

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
OF OCTOBER 20, 2015**

Following are the Fair Lawn Zoning Board of Adjustment's Meeting Minutes from the Zoning Board Special meeting held on October 20, 2015

Chairman Richard 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. Seibel

Absent: Mr. Racenstein. Mr. Zharnest

Also in attendance were Bruce Rosenberg, Board Attorney; Candice Galaraza, Court Reporter; Ann Peck, Assistant Zoning Officer & (Absent) Cathy Bozza, Zoning Assistant.

Board Professionals in Attendance: None

Pledge of Allegiance is cited.

New Residential Business:

1. Application #2015-030, OJAS Realty LLC, 19-07 Kipp Street, Block 4501, Lot 8
A proposed rebuilding of existing non-conforming structure. Existing structure has been demolished more than 50% and no longer is protected under existing non-conforming status and will require a variance to rebuild. The lot is 98.28' x 100 and is conforming. The structure had a pre-existing front yard setback of 14.6' where 25' is required. Variance required for proposed front yard setback of 17.40' 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. Nickolas Cherami (Attorney) steps forward. He is here this evening to testify for the Applicant, OJAS Realty. Explains the proposed rebuild of a non-conforming proposed structure. While his client was having work performed on the property, renovations being done on the property, the roof started to come down and caused other damage so the Contractor began taking down the roof. Unfortunately, taking down the roof caused them to fall below the 50% requirement making this application necessary.

Mr. Cherami has one witness tonight who could be made available for any questions. Her name is Katherine Frie, the Architect. She has brought a depiction of the plan and the property to review with the Board.

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

Mr. Seibel clarifies the work has already began on the dwelling...and now the house essentially has been gutted. There is a fence around the house and it is not in livable condition?

Mr. Chermani testifies no, but their goal is to get some approvals and put it back into livable conditions.

Mr. Seibel swears in: Katherine Frie (Architect)
346 Virginia Ave

Mr. Seibel certifies Ms. Frie as an Expert in the Field of Architecture...

Mr. Lowenstein (Board Member) would like clarification on the address of the business and the name of the Architect on the Plans as submitted which differs from Ms. Frie.

Ms. Frie testifies the office moved to this new address and the signature on the plans is that of the Architect who works in the Office and stamps the drawings.

Discussion....

Ms. Frie begins her testimony of the project explaining what the house formerly looked like, refers to the drawings...showing the disrepair and dilapidation.

Marked as Exhibit A-1/Drawings.

Ms. Frie reviews the Site proposal and discusses the setbacks and the design. The original setback was 14.6ft. which went to the one story Vestibule. The new proposal would improve the setbacks, explains...describes the Vestibule which now would be at 17.4ft. but the mass of the house, the other portion of the building would be setback to 20ft. giving a nicer visual design, etc..

Discussion....

Mr. Cherami (Attorney) interjects Mr. Seibel's questioning of Ms. Frie to state he could bring forth the applicant if there are specific questions regarding how long the project has been in renovations and the time frame of the construction, explaining the Architect was brought in because they encountered this situation where they fell below the 50% and had to come in...

Discussion continues....

Mr. Rosenberg (Board Attorney) clarifies to the Board why the Applicant is here tonight. Explains that under the Land Use Law, when more than 50% of a non-conforming structure is destroyed, either intent ally or accidentally, the applicant is no longer grandfathered. They were in the process of renovating the property and had the vested rights but during the course of this renovation, more than 50% was eliminated so he lost his rights in this non-conformity so immediately they had to come before the Board for the variance. It is a D-variance. They need 5 affirmative votes...

Discussion continues...

Mr. Lowenstein would like clarification on the Zoning Comparison Chart and the setbacks.

Ms. Frie notes the error in the Chart and clarifies only the Vestibule will be at the 17. 4ft. The two story portion will be 20ft...explains.

Mr. Chermami would like to bring forth his other witness.

Mr. Seibel swears in: Bob Anchete (Project Manager)
346 Virginia Avenue

Mr. Anchete begins his testimony explaining the main foundation is where the main two story building is (inaudible)

Mr. Seibel (Chairman) reviews the variance they are seeking. Noting the setbacks would be better with the new proposal.

Ms. Frie concurs.

Mr. Seibel opens to Board Members for any questions of Ms. Frie.

Mr. Puzio (Vice-Chairman) questions the basement portion...(inaudible)

Ms. Frie addresses the question.

No further questions from Board Members.

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

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

Mr. Seibel asks if any Board Member has questions of the Applicant.
Ms. Baratta (Board Member) would like to ask a question.

Mr. Seibel swears in: Devender Rana (Principal of OJAS Realty, LLC)

68 Timber Rich Road
North Brunswick, N.J. 08902

Ms. Baratta asks Mr. Rana if he will be residing in this building. She was under the impression when the Special Meeting was called, it was because winter was coming and persons needed to move in and needed a roof to live.

Mr. Rana testifies this was not the case. He will not be living there. Mr. Rana clarifies they wanted to start the project before the winter set in so they could get it done sooner and flip it.

Discussion.

Ms. Peck (Assistant Zoning Officer) testifies to this question, noting they were scheduled for the November meeting and asked for the Special Meeting to speed up the process. They wanted to get it done before the winter.

Mr. Seibel asks if there are any more questions from Board Members. Seeing none,

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

Mr. Seibel swears in: Anca Nitescu
19-11 Kipp Street
Fair Lawn, N.J.

Ms. Nitescu testifies she is the neighbor of this house they are discussing this evening. She lives next door. The reason she is here tonight is to note for all the neighbors on the street, it has been a sore eye for many months. It is a hazard for animals. It is an unpleasant site for many of the neighbors and we are all hoping this project will be resolved in the best possible way. The site diminishes the value of the homes as it is...she is in favor and support of the project.

Mr. Seibel opens again to neighbors within 200ft. of the Applicant. 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. Lowenstein makes a motion to approve the application.
Mr. Pohlman seconds the motion.

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

Motion carries.

APPLICATION APPROVED.

ADJOURN:

Ms. Baratta makes a motion to adjourn and Mr. Pohlman seconds the motion.

TIME: 8:00PM.

Respectfully Submitted

Cathy Bozza
Assistant to Zoning Department

