

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Reorganization/Regular Meeting  
of January 22, 2007**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's reorganization/regular meeting held on **Monday, January 22, 2007**.

Acting Chairperson Carol LoPiccolo called the reorganization meeting to order at 7:40 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present were: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Sacchinelli, Mr. Blecher, Mr. Meer, Mr. Salerno and Mr. Levy.

Absent was: Mr. Diner was on vacation and could not be present.

Also in attendance were William Soukas, Board Attorney; Karen Kocsis, Court Reporter; Ann Peck, Assistant Zoning Officer and Carol LoPiccolo, Zoning Board Clerk.

Swearing in of New Members:

Mayor Weinstein did the swearing in of re-appointed members Todd Newman and Gary Sacchinelli.

Appointments:

Mr. Newman nominated Scott Levy for Chairman and Mr. Meer seconded the motion.

VOTE: Mr. Charipper, Mr. Karas, Mr. Levy, Mr. Meer, Mr. Nakashian, Mr. Newman and Ms. Spindel. – YES.

Mr. Levy nominated Doug Charipper for Vice-Chairman and Mr. Newman seconded the motion.

VOTE: Mr. Charipper, Mr. Karas, Mr. Levy, Mr. Meer, Mr. Nakashian, Mr. Newman and Ms. Spindel. – YES.

Mr. Levy nominated Joe Meer for Secretary and Ms. Spindel seconded the motion.

VOTE: Mr. Charipper, Mr. Karas, Mr. Levy, Mr. Meer, Mr. Nakashian, Mr. Newman and Ms. Spindel. – YES.

Mr. Meer nominated William Soukas for Board Attorney and Mr. Charipper seconded the motion.

VOTE: Mr. Charipper, Mr. Karas, Mr. Levy, Mr. Meer, Mr. Nakashian, Mr. Newman and Ms. Spindel. – YES.

Mr. Meer nominated Azzolina, Feury & Raimondi Engineering Group for Board Engineer and Ms. Spindel seconded the motion.

VOTE: Mr. Charipper, Mr. Karas, Mr. Levy, Mr. Meer, Mr. Nakashian, Mr. Newman and Ms. Spindel. – YES.

Ms. Spindel nominated Birdsall Engineering for Traffic Engineer and Mr. Karas seconded the motion.

VOTE: Mr. Charipper, Mr. Karas, Mr. Levy, Mr. Meer, Mr. Nakashian, Mr. Newman and Ms. Spindel. – YES.

Mr. Meer nominated Taylor Design Group, Inc. for Architect/Planner and Ms. Spindel seconded the motion.

VOTE: Mr. Charipper, Mr. Karas, Mr. Levy, Mr. Meer, Mr. Nakashian, Mr. Newman and Ms. Spindel. – YES.

Mr. Meer nominated for PMK Engineering for Environmental Engineer and Mr. Newman seconded the motion.

VOTE: Mr. Charipper, Mr. Levy, Mr. Meer, Mr. Nakashian, Mr. Newman and Ms. Spindel. – YES.  
Mr. Karas – ABSTAIN.

Mr. Meer nominated Karen Kocsis for Court Stenographer and Mr. Charipper seconded the motion.

VOTE: Mr. Charipper, Mr. Karas, Mr. Levy, Mr. Meer, Mr. Nakashian, Mr. Newman and Ms. Spindel. – YES.

Mr. Levy announced the following adjournments:

Commercial Old Business:

1. Application #2006-018, Sebastian E. Lentini (McDonald's)  
37-01 Broadway, Block 2320, Lots 10-12, Zone B-2/R-1-3

Amendment to approved use/site plan approval requires site plan approval as per RGO Section 125-6. **Application carried to February 22, 2007.**

2. Application #2006-038, 37-10 Broadway, LLC (Zap Lube)  
37-02/37-10 Broadway, Block 2201, Lot 2, Zone B-2  
The placement of a billboard sign on the property located at 37-01 through 37-10 Broadway, Block 2201, Lot 3. The billboard requires a use variance as the service is provided at another location RGO Section 125-57(d)(1). **Application carried to February 22, 2007.**
3. Application #2006-077, United Cerebral Palsy of Hudson County, Inc., NJ  
5-17 & 5-19 River Road, Block 5401, Lot 10, Zone R-1-3  
Proposed are two, one-family group home dwellings on one lot requires a Use Variance as per RGO Section 125-17 – only one dwelling per lot is permitted. **Application has been withdrawn.**

Residential Old Business:

1. Application # 2006-078, Vladimir Taran and Sergey Zavrazhnoz  
17-42 Hunter Place, Block 2803, Lot 15, Zone R-1-2  
Existing lot is 6,574.7 s.f. where 7,500 s.f. is required. The proposed expansion would have existing side yard setbacks of 5.9' and 6.1' where 12' is required. Would have existing front yard setback of 26.2' where 30' is required. Would increase the impervious coverage from 35.9% to 36.6% where only 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements. **Application carried to February 22, 2007.**
2. Application #2007-006, Simon Zarour  
9 VanSaun Place, Block 2514, Lot 34, Zone R-1-2  
Existing lot has 6,819 s.f. where 7,500 s.f. is required. Existing lot frontage of 65' where 75' is required. The proposed 2 story addition and 2<sup>nd</sup> floor would have existing front yard setback of 25.8' where 30' is required as per Section 125-12 Schedule of area, yard and building requirements. **Application carried to February 22, 2007.**

Residential New Business:

3. Application #2007-005, Reynaldo Liz  
31-01 Heywood Avenue, Block 2805, Lot 3, Zone R-1-2  
Existing lot is 5,500 s.f. where 7,500 s.f. is required. Existing lot frontage is 55' where 75' is required. Proposed additions would increase the building coverage from 20.08% to 25.05% where 25% is permitted. Would increase the impervious coverage from 27.03% to 38.90% where 35% is permitted. Would have existing side yard setbacks of 5.8' and 6' where 10' is required. Would reduce the

existing front yard setback from 29.2' to 26.83' where 30' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Soukas had a conflict of interest with this applicant and stepped down from hearing this application. Richard Kapner [acting Zoning Board attorney] came forward.

Mr. Liz came forward and was sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Liz: "I have drawn the plans submitted. I am proposing to add a 2<sup>nd</sup> floor to an existing cape and also do a bump-out in the back for a family room and a front bump-out. The existing front yard setback is 29.2'. The neighbor on the left side is further out than me and on the right side has a front yard setback of 26'. The side yard at its worst is 5.8' but I am 12' from the neighbor. 7,500 s.f. is the required lot area and my lot is 5,500 s.f and the lot width is only 55'. This has created a hardship. The neighbor on the right side - I will still have more of a front yard setback than he does. I am only going up on the right and the left side of the house. I have 2 cantilevers in the front. The building coverage is an error - I am actually at 24.69%. Impervious coverage is also effected and is actually 38.53%."

Mr. Liz depicted the photos presented.

Mr. Liz: "I don't plan on going as high as my neighbor."

Mr. Meer: "What is the highest point from the ground to the very top?"

Mr. Liz: "To the mean it is 25.43'."

Ms. Peck: "The measurement should be from the center of the street to the mean."

Mr. Liz: "I will make sure it is not past 30'."

Ms. Peck: "The coverage of 187 s.f. doesn't that include the cantilever?"

Mr. Liz: "I'm sorry, that is correct."

Ms. Spindel: "The plans are not sealed and are stamped for zoning review only."

Ms. Peck: "He will have to submit full construction drawings sealed to the Building Department."

Ms. Spindel: "Is the design going to change?"

Mr. Liz: "No. I do need to add the calculations of the cantilever."

Ms. Peck: "They have already been calculated in."

Mr. Newman: "Do you need a 15' wide driveway?"

Mr. Liz: "It's only a 1 car garage and I need the additional parking."

Mr. Newman: "How long is the driveway?"

Mr. Liz: "29.3'."

Mr. Newman: "You can't fit 2 cars behind each other?"

Mr. Liz: "I do now, but I need additional spots."

Mr. Newman: "Can you sacrifice some of the driveway to decrease the impervious coverage down?"

Mr. Liz: "I would prefer to keep it the way it is."

Mr. Charipper: "I would like also to see the impervious coverage come down."

Mr. Levy: "If the applicant was to remove 10' x 5' what would the coverage be?"

Ms. Peck: "If he were to remove 221.17 s.f. of driveway it would bring it down 4%."

Mr. Liz: "Because of the size of the lot it is really not a big increase."

Mr. Karas: "The distance between your house and the neighbors' is 12'. Where is there a provision in the Ordinance about that?"

Ms. Peck: "I believe Mr. Liz is referring to the exemption rule that used to be in the Ordinance."

Mr. Levy: "You're not going bigger than the footprint."

Ms. Spindel: "You have a tree in the front that is a town tree, that has to be protected during construction. I also agree that the impervious coverage should go down."

Mr. Levy opened the meeting to the public within 200' and the general public. No one came forward. Mr. Levy closed the meeting to the public.

Mr. Levy: "This will fit in with the neighborhood?"

Mr. Liz: "Yes."

Mr. Liz depicted additional photos of the area showing that the proposed home would fit in with the neighborhood.

Mr. Kapner: "The application is marked as **Exhibit A-1**, Plans as **Exhibit A-2**, Photos as **Exhibit A-3**."

Mr. Levy: "There is a point of the impervious coverage if you re-evaluate the parking in the front of your house, instead of the 15' wide would you be willing to reduce it 5' wide and the length reduced by 10'?"

Mr. Liz: "I will agree to that."

Mr. Charipper: "I think that proposal is not enough."

Ms. Peck: "The full proposed amount of 221 s.f. if removed would reduce it by 4%. Some of the impervious coverage is due to the cantilever."

Mr. Levy: "There is a hardship due to the size of the lot."

Mr. Liz: "I would like to go along with Mr. Levy's suggestion."

Mr. Levy: "3' from the left hand side 29' deep goes toward the house."

Mr. Liz: "That is a reduction of 87 s.f. and can be designed any way I can to make the reduction?"

Mr. Levy: "That's fine."

Mr. Charipper made a motion to approve this application. Mr. seconded the motion.

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Meer, Mr. Charipper and Mr. Levy.

**APPLICATION APPROVED.**

A 5 minute recess was taken. Mr. Soukas returned as Board attorney at this time.

2. Application #2006-086, Bella Stavitsky  
3-16 28<sup>th</sup> Street, Block 3310, Lot 17, Zone R-1-3

Existing lot is 4,000 s.f. where 6,500 s.f. is required. The existing deck is 6.30% coverage where 5% is permitted. The existing deck has a side yard setback of 2' where 8' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Ms. Stavitsky: "About 1 year ago I had a contractor build a deck. When he built the deck he didn't get permits and now when I went to get the permits there was a problem. I got the estimate to reduce the deck and it would cost too much money."

Mr. Levy: "The Board requested that you reduce the deck to the right of the house by 5'."

Ms. Stavitsky: "The corner of my house was built too close to the property line."

Mr. Levy: "You've been asked to come back and I have to open the meeting to the public. You were asked to go to a contractor - has that been done?"

Ms. Peck: "That was submitted."

Mr. Levy: "It can be done."

Mr. Karas: "I've looked at the estimate and that has nothing to do with the case. I've made some calculations - without the stairs it is at 6.8%. If you deduct the 24 s.f. for the 3.8 on the northerly side of the house it is brought down to 6.18%."

Mr. Levy: "That will bring it closer to the requirement."

Mr. Levy opened the meeting to the public within 200' and the general public. No one came forward. Mr. Levy closed the meeting to the public.

Mr. Levy: "Are you willing to amend your application with the removal of the 3' of deck to bring it in line with the house?"

Ms. Stavitsky: "Yes."

Mr. Karas made the motion to approve this application with the removal of 24 s.f. from the northerly side of the dwelling to bring it in line with the dwelling. Mr. Nakashian seconded the motion.

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Levy, Mr. Meer - YES.

**APPLICATION APPROVED.**

Residential New Business:

4. Application #2007-001, Alexandra Hofman  
39-26 Vanore Drive, Block 1508, Lot 30, Zone R-1-2  
Existing lot frontage of 61' where 75' is required. Existing lot is 6,954 s.f. where 7,500 s.f. is required. The proposed 2 story addition and new 2<sup>nd</sup> floor would have existing front yard setback of 26.99' where 30' is required. Would have existing side yard setback of 5' where 10' is required as per Section 125-12 Schedule of area, yard and building requirements.

Alexandra Hofman came forward and was sworn in. Glen Stubaus, Architect for the applicant also came forward. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Karas: "I have to recuse myself from this application."

Plans were marked as **Exhibit A-1 and Exhibit A-2.**

Mr. Stubaus: "The existing house is on a lot that is 61' wide and we are proposing an addition. The lot area is 6,954 s.f. where 7,500 s.f. is required. There existing structure is an L shaped structure with a 26.99' front yard setback and a 5.9' side yard and 5.0' side yard. These are all existing. The proposal is a second floor addition and a deck. The proposed addition and deck meet the requirements. We are asking for a continuation of non-conforming conditions."

Mr. Levy: "The second floor will go over the existing first floor?"

Mr. Stubaus: "Correct."

Mr. Levy: "What is the height?"

Mr. Stubaus: "26' where 30' is permitted. This is an odd shaped lot."

Mr. Levy: "What if you stepped back the front?"

Mr. Stubaus: "That would create a structural problem. By building over the existing structure, it allows the support of the second floor."

Mr. Levy: "Does this fit in with the character of the neighborhood?"

Mr. Stubaus: "On the south side of Vanore Drive there have been a half dozen houses that have had similar additions."

Mr. Levy opened the meeting within 200' and the general public. No one came forward. Mr. Levy closed the meeting to the public.

Mr. Nakashian made a motion to approve this application. Mr. Charipper seconded the motion.

VOTE: Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Salerno, Mr. Meer, Mr. Charipper and Mr. Levy - YES.

**APPLICATION APPROVED.**

5. Application #2007-002, Felix Strashnov  
2 Harris Place, Block 2708, Lot 18, Zone R-1-2  
The proposed new single family dwelling would have existing lot frontage of 80.77' and 83.22' where 75'x100' is required on a corner lot as per Section 125-12 Schedule of area, yard and building requirements.

Felix Strashnov, 27-69 East 63<sup>rd</sup> Street, Brooklyn, NY and Glen Stubaus [architect] came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service. There were outstanding taxes of \$5,875.44.

The application was marked as **Exhibit A-1** and plans were marked as **Exhibit A-2**.

Mr. Stubaus: "These plans were originally submitted for building permits and I was not aware this was going to need a variance. Presently this is a ranch house and is presently non-conforming and is a corner lot and requires 2 front yard setbacks. We are proposing to remove the existing structure and build a new 2 story dwelling with a basement. The new building will conform to all requirements. The reason why we are here is for the size of the lot. Along the High Street side we meet the requirement. Because the lot is slightly angled, at the property line on Harris Place we have only 95.77' instead of 100'."

Mr. Levy: "What is the height from the mid point to the peak?"

Mr. Stubaus: "To the peak is another 6' so the total height would be over 35."

Mr. Levy: "Could that be reduced?"

Mr. Stubaus: "Yes, but it meets the requirements."

Mr. Levy: "I understand that, but by reducing the ridge it will reduce the appearance of a massive structure."

Mr. Strashnov: "My concern is over drainage - will that make it harder for drainage. Also, I will lose the storage up in the attic."

Mr. Stubaus: "If we reduce the pitch to 32.4', the headroom would be at the highpoint of the attic would be 8'."

Mr. Levy: "There would be no problem with that."

Mr. Strashnov: "That is fine."

Mr. Meer: "If you don't reduce the height it will be out of character with the neighborhood."

Mr. Karas: "Have there been any previous appeals on this property?"

Mr. Strashnov: "No."

Ms. Spindel: "I am familiar with this street and there is another house (#8) and it does not fit in with the neighborhood. On High Street there is another house that does not fit in. I have a problem with this house and it does not fit in with the neighborhood."

Mr. Strashnov: "There are half a dozen houses in this area that are very similar. 2 of them are in the immediate area."

Mr. Levy: "Are there other design styles that you may consider?"

Mr. Strashnov: "No."

Mr. Charipper: "I agree with Ms. Spindel that this does not fit in with the neighborhood. Have you talked to your neighbors about this?"

Mr. Strashnov: "No."

Mr. Charipper: "Do you want to talk to your neighbors and revise your plans?"

Mr. Strashnov: "If I thought changing something would make a difference, I would. This house is in complete character with several other homes in the 200' area."

Mr. Stubaus: "We are not asking for any bulk variances. In the R-1-2 zone where 7,500 s.f. is required, this lot is over 9,000 s.f. which supports a larger house."

Mr. Levy opened the meeting to the public within 200' and the following members of the public came forward and were sworn in:

Marvin Levitt, 38-54 High Street: "I hope the Board rejects this as this is destroying the character of the neighborhood. I have never seen the neighbors

this angry over a project. This is not fair to change the area. My property faces High Street and abuts this project. Behind us is Hunter Place which is higher and causes my area to flood. I do not like the height of this project and he is doubling the impervious coverage which will impact the area for drainage. I would like something much smaller. If you do decide to grant this, I ask that a drainage system be put in as a condition of approval."

Mr. Levy: "Did you look at the plans?"

Mr. Levitt: "Yes."

Mr. Levy: "They are below the 35% impervious coverage."

Ms. Spindel: "What is the impervious coverage now?"

Mr. Stubaus: "I do not have this information. This property faces two streets, the water will go into the street."

Mr. Levitt: "He is almost doubling the footprint and this will cause a problem."

Mr. Levy: "What is the square footage of the existing house?"

Mr. Stubaus: "Approximately 1,600 s.f."

Mr. Newman: "The proposed structure will be further away from Mr. Levitt's house?"

Mr. Stubaus: "The proposed will conform and is actually further away."

Mr. Karas: "What is the style of your house?"

Mr. Levitt: "A 1 story ranch."

Mr. Karas: "Most of the homes are 1 story ranches?"

Mr. Levitt: "Yes."

Marisa Schiffman, 9 Harris Place. "There are only 8 houses on Harris Place. Right across from me is a McMansion and this does not improve our street. I have put money into my ranch and this is ruining it. The house across the street didn't need a variance and it doesn't fit in. The sump pump is always running and creates a problem. The whole neighborhood is against it."

Paul Magid, 4 Harris Place. "I have pictures of the neighborhood depicting 1 story ranches. Some have been expanded and this project does not fit in. The

only other house with 2 stories is 36-05 High Street which is across the street from the proposed and is an expanded ranch that fits in with the neighborhood. The area floods and this will add to the problem. How close will this come to the north property line?"

Mr. Stubaus: "It will be 12'. This proposed house is larger than the existing house but is being built in conformance. This is an exceptionally large lot. The building and impervious coverage will be less than what is allowed."

Mr. Magid: "He is still increasing the impervious coverage."

Mr. Charipper: "You do not have any expert testimony that it will cause drainage problems by increasing the impervious coverage. The argument really is whether or not this fits in with the character of the neighborhood."

Mr. Magid: "I also would like the Board to know the property maintenance is in violation."

Ms. LoPiccolo: "You can call us in the office tomorrow and we will take it in as a complaint."

Mr. Magid: "This will decrease the value of my property."

Mr. Charipper: "Are you going to live in this house?"

Mr. Strashnov: "Yes."

Mrs. Levitt, 35-15 High Street: "The flooding is a problem and this will add to it."

Mr. Levy: "We do not know if this is true."

Mr. Sacchinelli: "There is a dye test that can be done if the flooding is a problem."

Mr. Levy closed the meeting within 200' and opened the meeting to the general public and the following came forward and were sworn in:

Mr. Harvey Rubenstein, 28 Rutgers Terrace: "With reference to the neighborhood, the character of the neighborhood is important. The Board could hire an expert to check the flooding testimony that has been given."

Mr. Marvin Levitt: "Doesn't the town have engineers that could do this?"

Mr. Levy: "The applicant's professional has indicated that the coverage is less than what is permitted and there is no proof as to whether this will increase or decrease or leave the flooding the same."

Mr. Levitt: "You don't have to be an expert to know that if you increase the footprint of this house that it will flood more. This will negatively impact the neighborhood."

Mr. Stubaus presented the property survey and it was marked **Exhibit A-5**.

Mr. Stubaus: "The existing house has 2 driveways, a very large patio in the rear and walks that go around the entire house. If you were to calculate the existing impervious coverage, the numbers for the existing probably come very close to what is proposed."

Ms. Spindel: "Can the Board hire a hydrologist?"

Mr. Levy: "That is up to the objectors and it is their responsibility."

Mr. Charipper: "Do they want to adjourn a hearing to hire an expert?"

Mr. Levy: "That is up to the applicant."

Mr. Magid: "When they put the house on 8 Harris Place, the flooding got worse."

Mr. Newman: "It sounds like this neighborhood has a serious flooding problem and I don't know if this application will have an effect on this. Is it possible that our engineer approve any plans that might be approved for drainage?"

Ms. Peck: "Our Engineering Department could not and the Board could hire an engineer that the applicant would have to agree to pay for."

Mr. Newman: "I think the bigger issue is does the application fit the character of the neighborhood. The variance being sought would be needed no matter what is being put on this property. The variance being sought has nothing to do with what it is they are building. We are not promoting the degradation of your neighborhood, we are trying to find the right balance in the law. In that balancing act we have to look at the negative criteria. You're proposing to build a very big house, and it meets all the requirements, but you are building a large house. The surrounding homes are much smaller. I try very hard not to take our personal designs into play. I think size alone seems to matter in this neighborhood. It would be my strong recommendation that you reconsider your application and I don't know if I can find the balance for a house this large in the neighborhood."

Mr. Levy: "Does anyone else from the general public need to speak?"

Mrs. Levitt: "This property may be a big piece of property, but it is all front and the back yard will be gone. I will be facing a big wall."

Mr. Charipper: Do you want to adjourn your application?"

Mr. Strashnov: "No."

Mr. Magid: "Mr. Newman stated that this property is larger - it is not. Our properties are larger."

Mr. Stubaus: "When a client comes to me I look at the Ordinance and this application is being sought under the current Ordinance. The only reason why we are here is strictly for the shape of the lot and are only asking for a recognition of the existing lot line. When you are looking at the negative criteria and the balancing that is also with bulk requirements - we are not asking for an exception to that."

Mr. Newman: "I'm afraid the architect may be correct."

Mr. Soukas: "I concur with the architect of the analysis of the negative criteria."

Mr. Karas made a motion to deny this application due to the flooding problem. You don't need expert testimony - we can rely on the residents. The proposed dwelling does not conform with the character of the neighborhood. The negative criteria has not been met."

Ms. Spindel seconded the motion.

Mr. Nakashian: "The area changes and I don't see that this house fits in, but I legally don't think I can deny it."

VOTE: Mr. Karas - "Yes for reasons given."

Mr. Nakashian - "No. I sympathize for the people there - it may not be so bad."

Mr. Newman - "No. Legally, I can't deny this, but I do think a better choice could have been made."

Ms. Spindel: "Yes, I don't believe this house fits in with the neighborhood and due to the flooding problem."

Mr. Charipper: "No, I sympathize with the neighbors but the flooding - there has been no proof. As to the character, I don't think this will fit in, but legally I have to vote this way."

Mr. Meer: "No, I agree with Mr. Charipper. From a legal standpoint the applicant is within his rights for what he is asking for. It is massive in appearance, but there are no bulk variances that are being sought."  
Mr. Levy: "We have to take into consideration laws of the MLUL and our town's Ordinance. Mr. Levitt stated for us to enforce the law. We may not always agree with the law, but we have to make our decision within the realm of the law. The flooding issue has come up. Statements were made that this application would add to this flooding. It may or may not. The applicant should be aware of that. Although the impervious coverage may be added to, they are still falling within the requirements of the Ordinance. As far as the style - it is changing. It has been shown in the area. Ranches are being added on to. This is what they chose to do. The applicant has indicated that he will lower the height of the roof-line. The only variance is for the lot frontage and that can't be changed. Water cannot be diverted to someone else's property."

**APPLICATION APPROVED.**

6. Application #2007-003, Johan and Amy Israelsson  
14 Brearly Crescent, Block 3718, Lot 4, Zone R-1-3  
Existing lot frontage is 37.63' where 65' is required. Proposed addition would have existing front yard setback of 11' where 25' is required. Would have existing side yard setback of 6.76' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Amy Israelsson, 14 Brearly Crescent, licensed architect and homeowner was sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Ms. Israelsson: "We have an existing 2 story Colonial in Radburn. The existing home does not comply. We are proposing a 1 story addition which complies."

Mr. Levy: "Has this been approved by Radburn?"

Ms. Israelsson: "Not yet."

Mr. Levy: "Are you adding a 3<sup>rd</sup> story?"

Ms. Israelsson: "No. I worked hard to design this to fit in with the neighborhood and all of our comments from the neighbors were favorable."

Mr. Levy: "You are putting on an open front porch?"

Ms. Peck: "It is less than 50 s.f. and is allowed."

Mr. Levy: "This is an odd-shaped lot."

Ms. Israelsson: "Yes."

Mr. Newman: "It seems as though everything here is existing."

Mr. Levy opened the meeting to the public within 200' and the general public. No one came forward. Mr. Levy closed the meeting to the public.

Mr. Newman made a motion to approve this application. Ms. Spindel seconded the motion.

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Meer and Mr. Levy - Yes.

**APPLICATION APPROVED.**

7. Application #2007-004, Rita and Igor Malkovskiy  
10-09 Philip Street, Block 2518, Lot 17, Zone R-1-2  
Existing lot frontage is 60' where 75' is required. The proposed addition would have existing front yard setback of 25.8' where 30' is required. Would have existing side yard setback of 9.4' where 10' is required as per Section 125-12 Schedule of area, yard and building requirements.

Igor Malkovskiy came forward and was sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Malkovskiy: "I would like to put an addition on the back of my house and a 2 car garage and a small addition on the front of the house. I don't decrease the side yard or front yard. They are existing."

Mr. Levy: "On the front yard that is existing?"

Mr. Malkovskiy: "Yes."

Mr. Levy: "What is the total height on the roof?"

Mr. Malkovskiy: "I am not increasing it."

Mr. Levy: "This will remain a single family?"

Mr. Malkovskiy: "Yes."

Mr. Levy: "Are you adding a separate entrance?"

Mr. Malkovskiy: "No."

Ms. Spindel: "Do you have a garage now?"

Mr. Malkovskiy: "Yes."

Ms. Spindel: "Are you eliminating the existing garage?"

Mr. Malkovskiy: "Yes."

Ms. Spindel: "Are you going to back out of the driveway?"

Mr. Malkovskiy: "No."

Ms. Spindel: "It looks like the impervious coverage is much too high."

Ms. Peck: "There is an exemption and not all of the driveway is counted."

Ms. Spindel: "I think it is a problem backing out."

Mr. Levy: "That should not be a factor in our decision."

Mr. Levy opened the meeting to the public within 200' and the general public. No one came forward. Mr. Levy closed the meeting to the public.

Mr. Meer made a motion to approve this application and Mr. Newman seconded the motion.

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Meer and Mr. Levy - YES.

**APPLICATION APPROVED.**

8. Application #2007-007, Wade and Allison Klein  
5 Barry Place, Block 3802, Zot 23, Zone R-1-3  
Existing lot has 4,920.10 s.f. where 6,500 s.f. is required. Existing lot frontage of 50' where 65' is required. The proposed 2<sup>nd</sup> story addition would have existing building coverage of 30.86% where 25% is permitted. Existing impervious coverage of 59.89% where 35% is permitted. Existing front yard setback of 9' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Levy and Mr. Salerno recused themselves.

Wade Klein and Brian Callahan [architect] both came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Callahan: "We are proposing a 2<sup>nd</sup> story addition. The proposed addition will be for a master bath and bedroom would be 476.5 s.f. and will be in line with the first floor. The variances we are seeking are all existing conditions. We are not increasing the impervious and building coverage."

Mr. Charipper: "Is this in Radburn?"

Mr. Callahan: "Yes, and we have Radburn approval."

Mr. Charipper: "This is within the footprint of the building."

Mr. Callahan: "Yes."

Mr. Callahan presented photos depicting the existing home showing the addition.

Photos were marked as **Exhibit A-1 and A-2**.

Mr. Charipper: "Does this fit in with the neighborhood?"

Mr. Callahan: "Yes. There is a similar addition for 11 Barry Place and they have received Radburn approval."

Mr. Klein: "There is currently 2 bedrooms and we would like to add this 3<sup>rd</sup> bedroom."

Ms. Spindel: "Is the height of the roof consistent with the neighborhood?"

Mr. Klein: "Yes."

Mr. Charipper opened the meeting within 200' and the general public. No one came forward. Mr. Charipper closed the meeting to the public.

Mr. Newman made a motion to approve this application and Mr. Sacchinelli seconded the motion.

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Charipper and Mr. Meer - YES.

**APPLICATION APPROVED.**

**Public Comment**

There was no public comment.

### **Resolutions**

1. Application #2006-089, David & Elizabeth Kurilla, 39-05 Kramer Place, Block 1705, Lot 5, Zone R-1-3, Addition.
2. Application #2006-103, Gaetano and Carolyn Ruggiero, 64 Harristown Road, Block 6901, Lot 4, Zone R-1-3, Addition and garage.
3. Application #2006-101, Ronald and Mariafe Yu, 4 Harlow Crescent, Block 2814, Lot 13, Zone R-1-2, Addition.
4. Application #2006-102, Blair Seidler and Jennifer Broekman. 18 Beekman Place, Block 3807, Lot 9, Zone R-1-3, Addition.
5. Application #2006-104, Adolph and Thecla Everett, 0-102 Blue Hill Avenue, Block 1110, Lot 24, Zone R-1-3, 4' fence.
6. Application #2006-105, Janice A. Pessar, 321 Plaza Road North, Block 3717, Lot 12, Zone R-1-3, Addition and porch.
7. Application #2006-106, Robert and Judith Wilkes, 21 Godwin Avenue, Block 3813, Lot 18, Zone R-1-2, Addition.
8. Variance Extension for Brian Behan and Robert Schaefer, 23-33 Berkshire Road, Block 3222.01, Lot 5.

Mr. Newman made a motion to accept these Resolutions and Mr. Karas seconded the motion.

VOTE: All Eligible - YES.

### **Vouchers**

1. Karen Kocsis in the amount of \$350.00 regarding the December 18, 2006 meeting.

Mr. Nakashian made a motion to approve these vouchers and Mr. Newman seconded the motion.

VOTE: All Present - YES.

### **CORRESPONDENCE/ITEMS FOR DISCUSSION**

There was a discussion regarding the hiring of an RF Engineer for the Omnipoint application and a discussion regarding the year-end report.

### **Minutes**

1. Minutes for the December 18, 2006 meetings.

Mr. Newman made a motion to approve these minutes and Ms. Spindel seconded the motion.

**ADJOURN**

Mr. Salerno made a motion to adjourn this meeting and Mr. Sacchinelli seconded the motion.

VOTE: All Present - YES.

TIME: 11:15 p.m.

Respectfully submitted,

Carol LoPiccolo  
Zoning Board Clerk