

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENTS  
MEETING MINUTES  
OF May 23, 2016**

Following are the Minutes of the Fair Lawn Zoning Board of Adjustment's Regular Meeting held on March May 23, 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:** Ms. Baratta, Mr. Racenstein, Mr. Lowenstein, Mr. Lazarev & Mr. Seibel, **Present.** (Ms. Perchuk arrived: 8:30)

Mr. Blecher, Ms. Perchuk, Mr.Naveh, Mr.Zharnest, Mr.Reinitz &Mr.Puzio.  
**Absent.**

**Also in attendance:** Board Attorney; Bruce Rosenberg, Court Stenographer; Patricia Pucciarello, Assistant Zoning Officer; Ann Peck and Cathy Bozza, Assistant to the Zoning Department.

Richard Seibel leads the Pledge of Allegiance.

Mr. Seibel swears in: New Board Member, Mr. Alex Lazarev.

Mr. Seibel changes the order of Agenda.

**Residential New Business:**

1. Application #2016-20 , Leonard & Sara Castro  
41-14 Geiger Place, Block 1503, Lot 3, Zone R-1-3  
Proposed 6ft fence in the front yard setback where 3ft is permitted as per Section 125-38 Walls and fences.

Mr. Seibel swears in: Leonard Castro (Applicant)  
41-14 Geiger Place  
Fair Lawn, N.J.

Fees have been paid and there is proof of Service.

Mr. Castro begins his testimony explaining what it is he would like to do. He would like to put a 6ft. fence up where a 3ft. fence is permitted. He submits additional pictures to the Board members viewing his backyard and referring to these pictures explains exactly where he would like to put the fence...

**Pictures marked as Exhibit A**- 2 Sheets consisting of 4 photos taken on 5/23/2016 marked collectively 1 thru 4.

Mr. Castro explains the grade issue he has on his property...  
Setbacks are discussed.

Mr. Castro continues his testimony referencing the grade issues and how the property is not level.

Type of Fence is discussed.

Mr. Castro is open to design recommendations regarding the fence. He would like to make the fence visually pleasing...

Board Members recommend bringing the fence back to 20ft. rather than the 25ft. he requests.

Discussion continues...

Mr. Castro would prefer to keep it at the 25ft. requested because he has plans in the future to hopefully put in an in-ground pool.

Discussion...

Mr. Castro also speaks to the safety issues with his children. There is a walkway where a lot of people go by with dogs, etc. and he would prefer having a fence there.

Landscaping buffer is discussed.

Board Members review pictures submitted with the application.

Mr. Castro explains where the pictures were taken and how others in the neighborhood have this type of fencing similar to what he is asking for...

Discussion continues.

No further questions from the Board.

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

Residents have Statements rather than questions...

Mr. Seibel explains to the residents, it is time for questions only...seeing none,  
Mr. Seibel closes this portion.

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

Mr. Seibel opens to residents living within 200ft. of the Applicant for statements.

Mr. Seibel swears in: Warren Cohen  
41-19 Geiger Place

Mr. Cohen objects to Fence. Beautiful neighborhood....Fence would be an eyesore.

Mr. Seibel swears in: Jean Cusack (here on behalf of neighbor)  
11-01 Saddle River Road  
Fair Lawn, N.J.

Ms. Cusack objects to fence. Her friend would have site issues from driveway with this type of fence...

Mr. Seibel swears in: Susan Silver  
41-30 Geiger Place

Ms. Silver also objects to the fence. Explains her reasoning, obstruction in the neighborhood...

Mr. Seibel swears in: Elizabeth Scanlon  
41-06 Geiger Place

Ms. Scanlon objects to fence and speaks to the site issues and obstruction.

Mr. Seibel swears in: Aharon Akad  
41-18 Geiger Place

Mr. Akad states he objects to the fence along with his neighbors. His children ride bicycles and it's a quiet street and a safe street. Finds it would be an obstruction.

Mr. Seibel swears in: Robert Lidestri  
41-23 Geiger

Mr. Lidestri objects to the fence-concerns with the overall look of fence, value of property going down, etc...

Mr. Seibel swears in: Anna Pasternak  
41-03 Geiger Place

Ms. Pasternak also feels it would be an obstruction and values of property will go down.

Mr. Seibel swears in: Susan Cohen  
41-19 Geiger Place

Ms. Cohen objects to fence. Visual impact...etc.

Mr. Seibel swears in: Blanche Swerlin  
41-22 Geiger Place

Concerns with the Boat on property... Where does the applicant intend to put this?

Mr. Seibel explains to Ms. Swerlin, they are here to address the fence.

No further statements from Residents.

Mr. Seibel closes this portion.

Mr. Seibel opens to the General Public. Seeing none,

Mr. Seibel closes this portion.

Mr. Castro (Applicant) steps up to the Podium and addresses some of the concerns of his neighbors. Speaks to the corner lot issues, etc...

Board Members discuss Site line issues.

Discussion on the survey and how it clearly shows there would be no site line issues and will not impact vehicular traffic...

Discussion continues amongst Board Members...

Mr. Lowenstein has concerns and does not support the application.

Ms. Baratta would like to see the fence pushed back another 5ft. to 20ft. rather than the 25ft. requested and would like the fence to be 5ft. with 1ft. of Lattice...

Mr. Castro (Applicant) agrees to this stipulation.

Mr. Seibel seeing no other questions or suggestions from the Board Members asks for a motion.

Ms. Baratta makes a motion to approve the application with conditions. The fence will be moved back to 20ft. on the west side and in the rear where proposed 25ft. moved to 30ft. and 5ft. fencing with 1ft. Lattice.

Mr. Racenstein seconds the motion.

**VOTE:** Ms. Baratta, Mr. Racenstein. **YES.**

Mr. Lowenstein, Mr. Lazarev, Mr. Seibel. **NO**

**Motion: 3-2**

**Application Denied.**

**RECESS:**

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

**ROLL CALL: Ms. Baratta, Ms. Perchuk, Mr. Racenstein, Mr. Lowenstein,  
Mr. Lazarev & Mr. Seibel- Present.**

1. Application #2016-17, Sicilian Builders,  
12-67 5th Street, Block 5615, Lot 27, Zone R-1-3 Proposes to demolish the existing dwelling and replace with a new one family dwelling. Proposed new dwelling will meet the Zoning requirements for setbacks and coverages. Without a “Grandfather Clause” in the Ordinance, a C-1 variance is required as per Section 125-57.D.(1)(c ) [1] The existing lot is located in the R- 1-3 zone which requires a lot to be 65’ x 100’. Existing Lot is 50’ x 100’ and does not conform to the lot requirements 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: Raymond Miller (Attorney on behalf of the Applicant)

Mr. Seibel swears in: Brian Barisi (President & Builder)  
230 Wood Ridge Street  
Wood Ridge, N.J.

Mr. Barisi testifies he is the President and Builder of Sicilian Builders. Has a license in the State of New Jersey as a Builder & Plumber.

Mr. Barisi continues with his testimony upon questioning from his Attorney explaining he acquired the home in March of this year. The Lot is 50x100 and the existing structure is set all the way back on the property and is in very poor condition. He would like to demolish the home and put a brand new dwelling within the setbacks.

Discussion...

Requirement for zone is 65x100. Existing lot is a non-conforming.

Design is discussed. Review of plans by Board Members.

Mr. Barisi walks the Board Members through the design and Zoning Chart, noting the existing setbacks and proposed. He refers to pictures of the existing structure showing the disrepair of the house.

Discussion continues.

Questions from Board Members regarding proposed basement, attic and façade materials...

Landscaping Plan is questioned. Mr. Barisi testifies there will be trees removed.

Discussion on proposed landscaping...

Installation of Generators is questioned.

Mr. Barisi explains he himself will not install a Generator but is installing the electric wiring to accommodate a generator if the new owners want to install one.

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. Racenstein, Mr. Lowenstein, Mr. Lazarev & Mr. Seibel, **YES.**

**Motion Carries:  
Application Approved.**

2. Application #2016-18, Tim Murray,  
26 Margaret Court, Block 1303, Lot 22, Zone R-1-2  
Proposed addition would increase the impervious coverage from 35.2% to 39.1% 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: Mr. Tim Murray (Applicant)  
26 Margaret Court  
Fair Lawn, N.J.

Mr. Murray testifies he bought the home in 2002. He loves the neighborhood; the neighbors know each other, etc. He would like to expand the kitchen but they would be increasing the impervious in doing so, so he is here tonight to ask for a variance.

Board Members review the plans proposed.

Square footage increase is discussed....

Mr. Seibel notes the irregularly shaped and undersized lot...discussion on a C-1 variance-hardship.

Discussion continues...

Mr. Murray testifies he will remove existing deck and build a new room and the new deck proposed will meet the setbacks.

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.

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

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

**Motion Carries.**

**Application Approved.**

**RECESS:**

Mr. Seibel calls the Meeting back to Order.

**ROLL CALL: Ms. Baratta, Ms. Perchuck, Mr. Racenstein, Mr. Lowenstein, Mr. Lazarev & Mr. Seibel- Present.**

3. Application #2016-19, Devanand and Hema Rampersad,  
3-19 Hartley Place, Block 3322, Lot 35, Zone R-1-3.  
Ordinance 125-32C(4) permits expansion without variance provided Requirements are meet-existing non-conforming side or front yard setbacks are not less than 50% of the required side or front yard setbacks, but in no closer than 12 feet to the existing dwelling on the adjoining property Proposed 1st and 2nd floor addition. Would maintain the existing front yard setback of 12.28' where 25' is required Would maintain the existing side yard setback of 3.76' and 4.17' where 8' is required as per Section 125-12 Schedule of area yard and building requirements. D-2 expansion of a nonconforming 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. David Rampersad (Applicant)  
3-19 Hartley Place  
Fair Lawn, N.J.

Mr. Seibel swears in: Jacob Solomon (Architect for the Applicant)  
Jacob Solomon Architect, LLC.  
14-25 Fair Lawn Avenue  
Fair Lawn, N.J.

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

Mr. Solomon begins by explaining why they are here this evening, explaining the variances required...houses on the street are similar.

Mr. Solomon continues testimony describing and detailing the 2 story addition and notes it will align with footprint of home. Speaks to all setbacks and proposal...

Adding a one car garage with structure over, expanding the kitchen in rear.

Mr. Solomon testifies to removal of the concrete patio to reduce the impervious. The new deck will be 5% allowable...details the 2<sup>nd</sup> floor plan.

Board Members discuss the expansion of a non-conforming structure. D-variance will need 5 affirmative votes...

Discussion on the irregular shaped lot...

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

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

**Motion Carries.**

**Application Approved.**

4. Application #2016-21, Shawn & Denise Furato,  
33-05 Raphael Street, Block 2310, Lot 8, Zone R-1-3 Proposed addition and renovation would increase the building coverage from 20.4% to 26.3% where 25% is permitted. Would increase the impervious coverage from 37% to 38.6% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirement. FAR would increase from 29.8% to 46% where 40% is permitted. Requires a D-4 variance as per Section 125- 57.D. (1)(d)[1]

Fees have been paid and there is proof of Service.

Mr. Seibel swears in: Shawn Furato  
33-05 Raphael Street  
Fair Lawn, N.J.

Mr. Seibel swears in: Joseph Javier (Architect)  
26 North Oak Ave  
Wood Ridge, N.J.

Mr. Seibel swears in: Frank Sorisi (Designer) Assistant to Architect  
Sorisi Architectural Design, LLC  
97 Boonton Avenue,  
Kinnelon, N.J.

Mr. Seibel certifies both Mr. Javier and Mr. Sorisi as Experts in the Field of Architecture and Design with no objections from the Board.

Mr. Furato (Applicant) begins testimony stating he would like to make his home bigger because he would like to stay in Fair Lawn.

Mr. Sorisi (Designer) steps forward with Board Exhibit of proposed plan. He explains what it is they are going to do with the home, noting they are going to remove the concrete patio and the existing porch...

Mr. Sorisi reviews the 1<sup>st</sup> floor plan with Board Members stating; a Dining Room will be added which they do not have currently and upstairs another Bedroom and Master Bath will be added.

Testimony & Discussion on the Lot size which is a hardship.

Board Members review & discuss.

Mr. Lowenstein (Board Member) questions the removal of patio.

No further questions from Board Members.

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

Mr. Seibel swears in: Leslie Leventman,  
18-34 Chandler Drive  
Fair Lawn, N.J.

Ms. Leventman has no objections to the plan but questions Mr. Furato (Applicant) on the beautiful Tree on his property. Asks if he plans to remove this with construction?

Mr. Furato has no plans to remove the tree.

No further questions from residents living within 200ft. of the Applicant.

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.  
Ms. Perchuk seconds the motion.

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

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

**RECESS:**

Mr. Seibel calls the Meeting back to Order.

**ROLL CALL: Ms. Baratta, Ms. Perchuck, Mr. Racenstein, Mr. Lowenstein,  
Mr. Lazarev & Mr. Seibel- Present.**

5. Application #2016-22, William Hoffman,  
12-14 12th Street, Block 4605, Lot 55, Zone R-1-3.  
Proposed 14'x24' roof over existing patio would increase the building coverage  
from 20.25% to 28.65% where 25% is permitted. Would have a side yard setback  
of 3.1' where 8' 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: William Hoffman (Applicant)  
12-14 12<sup>th</sup> Street  
Fair Lawn, N.J.

Mr. Seibel swears in: Ms. Danielle Verga (Fiancée)  
777 Terrace Ave  
Hasbrouck Heights, N.J.

Ms. Verga testifies they are here tonight for side yard setback issues and building coverage.

Board Members clarify setbacks and requirements. A C-1 variance is referenced because of the non-conforming lot size. Lot is extremely undersized.

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

**VOTE: Ms. Baratta, Ms. Perchuck, Mr. Racenstein, Mr. Lowenstein,  
Mr. Lazarev & Mr. Seibel- YES.**

**Motion Carries.  
Application Approved.**

Mr. Seibel moves to Order of Business:

**Memorialized Resolutions:**

1. Application#2015-27, VR II, 20-19 Fair Lawn Ave, LLC.  
20-19 Fair Lawn Avenue, Block 4701.01, Lot 1, Zone B-1  
Proposed 24hr. 7-Eleven Convenience Store- Denied.

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

**VOTE: All Present- AYE**

2. Application#2016-11, Marion & Semion Yakubovich,  
851 Van Riper Place, Block 2504, Lot 29, Zone R-1-2  
Proposed 2<sup>nd</sup> Floor addition & rear 2 story addition.-Approved.

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

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

3. Application#2016-12, Daniel Furphy,  
31-11 Southern Drive, Block 2415, Lot 8, Zone R-1-3  
Expansion of non-conforming structure.-Approved

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

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

4. Application#2016-14, John Clifford,  
39-09 Sycamore Drives, Block 1209, Lot 24, Zone R-1-3  
Proposed additions and new front porch.-Approved

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

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

5. Application#2106-15- Kulwant & Swarnjit Malik  
0-78 Mildand Ave, Block 3226.01, Lot 19, Zone R-1-3  
Expansion of a non-conforming structure. -Approved.

Mr. Lowenstein 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 May 23, 2016

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

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

**Minutes:**

Ms. Baratta makes a motion to approve the minutes of April 18, 2016 and Mr. Racenstein seconds the motion.

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

**Adjourn:**

Ms. Baratta makes a motion to adjourn and Ms. Perchuk seconds the motion.

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

**Time:** 10:00pm

Respectfully submitted,

Cathy Bozza  
Assistant to Zoning