

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENTS
MEETING MINUTES
OF OCTOBER 24, 2016**

Following are the Minutes of the Fair Lawn Zoning Board of Adjustment's Regular Meeting held on October 24, 2016.

Mr. Richard Seibel called the Meeting to order at 7:10pm and declared the Meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio, Mr. Reinitz & Mr. Seibel, ***Present.***

Absent: Mr. Racenstein, Mr. Naveh, Mr. Zharnest & Mr. Lazarev.

Also in attendance: Board Attorney; Bruce Rosenberg, Court Reporter; Candice Galarza Assistant Zoning Officer; Ann Peck and Clerk to the Zoning Department; Cathy Bozza

No Professionals in attendance. No Commercial applications to be heard.

Chairman Richard Seibel leads the Pledge of Allegiance dedicated to Colonel Jack O'Neil, Commander of Veteran's Counsel, who passed recently and will be sorely missed.

Residential Carried Business:

1. Application #2016-38, Colette Martin, 1-15 28th Street, Block 3309, Lot 30, Zone R-1-3- Expansion of a non-conforming structure, Ordinance 125-32 C (4) permits expansion without variance provided requirements are meet existing nonconforming side or front yard setbacks are not less than 50% of the required side or front yard setbacks, but no closer than 12feet to the existing dwelling on the adjoining property. Proposed expansion would require a C-1variance as per Section 125- 57.D.(1)(c)[1] Property is 5000sf where 6500sf is required. Proposed addition would increase the building coverage from 29.3% to 30.6% where 25% is permitted. Would maintain the existing side yard setback of 4' where 8' is required. Would maintain the existing front yard setback of 7.3" where 25' is required as per Section 125-12 Schedule of area yard and building required.

Fees have been paid.

Mr. Lowenstein clarifies for the record, the re-notice/proof of service in the Record for a D-variance.

Mr. Seibel swears in: Ms. Colette Martin (Applicant)
1-15 28th Street
Fair Lawn, N.J.

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

Mr. Peter Vahala (Architect to the Applicant, previously sworn) reviews the carried application for the Board Members. Speaks to the (5) C variances and the (1) D variance being requested. He reviews the Lot area, front yard and side yard, building coverage- He speaks to the addition of the FAR variance which will increase from 24.8% to 47.1%...

Mr. Vahala explains the hardship of the lot and explains last month the application included the basement square footage which was incorrect. The basement does not have to be included into the FAR. Explains the windows are less than 3ft from grade.

Ms. Peck (Assistant Zoning Officer) testifies he is correct. It is 2.7" from grade.

Mr. Puzio (Vice-Chairman) clarifies upon review of the application and to refresh memory, it will also stay within the footprint of the existing foundation. It is only going up.

Mr. Vahala continues with his testimony and reviews the photos submitted with the application. It is a single family home...details the proposed addition, speaks to the side yard, front yard and rear yard setbacks. In his opinion he sees no detriment with this addition to the Zoning Plan or Ordinance. He explains why they will exceed FAR but only because of the hardship of the non-conforming lot.

Discussion.....

Mr. Seibel asks him to tell them about the 2nd floor addition...

Mr. Vahala details the proposal. The house is very unusual in its architecture...it has a center hallway and has a very inefficient layout. They are looking to create a new Living Room, Dining Room, Kitchen and Family Room on the 1st floor and an adding a (2nd floor) which will have (3) Bedrooms, a Master Suite & two full bathrooms and a two story open foyer in the front of the home.

Age and size of home is discussed. Mr. Vahala explains the house is 60-65 years old which is habitable but not functional for today's standard of living.

Parking is discussed...one car parking, no change to driveway.

No further questions from the Board Members.

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

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

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

VOTE: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein,
Mr. Puzio, Mr. Reinitz & Mr. Seibel, **YES.**

Motion Carries.
APPLICATION APPROVED.

2. Application #2016-37, Daniel & Mila Meehan,
27-10 Merritt Place, Block 3501, Lot 5, Zone R-1-2,
Removal of existing detached garage. Proposed add a level and addition which
would create an attached garage. Proposal would maintain the existing side yard
setback of 6.15' where 10' is required. Would decrease side yard from new
attached garage from 17.1' to 5' where 10' is required. Would increase the
building coverage from 21.2% to 26.3% where 25% is permitted. Would increase
the impervious coverage from 30.7% to 36.3% where 35% is permitted as per
Section 125-12 Schedule of area yard and building requirements. Would increase
FAR from 22.8% to 46.1% where 40% is permitted as per Section 125- 57.D. (1)
(d) [1]

Fees paid. No re-notice required.

Ms. Peck (Assistant Zoning Officer) would like to put on record, both Mr. Blecher and
Mr. Reinitz have listened to the CD and all Board Members are qualified to vote.

Mr. Seibel (Chairman) notes the appearance of: Joyce M. Smith (Attorney) here on
behalf of Ms. Susan Thomasson, Homeowner of 8 Laurel Road, Fair Lawn, N.J.

Mr. Seibel swears in: Daniel Meehan (Applicant)
27-10 Merritt Place
Fair Lawn, N.J.

Mr. Seibel swears in: Mr. Jacob Solomon (Architect)
14-25 Plaza Road
Fair Lawn, N.J.

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

Mr. Rosenberg (Board Attorney) clarifies for the record, Mr. Solomon is certified as an Architect in this application and not as a Planner.

Testimony begins....

Mr. Solomon explains to the Board his client has amended the application due to the concerns and issues of his neighbors and to bring the proposal more in compliance with zoning regulations. He has eliminated the proposed two story addition of the Garage from the application. The other portion will be at the rear of the dwelling, which will eliminate the building coverage variance due to the decrease in coverage.

Mr. Solomon continues...The FAR remains...although decreased to 44.9% where the requirement is 40%. He walks the Board Members through the amendments to the application which has eliminated 2 variances thus far...

Mr. Solomon notes the existing detached garage will also be removed, so there will be no garage on the property at all. The side yard setback where the proposed garage would have been is currently 17.1 and will not change and the 6.15ft., on the opposite side yard will also stay the same. They meet all other setbacks...

Discussion.....

Mr. Lowenstein (Board Secretary) would like to applaud the applicant for amending the application to accommodate the concerns of his neighbor.

No further questions from the Board.

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

Ms. Joyce M. Smith (Attorney) for Susan Thomasson steps forward to state; when the newly proposed plan was reviewed by her client, they noted the Meehans had made a lot of amendments to accommodate her concerns and wish to withdraw the objections.

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.

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

VOTE: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein,
Mr. Puzio, Mr. Reinitz & Mr. Seibel, **YES.**

Motion Carries
APPLICATION APPROVED.

Let the record show, Mr. Blecher (Board Member) recuses himself from the following application.

Residential New Business:

1. Application #2016-42, Carl & Catherine Boda,
17-14 Berdan Avenue, Block 4508, Lot 39, Zone R-1-1,
Proposal to add a 10' x 14' driveway on the property located at 17-14 Berdan Avenue where no driveway exists. Existing lot is 34' x 100' or 3400sf. where 75' x 100 or 10,000sf. is required. Would increase the impervious coverage from 43.5% to 48.7% 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. Gail Erickson (Daughter)
122 Twin Arch Road
Washingtonville, N.J.

Ms. Erickson testifies she is the daughter of Carl & Catherine Boda. Her father is now deceased and her mother in an Assisted Living facility. She is Power of Attorney for the property.

Mr. Seibel swears in: Jacob Solomon (Architect)
14-25 Plaza Road
Fair Lawn, N.J.

Previously sworn and will be testifying as an Architect, not a Planner and has previously been certified as an Expert in the field of Architecture before the Board.

Mr. Solomon begins his testimony stating this lot is an extremely undersized property, reviews the existing Lot coverage...vs requirement with the Board Members. Currently there is no curb cut and no driveway at this dwelling. The applicant has been parking in the rear of the property on the Board of Education's property.... Proposal is to add a driveway & curb cut in the front yard in order to rectify this issue.

Mr. Solomon is proposing a driveway on the easterly side where there is more width. The variance they are seeking is lot coverage and a waiver for the 2nd stall of the driveway. Noting the lot coverage was a little high and after speaking with the applicant, they propose to remove the existing concrete walkway on the side of the house thus eliminating the increase to the Lot coverage and will maintain the current 43.5% where 35% is required...

Ms. Peck (Assistant Zoning Officer) clarifies the impervious will remain at the current 43.5% rather than the 48.7%.

Mr. Seibel questions the history and age of the house.

Ms. Erickson (Daughter) speaks to the history of the house. Her parents bought it in 1952 and notes at the time it was a Bar and her father converted it to a house...it is at least 63 years they have been parking of the BOE property including her father's business vehicles...

Discussion continues.

Mr. Solomon testifies it is a one story dwelling with one bedroom, a kitchen, living room, one bathroom dwelling with a basement.

Ms. Erickson testifies how the BOE property is in the rear and they would never sell any of the property to her father so they have parked there all these years and no one has complained but she needs to sell the house and can't do so without a legal driveway.

Mr. Seibel questions this? Is there an Ordinance that states a house cannot be sold without a legal driveway?

Ms. Peck (Assistant Zoning Officer) testifies she is not aware of one.

Ms. Erickson testifies & explains; no one is interested in the house without a driveway and they can't park overnight on the street...this is why she would like to add the driveway. She had 4 people interested, but no one would go to a legal contract without a driveway.

Discussion continues.....

Board Members discuss the hardship of not having a driveway and how it would affect the selling of the home....

Mr. Seibel (Chairman) defers to Mr. Rosenberg (Board Attorney) for counsel regarding this...

Mr. Rosenberg explains to the Board Members another concept of the Land Use Law...with the testimony heard the characteristics of the property document a hardship of marketability because of the lack of a driveway. It could most certainly justify a hardship and as a reason to consider an approval....

Discussion continues....

Mr. Lowenstein (Board Secretary) questions the location of the proposed driveway and questions if they considered the rear of the property.

Mr. Solomon explains why it could not be done. The Board of Education's property surrounds the area...

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 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. Peck (Assistant Zoning Officer) amends the calculation of impervious noted...and includes the waiver.

Ms. Baratta makes a motion to approve the application as amended.
Mr. Lowenstein seconds the motion.

VOTE: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio,
Mr. Reinitz & Mr. Seibel, **YES.**

Motion Carries
APPLICATION APPROVED.

Let the record show, Mr. Blecher (Board Member) has returned to the Dais.

2. Application #2016-40, Steven & Jamie McKee Hrinuk,
8-84 Henderson Blvd, Block 5817, Lot 31, Zone R-1-3,
Proposed 6' fence in front yard setback where only 3' is permitted as per
Section 124-38A Fences and Walls.

Fees have been paid and there is proof of service.

Mr. Seibel swears in: Steven & Jamie McKee Hrinuk (Applicants)
8-84 Henderson Blvd,
Fair Lawn, N.J.

Mr. Seibel notes it is a corner property therefore considered two front yards...

Ms. Hrinuk begins her testimony stating currently there is a 3ft. fence which goes around the rear of the property and turns into a 4ft.high fence. There are a number of reasons why she would like to put in a 6ft. fence up, not only for privacy but first and foremost mostly for safety reasons. Henderson Avenue is a very busy street. Back in February, her home was hit by a careless driver going to fast as well as her neighbor's home. She has two small children and safety is a major concern. There is a lot of car traffic, a lot of cut thru foot traffic, dog walkers, a cut-thru from school...They have had incidents with strangers speaking to their son, etc...

They do have a large dog, a very sweet dog but with all the dog walkers on the sidewalk, they have had situations where the dogs get lose and many have aggressive dogs and there has been a few incidents.

Discussion on the type of fence...

Ms. Hrinuk testifies it will be a PVC fence.

Mr. Seibel asks if she would consider a 5ft. fence with a 1ft. Lattice. It would be more astecially pleasing...

Ms. Hrinuk states she would consider it... it would drive the price up and would rather do it without the lattice. She notes there are homes in her immediate neighborhood that do have a solid fence...

Pictures submitted are discussed.

Mr. Seibel notes while he was at the property, there are no line of sight issues....

Ms. Baratta questions the existing fence. Will it also be replaced?

Ms. Hriniuk notes she will be replacing the existing fence with the new PVC all around the 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.

Mr. Rosenberg (Board Attorney) clarifies if the approval includes a 1ft. Lattice?

Ms. Baratta notes she does not wish to put a condition of a 1ft. Lattice or unnecessary financial restraints on the Resident.

Mr. Blecher seconds the motion.

VOTE: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio
Mr. Reinitz & Mr. Seibel, **YES.**

Motion Carries.
APPLICATION APPROVED.

3. Application #2016-41, Timothy & Natalie Franco,
0-17 Fair Lawn Parkway, Block 2206, Lot 2, Zone R-1-3,
Proposed new open Front porch would reduce the front yard setback from 23.86'
to 19.86' 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. Seibel swears in: Mr. Timothy Franco, (Applicant)
0-17 Fair Lawn Parkway
Fair Lawn, N.J.

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

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

Mr. Franco testifies that currently his front steps are completely worn out, very small,
falling apart and need replacing. Currently they do not meet the Code requirements so
while replacing them with all new footing and materials, making them larger to meet the
Code, they would like to add an Open Front Porch with a roof to increase outside living
area which they enjoy very much, add curb appeal to the property and also a covered area
during inclement weather.

Mr. Franco and Board Members review the pictures submitted with the application
showing the next door neighbor & surrounding homes with open front porches. Mr.
Franco also notes his home is 20ft. back from the curb where most are 10ft....

Mr. Stubaas (Architect) steps forward and speaks to the details of the property's setback.
Explains that Fair lawn Pkwy is a 100ft. right of way where most residential streets are
50ft. the result being that Mr. Franco property is 20ft. back from the curb space where
most residential homes are 10ft.

Testimony continues.....regarding the setback.

Mr. Seibel acknowledges the extra 10ft. Mr. Stubaas is speaking to...

Mr. Stubaas continues...mentions the variance Mr. Franco was granted a few years back
for impervious coverage of 48% for an installation of a pool in the backyard. Speaks to
the change of the Ordinance since then where the surface area of the pool is only counted
as 50%...notes the walkway on the side of the house is no longer needed and will be
removed which will reduce the impervious...bringing the calculation to 44.7%

Discussion continues....

Ms. Baratta (Board Member) would like to make a point for clarification purposes...they are not here tonight for an impervious coverage variance but for the setback.

Mr. Stubaus just wanted to point out the Front porch will not increase the impervious coverage...

So noted...

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.
Mr. Blecher seconds the motion.

VOTE: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio
Mr. Reinitz & Mr. Seibel, **YES.**

Motion Carries.

APPLICATION APPROVED.

4. Application #2016-39, AAH of Bergen County, LLC.
23-10 Berkshire Road, Block 3223.01, Lot 17, Zone R-1-3,
Expansion to a non-conforming structure, Ordinance 125-32 C (4) permits expansion without variance provided requirements are met. Existing nonconforming side or front yard setbacks are not less than 50% of the required side or front yard setbacks, but no closer than 12ft. to the existing dwelling on the adjoining property. Proposed reconstruction of a fire damaged home would maintain the pre-existing side yard setbacks of 6' and 6' where 8' is required and is 11.5' from neighboring structure where 12' is required as per Section 125-32 C(4) and as per Section 125- 12 Schedule of area yard and building requirements. Requires a C-1 variance as per Section 125-57D 10(c) [1]

Fees paid and there is proof of Service.

Mr. Andrew Bolton (Attorney for the Applicant) from the Law Firm of Rubenstein, Meyerson, Fox, Mancinelli, Conte & Bern, PA., steps forward to state he has two witnesses this evening for testimony...

Mr. Seibel swears in: David Moore-
Executive Director of the Alliance against Homelessness,
179 Deer Court Drive
Middletown, N.Y.

Mr. Seibel swears in: Matthew Schappert- (Architect)
Peter Raymond Wells Architects, LLC
251 Park Ave
Park Ridge, N.J.

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

Mr. Bolton (Attorney for the applicant) does a short review of the application, detailing the previous fire at this location and notes they will not be expanding outside of the footprint of the building, they are just going up and building on the 2nd floor, expanding the space.

Mr. Schappert (Architect) steps forward and refers to the Board Exhibit. He testifies the home is an 800sf. house, detailing how the fire was pretty much contained to the 2nd floor with minimal damage to the core and structure. The 2nd floor was demolished beyond repair. They are staying within the footprint and with this restoration & rebuild the house will be a fully coded home. They will be building straight up...they are requesting a variance to rebuild with more square footage to allow adequate space for the occupant...

Discussion on the cause of the fire...

Mr. Moore steps forward to explain. Findings of the Police and Investigators was the possibility of smoking in a bedroom and the use of a space heater but it was not determined if either were the cause. They are working with the Insurance Company to increase both Fire safety awareness for the residents as well as smoking detectors...designed to detect cigarette smoke, explains how it works and how it will be enforced.

Discussion....

Mr. Moore is questioned on the adequacy of the heat on the 2nd floor and what will be done to rectify this issue.

Mr. Moore testifies the entire heating systems will be changed to baseboard heat. The entire structure will be brought up to Code.

Question regarding changes to the 1st floor heating...

Mr. Schappert (Architect) testifies the entire heating system will be replaced. All new wiring will be brought to code in the entire building and will increase Fire Safety

regulations...minor alterations will be done to the 1st floor. Opening up a Wall where there was once a kitchen and a Den. Explains...

Discussion continues...

Questions regarding a Smoke Free Site....

Mr. Moore notes all of his buildings are smoke free and unfortunately they we do not have 24 hr. supervisors but with the new smoke detectors, hopefully we could enforce the No Smoking...A No-Smoking clause is in the Lease.

Mr. Moore is questioned on the Residents who rent.

Mr. Moore explains...4 women who were formally homeless, hopefully independent...

Hot plates are questioned...there will be hot plates.
Smoke Detectors will be hardwired; a Sprinkler system will be installed....

Discussion continues....

No further questions from the Board.

Mr. Seibel opens to residents living within 200ft. of the applicant for questions

Mr. Seibel swears in: Rosemary Ruse
23 -06 Berkshire Rd.
Fair Lawn, N.J.

Ms. Ruse has a concern with the staircase and questions if there will only be one staircase in the newly renovated house...? (Discussion of Fire safety, etc...)

Mr. Schappert addresses this question, testifies there will be only one staircase in the home, but will also provide ladders. Noting there will be additional windows added and all the windows must meet Code.

Questions move to the Maintenance of the property....

Ms. Ruse notes the backyard is not maintained and questions if it will be? She has concerns with the squirrels and rodents living in the garage because of an opened garage door...etc...

Discussion....

Mr. Moore (Exec. Director) speaks to these issues and reassures Ms. Ruse it will most definitely be addressed and maintained. It will be done weekly. Testifies once the building starts it will deter all the wild animals and thereafter maintenance will be up kept.

Ms. Ruse then questions if the house will have any other additional changes made to it?

Mr. Schappert (Architect) explains the only difference is the height. It will be a little higher but still within the requirement of 30ft and a little more habitable space...

Trees are discussed...the front tree with branches that fall. Danger issues.
Mr. Moore addresses this concern.

No further questions from Ms. Ruse.

Mr. Seibel re-opens to residents living within 200ft. of the resident for questions of the witness.

Mr. Seibel swears in: Glen Fisher
0-35 Midland Ave
Fair Lawn, N.J.

Mr. Fisher notes the tragic event of the fire. He lives on the corner of where this home is located. He asks how many bedrooms the newly renovated house will have and if it will have the same amount of occupants.

Mr. Schappert (Architect) explains there were 4 bedrooms and there will be 4 occupants.

Mr. Fisher questions if there is any more that could be done regarding Fire Safety being there will be no supervision at night time because he knows the portable heating unit was hidden...

Mr. Schappert testifies the residential sprinkler system is an additional prevention added which is above and beyond the Code requirement.

Mr. Fisher states he called the Fire Department around 5 yrs ago because of a raging fire in the flower pot outside the home from cigarette smoking. They will be allowed to smoke outside?

Mr. Moore states smoking will be allowed on the sidewalk only, not in the home itself.

Questions if ashtrays will be provided.
Mr. Moore testifies yes.

Mr. Fisher reiterates the Tree issue...lives 200ft. He has lost two trees that came down in storms... noting other neighbors who have lost trees due to storms. The trees need to be addressed. Maintenance needs to be up kept and addressed.

Mr. Seibel clarifies a new furnace will be added. It will be a more efficient building and heating will not be an issue. Walls will be insulated.

Discussion continues...Mr. Schappert testifies to all new windows, new heating system, insulation, etc...

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.

Ms. Baratta (Board Member) would like to ask a question. Refers to the testimony of a new furnace that was lost to the fire...noting the space heaters that were used. Does the occupant not have the ability to raise the heat?

Discussion...Mr. Schappert explains how a building envelope works and how it contains the heat...alot of factors contribute to the warmth of a home and we are addressing all of these...

Ms. Baratta reiterates the question of who controls the heat in the home.

Mr. Moore states the occupants will control the heat in the house.

Mr. Seibel seeing there are no further questions, asks for a motion.

Mr. Lowenstein makes a motion to approve the application.

Mr. Blecher seconds the motion.

VOTE: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio
Mr. Reinitz & Mr. Seibel, **YES.**

Motion Carries.

APPLICATION APPROVED.

5. Application #2016-44, Partap S. Nagi,
16-15 Jordan Road, Block 2711, Lot 11, Zone R-1-2,
Proposed addition and renovation would increase the building coverage from 27.86% to 31.86% where 25% is permitted. Would reduce the existing side yard setback from 14.4' to 10.7' where 12' is required. Would increase the impervious coverage from 44.3% to 45.3% where 35% is required. Maintain the existing front yard setback of 26.7' where 30' 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: Mr. Partap Nagi (Applicant)
16-15 Jordan Road
Fair Lawn, N.J.

Mr. Stubaus (Architect for the Applicant) has been previously sworn and certified by the Board as an Expert in the Field of Architecture.

Mr. Stubaus begins his testimony detailing the proposal before them. Reviews the setbacks and variances requested. They would like to take an existing 8ft. patio and enclose the area making it part of the house... no increase to the impervious but to the building coverage. There is also an 11ft. wide garage that he would like to increase to 15ft. which would reduce the side yard... and as part of this proposed project, there will be a partial 2nd floor addition which does not increase building or impervious coverage and being within the requirement of the FAR does not require any variance.

Testimony continues...detailing all setbacks existing and proposed with the addition and widening of the garage.

Mr. Stubaus explains Mr. Nagi was before this board in 2008 and granted a variance to add the 8ft. addition to this house. Mr. Nagi is the builder, the Real Estate Market went into the toilet, and although he received the variance at the time, he was not able to proceed with the construction so the variance lapsed and he is here for the same front addition and the widening of the garage which is new.

Testimony continues...speaking to the right side yard encroachment and why the variance for the side yard should be granted, Mr. Stubaus refers to Mr. Nagi's property, noting the access of a 10ft wide easement in the rear which is the pathway to Edison School, the Municipal Park area and a 50ft. Floodway or drainage pit/screen He explains in detail as to why in his opinion there would be no detriment to his neighbors or to Open Air or Light.

Mr. Stubaus testifies to surveying other homes in the neighborhood and noting that 54% of them already have covered or enclosed front porches. Speaks to the house next door with a two car garage, etc.....it would very much be within the character of the neighborhood.

Testimony continues.....

Additional pictures are submitted which were not submitted with the application.

Mr. Rosenberg (Board Attorney) enters them into evidence as:

Exhibit A: 7 Photos of surrounding properties taken by Mr. Nagi.

Review of pictures by Board Members...

Mr. Stubaus continues....speaking to the side yard setback and the ample space between the homes, etc....

Mr. Rosenberg clarifies the side yard setback as 10.7' and not 10.4' as stated in Mr. Stubaus's testimony...

Discussion on the drainage easement/pit...Mr. Seibel questions if this is good for impervious coverage or bad for runoff? Would this help with flooding?

Discussion continues...

Ms. Baratta notes that parts of Jordon do have issues with flooding and asks Mr. Nagi if he has ever had flooding issues.

Mr. Nagi testifies he has not had any issues with flooding in all of the 13years he has lived there.

No further questions from Board Members.

Discussion on the 2008 variance....

Mr. Rosenberg (Board Attorney) takes a moment to explain the Permit Extension Act which extended all approvals beginning in 2007 through Dec. 31, 2016 in Bergen County, noting in other parts of the states, the permit extension act expired in June of 2016 but N.J. was considered the "Sandy County" so the Governor, on June 30th extended approvals to Dec. of 2016 so with respect to the approval in 2008, in his legal opinion that part of the application is valid through December 31, 2016 so the only issue before the board is the applicant's request to extend the garage to allow the side yard setback of 10.7'...

Discussion and clarification on what variance they will be considering for approval tonight.

Mr. Rosenberg notes the construction would need to begin before December 31, 2016...

Discussion continues.... highly unlikely to begin construction in the middle of winter.

Mr. Rosenberg explains the Board Members could grant an extension, if the applicant comes forth before December 31st ...

Mr. Puzio (Board Vice-Chairman) suggests granting the extension this evening....

Mr. Rosenberg states the Board could also grant this as a new application....or the Applicant could waive the grandfathered permit action and ask for the relief because it would give him one year to begin construction.

Discussion....

Ms. Peck (Assistant Zoning Officer) questions Mr. Rosenberg for clarification; if the application was denied in the whole, the variance for 2008 would still be good?

Mr. Rosenberg explains. Yes, the variance that was approved in 2008 would be valid until December whether or not the application before us is approved or denied.

Discussion continues....

Mr. Seibel (Chairman) questions if he forgoes this and goes for a clean sweep and gets denied.....

Mr. Seibel then asks Ms. Peck; what does he have to do to prove that construction has commenced?

Ms. Peck testifies Mr. Nagi would have to secure a building permit and explains...if he starts construction before December, the building permit stays open with regular inspections...states Mr. Nagi is an builder in town and probably familiar with all of the regulations.

Discussion continues....

The topic of the Resolution approval at the November meeting and a 45day waiver being signed is discussed....

Mr. Stubaus (Architect) states; considering the fact that some of the discussion on the board raised the possibility of a denying the entire application Mr. Nagi's elects to keep the approval of 2008 for the front addition, so the side yard variance and an increase of impervious/building coverage is left before them for approval....

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

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

VOTE: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio
Mr. Reinitz & Mr. Seibel, **YES.**

Motion Carries.
APPLICATION APPROVED.

6. Application #2016-43, Terry & Cheryl Lubin,
6-10 Dewey Place, Block 6505, Lot 10, Zone R-1-3,
Proposed addition would increase the Building coverage from 19.3% to 25.22%
where 25% is permitted. Would increase the impervious coverage from 32.49% to
37.20% where 35% is permitted. Would maintain existing side yard setback of
5.9' 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: Mr. Terry & Cheryl Lubin
6-10 Dewey Place
Fair Lawn, N.J.

Mr. Lubin begins. They live in a house that is around 71 years old with 1 and a ¼ bath,
the ¼ bath being a commode. After 35 years they decided to add an addition... explains.
The addition will be 13ft. deep and across the back 28ft. Within this proposed addition
was a Florida Room, 6 1/2 x 10ft., so effectively they are adding 235sf. of living space
which will include a bathroom.

Discussion...

Mr. Seibel does a verbal review of the proposal. New Deck does not get counted as
impervious, no basement. Square footage total would be 291sf.

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.

Mr. Puzio makes a motion to approve the application.
Ms. Baratta seconds the motion.

VOTE: Mr. Blecher, Ms. Baratta, Ms. Perchuk, Mr. Lowenstein, Mr. Puzio
Mr. Reinitz & Mr. Seibel, **YES.**

Motion Carries.
APPLICATION APPROVED.

Mr. Seibel reminds the Board Members to look at the Calendar for 2017 for approval in
November.

Minutes:

Mr. Puzio makes a motion to approve the minutes of *September 26, 2016 as amended* and Mr. Blecher seconds the motion.

VOTE: All Present- **AYE**

Memorialized Resolutions:

1. Application#2016-36-Antone & Yolanda Mayweather, 12-01 12th Street, Block 4606, Lot 65- Proposed 6 ft. fence- ***Approved***

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

VOTE: All Present- **AYE**

Vouchers:

1. Winnie, Banta, Hetherington, Basralian & Kahn, in the amount of \$816.66 for Professional Services rendered for the month of October 24, 2016.

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

VOTE: All Present- **AYE**

Adjourn:

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

VOTE: All Present: **AYE**

Time: **9:20pm**

Respectfully submitted,

Cathy Bozza
Assistant to Zoning

