein, Mr. Pohlman,  
Mr. Zharnest & Mr. Seibel, **YES.**

Mr. Lowenstein & Mr. Naveh, **NO.** (Do not think the proposal is substantially different.)

**Motion Carries. 5-2**

Continuation of Application....

Ms. Nunez continues her testimony explaining why they would like the fence. There is a lot of activity all week long and the location has changed dramatically since purchasing their home. They also have a Dog & would just like privacy.

Location & length of fence is clarified. No site issues.

No Questions from Board Members.

No Questions from Residents living within 200ft. of the Applicant.

No Questions from the General Public.

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

Ms. Baratta makes a motion to approve the application.

Mr. Racenstein seconds the motion.

**VOTE:** Ms. Baratta, Mr. Racenstein, Mr. Pohlman,  
Mr. Zharnest & Mr. Seibel, **YES.**

Mr. Lowenstein & Mr. Naveh, **NO.** (Do not think the proposal is substantially different.)

**Motion Carries. 5-2**

**Application Approved**

3. Application #2015-18, Vitaliy Gomelskiy & Olga Gomelskaya,  
15-05 Ellis Avenue, Block 4513, Lot 13, Zone R-1-3  
Proposed 1st and 2nd floor additions would maintain existing front yard setback of 20.05' where 25' is required. Would maintain the existing side yard setback of 6.22' where 8' is required. Would increase the existing impervious coverage from 37.08% to 39.63% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. FAR would increase from existing 38.47% to 44.16% where 40% is permitted and require a D-4 variance as per Section 125-57.D.(1)(d)[1]

Fees have been paid and there is proof of Service.

Mr. Seibel swears in: Olga Gomelskaya (Applicant)  
15-05 Ellis Ave,  
Fair Lawn, N.J.

Larry Gutharz (Architect)  
0-51 27<sup>th</sup> Street  
Fair Lawn, N.J.

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

Mr. Gutharz begins testifying to the changes in the home, explaining the 1<sup>st</sup> & 2<sup>nd</sup> floor proposal.

Discussion.....

Questions regarding the Attic are asked. Ms. Gomelskaya testifies the attic will be used for storage only. There will be no heat, no plumbing....

FAR is reviewed by the Board.  
Impervious is reviewed by the Board  
Questions regarding "Area Way" and removal of Pavers....

Mr. Gutharz testifies they have no issue with removal of the pavers.

Mr. Lowenstein (Board Member) asks the applicant as part of the application to include replacement of sidewalks and removal of pavers as a condition of approval.

Discussion.....

Height of home is questioned.....

No Questions from Board Members.  
No Questions from Residents living within 200ft. of the Applicant.  
No Questions from the General Public.

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

Mr. Zharnest makes a motion to approve the application with conditions.  
The Attic is to be used for storage only. Pavers to be removed and Sidewalks will be replaced within 2 years. Deed Restriction included.

Mr. Racenstein seconds the motion.

**VOTE:** Mr. Racenstein, Mr. Polhman Mr. Zharnest & Mr. Seibel, **YES.**  
Ms. Baratta, Mr. Lowenstein, Mr. Naveh, **NO**

**Motion does not carry.**  
**Application Denied.**

***RECESS: 5 Minutes***

Mr. Seibel calls the meeting back to Order.

ROLL CALL: Ms. Baratta, Mr. Lowenstein, Mr. Racenstein,  
Mr. Pohlman, Mr. Naveh, Mr. Zharnest & Mr. Seibel

**New Commercial Business:**

1. Application #2105-19, Loved Companion, LLC  
17-50 River Road, Block 5723, Lot 6, Zone I-2  
Proposed Pet Funeral & Crematory is not a permitted use as per Section 125-28 I-1 & I-2 Industrial zone. Requires a use variance as per Section 125-57.D.(1)[1] Change of use in an Industrial zone requires a Site plan approval as per Section 125-65.B.(2). Parking variance required as 19 spaces are required and 14 spaces are provided as per Section 125-48. Addition variances and/or waivers may be required upon submittal of a complete application.

Fees have been paid and there is proof of service.

Mr. Josh Levine (Attorney for the Applicant steps forward) and states he has brought forth two expert witnesses this evening to testify.

Mr. Seibel swears in: Ms. Valerie Sinatra,  
(Licensed Funeral Director in the State of New Jersey.)

Mr. Seibel certifies Ms. Valerie Sinatra with no objections from the Board.

Mr. Seibel swears in: Mr. Ron Salvatore (Director of Cremation Technology)  
Matthews Crematory Manufacturer  
Orlando, Florida

Mr. Seibel certifies Mr. Salvatore as an Expert witness in Cremation Technology with no objections from the Board.

Mr. Levine begins to review the application with the Board...speaks to family pets and the loss of these pets, etc....

Mr. Levine turns testimony over to Ms. Sinatra who introduces a Power Point Presentation to the Board. Marked into evidence as Exhibit A-1

**Exhibit A1-** Visual Power Point Presentation, prepared by Ms. Sinatra and dated June 22, 2015

Ms. Sinatra testifies she will be the potential owner of Love Companion, LLC. Referencing her own personal pets and the love she has for them and how with the hopeful approval from the Board, they would be there to help & support families during the most difficult time; the loss of their beloved pets.

Testimony continues...Ms. Sinatra continues to move through her presentation explaining services offered, other crematories in various towns, hours of operation and the operations of the site.

Board question Communal Cremations? The Waste Containers, etc...

Ms. Sinatra explains this terminology....speaks to disposal of remains, normally put out with regular garbage and if this were not permissible, alternative methods would be arranged.

Discussion continues...

Ms. Peck (Assistant Zoning Officer is sworn in) stating the Borough's Recycling Coordinator, Ron Lotterman has a lot of questions regarding this application.

Ms. Peck recommends information regarding disposal of remains be sent to Mr. Lotterman and Board Professionals.

Attorney, Mr. Levine agrees to do so.

Hearing moves to Report from Matrix New World, dated June 11, 2015.

Mr. Seibel swears in: Mr. Peter Van Den Kooy (Board Planner)

Review of Report and questions addressed.

Ms. Sinatra presents a site plan of the Crematory.

**Exhibit A2** - Site Plan of Crematory

Mr. Levine (Attorney for the Applicant) walks the Board through the plan with direction from Ms. Sinatra.

Board Members question: Plan Layout, access for Delivery trucks, Operations of Site, Process of Cremation. Dog Cemeteries...

No Traffic study presented.

Mr. Seibel (Chairman) swears in: Michael Drobny (Acting Board Traffic Engineer)

Mr. Drobny refers to the last traffic study done for this site which was 2009-Heavy Industrial Traffic. Referencing the N.J.DOT Straight Line Diagrams.

**Exhibit A3**- N.J.DOT Straight Line Diagrams.

Discussion regarding the surrounding areas takes place....

Mr. Seibel swears in: Paul Azzolina (Board Engineer)

Mr. Azzolina testifies there is a significant amount of Truck traffic in this area. He has concerns with this application regarding Site Access....driveway is owned by another refers to Property Owner, Tanis Concrete...

Discussion continues...

Mr. Levine (Attorney for the Applicant) submits a Lease Agreement by the Owner of the Property who consents to use of parking lot and driveway.

**Exhibit A4**- Lease Agreement/Letter of consent.

It is noted, warehouse on Site plan is not part of application.

Discussion...

Ms. Baratta (Board Member) asks the Chairman because of the lack of information to carry the application until all information can be clarified.

Mr. Levine asks the Chairman if the Board would agree to hear Mr. Salvatore's testimony because he has flown in from Florida to testify.

RECESS: 5 Minutes

Mr. Seibel calls the meeting back to Order.

ROLL CALL: Ms. Baratta, Mr. Lowenstein, Mr. Racenstein,  
Mr. Pohlman, Mr. Naveh, Mr. Zharnest & Mr. Seibel.

Mr. Salvatore (Expert in Cremation Technology) steps forward (Previously sworn) and presents a Visual Power Point Presentation created by him.

**Exhibit A5-** Visual Power Point Presentation.

**Exhibit A6-** Crematory System

Mr. Salvatore begins his testimony stating Matthews Crematory Manufacturers is one of the largest manufacturer's in the Country. All of the N.J. DEP requirements would have to be met.

He continues to review the Presentation with the Board, discusses the installation of the crematory, noting there would be no disruption to the neighbors, the equipment is designed to make no noise, smoke, etc...uses natural gas. Speaks to the industrial zone...

Mr. Salvatore refers to the pictures and describes the Model and the operations of the Chamber, stating that DEP requires reports and they must be done for each cremation. Strict regulations are followed. UL listing is also a requirement. DEP Operational Inspections are done. They must maintain proper temperatures because a digital report is taken...2-step operation...

Board Members question smoke from chimney and noise level decibels?

Mr. Salvatore states he can get numbers if need be on the actual decibels and answers the question regarding the chimney...

Mr. Azzolina (Board Engineer) questions the model used in the Crematory, referring to the usage of natural gas. He strongly recommends asking PSE&G about the Gas service and pressure necessary for these crematory units-

Mr. Azzolina questions the amount of units that will be used and the intensity of operations onsite.

Discussion....

Condition of Approval is discussed....Question on the duration of Lease.

Not yet confirmed.

No further questions from Board Members.

No Questions from Residents living within 200ft. of the Applicant.

No Questions from the General Public.

Mr. Seibel closes this portion.

Dates are discussed to carry application.

**APPLICATION IS CARRIED TO JULY 27, 2015  
NO FURTHER NOTICE IS REQUIRED.**

Order of Business:

**Memorialized Resolutions:**

1. Application #2014-15, Varvara Properties/Oceanos

Mr. Racenstein made a motion to accept this resolution and Mr. Lowenstein seconded the motion subject to amendment.

**VOTE:** All Present – AYE.

2. Application #2015-04-PSE&G, 17-01 Nevins Place

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

**VOTE:** All Present – AYE.

3. Application#2015-05-PSE&G, 4-24 Banta Place,

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

**VOTE:** All Present – AYE.

4. Application#2015-12, Steven & Elianne Alexander, 36-11 Berdan Ave,

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

**VOTE:** All Present – AYE.

5. Application#2015-14, Sabu Baruli & La Bettemidze, 4-13 Dorothy Street,

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

**VOTE:** All Present – AYE.

6. Application#2015-13 Yuriy Melnikov, 13-17 Sunnyside Drive

Mr. Racenstein made a motion to accept this resolution and Ms. Baratta 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 June 22, 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 \$1952.80 for Legal Services rendered for the Oceanos Application.

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

**VOTE:** All Present – AYE.

3. Winnie Banta Hetherington Basralian & Kahn in the amount of \$909.40 for Legal Services rendered for the PSE&G Application. 4-24 Banta Place.

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

**VOTE:** All Present – AYE.

4. Winnie Banta Hetherington Basralian & Kahn in the amount of \$1131.00 for Legal Services rendered for the PSE&G Application, Nevins Place.

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

**VOTE:** All Present – AYE.

**Minutes:**

1. Mr. Racenstein made a motion to approve the minutes for December 22, 2014 meeting and Mr. Pohlman seconded the motion.

**VOTE:** All Present – AYE

**Adjourn:**

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

**TIME:** 10:00 P.M.

**VOTE:** All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk