

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENTS
MEETING MINUTES
OF July 25, 2016**

Following are the Minutes of the Fair Lawn Zoning Board of Adjustment's Regular Meeting held on July 25, 2016.

Mr. Richard Seibel called the Meeting to order at 7:05pm and declared the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Mr. Blecker, Ms. Baratta, Ms. Perchuk, Mr. Racenstein, Mr. Lowenstein, Mr. Naveh, Mr. Puzio, Mr. Reinitz, Mr. Lazarev & Mr. Seibel

Present. (Mr. Naveh arrived: 7:08)

Absent: Mr. Zharnest

Also in attendance: Board Attorney; Bruce Rosenberg, Court Stenographer; Candice Galaraza, Assistant Zoning Officer; Ann Peck & Assistant to Zoning, Cathy Bozza

Board Professionals in attendance: Peter Van Den Kooy, (Planner)
Frank Miskovich (Traffic Engineer)

Richard Seibel leads the Pledge of Allegiance dedicated to our Troops.

Mr. Seibel changes the order of the Agenda.

Residential New Business:

1. Application # 2016-30, James Gilson & Carolyn N. Scharf
32-09 Hillside Terrace, Block 2611, Lot 28, Zone R-1-2
Proposed 8ft. fence along the rear yard property line where 6ft. is permitted as per Section 125-38 Fences and Walls.

Fees have been paid and there is proof of service.

Mr. Seibel swears in: James Gilson
32-09 Hillside Terrace
Fair Lawn, N.J.

Mr. Gilson begins his testimony stating he is here this evening seeking approval to install an 8ft. fence along his rear yard explaining there is an apartment building behind him and he would like to block the view. The Apartment building has an 8ft. fence already installed.

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

Ms. Peck testifies the Apartment buildings behind him are the Knollcrest Garden Apartments who went and got Planning Board Approval to install an 8ft. fence...

A discussion & clarification on the location of the fence is made.

Mr. Gilson wants a straight 8ft. fence all the way across the rear of his property.

No further questions from the Board.

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

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

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

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

Motion Carries
APPLICATION APPROVED.

2. Application#2016-28, Jennifer Tsakarakis,
5-19 5th Street, Block 5403, Lot 10, Zone R-1-3
Proposed 15'x24' Above Ground Pool would increase the impervious coverage from 37.10% to 41.61% 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: Ms. Jennifer Tsakarakis
5-19 5th Street
Fair Lawn, N.J.

Ms. Tsakarakis clarifies for the Board the Pool size is not 15' x 24' but rather 12' x 20ft.

Amendment is noted.

Ms. Tsakarakis wants the above ground pool for her children.

Mr. Seibel references the pictures submitted with her application.

Neighbors are discussed...

Ms. Tsakarakis testifies she has no objections from any of her neighbors.

Pool Safety Codes & requirements are discussed.

Ms. Peck (Assistant to the Zoning Officer) explains the procedures with an above ground pool, how all safety codes are followed up with and inspected by the Building Department upon completion of the installation.

Mr. Lowenstein speaks to the Survey. References the driveway...impervious coverage issues...

Ms. Peck interjects to state the driveway does not count in regards to impervious coverage, explains. Notes it is a pre-existing non-conforming lot...

Discussion continues.....

Impervious coverage will be lowered due to the fact the pool size has been amended. As stated, the existing is: 37.10% to 41.61% where 35% is permitted...as shown on denial...

Ms. Peck (Assistant to Zoning Officer) clarifies; the new impervious with the amended Pool size will be; 37.10% to 40.10% where 35% is permitted.

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. Seeing none,
Mr. Seibel closes this portion & asks for a motion.

Mr. Puzio makes a motion to approve the application.

Ms. Baratta seconds the motion.

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

Mr. Lowenstein: **NO**

Motion Carries: 6-1
APPLICATION APPROVED

3. Application #2016-31, Angel Cedeno,
0-72 Elden Place, Block 2219, Lot 12, Zone R-1-3
Proposed 24 X 15' above Ground Pool would increase the existing impervious coverage from 36.15% to 39.17% 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: Angel Cedeno
0-72 Elden Place
Fair Lawn, N.J.

Mr. Cedeno begins his testimony by giving a quick summation. He would also like to install an above ground pool for his family.

Discussion...

Mr. Seibel reminds Board Members, the variance runs with the land.

Discussion continues...

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. Seeing none,
Mr. Seibel closes this portion & asks for a motion.

Mr. Baratta makes a motion to approve the application.
Mr. Racenstein seconds the motion.

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

Mr. Lowenstein: **NO**

Motion Carries: 6-1
APPLICATION APPROVED.

4. Application#2016-32, John & Jennifer Niemiec,
30-07 Southern Drive, Block 3414, Lot 33, Zone R-1-3
Proposed 21' Above Ground Pool would increase the existing impervious coverage from 39.67% to 42.55% where 35% is permitted as per Section 125-12 of area yard and building requirements.

Fees have been paid and there is proof of service.

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

Mr. Seibel swears in: John Niemiec & Jennifer Niemiec
30 Southern Drive,
Fair Lawn, N.J.

Mr. Niemiec begins his testimony by explaining he has a lot of impervious coverage on his property but was unaware he was over his impervious coverages when he purchased the home. He would like to install the pool for his child and adds that his family will be expanding soon....

Discussion....

He does have a shed and a large deck...

Discussion continues....

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. Seeing none,
Mr. Seibel closes this portion & asks for a motion.

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

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

Motion Carries.
APPLICATION APPROVED.

Mr. Lowenstein (Board Member) returns to the Dais.

5. Application # 2016-29, Beyshys Wong,
7-12 Richard Street, Block 5716, Lot 14, Zone R-1-3
Proposed 2nd story addition would maintain existing impervious coverage of 36% where 35 is permitted as per Section 125-12 Schedule of area yard and building requirements. FAR would increase from 40% to 40.1% where 37% is permitted. D-4 Variance required as per Section 125-57D. (1)(d)[1]

Fees have been paid and there is proof of service.

Mr. Seibel swears in: Beyshys Wong (Applicant)
7-12 Richard Street
Fair Lawn, N.J.

Mr. Seibel swears in: Ms. Stephanie DeCarlo (Architect)
70 H Chestnut Ridge Road
Montvale, N.J.

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

Ms. Wong explains she is proposing an addition/expansion to the garage to extend her Living room and Dining Room, Master Bedroom and Master Bathroom...

Ms. DeCarlo reviews the Site Plan as submitted with the Board Members. Reviews all Setbacks, building coverages, FAR....

Discussion....

Building Height is clarified along with existing impervious coverage calculations....

Discussion continues....

Pictures submitted are reviewed.

Ms. DeCarlo explains there would be no detriment to the Public Good or any hardships.

No further questions from the Board.

Mr. Seibel opens to Residents living within 200ft. from the Applicant.

Mr. Seibel swears in: Mr. Maurice Michaels (Next door neighbor)
7-16 Richard Street
Fair Lawn, N.J.

Mr. Michaels would just like to say to the Board Members he is in favor of this project and has no objections. Right now it is an odd shape and her proposal would make it more squared off which would look nice....

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

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

Motion Carries:
APPLICATION APPROVED.

RECESS:

Mr. Seibel calls the Meeting back to Order.

ROLL CALL: Mr. Blecker, Ms. Baratta, Ms. Perchuk, Mr. Racenstein, Mr. Lowenstein, Mr. Naveh, Mr. Puzio, Mr. Reinitz, Mr. Lazarev & Mr. Seibel, **Present.**

6. Application #2016-33, Denise Beardsley,
9-08 Henderson Blvd, Block 5805, Lot 3, Zone R-1-3
Property is located in the R-1-3 Zone. Applicant is requesting a Zoning Certification for a pre-existing non-conforming two-family dwelling. Proposed expansion of a non-conforming would require 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: Denise Beardsley
9-08 Henderson Blvd
Fair Lawn, N.J.

Mr. Seibel swears in: Michael Kuybida (Architect)
5 Orchard Road
Woodland Park, N.J.

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

Mr. Rosenberg (Board Attorney) first reviews & explains the basis of the application to Board Members beginning with the first portion; Zoning Certification for a pre-existing non-conforming two family use which continued before 1955 when the Zoning Ordinance was adopted. Based upon the evidence, Board Members will make the determination whether or not the applicant has met the criteria for a Zoning Certification before moving to the second portion of the application which is an expansion of the non-conforming.

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

Ms. Beardsley begins her testimony. References evidence of a Building permit dated back in 1947 which lists description of use as a two family. She also has a copy of Property records cards noting the residence listed as a two family.

Ms. Beardsley gives some history of the home, stating her grandparents owned this house and she bought it. Testifies she has a notarized letter from a neighbor stating it is a two family and has been forever....speaks to a discussion she had with Ms. Peck (Assistant to Zoning Officer) who strongly recommended she get a Zoning Certification to protect her future interests.

Discussion continues....

No further questions from the Board.

Mr. Seibel opens to Residents living within 200ft. from the Applicant. Seeing none,

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

Mr. Seibel closes this portion and asks for a motion for the 1st portion of the application, A Zoning Certification....

Mr. Puzio makes a motion to certify the property at (9-08 Henderson) as a Two-Family and grant the Zoning Certification.

Mr. Racenstein seconds the motion.

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

Motion Carries.

APPLICATION APPROVED. TWO-FAMILY ZONING CERTIFICATION GRANTED.

Mr. Seibel (Chairman) proceeds to the 2nd portion of the application.

Mr. Kuybida (Architect) begins his testimony speaking to the variances requested and detailing the proposed expansion. His client's proposal is to expand the rear of the house.

Mr. Kuybida walks the Board Members through the 1st floor proposal stating a Formal Dining Room will be included along with a ½ bath....

He then details the 2nd floor plans with Board Members...they will enlarge the Bedroom, closets and add an additional bedroom bringing the total count to (3) Bedrooms within the two family.

Details all the setbacks...notes they are staying within all the perimeters except for the impervious coverage.

Discussion and clarification on the D-2 variance required for the expansion of a non-conforming.

Side Yard setbacks are discussed and clarified. Plot Plan reviewed....
Removal on a portion of the driveway is discussed and clarified.

Mr. Lowenstein (Board Member) notes vehicles at the residence were parked on the grass...property line addressed.

Ms. Beardsley appreciates the information and the tenants will be told to avoid grass.

Mr. Seibel asks for a motion on the 2nd portion of the application which is for the Expansion on the non-conforming 2 family.

Ms. Baratta makes a motion to approve the expansion.

Ms. Perchuk seconds the motion.

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

Motion Carries.

APPLICATION APPROVED.

Commercial Business Carried:

1. Application #2014-23- Pac Management LLC/Glen Motors Toyota, 19-01 Pollitt Drive, Block 4802, Lot 1, Zone I-1 Proposed 4 signs where only one sign is permitted as per Section 125-41.B. (3) proposed height of Toyota Logo signs exceeds the permitted height of 16". Proposed Channel letter sign for Service Reception exceeds the permitted height of 16". Proposed Express Maintenance Sign exceeds the letter height of 16" as per Section 125- 41.B.4 (b)

Mr. Seibel (Chairman) reviews all variances requested.

Mr. Mitchell Abraham, Attorney for the Applicant of Cole Schotz, PC and Mr. Frank Mathews, Architect for the Applicant step forward.

Mr. Seibel swears Mr. Mathews in and certifies him as an Expert in the Field of Architecture with no objections from the Board.

Fees have been paid and there is proof of service.

Mr. Seibel swears in all Board Professionals: Peter Van Den Kooy (Board Planner)
Frank Miskovich (Traffic Engineer)
Ann Peck (Asst. to Zoning Officer)

Ms. Peck reads correspondence from Board Engineer, Paul Azzolina which states after his review of the application, it would not require his expertize.

Mr. Abraham (Attorney for Applicant) reviews the application speaking to the signs proposed. Explains to the Board Members, his client must comply with Toyota's Dealership Agreement in regard to signage...defers to Mr. Mathews for testimony in reference to the proposal.

Mr. Mathews (Architect) begins his testimony, reviewing the 4 signs which they would need approval...

Continuing his testimony, questions are asked regarding location of the proposed signage and Mr. Mathews refers to Board Exhibit for clarification on location of all signage proposed.

Mr. Van Den Kooy (Board Planner) asks how this proposal would fit into the Master Plan...

Mr. Mathews testifies and reviews the benefits and sees no detriment. Signage would help lead people coming off of Rt. 208 to the right destination instead of floundering around...

Mr. Miskovich (Board Traffic Engineer) does agree with Mr. Mathews on this point.

There would be no detriment to traffic. They are clear and readable signs and will help with the flow of traffic.

Discussion on illumination of signage affecting residents...

Mr. Miskovich testifies there is no detriment because of the location and zone, residents will not be affected. It is an Industrial area.

No further questions from the Board.

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

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.
Ms. Baratta seconds the motion.

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

Motion Carries.

APPLICATION APPROVED.

Mr. Seibel moves to Order of Business:

Memorialized Resolutions:

1. Application#2016-25, Hope Salmansohn, 9-15 6th Street, Block 5506, Lot 49, Zone R-1-3-Proposed 2nd Floor Addition- **Approved.**

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

VOTE: All Present- **AYE**

2. Application#2016-26, Jeff & Eve Goodnow, 15 Berkeley Place, Block 3705, Lot 18, Zone R-1-3-Proposed Patio- **Approved.**

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

VOTE: All Present-**AYE**

3. Application#2016-27, Elaine & Harry Becker, 9-01 Essex Place, Block 5519, Lot 22, Zone R-1-3-Proposed rear one story addition-**Approved**

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

VOTE: All Present- **AYE**

4. Application#2014-15, Varvara Property, LLC. Oceanos Oyster Bar & Sea Grill 2-27 Saddle River Road, Block 1301, Lot 13-15, Zone R-1-2- One Year Extension-**Approved.**

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

VOTE: All Present- **AYE**

5. Application#2015-24, 909 Glen Rock LLC/Bottle King, 909 Prospect Street, Glen Rock, Block 254, Lot 16.02-Zones A2 & C. Fair Lawn, Block 1808, Lot 6, Zone R-1-2-Final Site sub-division approval and request for waivers-**Approved.**

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

VOTE: All Present- **AYE**

Vouchers:

1. Winnie, Banta, Hetherington, Basralian & Kahn, in the amount of \$866.66 for Board Attorney's professional services rendered on July 25, 2016.
2. Winnie Banta Hetherington Basralian & Kahn in the amount of \$135.00 for Glen Rock, LLC./Bottle King

Mr. Puzio motions to approve this voucher and Mr. Lowenstein seconds the motion.

VOTE: All Present- **AYE**

Minutes:

Ms. Baratta makes a motion to approve the minutes of **June 27, 2016** and Ms. Perchuk seconds the motion.

VOTE: All Present-**AYE**

Adjourn:

Mr. Puzio makes a motion to adjourn and Ms. Perchuk seconds the motion.

VOTE: All Present: **AYE**

Time: 8:40pm

Respectfully submitted,

Cathy Bozza
Assistant to Zoning Department