

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
Of AUGUST 24, 2014**

Following are the Fair Lawn Zoning Board of Adjustment's Meeting Minutes from the Zoning Board Regular meeting held on August 24, 2015

Chairman Rich Seibel 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. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio
Mr. Pohlman, Mr. Naveh, Mr. Zharnest & Mr. Seibel.

Absent: Mr. Racenstein

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: Board Engineer: Paul Azzolina,
Board Traffic Engineer: Al Simoff
Board Planner: Ken Oshack

Pledge of Allegiance is cited.

Mr. Seibel announces the carrying of the following applications:

1. Application#2015-20, MJRL Real Estate Holdings,
22-05 Maple Ave, Block 5826, Lot 3, Zone OBS-1
2. Application #2015-26, Fitnaholics Unanimous,
15-01 Pollitt Drive, Block 4802, Lots 3&5, Zone I-2

Carried to the meeting of September 28, 2015 with no further notice required.

Mr. Seibel announces the withdrawal of the following application.

1. Application #2015-19, Loved Companion, LLC
17-50 River Road, Block 5723, Lot 6, Zone I-2
Proposed Pet Funeral & Crematory.

Application withdrawn without prejudice.

Residential New Business:

1. Application #2015-25, Olieri Investments/Ron Garner
27-01 Urban Place, Block 3415, Lot 5, Zone R-1-3

Ordinance 125-32C(4) permits expansion without variance, provided requirements meet-existing non-conforming side or front yard setbacks which are not less than 50% of the required side or front yard setbacks but no closer than 12ft. to the existing dwelling on the adjoining property proposed 2nd floor addition. Maintain existing side yard setback of 5.5' where 8' 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 1125.D.(1)(d)[1]

Fees have been paid and there is proof of service.

Mr. George Wright steps forward (Attorney for the Applicant) has Architect here to speak to the proposal.

Mr. Seibel swears in: Mr. William Brown (Architect)
241 Madison Avenue
Wyckoff, N.J.

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

Mr. Brown begins his testimony on the proposal. Reviews the variances required and plan proposed using the Board Exhibit and detailing each floor. Notes they are not planning to expand the footprint.

Questions from the Board members regarding proposal...Mr. Brown addresses all questions.

Mr. Seibel swears in: Mr. Ron Garner (Applicant/Owner)

Questions regarding LLC on record? If house is currently occupied? House in very poor condition.

Mr. Garner testifies he purchased the home as is. Past Owner of home was elderly and having financial issues. He bought the home and started clearing the property of garbage, etc. but stopped recently because of the time necessary to complete application for variance. Cannot renovate until approval is granted.

Mr. Seibel swears in: Ms. Ann Peck. (Assistant Zoning Officer)

Ms. Peck explains the previous owner was a maintenance issue and the Building Department is aware of the renovations being planned...

Discussion.

No further questions from the Board.

Mr. Seibel asks for a motion.

Mr. Lowenstein makes a motion to approve the application.

Mr. Puzio seconds the motion.

VOTE: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio
Mr. Pohlman, Mr. Naveh, Mr. Zharnest & Mr. Seibel. YES.

Motion carries.

Application Approved.

Mr. Seibel calls for a brief recess before beginning Commercial Application.

RECESS:

Mr. Seibel calls the meeting back to Order.

ROLL CALL: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio,
Mr. Pohlman, Mr. Naveh, Mr. Zharnest & Mr. Seibel (Present)

(Review of Eligible members)

Mr. Blecher recuses himself from the application and Mr. Zharnest is excused from the application because of ineligibility.

Mr. Steven Sinisi (Attorney representing Co-applicant Interior Renovations, LLC. Steps forward to review the meeting of July 27, 2015 in which testimony was completed from their Professional Planner and the meeting was adjourned until this evening.

Mr. Sinisi notes the cross-examination of Ms. Ann Peck, Assistant Zoning Officer is necessary regarding the history of the site. Being Ms. Peck has to leave, he would like to accommodate her and ask her to testify before leaving for the evening.

Mr. Seibel swears in: Ms. Ann Peck (Assistant Zoning Officer)

Ms. Peck begins her testimony regarding the site. She states she reviewed all information found regarding the history of the site. She did not have information regarding the North side and south side of the property and explains....

Ms. Peck gives all the history regarding past occupancy & CCO's and notes that all the present CCO's are all in order.

Discussion on whether the applicant has the right to continue the Grandfathered use, does the Board have enough information in order to make a decision...whether or not it has been legally proven it was used for parking only for the applicant...

Discussion continues....

Mr. Sinisi believes Ms. Peck's testimony supports their argument....

Mr. Seibel asks if there are any questions from Residents who live within 200ft. seeing none, Mr. Seibel closes this portion.

Mr. Seibel asks if there are any questions from the General Public. Seeing none, Mr. Seibel closes this portion.

Mr. Seibel swears in all Board Professionals:

Board Planner: Ken Oshack
Board Traffic Engineer: Al Simoff
Board Engineer: Paul Azzolina

Mr. John McDonald, Applicant's Planner (previously sworn) steps forward to review their Board Exhibit.

Mr. Ken Oshack, Board Planner questions Mr. McDonald on the uses, existing non-conforming use.

Discussion with the Board.... was the right is forfeited for the continuation of the use based on this.

Discussion continues...

Mr. MacDonald addresses the questions Mr. Oshack has regarding the Landscape/Streetscape, in regards to softening the look. Sidewalk improvements, edge landscaping, etc...

Mr. MacDonald testifies that greenery will be introduced along the frontage...

Discussion continues...

Mr. Sinisi (Applicant's Attorney) agrees to this design and condition..

Mr. Simoff (Board Traffic Engineer) speaks to issues regarding Parking Space #5. Recommends the removal of this parking space and area given green space.

Discussion.

Mr. Sinisi asks if application is approved, a condition be given. This parking lot is to be used for Tenants only.

Discussion continues. Issues raised regarding tandem parking, etc...

Mr. Sinisi comments quality management is high on their list.

Ms. Baratta (Board Member) clarifies history of site and asks if other businesses will be using this property.

Discussion...

Mr. Seibel (Board Member) questions the distance of nearest Train Station. Concerns with residents using this site for parking, renting spaces?

Mr. Sinisi (Attorney for the Applicant) reiterates, as part of agreement, if approved, no commuters for the Train will be able to use this site, only Tenants of 4-19/4-21 & 4-24.

Mr. Carraro (Applicant) previously sworn testifies to Ms. Baratta's prior question and states; no other business owners use this parking site.

Discussion continues...

Mr. Carraro reiterates no one else but tenants of 4-19/4-21 & 4-24 will use this parking lot and it will be highly managed.

Discussion on removal of some impervious coverage is discussed to plant Trees and add Greenery.

Mr. Azzolina (Board Engineer) has questions regarding landscape improvements and clarifies the location of these improvements.

Discussion continues...

Mr. Azzolina recommends the elimination of parking spaces, possibly seven (7) to add landscaping...

Mr. MacDonald discusses solutions with Mr. Azzolina regarding this recommendation, rather than losing the spaces, offers different ideas.

Mr. Azzolina approves of the ideas proposed.

Mr. Oshack concurs with Mr. MacDonald's proposal regarding the landscaping.

Mr. MacDonald will submit a Landscaping Design to be reviewed by Board Professionals.

Mr. Simoff (Board Traffic Engineer) speaks to ADA Requirements and handicap spaces. Recommends improvements regarding walkways. Handicap ramps..

Mr. Sinisi objects to this recommendation. It is not his client's responsibility, it would be the responsibility of the Borough.

Heavy discussion continues...

Mr. Seibel asks if Board members have any further questions, seeing none,

Mr. Seibels asks if there are any Residents within 200ft. of the applicant with questions. Seeing none, Mr. Seibel closes this portion.

Mr. Seibel opens to the General Public for questions.

Mr. Seibel swears in: Mr. Craig Miller
5 Ramapo Terrace
Fair Lawn, N.J.

Mr. Miller questions the abundance of Parking. Who will park where? How will the Tenants know what section to park?

Discussion on Signs and Placement of signage.

Mr. Sinisi (Attorney for the Applicant) summarizes the application for the Board. Asks the Board to validate, confirm and permit parking on a parking lot to be well managed. Speaks to the Zoning Ordinance and how it promotes it and finds no impairment to the Zoning Plan.

Mr. Rosenberg (Board Attorney) clarifies to the Board Members, this is a 2 part application...explains the 1st portion of vote is on whether or not based on testimony, a Zoning Certificate has been issued as a legal grandfathered non-conforming use... if this motion is carried...the 2nd portion of approval would be the Site Plan.

Discussion...

Mr. Puzio makes a motion to approve the property as a legally grandfathered parking use.
Ms. Baratta second the motion.

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

Motion carries.

Mr. Puzio makes a motion to approve the Site Plan with the following conditions.

1. No Commercial Parking/Tenants Use Only.
2. Soften Landscape/Adding Greenspace
3. Elimination of Parking Space #5.
4. Final Site Plan Approval

Ms. Perchuk seconds the motion.

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

Mr. Lowenstein, **NO.**

Motion Carries.
APPLICATION APPROVED.

Resolutions:

1. Application#2015-021, Bryan and Lisa Press, 15 Allen Place, Block 3704, Lot 9, Zone R-1-3-Proposed rear one story addition-Approved

Mr. Baratta makes a motion to approve this resolution and Ms. Perchuk seconds the motion.

All Present: AYE

2. Application #2015-024, Glen Rock Bottle King, 909 Prospect Street. Block 1808, Lot 6, Zone R-1-2, Use variance to continue use of parking of Sub Division and new Residential lot. Approved

Ms. Baratta makes a motion to approve this resolution and Mr. Naveh seconds the motion.

All Present: AYE

3. Application #2015-23, Joseph & Diana Torregrossa, 16-05 Hunter Place, Block 2708, Lot 26, Zone R-1-3- Convert existing garage and add addition for new garage- Approved.

Mr. Pohlman makes a motion to approve this resolution and Mr. Puzio seconds the motion,

All Present: AYE

4. Application #2015-22, Peter Rosas, 15-22 George Street, Block 5715, Lot 4, Zone R-1-3 Proposed 2nd floor addition- Approved.

Mr. Pohlman makes a motion to approve this resolution and Ms. Perchuk seconds the motion.

All Present - AYE

Minutes:

Mr. Lowenstein makes a motion to approve the minutes of March 12, March 23 & April 27, 2015 as amended, and Mr. Naveh seconds the motion.

All Present: AYE

Vouchers:

1. Winnie Banta Hetherington Basralian & Kahn in the amount of \$816.00 for Professional Services rendered for the meeting of August 24, 2015.

Mr. Puzio makes a motion to approve this voucher and Ms. Baratta seconds the motion.

All Present: AYE

2. Winnie Banta Hetherington Basralian & Kahn in the amount of \$1, 035.00 for Professional Services rendered.

Mr. Puzio makes a motion to approve this voucher and Ms. Baratta seconds the motion.

All Present: AYE

Adjourn:

M. Baratta motions to adjourn and Mr. Pohlman seconds the motion.

Time: 9:00PM

Submitted Respectfully,

Cathy Bozza
Zoning Assistant

