

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
Of November 23, 2015**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular meeting held on November 23, 2015

Chairman Richard Seibel called the regular meeting to order at 7:05 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. Racenstein, Mr. Lowenstein, Mr. Puzio, Mr. Naveh, Mr. Zharnest & Mr. Seibel

Absent: Mr. Pohlman,

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: Peter Van Den Kooy  
Board Traffic Engineer: Frank Miskovich

Pledge of Allegiance is cited. (Dedicated to the victims of the Paris, France Terrorist Attack)

**Residential New Business:**

1. Application#2015-34, Robert & Joan Naddy,  
22-01 Morlot Avenue, Block 3522, Lot 7.01, Zone R-1-3  
Proposed 6ft. fence within the front yard setback on 22<sup>nd</sup> 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. Joan Naddy. (Applicant)  
22-01 Morlot Ave  
Fair Lawn, N.J.

Ms. Naddy begins her testimony explaining why she is here this evening for a variance. Explains there was a 3ft. fence and she had a tenant who had a large dog and replaced the 3ft. with a 6ft. fence last year. She received a letter/notice recently telling her it was not allowed and she would have to go for a variance. Before this, she did not realize it was not allowed.

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

Ms. Peck explains a “notice of violation” was sent after a complaint was taken.

Clarification on the location of the said fence is done.

Mr. Puzio (Vice-Chairman) questions the shrubs on 22<sup>nd</sup> street, noting the height of the shrubs and the condition of the fence ...shrubs need to be maintained, etc.

Discussion continues...

Ms. Naddy testifies she will repair fence and take care of the necessary maintenance to the shrubbery.

No further questions from the Board Members.

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

Mr. Seibel closes this portion.

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

Mr. Rosenberg clarifies for purposes of the Resolution, Ms. Naddy will repair fence and shape shrubbery.

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

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

**Motion Carries.**

**Application Approved.**

2. Application #2015-35, Chaitanya Prasad Prassanna,  
0-23 Saddle River Road, Block 1101, Lot 12, Zone R-1-1  
Property has a 14' wide lot frontage where 75' is required. Proposed addition and renovations would reduce the front yard setback from 31.5' to 23.7' where 35' is required. Would maintain existing side yard setback of 5.1' where 15' is required. Maintain existing rear yard setbacks of 5.11' and 9.11' where 20' is required. Would increase the building coverage from 24.9% to 26.7% where 25% is

permitted. Would increase the impervious coverage from 46.14% to 52.80% where 35% is permitted 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. Prassanna (Applicant)  
0-23 Saddle River Road  
Fair Lawn, N.J.

Mr. Prassanna begins by explaining he loves the town of Fair Lawn, his family is growing and he needs more space. He understands there are a lot of variances necessary and is open to compromise and will be open to any suggestions or ideas from Board Members. He does not want to make things difficult for his neighbors either...

Mr. Seibel swears in: Yuval Wellisch (Wellisch Architects)

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

Mr. Wellisch explains to the Board regardless what his client does to this house, it would require a variance. Explains.... all his client is looking to do is to expand the interior, just the essentials. The home has no basement, no attic...

Mr. Wellisch walks the Board through the Proposal.

A discussion ensues on the excessive amount of impervious on the property.

Mr. Prassanna (Applicant) explains he bought the house with a lot of the impervious...

Mr. Wellisch (Architect) discusses the removal of impervious. Notes the deck and suggests removal if necessary.

Mr. Prassanna reiterates he will accept any suggestions or recommendations from Board Members to reduce this number.

Discussion continues...

(Clarification on Lot/Survey)

Lot is located where there are no neighbors on one side. (River & Park is situated)

Ms. Baratta questions the Applicant on being in the Flood zone and asks if he has had any issue in regards to flooding.

Applicant states no.

Discussion and suggestions on removal of impervious....

Mr. Seibel asks the Architect to redo the calculations after suggested removal of impervious was agreed to.

The Architect & Applicant are given a 5 minute break/recess to recalculate the new numbers in impervious coverage.

Mr. Seibel moves to next application while calculations are being done.

3. Application #2015-36, Irina Aksen & Sergey Lysenko,  
36-19 Hillside Terrace, Block 2614, Lot 22, Zone R-1-2  
Proposed Shed to be installed 7” and 16” from the property lines where 4’ is required as per Section 125-33 Accessory buildings, structures and uses.

Mr. Blecher (Board Member) recuses himself from this application.

Fees have been paid and there is proof of service.

Mr. Seibel swears in: Sergey Lysenko and Irina Aksen (Applicants)  
36-19 Hillside Terrace,  
Fair Lawn, N.J.

Mr. Lysenko begins his testimony. Explains what they are proposing and why they need the shed. Would like to put snow plow, shovels, etc. and they really have no other area to put this shed but where it is located now because of the pool.

Mr. Lysenko refers to the pictures submitted.

Discussion...

Ms. Peck (Assistant Zoning Officer) clarifies for the Board the Shed had already been installed and a “Notice of Violation” was sent after a complaint was received.

Discussion on Impervious coverage calculations...

Mr. Lysenko explains there is a concrete patio installed underneath the shed.

Discussion continues....

Mr. Lowenstein questions if the concrete slab underneath the shed has been added to the impervious calculations.

Discussion continues...

No further questions from Board Members.

Mr. Seibel opens to Residents living within 200ft. of the Applicant for questions or comments.

Mr. Seibel swears in: Nero Dganit  
36-16 Stelton  
Fair Lawn, N.J.

Ms. Dganit begins by stating she is their next door neighbor. Passes to the Board pictures she has taken.

Exhibit entered in evidence. Objector A1-4pgs-with 2 pictures each.

She does not want any issues but this shed is right in her view, right in the middle of her property. They are next to one another but the lot is unequal. Their back yard ends in the middle of her lot, so the shed is an eyesore in the middle of her property.

The Board members continue discussion and review of the pictures, clarification of the Shed's location. Suggestions...

Ms. Dganit suggests a smaller size shed and being moved further away from the fence. Covering up the back with Shrubbery or something...

Discussion continues...possible remedies discussed are adding shrubbery or ivy vines to camouflage the shed and soften the look.

Mr. Puzio (Vice Chairman) asks the applicant why he did not consider placing the shed on the opposite side of the property where there appears to be more room. Relocating the pumps and filters of the pool to the other side so the shed can be move further away from the fence....

Mr. Lysenko explains this was not possible because of the underground piping.

Discussion continues. Recommendations, suggestions are discussed. (Ivy seems to be the only possible solution)

Mr. Seibel thanks Ms. Dganit for her time and the Board will take her comments under consideration.

No further questions from the Board.

No further questions from Residents living within 200ft.

No questions or comments from the General Public.

Board Discussion begins. Suggestions and recommendations are discussed.

Mr. Lowenstein (Board Member) thinks Ivy would be ok.

Ms. Baratta (Board Member) notes the neighbor may not like ivy and suggests small evergreens...

Mr. Rosenberg (Board Attorney) suggests some type of Arborvitae, 16ft. possibly.

Discussion continues...

Mr. Seibel would like the Board Professional Engineer, Mr. Azzolina to offer some recommendations.

Mr. Azzolina states 16ft. sounds questionable for Arborvitae, explains...recommends planting on the adjoining neighbor's side of the fence but at the cost of the applicant.

Mr. Seibel calls Ms. Dganit (neighbor) back up to the podium for her to discuss possible agreement to a solution.

Ms. Dganit states she agrees there is no room to plant on the applicant's side given the fact the shed is much too close to the property line/fence and she does not want to be responsible for trees/shrubbery dying, explains...

Discussion continues....

Mr. Rosenberg (Board Attorney) explains a how a Deed Restriction would have to be done; noting buffer would need to be maintained by the Applicant.

Discussion continues on other options.

The Board has a discussion on making shed conform to the setback requirement. It is determined, however there is no room to move Shed forward because of the filters & pumps of the Pool.

Another suggestion discussed was changing the fence to 6ft. rather than the existing 3ft.  
Discussion

Ms. Dganit (Neighbor) does not agree to planting on her side of the fence, nor to putting up a taller fence.

Ms. Peck (Assistant Zoning Officer) explains to Ms. Dganit for the record; a Resident has the right to put up a 6ft. fence along their property as long as it permitted by Ordinance.

Discussion continues....

Mr. Rosenberg (Board Attorney) explains choices and options the Applicants have going forward...He notes the Applicant has the right to move forward or amend their plan, explains Res-Judicata if they decide to move forward and are denied. Gives an example of this and reiterates the information for clarification; the application will have to come back completely different from the first proposal.

The Applicant chooses to move forward.

Mr. Seibel asks for a motion.

Ms. Baratta makes a motion to approve the application.

Ms. Perchuk seconds the motion.

**VOTE:** Ms. Baratta, Ms. Perchuk, **YES.**

Mr. Racenstein, Mr. Lowenstein, Mr. Puzio, Mr. Naveh & Mr. Seibel, **NO.**

**Motion does not carry. 5-2  
Application denied.**

Mr. Seibel calls for a 5 minute Recess.

**RECESS:**

Mr. Seibel calls the Meeting back to order. (Mr. Blecher has returned to the Podium)

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

Mr. Seibel calls Application#2015-35, Chaitanya Prasad Prassanna & his Architect, Mr. Yuval Wellisch back to the Podium to discuss and clarify what will be removed of impervious and what the calculations would read based on the discussion.

Mr. Wellisch discusses removal of the front pavers/patio which would decrease the impervious from the proposed 52.80% down to 46%.

Mr. Lowenstein (Board Member) suggests more impervious removal...

Discussion continues...

Ms. Peck (Assistant Zoning Officer) suggests for the Applicant to agree to removal of all impervious not on survey.

Mr. Prassana has no issues with this and agrees to the suggestion.

Mr. Lowenstein suggests a different configuration of the kitchen...

Mr. Wellisch (Architect) explains the proposal and discusses options.

No further questions from the Board.

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

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

Mr. Seibel asks for a motion.

Mr. Lowenstein makes a motion to approve the application with conditions.

1. Removal of all impervious discussed and agreed to by the applicant.
- 2.

Mr. Puzio seconds the motion.

Noted Address correction for the Record: 0-23A Saddle River Road

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

**Motion Carries.**

**Application Approved**

3. Application #2015-37, Raj Narayanan,  
3-44 Hartley Place, Block 3325, Lot 1, Zone R-1-3.  
Property is a corner lot. Proposed expansion on a non-conforming lot.  
Proposed second floor addition would maintain the existing front yard setback of 9.03' on Hartley and maintain the existing front yard setback of 16.81' on Watkins where 25' is required. Maintain the existing side yard setback of 2.27 where 8' is required as per 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]

Fees have been paid and there is proof of Service.

Attorney on behalf of the Applicant, Daniel Barli steps forth and reviews with the Board the variances his client is seeking and which are necessary.

Mr. Barli brings forth his 1<sup>st</sup> witness: Vincent Graziano who is the Architect for his Client.

Mr. Seibel swears in: Vincent Graziano (Architect)  
P.O. Box 8106  
Paramus, N.J.

Mr. Barli notes his client lives at a different residence and would like to move with his family to the said location. The proposal is to add a 2<sup>nd</sup> floor. They will not change the footprint of the property.

Mr. Rosenberg (Board Attorney) explains the D-4 variance for the record.

Discussion....

Ms. Baratta (Board Member) clarifies the attic as a non-living space with a pull down stairway and no heat.

Discussion continues...

Mr. Narayanan explains his parents live in Glen Rock and he purchased the home to move closer to the family/parents.

Discussion and review of the proposal...

No further questions from the Board.

Mr. Seibel opens to Residents living within 200ft. for questions or comment. Seeing none, Mr. Seibel closes this portion.

Mr. Seibel opens to the General Public for questions or comment. Seeing none, Mr. Seibel closes this portion and asks for a motion.

Ms. Baratta makes a motion to approve the application.

Mr. Puzio seconds the motion.

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

**Motion Carries.**

**Application Approved.**

Mr. Rosenberg recused himself from the following application.

Mr. Puzio & Mr. Racenstein are excused from the hearing. They are not eligible to vote on this application.

**Commercial Application Carried:**

Application #2105-27, VR II, 20-19 Fair Lawn Ave, LLC. 20-19 Fair Lawn Avenue, Block 4701.01, Lot 1, Zone B-1 Proposal to remove existing building and replace with a new 24hr. 7-Eleven Convenience store. Retail establishments which are located in the B-1 Restricted Business Zone and which seek to operate 24 hours per day shall be permitted as a conditional use as per Section 125-43.3. Applicant cannot meet all the requirements of the conditional use and requires a D-1 Use variance as per Section 125-57D(1)(d)[1] Would require bulk variances as per Section 125-12 Schedule of area yard and building requirements.--Lot width of 91.2' Front yard setback of 9' on Pollitt Drive. Side yard setback of 5.6' and 9'. Parking variance 14 spaces required and 12 provided. Sign variances as per Section 125-41. Preliminary and final major site plan approval required as per Section 125-65A. and any other variances and/or waivers that may be required for this application.

**Application carried to December 21, 2015. No further notice required.  
Please refer to Transcripts posted.**

**Minutes Approved:**

Ms. Baratta made a motion to approve the minutes of **October 20, 2015** and Mr. Naveh seconded the motion.

Mr. Lowenstein made a motion to approve the minutes of **October 26, 2015** and Ms. Perchuk seconded the motion.

**VOTE: All Present: AYE**

**Memorialized Resolutions:**

1. Application #2015-31, Eugene Monforte, 10-06 Malcolm Terrace, Block 2511, Lot 7, Zone R-1-2. Proposed Driveway and New Proposed Walkway.-**Approved.**

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

**VOTE: All Present – AYE.**

2. Application #2015-32, Alex Nehrebecki, 17-12 Split Rock Road, Block 2706, Lot 28, Zone R-1-3. Proposed Driveway expansion-**Approved**

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

**VOTE: All Present – AYE.**

3. Application #2015-33, Alex Ponomarenko, 17-12 Split Rock Road, Block 2706, Lot 28, Zone R-1-2. Proposed Patio expansion and Driveway expansion-  
**Approved.**

Ms. Perchuk made a motion to accept this resolution and Mr. Naveh 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 November, 2015.

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

**VOTE:** All Present – **AYE.**

**Board discusses RFQ's for 2016.**

**VOTE: General consensus to require RFQ's for Board Professionals in 2016.**

**Adjourn:**

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

**TIME:** 10:15 P.M.

**VOTE:** All Present - **AYE.**

Respectfully submitted,

Cathy Bozza  
Assistant to Zoning Department