

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
Of October 26, 2015**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's Regular meeting held on October 26, 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. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein,  
Mr. Naveh, Mr. Zharnest & Mr. Seibel

Absent: Mr. Racenstein, Mr. Puzio, 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

**Residential New Business:**

1. Application#2015-31, Eugene Monforte,  
10-06 Malcolm Terrace, Block 2511, Lot 7, Zone R-1-2  
Proposed driveway and new proposed walkway would increase the impervious coverage from 37.96% to 40.52% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements.

Mr. Seibel swears in: Eugene & Annette Monforte (Applicants)  
10-06 Malcolm Terrace  
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

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

Mr. & Mrs. Monforte both offer testimony regarding the proposal of a new driveway and walkway.

Discussion as to what type of material will be used on the driveway.

Mr. Monforte testifies he will be using blacktop.

Mr. Seibel suggests using pavers. Discussion on pavers absorbing rain water...

Mr. Monforte testifies he did price out pavers for the driveway but it is very costly and would like to stay with the blacktop to keep the cost down.

A discussion ensues on the reasons for the proposed driveway.

Mr. Monforte explains he will eventually have 5 drivers in the household once his children are grown and will need the space being Fair Lawn does not allow parking overnight.

Discussion continues...

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.

Ms. Baratta makes a motion to approve the application.

Mr. Zharnest seconds the motion.

**VOTE:** Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Naveh, Mr. Zharnest & Mr. Seibel, **YES.**

**Motion Carries.**

**Application Approved.**

2. Application #2015-32, Alex Nehrebecki,  
1-22 37th Street, Block 2319, Lot 12, Zone R-1-3  
Proposed driveway expansion to 22ft. wide will increase the existing impervious coverage from 34.99% to 41.67% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements.

Mr. Seibel swears in: Alex & Liza Nehrebecki (Applicants)  
1-22 37<sup>th</sup> Street  
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Nehrebecki begins his testimony. He explains to the Board he needs an expansion to his driveway because there is no parking overnight in Fair Lawn and eventually will need more space for when his children start driving. Right now there is no space.

Pavers are discussed.

Mr. Nehrebecki testifies they are very costly.

Mr. Blecher (Board Member) questions the reason for expansion to 22ft.

Mr. Nehrebecki testifies he would probably expand it to 20ft. but would like to keep the 22ft. for leeway, just in case.

Ms. Baratta (Board Member) questions if he also considering expansion of the curb cut.

Mr. Nehrebecki testifies he will also expand the curb cut.

Mr. Lowenstein questions Mr. Nehrebecki on whether he has a Garage or not.

Mr. Nehrebecki testifies they do have a Garage but it is used mostly for storage.

Discussion on the irregularly shaped lot...

Mr. Rosenberg notes it would be a C1 variance (hardship variance) because of this irregular shaped lot.

Mr. Lowenstein speaks to the Board on the applicant's use of the Garage for storage instead of a car. He comments on the increase of impervious coverage because of this request for an expansion of the driveway instead of using the garage for cars.

No further questions from the Board.

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.

Ms. Baratta makes a motion to approve the application.

Mr. Zharnest seconds the motion.

**VOTE:** Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Naveh, Mr. Zharnest & Mr. Seibel, **YES.**

Mr. Lowenstein, **NO** (for reasons stated above)

**Motion carries.**

**Application Approved.**

3. Application #2015-33, Alex Ponomarenko,  
17-12 Split Rock Road, Block 2706, Lot 28, Zone R-1-2  
Proposed Patio expansion to 16.5'x19.5' and driveway expansion 20' wide would increase the impervious coverage from 31.69% to 42.86% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements.

Mr. Seibel swears in: Mr. Alex Ponomarenko, (Applicant)  
17-12 Split Rock Road  
Fair Lawn, N.J.

Fees have been paid and there is proof of Service.

Mr. Ponomarenko begins his testimony explaining he would like to expand his driveway and patio. He currently has a single lane driveway and wants to expand it to a two car driveway.

Discussion....

Mr. Ponomarenko testifies he is going to replace the old patio with a new proposed patio. Explains.....refers to drawing on survey and clarifies what he is doing.

No further questions from Board Members.

Mr. Seibel opens to Residents within 200ft. of the Applicant. Seeing none, Mr. Seibel closes this portion.

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

Mr. Lowenstein (Board Member) has one question and asks Mr. Ponomarenko if he has a Garage and if he uses it for any cars?

Mr. Ponomarenko addresses his question by stating no, he does not. Explains his garage is too small to use for a car. He cannot even open a car door inside the garage without squeezing out of the car.

Mr. Lowenstein speaks to the Board again on the lack of Residents using their Garages. He has issues with this. Comments on the increase of impervious coverage around town because of expansion to driveways, etc...speaks to flooding in the future and changes in our weather...Residents have garages and are not using them...

Mr. Ponomarenko (Applicant) interjects to address Mr. Lowenstein's concerns. He testifies he had a well installed for Storm Water runoff on his property and also will be using pavers on the new patio and would have used it on the driveway except that it was very expensive.

No further questions from Board Members.

Ms. Baratta makes a motion to approve the application.  
Ms. Perchuk seconds the motion.

**VOTE:** Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Naveh, Mr. Zharnest  
& Mr. Seibel, **YES.**

Mr. Lowenstein, **NO** (for reasons stated above)

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

**Order of Business is conducted while waiting for the Board Professional to arrive.**

**\*\*2016 Calendar Dates are discussed & reviewed\*\***

Mr. Lowenstein makes a motion to approve the Calendar  
Ms. Baratta seconds the motion.

All Present: **AYE**

**Minutes Approved:**

1. Ms. Baratta motions to approve the minutes for June 22, 2015, and Mr. Lowenstein seconds the motion as amended.
2. Mr. Lowenstein motions to approve the minutes for July 27, 2015 and Ms. Baratta seconds the motion as amended.
3. Ms. Baratta motions to approve the minutes for July 20, 2015 and Ms. Perchuk seconds the motion as amended.
4. Ms. Baratta motions to approve the minutes for August 24, 2015 and Ms. Perchuk seconds the motion as amended.

5. Ms. Perchuk motions to approve the minutes for September 24, 2015 and Mr. Blecher seconded the motion as amended.
6. Ms. Perchuk motions to approve the minutes for September 28, 2015 and Ms. Baratta seconds the motion as amended.

**Memorialized Resolutions:**

1. Application #2015-020, MJRL Real Estate Holdings,  
22-05 Maple Ave, Block 5826, Lot 3, Zone OBS-1.  
Proposed apartment in basement and maintain existing office on 1<sup>st</sup> floor.  
Approved

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

**VOTE:** All Present – **AYE.**

2. Application #2015-26, Fitnaholics Unanimous,  
15-01 Pollitt Drive. Block 4802, Lots 3 & 5, Zone I-2  
Proposed Fitness Studio-Approved

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

**VOTE:** All Present – **AYE.**

3. Application #2015-28, Robert & Mary Walsh,  
328 Howard Avenue, Block 3710, Lot 10, Zone R-1-3  
A Corner Property. Proposed Air Conditioner Unit would have a 10' setback where 35' is required-Approved

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

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

4. Application #2015-29,Smith Sebastian & Marguerite St. John,  
7-10 River Road, Block 5507, Lot 7, Zone R-2  
Proposed rear one story addition with removal of patio.- Approved.

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

**VOTE:** All Present – **AYE**

5. Application #2015-030, OJAS Realty, LLC.  
19-07 Kipp Street, Block 4501, Lot 8  
Proposed rebuilding of existing non-conforming structure – Approved.

Mr. Lowenstein made a motion to accept this resolution and Ms. Perchuk 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 October 26, 2015 Meeting.

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

**VOTE:** All Present – **AYE.**

2. Winnie Banta Hetherington Basralian & Kahn in the amount of \$675.00 for Legal services rendered for Application #2015-26, Fitnaholics.

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

**VOTE:** All Present – **AYE.**

3. Winnie Banta Hetherington Basralian & Kahn in the amount of \$540.00 for Legal services rendered regarding the Application #2015-20, MJRL Real Estate Holdings.

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

**VOTE:** All Present – **AYE**

**Mr. Seibel (Chairman) calls for a Recess:**

**Mr. Seibel calls the Meeting back to Order.**

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

**Commercial Application Carried:**

1. 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. A 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 the November 23, 2015 Regular Meeting. No further notice required.**

**Please refer to Transcripts posted by Court Stenographer when available.**

**Adjourn:**

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

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

**VOTE:** All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Assistant to Zoning Department