

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENTS
MEETING MINUTES
OF March 21, 2016**

Following are the Minutes of the Fair Lawn Zoning Board of Adjustment's Regular Meeting held on March 21, 2016.

Mr. Richard Seibel called the Meeting to order at 7:13pm and declared the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Mr. Blecher, Ms. Perchuk, Mr. Racenstein, Mr. Naveh, Mr. Zharnest, Mr.Reinitz & Mr. Seibel, **Present.**

Ms.Baratta, Mr.Lowenstein & Mr. Puzio. **Absent.**

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

Richard Seibel leads the Pledge of Allegiance.

Mr. Seibel reads correspondence from Mr. Brad Pohlman, who regretfully resigns from his position as a Board Member due to scheduling conflicts with his job.

Residential New Business:

1. Application #2016-07, Tsirina & Pavel Sheynerman, 31-06 Grunstra Place, Block 2809, Lot 12, Zone R-1-2 Proposed addition would increase the building coverage to 28% where 25% is permitted. Would increase the impervious coverage to 40% where 35% is permitted as per Schedule of area yard and building requirements. FAR would increase to 42% where 40% is permitted. D-4 variance required as per Section 125-57.D. (1)(d)[1]

Fees have been paid and there is proof of Service.

Mr. Seibel swears in: Ms. Pavel Sheynerman (Applicant)
31-06 Grunstra Place
Fair Lawn, N.J.

Mr. Edward Chudzinski (Architect)
350 Market Street
Saddle Brook, N.J.

Mr. Seibel certifies Mr. Chudzinski as an Expert Witness in the Field of Architecture without any objections from the Board.

Ms. Sheynerman begins testimony explaining she has a small child and hoping for more. They have a Colonial home and would like to extend the 1st floor for when she has a bigger family. She loves her home, has a pool and would like to be able to enjoy a larger 1st floor living area for when she expands the family.

Discussion...

Mr. Seibel (Chairman) asks her Architect, Mr. Chudzinski to elaborate on the proposal.

Mr. Chudzinski testifies what they are proposing is to extend the rear portion of the home. He speaks to the detail of the plan with Board Members.

Review of plans and calculations....

Mr. Rosenberg (Board Attorney) explains the D-4 variance requirement to the Board members...

FAR is discussed.

The Architect is asked to explain how they meet the requirement for the increase in the FAR..

Discussion.

Ms. Sheynerman interjects to reiterate she would like to have everyone living on the first floor. She does not want the worry of having her child nor her future children having to go up and down the stairs, etc...she wants to be able to keep an eye on the children while she is doing laundry, etc...

Mr. Seibel questions the Lot requirement. Size of lot...

Ms. Peck redoes the calculations for Board Members questions.

Mr. Rosenberg reiterates to the Board that personal aspects regarding the Applicant do not justify the granting of the variance. Board Members have to weigh the C1-C2. The hardship.

Discussion continues...undersized Lot is a hardship.

Questions are asked regarding similar homes in the area.

Ms. Sheynerman walks the Board through the pictures submitted with her application showing homes that are similar in the area.

Discussion continues...

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

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

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

**Motion Carries:
Application Approved.**

2. Application #2016-08, Janice Aquilina,
17-17 Well Drive, Block 2706, Lot 25, Zone R-1-2
Expansion of a non-conforming structure. Ordinance 125-32C (4) permits expansion without variance provided requirements are met-existing non-conforming side or front yard setbacks are not less than 50% of the required side or front yard setbacks, no closer than 12ft. to the existing dwelling on the adjoining property proposed 2nd floor Dormer addition. Maintain the existing front yard setback of 23.50' and 26.96' where 30' is required. Would maintain the existing side yard setback of 4.51' and 4.54' where 10' is required as per Section 125-32C (4) and 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. Janice Aquilina (Applicant)
17-17 Well Drive,
Fair Lawn, N.J.

Mr. Thomas Swift (Architect)
131 Sunset Ave;
Tenafly, N.J.

Mr. Seibel certifies Mr. Swift as an Expert in the Field of Architecture without any objections from the Board.

Ms. Aquilina begins her testimony explaining to the Board she recently bought a very small home in Fair Lawn, she would like to update the home. She would like two bedrooms and a master bath, newer windows in the front for more light and ventilation...

Mr. Swift (Architect) explains it is an expansion of a non-conforming structure. The side yards & front yard do not meet the requirements and this is why they are here this evening. He tried different ways when drawing up the plans, even pushing the dormers back as much as he could but still could not meet the front yard setbacks requirements.

Lot size is discussed. Board Members discuss the hardship of the lot. It is a Pie shaped lot, etc....

Mr. Swift explains the addition will be built above the existing sunroom. It's a 1950's style home...speaks to the Board Exhibit.

Photograph Board entered into Evidence as Exhibit A1.

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.

Mr. Racenstein makes a motion to approve the Application.
Mr. Zharnest seconds the motion.

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

**Motion Carries:
Application Approved.**

RECESS:

**ROLL CALL: Mr. Blecher, Ms. Perchuck, Mr. Racenstein, Mr. Naveh,
Mr. Zharnest, Mr. Reinitz & Mr. Seibel- Present.**

3. Application #2016-09, Abraham Weintraub,
5-18 4th Street, Block 5405, Lot 23, Zone R-1-3 Proposed addition would increase the building coverage from 25.9% to 28.2% where 25% is permitted. Removal of walkways would decrease the impervious coverage from 37.8% to 36.9% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements. FAR would increase from 37% to 47% where 37% is permitted. D-2 variance is required for expansion of a non- conforming structure as per Section 125-57.D. (1)(d)[1]

Fees have been paid and there is proof of service.

Mr. Seibel swears in: Mr. Abraham Weintraub (Applicant)
5-18 4th Street
Fair Lawn, N.J.

Mr. Albert Zaccone (Architect)
6 Casson Lane
North Haledon, N.J.

Mr. Seibel certifies Mr. Zaccone as an Expert Witness in the Field of Architecture without any objections from the Board.

Mr. Rosenberg (Board Attorney) clarifies for the record, because Mr. Zaccone is both an Architect and Planner, if Mr. Zaccone will be testifying as an Expert in the Field of Architecture only this evening in reference to this application?

Discussion...whatever will be necessary.

Mr. Seibel certifies Mr. Zaccone as an Expert in the Field of Planning also with no objections from the Board.

Mr. Weintraub (Applicant) begins his testimony explaining he bought his home in 2003. He and his wife were blessed with a baby boy and now the baby is getting bigger... Mr. Weintraub states he does not have space currently and explains the layout of his home.

He speaks to the Board on the proposal and what he would like to do. He would like to convert the Garage into a Dining room, have the Living room brought forward & expanded to merge with the new Dining room, also bring the laundry room upstairs for safety & convenience...etc..

Mr. Ziccone (Architect) follows Mr. Weintraub testimony & reiterates the proposal with details, explaining they do not encroach on the side yard or front yard. They are squaring off the back of the home. Rear yard setback will remain the same...there will be a larger Family room, a much larger Dining room, etc...the existing small living room will be converted to the Den. There will be a total of six bedrooms..

Mr. Ziccone speaks to the non-conforming property, building coverage, FAR...they are lowering the lot coverage and impervious by removing walkways...

Discussion on garage being added to the FAR calculations...

Mr. Ziccone continues with his testimony answering questions from Board Members.

Parking area is discussed. Mr. Ziccone states there will be room for 2-3 cars.

Discussion continues...

Mr. Naveh questions if he knows of any other homes in the area converting their garages into living space. He is not aware of this practice.

Mr. Weintraub speaks to similar homes that have converted their garages.

Mr. Rosenberg (Board Attorney) explains to the Board the D1-D2 variance...non-conformities, speaks to the balancing of the positive and negative.

Discussion continues on non-conforming structures and lot sizes with older communities.

No further questions from the Board.

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

Mr. Seibel swears in: Eric Mertz
5-25 3rd Street
Fair Lawn, N.J.

Mr. Mertz lives behind the applicant and is just here to state his concern with this expansion because of all the other expansions around him. Asks Mr. Seibel if this is becoming the norm in Fair Lawn, all these expansions? He has seen a lot more debris and run off issues in his area. Questions the Architect on what he is doing regarding drainage.

Mr. Ziccone (Architect) speaks to the concerns and issues of Mr. Mertz. Whatever he will have to do, he will do in regards to drainage and any requirements from the Building Department. There is no increase in square footage of the home. The width of the home is staying the same... they are removing impervious and they are not removing any trees. Lot coverage is going down which will help with impervious coverage...etc...

Mr. Seibel questions the height of the home and notes it will not be higher.

Mr. Ziccone testifies he is correct.

Mr. Seibel reopens to Residents living within 200ft. of the Applicant for any questions. 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.
Mr. Blecher seconds the motion.

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

Motion Carries.
Application Approved.

4. Application #2016-10, Domingo & Elsie Perez,
0-22 34th Street, Block 2217, Lot 9, Zone R-1-3
Corner Property. Proposed 6ft. fence within the front yard setback on Ryan Road where only 3ft. is permitted as per Section 125-38.A. Fences and Walls.

Fees have been paid and there is Proof of Service.

Mr. Josh Levine, Attorney on behalf of Mr. & Mrs. Perez steps forward and states he would like to hand to the Board Members photo exhibits that were not submitted with the application.

Exhibit A-Subject Property
Exhibit B-Subject Properties

Mr. Levine explains the reason they are here this evening. Applicants hired a Contractor to install a fence and they were not aware of any violation until they received a Notice of Violation from the Zoning Department and they contacted him right away.

Mr. Levine calls his witness to the stand.

Mr. Seibel swears in: Mr. Domingo Perez (Applicant)
0-22 34th Street
Fair Lawn, N.J.

Mr. Levine begins his cross examination of Mr. Perez.

Mr. Perez testifies he has lived at his home for approximately 8 ½ years. He hired a contractor two years or so ago to install a fence. He did install a 6ft. fence but was not aware of the 3ft. height requirement only being permitted for a corner property. His Contractor never made him aware of any requirement.

Location of fence is discussed...frontage along Ryan Road.

Testimony continues with questioning. Mr. Perez reiterates he was not aware of any violation until he received the notice.

Mr. Perez is asked the reason behind installing the fence.

Mr. Perez explains he had issues with people cutting through his yard. He has grandchildren, a dog and he wanted them to be able to run freely without having to worry about safety.

Mr. Perez also states he once had an Air Conditioner Unit stolen from his backyard.

Mr. Levine (Attorney) reviews Exhibit A with the Applicant and Board members.
Mr. Perez identifies the pictures, his fence, and his home.

Mr. Levine reviews Exhibit B with the Applicant and Board members.
Mr. Perez identifies the pictures showing similar homes with 6ft. fences.

Discussion on Site Triangle, said Fence location poses no issues.

Ms. Peck (Assistant Zoning Officer) clarifies Fence location with illustration markings on survey.

Discussion continues...

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

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

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

Mr. Racenstein, **NO.**

Motion Carries. 6-1
Application Approved.

Mr. Seibel moves to Order of Business:

Memorialized Resolutions:

1. Application#2016-01, David Spangenthal, 4-02 Kenneth Ave, Block 4322, Lot 8, Zone R-1-2. Corner Property. Proposed 6ft. Fence- Approved.

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

VOTE: All Present- **AYE**

2. Application#2016-03, John & Kimberly Hackaspker, 358 Plaza Road North, Block 3817, Lot 3, Zone R-1-1, Proposed Driveway Expansion. Approved.

Mr. Blecher makes a motion to approve this resolution and Ms. Perchuck seconds the motion.

VOTE: All Present-**AYE**

3. Application#2016-04, Brian LaRosa, 7-15 4th , Block 5511, Lot 30, Zone R-1-3 Corner Property-Proposed 6ft. Fence-Approved

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

VOTE: All Present- **AYE**

4. Application#2016-05, Robert Olko, 13-23 2nd Street, Block 5622, Lot 33, Zone R-1-3 Concrete Walkway- Approved.

Mr. Blecher makes a motion to approve this resolution and Mr. Naveh seconds the motion.

VOTE: All Present- **AYE**

5. Application#2106-06, Thomas Ling, 3-27 Grunauer Place, Block 3195, Lot 38, Zone R-1-3 Proposed In-Ground Pool -Approved.

Mr. Blecher makes a motion to approve this resolution and Mr. Naveh 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 March 21, 2016

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

VOTE: All Present- **AYE**

Minutes:

Ms. Perchuk makes a motion to approve the minutes of February 22, 2016 and Mr. Naveh seconds the motion.

VOTE: All Present-**AYE**

Board Members discuss adding Architect requirements to applications to avoid future issues regarding calculations, square footage, etc...

Board Members discuss Special Meeting Dates for upcoming application.

Adjourn:

Mr. Racenstein makes a motion to adjourn and Mr. Naveh seconds the motion.

VOTE: All Present: **AYE**

Time: 8:55pm

Respectfully submitted,

Cathy Bozza
Assistant to Zoning

