

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENTS
MEETING MINUTES
OF June 27, 2016**

Following are the Minutes of the Fair Lawn Zoning Board of Adjustment's Regular Meeting held on June 27, 2016.

Mr. Richard Seibel called the Meeting to order at 7:04 pm and declared the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio, Mr. Racenstein, Mr. Naveh, Mr. Zharnest, Mr. Reinitz, Mr. Lazarev & Mr. Seibel,
Present. (Mr. Naveh arrived 7: 08)

Mr. Blecher: **Absent.**

Also in attendance: Board Attorney; Bruce Rosenberg, Court Stenographer; Candice Galaraza, and Cathy Bozza, Assistant to the Zoning Department.
(Ann Peck, Assistant Zoning Officer, **Absent**)

Board Professionals: Paul Azzolina, Board Engineer
Sean Moronski, Acting Board Planner for Peter Van Den Kooy
Frank Miskovich, Board Traffic Engineer

Richard Seibel leads the Pledge of Allegiance.

Residential New Business:

1. Application #2016-25, Hope Salmansohn,
9-15 6th Street, Block 5506, Lot 49, Zone R-1-3,
Existing lot is 3539sf where 6500sf is required. Proposed 2nd floor addition and renovations would increase the building coverage from 33% to 36.5% where 25% is permitted. Would increase the impervious coverage from 51% to 52.3% where 35% is permitted. Would maintain the existing side yard setback of 2.39' where 8' is required as per Section 125-12 Schedule of area yard and building requirements. FAR would increase from 25.5% to 58.8% where 40% is permitted. D-4 variance is required as per Section 125-57.D. (1) (d) [1]

Mr. Lowenstein & Mr. Zharnest (Board Members) recuse themselves from the application.

Fees have been paid and there is proof of Service.

Ms. Salmansohn begins her testimony by stating she would like to add an addition to her home. States she has brought her Architect with her this evening to explain what she would like an approval on.

Mr. Seibel swears in: Mr. Richard Molinari, Architect (Molinari, Stubaus Architects)
26-02 Broadway
Fair Lawn, N.J.

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

Mr. Molinari explains because of the sub sized Lot they have to ask for additional variances. He details the requested variances....increases in Building coverages, impervious coverages, & FAR.

Mr. Molinari details the hardship in having the undersized lot.

Mr. Seibel notes not only the width of the lot is undersized but also the depth...and had it been on the required lot size for the zone, they would not be here this evening.

Discussion....

Mr. Rosenberg (Board Attorney) explains the D-4 variance to the Board Members. Notes the application must have 5 affirmative votes. Board Members can take into consideration the undersized lot when considering their decision.

Mr. Molinari is questioned by Mr. Seibel on the square footage of the expansion.

Discussion...

Mr. Reinitz clarifies the footprint of the home will remain the same, they are just going up.

Mr. Molinari testifies this is correct.

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.

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

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

**Motion Carries:
Application Approved.**

Mr. Lowenstein & Mr. Zharnest return to the Dias.

2. Application #2016-26, Jeff & Eve Goodnow,
15 Berkeley Place, Block 3705, Lot 18, Zone R-1-3,
Property is undersized lot. Existing lot is 40' 68" where 65x100 is required in the
R-1-3 zone. Proposed 28'x10' patio would increase the existing impervious
coverage from 46.21% to 56.49% where 35% is permitted. Would have a 0' rear
yard setback where 4' 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. Seibel swears in: Jeff Goodnow & Eve Goodnow,
15 Berkeley Place
Fair Lawn, N.J.

Mr. Goodnow begins testimony by stating they have amended their proposal and have
brought a new site proposal to be reviewed by the Board.

Amended site plan passed to Board Members and reviewed.

Discussion begins...

Mr. Goodnow explains to the Board after talking with his Landscaper, he was advised
to go larger on the patio because he would not have any room for furniture on the patio
with the existing plan...so they amended it out of necessity.

Discussion....

Drainage is questioned and what type of methods will be used.

Mr. Goodnow explains they will be using sand and gravel so they should have no issues
with any drainage.

Mr. Goodnow is questioned if the Radburn Association has approved the plans...the
amended plans?

Mr. Goodnow testifies the Radburn Association have seen the amended plans and did
approve them.

Discussion on the size of the Lot being a hardship...

Mr. Rosenberg (Board Attorney) explains the C-variance to the Board Members. Location of the Lot, size of the Lot can be considered when making a decision on the application.

Mr. Lowenstein (Board Member) questions the square footage in the Easement land?

Mr. Goodnow states; he will try to explain this as best as he could. He has a piece of property which does not belong to him on the front and sides although he takes care of it...mowing, etc..Does not show on his survey....

Discussion continues...

Red lines on the survey are questioned.

Mr. Goodnow testifies it represents a retaining wall they will be installing.

Mr. Puzio (Vice-Chairman) questions if this wall has been calculated into the plans.

Mr. Goodnow states it has not, but understood it does not have to be. Ms. Peck (Assistant Zoning Officer) was aware of the wall...discusses the conversation between them.

Retaining wall will be back 2ft. from sidewalk, aligned with neighbor's fence for symmetry.

Discussion continues...0' Setback is discussed.

Impervious coverage will be increased from the original proposal of 56.49% to 61.65% based on changes made.

Mr. Lowenstein (Board Member) comments he objects to the application. Applicants are aware of what they are buying and the restrictions they have when buying a home. He does not agree with the substantial increase to the impervious coverage...

Discussion on the Zoning Ordinance which was implemented back in 1954 and the changes since this time...hardships of undersized lots, etc..

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.

Ms. Baratta makes a motion to approve the Application noting the amendment to increase the impervious coverage from 56.49% to 61.65%.

Ms. Perchuk seconds the motion.

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

Mr. Lowenstein, **NO.**

**Motion Carries:
Application Approved.**

3. Application # 2016-27, Elaine & Harry Becker,
9-01 Essex Place, Block 5519, Lot 22, Zone R-1-3,
Proposed rear one story addition would increase the building coverage from
22.1% to 30.9% where 25% is permitted. Would increase the impervious
coverage from 38.7% to 50.0% where 35% is permitted. Would maintain the
existing side yard setback of 5.57' where 8' is required. Proposed handicap ramp
access to the existing deck would have a side yard setback of 1.4' to the ramp
where 8' is required. Ramp would reduce the front yard setback from 22' to 16'
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. Ira Levine, Attorney for the applicants steps forward and speaks to the hardship of
his client and notes he has brought the Architect here this evening to detail the proposal
and for any questions the Board may have.

Mr. Seibel swears in: Elaine Becker & Harry Becker
9-01 Essex Place,
Fair Lawn, N.J.

Mr. Seibel swears in: Mr. Scott Bella (Architect)
65 Glen Ave
Glen Rock, N.J.

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

Mr. Bella begins his testimony by stating their proposal is to put an addition and a
handicap ramp. Currently, it is a small Cape; they are looking to add a new Suite with a
Bedroom and Bathroom off the ramp due to the necessity of his client.

Mr. Bella reviews and discusses the variances necessary due to the Applicant's
undersized lot.

Mr. Racenstein (Board Member) questions if the ramp proposed is affecting impervious coverage calculations....to which Mr. Bella testifies it does.

Discussion continues...Materials to be used will be wood up to deck. Concrete under deck will be removed.

Mr. Racenstein question the length of ramp...Mr. Bella testifies it would be approximately 27ft. long.

Mr. Racenstein questions if lights will be installed for safety. Mr. Bella testifies lighting will be installed.

Discussion continues on the removal of the concrete.

Mr. Bella (Architect) testifies removal calculations were not included in proposal.

Determination made; the impervious coverage calculations would be reduced from the proposed 50.0% to 47.5%.

Mr. Racenstein questions safety issues due to icing in the winter for the ramp.

Mr. Bella testifies all safety issues will be taken into consideration.

Mr. Levine (Attorney) calls Mr. Becker to the stand.

Mr. Becker would just like to tell the Board Members the reasoning behind his request for this variance. Explains his handicap and the necessity for this addition and how much easier it would make his life in getting around.

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.

Mr. Lowenstein makes a motion to approve the Application.

Ms. Baratta seconds the motion.

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

**Motion Carries:
Application Approved.**

RECESS IS CALLED.

Mr. Seibel calls the Meeting back to Order.

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

Request for a One Year Variance Extension:

1. Application #2014-15, Varvara Property, LLC. Oceanos Oyster Bar and Sea Grill
2-27 Saddle River Road, Block 1301, Lot, 13- 15, Zone R-1-2.
Proposed Expansion.

Mr. Lambrinides (Attorney for the Applicant) steps forward to explain the reasoning behind their delay in construction.

Review of the application and discussion.

No questions or objections from Board Members.

Mr. Seibel opens to residents living within 200ft. of 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.

Mr. Puzio makes a motion to approve the variance extension.
Mr. Racenstein seconds the motion.

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

Motion Carries.

Extension Approved.

Commercial Business Carried:

1. Application #2015-024, 909 Glen Rock, LLC/Bottle King,
909 Prospect Street, Glen Rock, Block 254, Lot 16.02 Zones A-2 and C-1 Fair
Lawn, Block 1808, Lot 6, Zone R-1-2.
Final Site subdivision approval and request for waivers.

Fees have been paid and there is proof of service.

Mr. Greg Asadurian, Attorney on behalf of the Applicant steps forward. Law firm of Kaufman, Semerero & Liebman, LLP, of Fort Lee, N.J.

Mr. Seibel would like to swear in all Professionals before proceeding.

Mr. Seibel swears in: Mr. Bruce Rigg (Professional Engineer for the Applicant)
1000 Maple Ave
Glen Rock, N.J.

Mr. Seibel swears in Board Professionals: Sean Movoksky (on behalf of Peter Van Den Kooy, Board Planner)
Frank Miskovich, Board Traffic Engineer
Paul Azzolina, Board Engineer

Mr. Asadurian reviews why they are here tonight. They are seeking approval for the Final Major Sub Division on the Board's prior approval of the Site Plan and notes they are not looking for any new variances...just the final approval.

Mr. Asadurian calls Mr. Bruce Rigg (previously sworn) and notes he is here tonight to testify and review the Final Sub division with the Board Members and to answer any questions the Board may have.

Mr. Riggs (Applicant's Engineer) begins by referring to the Final Sub Division Plans submitted and notes for clarification, if approved will be filed in the Clerk's office.

Plans entered into evidence and marked as;

Exhibit A1- Final Sub Division Plans.

Mr. Riggs reviews the final plans with the Board Members. He explains the subdivision of the two blocks/lots, etc...

Cross continues...

Mr. Riggs reviews the Landscape Buffer, Ingress/Egress, Tree removal and replacement.

Discussion on the approval of the Glen Rock Planning Board...

Mr. Asadurian hands a copy of the Memorialized Resolution from the Glen Rock Planning Board to Mr. Seibel (Chairman) for review.

Mr. Rosenberg (Board Attorney) marks the Resolution into evidence as;

Exhibit A2- Resolution of Approval from Glen Rock Planning Board.

Mr. Rigg continues with his testimony discussing Bergen County's approval, etc...

Clarifications of details are questioned by Board Members...4 homes will be built on 5 lots, etc...

Discussion continues...

Mr. Miskovich's (Board Traffic Engineer) report is discussed. No objections to the recommendation from the Applicant.

Mr. Lotterman's (DPW Supervisor for the Borough) report questions the Garbage Pickup?

Discussion...Mr. Asadurian states it is unknown at this time.

Discussion continues....

Mr. Seibel asks if there are any other questions or comments from the Board Professionals.

Mr. Azzolina (Board Engineer) states the Applicant has addressed all his comments, and the only recommendation he would suggest is the Bond issue.

Discussion...Mr. Rigg testifies he had reviewed the Engineer's, Paul Azzolina's report dated June 24, 2016 with regards to the posting of certain bonds for the final subdivision and will comply with all recommendations before recorded with the County Clerk's Office.

Discussion continues....

Mr. Rigg completes his testimony.

No further questions from Board Members.

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

Mr. Seibel opens to the General Public for questions or comments.

Mr. Seibel swears in: Mr. Saag Lae
5 Herold Drive
Glen Rock, N.J.

Mr. Lae has not had a chance to review the Final Site Plan and would like to know if there were any changes to the original plan or any new additions?

Mr. Asadurian addresses Mr. Lae's question. States nothing has changed. No additional variances needed, no changes made to the plan from the original site plan.

Mr. Lae is satisfied and thanks the Board.

Mr. Seibel reopens 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 with conditions, as stated and testified to.

Mr. Racenstein seconds the motion.

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

Motion Carries.

Application Approved.

Mr. Seibel moves to Order of Business:

Memorialized Resolutions:

1. Application #2016-17, Sicilian Builders,
12-67 5th Street, Block 5615, Lot 27, Zone R-1-3
Demolish existing dwelling and build a new one family dwelling – ***Approved***.

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

VOTE: All Present- **AYE**

2. Application #2016-18, Tom Murray,
26 Margaret Court, Block 1303, Lot 22, Zone R-1-2
Proposed Addition- ***Approved***.

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

VOTE: All Present-**AYE**

3. Application #2016-19, Devanand & Hema Rampersad,
3-19 Hartley Place, Block 3322, Lot 35, Zone R-1-3
Expansion without variance provided requirements meet existing non-conforming Side or front yard setbacks - ***Approved***.

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

the motion.

VOTE: All Present- **AYE**

4. Application#2016-20, Leonard & Sara Castro,
41-14 Geiger Place, Block 1503, Lot 3, Zone R-1-3
6ft. Fence in front yard setback – *Denied.*

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

VOTE: All Present- **AYE**

5. Application#2106-21, Shawn & Denise Furato,
33-05 Raphael Street, Block 2310, Lot 8, Zone R-1-3
Proposed addition and renovations - *Approved.*

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

VOTE: All Present- **AYE**

6. Application # 2016-22, William Hoffman,
12-14 12th Street, Block 4605, Lot 55, Zone R-1-3
Proposed 14'x24' roof over existing patio- *Approved.*

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

VOTE: All Present- **AYE**

7. Application #2016-02, Fair Lawn J&S Holdings, LLC.
23-08 Maple Avenue, Block 5903, Lot 5, 5.01 & 36
Proposed New Dunkin Donuts – *Approved.*

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

VOTE: All Present- **AYE**

Minutes:

Ms. Baratta makes a motion to approve the minutes of *May 23, 2016* and Mr. Racenstein 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 ***June 27, 2016***

Mr. Naveh makes a motion to approve this voucher and Ms. Perchuk seconds the motion.

VOTE: All Present- **AYE**

2. Winnie, Banta, Hetherington, Basralian & Kahn, in the amount of \$1,107.30 for Board Attorney's Professional Services rendered for ***Fair Lawn J&S Holdings, LLC.***

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

VOTE: All Present- **AYE**

Mr. Seibel (Chairman) before asking for a motion of adjournment asks Mr. Rosenberg (Board Attorney) to speak to our newest members regarding the rules of the Zoning Board reminding them there is to be no communication or discussion with any residents pertaining to any Applications pending before the Board. No internet communication, e-mails, etc...

Adjourn:

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

VOTE: All Present: **AYE**

Time: 8:35 pm

Respectfully submitted,

Cathy Bozza
Assistant to Zoning

