

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
Of July 27, 2015**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular meeting held on July 27, 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. Racenstein, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio, Mr. Pohlman, Mr. Naveh & Mr. Seibel

Absent: Mr. Blecher, Mr. Zharnest

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: Board Engineer: Paul Azzolina  
Board Planner: Kenneth Ochab  
Board Traffic Engineer: Hal Simoff

Pledge of Allegiance is cited.

Mr. Seibel states he will change up the order in hearing applications this evening and will hear Application #2015-23 first.

Mr. Seibel announces the carrying of the following applications.

1. Application #2015-19, Loved Companion, LLC,  
17-15 River Road, Block 5723, Lot 6, Zone I-2
2. Application #2015-20, MJRL Real Estate Holdings,  
22-05 Maple Avenue, Block 5826, Lot 3, Zone OBS-1

**BOTH WILL BE CARRIED TO THE MEETING OF AUGUST 24, 2015.  
NOT TESTIMONY WILL BE HEARD.**

**Residential New Business:**

1. Application #2015-23, Joseph & Diana Torregrossa,  
16-05 Hunter Place, Block 2708, Lot 26, Zone R-1-3  
Convert an existing garage into a Family Room and add an addition for a new One Car Garage. Would have a front yard setback on High Street of 20' where 25' 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: Joseph Torregrossa (Applicant)  
16-05 Hunter Place  
Fair Lawn, N.J.

Mr. Seibel (Chairman) asks Mr. Torregrossa to please proceed...

Mr. Torregrossa explains what he would like to do... They would like to convert the existing garage into a Family Room and add a new garage next to the family room...

Discussion on front yard requirement... Mr. Torregrossa is asked who did the drawings that were submitted, to which Mr. Torregrossa states his Contractor, Frank Salvesta did them.

Mr. Puzio (Vice Chairman) questions the Sunroom. Notes it is not on the survey presented. Was this room calculated in the impervious coverage numbers?

Discussion on the approximate size of room... Mr. Torregrossa does not know for sure, but thinks the calculations include the sunroom...a

Discussion... the Board decides the approval will be contingent on verification of the size of the room and side yard setback.

Mr. Lowenstein (Board Member) questions the existing shrubbery and also the relocation of the Air Conditioning Condenser once project is done.

Mr. Torregrossa testifies one shrub will be removed and the Condenser will be relocated to the back of the house.

No further questions from the Board.

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

No questions from the General Public.

Mr. Seibel asks for a motion.

Ms. Baratta makes a motion to approve the application contingent on verification of the measurements of room and side yard setback.

Mr. Puzio seconds the motion.

**VOTE:** Mr. Racenstein, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein,  
Mr. Puzio, Mr. Pohlman, & Mr. Seibel, **YES.**

**Motion Carries.**

**Application Approved.**

2. Application #2015-21, Bryan & Lisa Press,  
15 Allen Place, Block 3704, Lot 9, Zone R-1-3  
Proposed rear one story addition would maintain the existing front yard setback of 11.1' where 25' is required. Would maintain existing side yard setback of 6.4' where 8' is required. Would reduce the existing rear yard setback from 15' to 11' where 20' is required. Would increase the Building coverage from 29.3% to 32.9% where 25% is permitted. Would increase the impervious coverage from 51.4% to 56.7% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. FAR would increase from 49% to 52% where 40% is permitted as per Section 125-57.D. (1) (d)[1]

Fees have been paid and there is proof of Service.

Mr. Seibel swears in: Bryan Press & Lisa Nelson-Press (Applicants)  
15 Allen Place, Block 3704, Lot 9, Zone R-1-3  
Fair Lawn, N.J.

Mr. Press explains what he would like to do. Details the setbacks, front yard, side yard, rear yard and speaks to the one story addition proposal. He notes the Radburn Association has approved the Architectural plans with no issues.

Mr. Press speaks to the storm water, gutters and drainage. The slight addition to the footprint will have no effect on water runoff. No water issues, no runoff issues.

Mr. Seibel swears in: John J. Gilchrist (Architect)  
210 Summit Avenue  
Montvale, N.J.

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

Mr. Gilchrist testifies the expansion to the Sunroom will only be 116sf. and adjacent to the wood deck....it will be heated, etc....gives description of surrounding areas, park..

Mr. Lowenstein questions impervious coverage increase.  
Discussion on removal of walkway/concrete patio...

Ms. Peck (Assistant Zoning Officer) is sworn in.  
She would like to clarify the applicant stated they would be removing the concrete patio.

Discussion continues...calculations are worked up. With patio being removed,  
impervious will be reduced from 51.4% to 50.5%.

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

Mr. Seibel asks for a motion.

Mr. Lowenstein makes a motion to approve the application with the condition the  
concrete patio is to be removed.

Mr. Racenstein seconds the motion.

**VOTE:** Mr. Racenstein, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein,  
Mr. Puzio, Mr. Pohlman, & Mr. Seibel, **YES.**

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

Mr. Seibel calls a 5 minutes Recess.  
Mr. Seibel calls the Meeting back to Order.

**ROLL CALL:** Mr. Racenstein, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein,  
Mr. Puzio, Mr. Pohlman, Mr. Naveh & Mr. Seibel

3. Application #2105-22, Peter Rosas,  
15-22 George Street, Block 5715, Lot 4, Zone R-1-3 Ordinance -125-32 C (4)  
permits expansion without a variance provided requirements are met. The existing  
non-conforming side or front yard setbacks are not less than 50% of the required  
side or front yard setbacks and no closer than 12ft. to the existing dwelling on the  
adjoining property. Proposed 2nd floor addition: would maintain existing side  
yard setback of 3-17' and 3.04' where 8' is required. Would maintain the existing  
front yard setback of 11.75' and 11.80' where 25' is required as per Section 125-  
12 Schedule of area yard and building requirements. Expansion of a non-  
conforming structure requires a D-2 variance as per Section 125-57.D.(1)(d)[1]

Fees have been paid and there is proof of service.

Mr. Seibel swears in: Peter Rosas (Applicant)  
15-22 George Street  
Fair Lawn, N.J.

James Banks (Attorney for the Applicant)  
22-01 Broadway (Banks Law Offices)  
Fair Lawn, N.J.

Matthew G. Evans (Architect)  
470 Chamberlain Ave  
Paterson, N.J.

Mr. Rosas begins his testimony by explaining what it is he would like to do with their home. He has two small children and would like to expand the home by adding a 2<sup>nd</sup> level addition to make room for his growing family...

Mr. Banks (Attorney) explains the setbacks will be maintained but there will be a slight change in the FAR. Defers to Mr. Evans, the Architect for further testimony...

Mr. Evans (Architect) explains...they will be using the existing footprint, will not be going over the front porch which will maintain the front yard setback. No increase in building lot area, etc...speaks to the pre-existing, non con-forming conditions.

Details the addition with Board Exhibit, speaks to the character of the neighborhood and how it will blend. Explains why the FAR will be increased slightly...

Board Members question Shed and driveway. Questions addressed by Mr. Evans.

No further questions from the Board.  
No questions from Residents living within 200ft. of the Applicant.  
No questions from the General Public.

Mr. Seibel asks for a motion.

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

**VOTE:** Mr. Racenstein, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein,  
Mr. Puzio, Mr. Pohlman, & Mr. Seibel, **YES.**

**Motion carries.**  
**Application Approved**

Recess: 5 minutes.

**ROLL CALL:** Mr. Racenstein, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein,  
Mr. Puzio, Mr. Pohlman, Mr. Naveh & Mr. Seibel

**Commercial Business Carried:**

1. Application #2015-05, PSE&G/ Property Owner is Interior Renovations Services, LLC 4-24 Banta Place, Block 3411, Lot 1  
Preliminary Final Site Plan required as per Section 125-65A and use variances Required as per Section 125-57.D.(1)(d)[1] to divide the current property at 424 Banta Place. Proposal is to permit a parking lot for Interior Renovations Services, LLC located at 419 & 421 Banta and for proposed temporary lay down parking area to support upgrades at PSE&G substation. Variance required per Section 125-28C (5) for Outdoor storage of equipment and materials. Any and all other Variances/or waivers that may be required for this application.

Stephen Sinisi (Attorney) steps forward. Explains this is the 2<sup>nd</sup> portion of the bifurcated application in which he represents Interior Renovations, LLC. Speaks to the May 18, 2015 meeting where the Board discussed proffer or a memorandum to which he has submitted....

Mr. Sinisi discusses a Lease Exhibit/Aerial photos of the property and close ground photos. Will call two witnesses, his first being Joe Carriero, owner of Interior Renovations and the 2<sup>nd</sup> being his Planner, Mr. Gene Rotondo.

Mr. Rosenberg (Board Attorney) reviews the Bi-ficated application with the Board.

Discussion and clarification between Mr. Rosenberg and Mr. Sininsi on Proffer, what has been a continued non-conforming use, grandfathering, etc....

Mr. Seibel (Chairman) swears in: Ann Peck (Assistant Zoning Officer)  
Paul Azzolina (Board Engineer)  
Hal Simoff (Board Traffic Engineer)  
Ken Ochab (Board Planner)

Mr. Seibel swears in: Joel Carriero (Owner of Interior Renovations, LLC)  
4-21 Banta Place  
Fair Lawn, N.J.

Mr. Sinisi begins his direct cross of Mr. Carriero. Testimony as to when he acquired property, 4-19/4-21 Banta Place, etc., It is a (4) Four Generation Business....since 1938.

Exhibit A1-Deed, dated July 10, 2012

Exhibit A2-Deed dated November 8, 2004

Exhibit A3-Aerial Photos

Testimony continues on the history and use of the business....

Exhibit A4-Correspondence/ Letter from Ms. Ann Peck (Assistant Zoning Officer)

Discussion on the amount of Tenants existing presently....

Exhibit A5, Tenants Profiles, 4-19/4-21 Banta Place.

Discussion & testimony continues on previous Tenants and parking issues... Violation was given and Tenant was asked to vacate...

Testimony continues...

Exhibit A6, Total Exhibits collectively marked.

Mr. Sinisi has no further questions for Mr. Carriero.

Mr. Seibel has a couple of questions regarding the summons. (Scholastic Bus Company)  
Ms. Peck explains there were only supposed to be offices, no parking was allowed and they were parking. There were issues with the Police, etc....but issue was resolved.

Ms. Baratta questions how much of the building is rented out...  
Discussion & Testimony...

Mr. Azzolina (Board Engineer) requests and recommends a dedicated square footage amount be worked up regarding Office and Warehouse space and submit for parking requirements....

Mr. Simoff (Board Traffic Engineer) questions the amount of parking and how he came to this calculation of 42 spaces?

Mr. Ochab (Board Planner) questions how long the business at 4-19/4-21 Banta Place used this lot for parking?

Testimony by Mr. Carriero.....speaks to percentages of parking used by Scholastic Bus, etc....using the Aerial exhibit; he shows 3 separate areas used for parking and other tenants....

Discussion and clarification continues...

No further questions from Board Members.

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

No questions from the General Public.

Mr. Glen Kienz (Attorney for PSE&G) steps forward and calls his witness, Glen Rotonda, Professional Planner (previously sworn) to testify.

Mr. Rotonda reviews the Site Plan Exhibit A-7 (already entered in previous meeting of PSE&G as Exhibit A1) Details the areas for parking. Reviews previous testimony regarding lighting plan....

Discussion and testimony...

Mr. Ochab (Board Planner) questions sidewalks, if there will be fencing, dividers, etc?

Mr. Rotonda explains they will do striping, curb lines, etc...

Mr. Simoff (Board Traffic Engineer) questions stacking of cars, peaks to spaces 5 & 6 for oversize vehicles, truck circulations, multiple maneuvers will be necessary.....

Discussion continues...

Mr. Azzolina (Board Engineer) questions current usage of 42 spaces....surplus of 44 spaces...the need for the surplus?

Discussion and testimony....

Ms. Baratta (Board Member) questions assigned spaces...

Mr. Rotonda testifies there will be assigned parking spaces...

Discussion amongst Board Members and Board Professionals....recommendations on assigned spots, etc....

Mr. Azzolina speaks to existing conditions regarding water run-off. Seepage Pit is working and sees no issues...

Discussion and Testimony continues....parking is the real issue.

No further questions from Board Members for Mr. Rotonda.

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

No questions from the General Public.

Mr. Sinisi (Attorney for the Applicant) reminds the Board, his client is still under Oath if questions need to be asked....

Mr. Rosenberg (Board Attorney) clarifies the number of Tenants who will be using this parking lot.... Will there ever be more?

Testimony stating this parking is to be used exclusively for 4-19/4-21 Banta Tenants, they are not looking to use this as a Commercial Parking Lot....

Mr. Sinisi calls his next witness...

Mr. Seibel swears in: John McDonough (Professional Planner)  
101 Gibraltar Drive  
Morris Plains, N.J.

Mr. Seibel (Chairman) certifies Mr. McDonough as an Expert in the field of Planning with no objections from the Board.

Mr. McDonough begins his testimony. Reviews the approval of the Laydown for PSE&G and the parking. Describes the site...references Exhibit A3-Aerial Photos...speaks to the parking site, the history of the site, details the restriping that will take place and the upgrade to the area itself... the site is 6 times the zoning requirement in the I-2 zone. The triangle piece of property is used for the offsite parking. States there has been no restriction on parking and looking for a continuation to use property for parking..

Mr. McDonough walks the Board through the Special Reasons, the positive and negative criteria are reviewed. He feels the site is particularly suited for the use. It is convenient, oversized, easily accommodates additional parking. There would be very little site disturbance to neighbors because it is in an Industrial zone...there will be cleaning and Restriping and will have a much better managed appearance...it will provide no safety issues. There is no impact on the Ordinance, no impact to the Zone or the Master Plan, or substantial detriment to the Master Plan or the Public Good...

Mr. McDonough testifies the coverage variance is the Minimis and in his opinion the site would be a more balanced and managed parking area...

Entered into evidence:  
Exhibit A-8-Pg. 2 of Mr. McDonough's Photos  
Exhibit A-9-Pg. 3 of Mr. McDonough's Photos

Mr. Seibel notes the late hour and discusses dates to carry application.

Mr. Sinisi (Attorney for the Applicant) grants an extension of time to the Board.

**APPLICATION CARRIED TO THE MEETING OF AUGUST 24, 2014  
NO FURTHER NOTICE REQUIRED.**

**Memorialized Resolutions:**

1. Application #2014-16, Eufenio & Anna Nunez,  
0-118 Tunbridge Road, Block 1210, Lot 18, Zone R-1-3-Approved

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

**VOTE:** All Present – AYE.

2. Application #2015-17, Carla Copeland & Julian Koslow,  
10 Beekman Crescent, Block 3807, Lot 5, Zone R-1-3-Approved

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

**VOTE:** All Present – AYE.

3. Application#2015-18, Vitaliy Gomelskiy & Olga Gomelskaya,  
15-05 Ellis Avenue, Block 4513, Lot 13, Zone R-1-3-Denied

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

**VOTE:** All Present – AYE.

**Vouchers:**

Winnie Banta Hetherington Basralian & Kahn in the amount of \$816.66 for Legal services rendered for the month of July 27, 2015 Meeting.

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

**VOTE:** All Present – AYE.

**Minutes:**

Mr. Naveh made a motion to approve the minutes for February 2, 2015 and Mr. Pohlman seconded the motion.

**VOTE:** All Present – AYE

Mr. Puzio made a motion to approve the minutes of February 23, 2015 and Mr. Racenstein seconded the motion.

**VOTE:** All Present- AYE

Mr. Racensein made a motion to approve the minutes of February 26, 2015 and Mr. Naveh seconded the motion.

**VOTE:** All Present- AYE

**Adjourn:**

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

**TIME:** 10:40 P.M.

**VOTE:** All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Assistant to Zoning Department