

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
of March 26, 2007**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on **Monday, March 26, 2007**.

Chairman Scott Levy called the regular meeting to order at 7:30 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. Salerno, Mr. Diner, Mr. Charipper, Mr. Meer and Mr. Levy.

Absent were: Mr. Sacchinelli and Mr. Blecher (Mr. Blecher had a meeting).

Also in attendance were William Soukas, Board Attorney; Robert Strang-Wolf, Birdsall Engineering; Paul Azzolina, Board Attorney; Karen Kocsis, Court Reporter; and Carol LoPiccolo, Zoning Board Clerk.

Mr. Levy announced the following adjournments:

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 **Application withdrawn. NO testimony will be given.**

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 a special meeting on April 23.**
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).

Mr. Ronald Mondello [attorney for the applicant]: "I appear for another request for another adjournment on behalf of my client Zap Lube."

Mr. Levy: "How are the discussions going with BIC?"

Mr. Mondello: "My last conversation with Mr. Arthur Levine is that it is winding down."

Mr. Levy: "Are you ready to proceed at the next meeting?"

Mr. Mondello: "We will probably not be ready to proceed at April 19, but I will try to contact my experts."

Application carried to April 19.

3. Application #2006-100, Omnipoint Communication, Inc.
33-02 Morlot Avenue, Block 2410, Lot 49-56, Zone R-1-2
The proposed antenna flagpole requires a use variance as per Section 125-57.D.(d)[1] use variance. **Application carried to April 19, 2007 to announce a new special meeting date. April 9 meeting has been canceled.**

Commercial New Business:

1. Application #2007-022, Cumberland Farms, Inc.
20-11 Fairlawn Avenue, Block 4701, Lot 6, Zone B-1
The proposed removal of existing Gulf Service Station and reconstruction of a gasoline filling station requires a Conditional Use Variance Section 125-24.B. A new Cumberland Farms convenience store creating two principal uses requires a Use Variance as per Section 125-57.D.(d), Major Site Plan Approval as per Section 125-65.A. Variances and or waivers for Buffer Section 125-41.B.(12), parking and loading areas Section 125-48.D., Food Handler's License/Minor Site Plan Application Section 125-65.B.(3), Signs Section 125-48.B, Fences Section 125-38.A. **Application carried to a regular meeting on May 21, 2007.**

Residential New Business:

1. Application #2007-023, Susan and John Smithlin
3 Randolph Terrace, Block 3606, Lot 23, Zone R-1-2
Existing lot is 3,352.70 s.f. where 7,500 s.f. is required. Lot frontage of 37.25' where 75' is required. The proposed addition would increase the building

coverage from 26.21% to 32.85% where 25% is permitted. Would increase the impervious coverage from 47.23% to 52.16% where 35% is permitted. Would have existing side yard setbacks of 0.0' and 8.49' where 10' is required. Would have existing front yard setback (rear yard in Radburn) of 13.04' where 30' is required as per Section 125-12 Schedule of area, yard and building requirements.

Fees totaling \$88.00 have been paid and there is proof of service.

John and Susan Smithlin, 3 Randolph Terrace, came forward and were both sworn in along with Raymond Boos [architect].

Mr. Soukas: "These applicants were before this Board last month. The burden is on you to prove that this application is substantially different from the first application so that res judicata does not apply."

Mr. Levy: "Mr. Boos, can you explain?"

Mr. Boos: "The area of the building has been reduced, and previously what had not been calculated was the enclosed porch was an error and the actual building coverage was 26.21%. The increase is now 6.6% and not 11% as previously presented. The actual increase is less. The impervious coverage was reduced by 3%. We did reduce the building on the side and reduced the patio."

Mr. Levy: "I will ask the Board if they feel there is a substantial enough change:"

Mr. Karas - "No."

Mr. Nakashian - "No."

Mr. Newman - "I wasn't here at the meeting nor have I reviewed the previous plan."

Mr. Soukas: "You can vote on res judicata on what was just presented."

Mr. Newman - Yes.

Ms. Spindel - Yes.

Mr. Charipper - Yes.

Mr. Meer - Yes.

Mr. Levy - Yes.

The application can proceed.

Mr. Charipper: "I would like our attorney to ask the members who voted no on res judicata that they vote now with an open mind."

Mr. Levy: "It is now up to the applicant for the Board to prove their case. The Board members have to have open minds on hearing this application."

Mr. Boos: "The actual percentage increase in building is 6.6% not 11% as previously presented. The building coverage is 32.85%. We pulled the rear building wall back a foot and pulling in the side another 1/2 foot. There was a rolled roof on it and we have now put a fiberglass roof. The brick will remain and will keep in character with what is there now."

Mr. Levy: "The line of the building?"

Mr. Boos: "This rear portion of the building is in line with the other buildings on that side of the path."

Ms. Smithlin: "You can see from the pictures that the neighboring houses that the line will be kept in line with my addition. The original addition would have extended out."

Mr. Levy: "That is going in what direction?"

Mr. Boos: "It is to the right of the building."

Ms. Smithlin: "I have a notarized letter from my neighbor on the side that is attached."

Mr. Levy: "No it cannot be presented if she is not here."

Exhibit A-1 was marked as the application.

Mr. Soukas: We can accept it and mark it into evidence as **Exhibit A-2**. [Letter written by Alison Forte dated March 11, 2007]."

Mr. Levy read the letter.

Mr. Soukas: "This is not being offered as professional testimony, only as a concerned neighbor."

Mr. Levy: "As far as Radburn, what are your comments?"

Ms. Smithlin: "Most of the homes are town homes and row homes. The majority of homes that are in your packets, show a variety of homes that show distinct additions and enlargements. There are many more than this. This has been done many times."

Mr. Levy: "What you are proposing is in line with what else has been done?"

Ms. Smithlin: "It is less than what else has been done. Radburn approved the previous one and will approve this proposal."

Ms. Spindel: "What about the roof?"

Mr. Boos: "We will use a fiber filled roofing shingle material and will use a water barrier and this will keep in with the Radburn area."

Ms. Smithlin presented additional pictures [from the North side] that were marked as **Exhibit A-3**.

Mr. Karas: "I've looked at the roof design and this is a substantial improvement and is aesthetically an improvement. On the plans deferring to SP1, what is the total of the building?"

Mr. Boos: "878.60 s.f. is the total of the building."

Mr. Karas: "The photo on Sheet A - what is the address?"

Ms. Smithlin: "5 Randolph."

Mr. Karas: "How does the size of that porch compare to your porch?"

Ms. Smithlin: "It comes out to be about the same size."

Mr. Smithlin: "We stayed in line with that building."

Mr. Levy: "So you've substantially changed it so it is in line with the neighbor to the South?"

Mr. Smithlin: "Yes."

Mr. Levy opened the meeting to the public within 200'.

Larry Koplik, 6 Reading Terrace, came forward and was sworn in: "The changes that were made in the size of the building were not big enough to change the massiveness of it. The coverage is still too high. Their impervious coverage is still greater than 50%. There is a practical problem with a water problem in the area. If you have a lot of variances with this application this will add to it."

Mr. Charipper: "Are you an expert in water retention?"

Mr. Koplik: "This will generally cause a problem in construction. The path between Reading Terrace and Randolph Terrace is a trade off for the small lots."

For over 75 years, these building lines have not been encroached upon. This neighborhood has no encroachments in the front yard. This will change the character of the neighborhood. This does not benefit the community."

Mr. Levy: "Are you talking about the common space of the path?"

Mr. Koplik: "Yes."

Mr. Levy: "You are aware in architecture there are more to the space than just the pathway?"

Mr. Koplik: "Yes."

Mr. Levy: "Is there an articulation in the line of the building?"

Mr. Koplik: "Yes."

Mr. Levy: "This is within the setback line."

Mr. Koplik: "Yes, but this is exceeding other areas such as coverage."

Mr. Levy: "Is the building to the South more of a box?"

Mr. Koplik: "No - it has a porch."

Mr. Levy: "This structure cannot be characterized as a rectangle and can be characterized with more lines in and out?"

Mr. Koplik: "I am not talking about the lines of the home itself."

Mr. Levy: "You brought up drainage - are you familiar with what is out there now?"

Mr. Koplik: "They are covering more than 50% of the lot and encroaching into the open space."

Mr. Levy: "This lot is extremely small. Is the drainage caused by this house?"

Mr. Koplik: "You don't want to exacerbate the situation."

Mr. Levy: "What is the setback?"

Mr. Boos: "It is 30' and with the bay window that will be at 31' and the house will be at 33'."

Mr. Levy: "Can you characterize the footprint?"

Mr. Boos: "It is irregular."

Mr. Levy: "Are you encroaching into the common space?"

Mr. Boos: "No."

Mr. Charipper: "Mr. Koplik, is this lot unique?"

Mr. Koplik: "I disagree."

Bill Joyce, 5 Randolph Terrace, came forward and was sworn in. "I am the owner of the building to the south and I have no objection to the Smithlin's addition."

Mr. Levy: "Do you feel this will change any light or air coming into your site?"

Mr. Joyce: "No, not at all."

Mr. Newman: "The next objector is the wife of the previous objector. I ask that you keep your comments different from your husband so we can move on."

Ms. Felice Koplik, 6 Reading Terrace, presented aerial photos from the area that were marked as **Exhibit O-1**.

Ms. Koplik: "In Radburn, the individual lots are not considered really as individual lots."

Mr. Levy: "You're saying they act as a whole?"

Ms. Koplik: "Yes. 3 Randolph Terrace is set back and the patch is wider at this point and then it narrows down."

Mr. Charipper: "These photos give no justice to the comments being presented and could not even be accurate."

Mr. Levy: "The Path that is listed as Randolph/Reading Path - how wide is it?"

Ms. Koplik: "5'."

Mr. Levy: "How wide will it be once the addition is done?"

Ms. Koplik: "I'm talking about the open green space corridor."

Mr. Levy: "You show the house to the top 5, 7, 9 and 11 are the next building. If you were to draw a line from the top building, there is a structure (a porch) going you would have a straight line and the proposed structure would be in line with these."

Ms. Koplik: "Yes."

Mr. Levy: "3 Randolph Terrace is enhancing this corridor."

Ms. Koplik: "I disagree."

Mr. Charipper: "What complaints do you have other than what your husband said?"

Ms. Koplik: "Units 1 and 3 are semi-detached units and they are symmetrical units with matching porches and this addition is a different material of the other porch and is larger and encloses the space and is not in keeping with the Radburn Historical Group."

Ms. Smithlin: "I understand what Felice is talking about, this is 2007 and there have been multiple additions that have been done and Radburn's own architectural committee has no objection to this and the reason why we are doing it in brick is because it is currently in brick."

Mr. Harvey Rubenstein: "What is the impervious coverage of the proposed property?"

Mr. Boos: "52.16% which includes the driveway, paths, etc., the building will be 33%."

Mr. Rubenstein: "Has the second application included a landscape plan?"

Mr. Levy: "We will ask for it."

Mr. Rubenstein: "If a house is connected, you will accept into testimony hearsay, by the resident attached."

Mr. Soukas: "In a residential application we would accept the letter."

Mrs. Arlene Rubenstein, 28 Rutgers Terrace: "What about the Cox book, I feel the letter you accepted is setting a dangerous precedence."

Mr. Soukas: "The letter is not being accepted as professional testimony and as a public comment."

Mrs. Rubenstein: "I strongly disagree."

Mr. Soukas: "The Board will look at this as a case by case basis."

Craig Miller, 5 Ramapo Terrace, came forward and was sworn in: "When an applicant sends in pictures of the neighborhood not across town. You've allowed pictures from not within the immediate area."

Mr. Levy: "We are discussing the "Radburn Area" as a whole and that is why I allowed those pictures."

Mr. Newman: "I feel this Board will consider what is appropriate and inappropriate."

Mr. Levy closed the meeting to the public.

Mr. Diner: "No matter where the house may be in Radburn, it is governed as a whole."

Mr. Newman made a motion to approve this application. "This is a dramatically undersized lot and has created a severe hardship and will enhance the area and I see nothing negative on this application. A landscape plan will also be required."

Mr. Levy: "I just spoke with Mr. Soukas and he stands corrected in that letters cannot be accepted by anyone unless they are present and should not be considered by the Board."

Mr. Charipper seconded the motion.

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

The Board felt that the addition is in line with the other homes; the size of the lot has created a hardship and this addition would fit in with the character of the neighborhood and the corridor; and the proposed addition was approved by Radburn and was not as large as other additions that have been done.

APPLICATION APPROVED.

Commercial New Business:

1. Application #2007-025, Fair Lawn Fire Company No. 1, Inc.
12-34 George Street, Block 5611, Lots 19-24, Zone R-1-3
The proposed addition to the existing Fire House would have 3 stories where only 2 ½ are permitted. Bulk variances for front yard setback, rear yard setback and impervious coverage as per Section 125-12 Schedule of area, yard and building requirements. The proposed height of 35.91' where 30' is permitted requires a Use and Site Plan Variance as per Section 125-57.D.(d)(1). Parking variance relief is required as per Section 125-48A(2). Subdivision of lot requires approval as per Section 125-6.

Matthew Ahearn, [attorney for Fire Company 1] came forward.

Mr. Levy: "Due to the late hour can we carry this to a special meeting?"

Ms. LoPiccolo: "We can use the April 9 meeting date."

Mr. Ahearn: "We will agree to the time extension and will appear on April 9."

APPLICATION CARRIED TO APRIL 9, 2007.

Residential Old Business: (continued)

2. Application #2007-015, Richard and Jeanette Nelke
7-15 6th Street, Block 5507, Lot 33, Zone R-1-3
The proposed 2nd story addition would increase the existing building coverage from 27.10% to 27.25% where 25% is permitted. The in-ground pool and patio would increase the impervious coverage from 39.40% to 50.01% where 35% is permitted. Would have existing side yard setback of 9.23' where 10' is required. Would reduce front yard setback on 6th Street from 23.21' to 20.89' where 25' is required. Would have existing front yard setback on Bellair of 17.81' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

Fees totaling \$88.00 have been paid and there is proof of service.

Ken Schear and Joel Ives [architects for the applicant] came forward.

Richard Nelke and Jeanette Nelke, 7-15 6th Street, were also sworn in.

Mr. Nelke: "We are a young family and just had a son and would like to stay in Fair Lawn."

Mr. Schear: "This is an application to permit construction of a 2nd floor on top of an existing 1 story home. The existing property has variances. This is a corner

property and although we are encroaching into the front yard it is less than the neighbors. The lot coverage will be expanded due to the in-ground swimming pool. The building coverage will slightly go up. In some towns, swimming pools are not counted into the coverage as it retains the water. The surface of the pool represents 4.34% of the coverage. The rear and side patios are 9% of the lot. If it were to be decking, we could reduce that."

Plans were marked as **Exhibit A-1** and **Exhibit A-2** and photos were marked as **Exhibit A-3**.

Mr. Karas: "When was the photo taken?"

Mr. Ives: "This is a satellite photo. 6th Street is a very wide street so by encroaching into the front yard it is very diminimous."

Mr. Ives went on to describe the neighborhood and that what is being proposed would upgrade the property. "This house has not been occupied for quite some time and this is a good project for the community."

Mr. Charipper: "My prime concern is the impervious coverage which is over 50%. Can you bring down the impervious coverage?"

Mr. Schear: "We can reduce the impervious coverage by using wood deck. That would reduce the impervious coverage to 47%."

Mr. Levy: "Would the deck size be in conformance?"

Ms. Peck: "Yes."

Ms. Spindel: "This pool is too close to the property line."

Mr. Schear: "The pool will be 10' from the property line which is within the Ordinance."

Ms. Peck: "The deck will be 3%."

Mr. Schear: "Yes."

Ms. Peck: "The fence as proposed will not meet the pool requirements of the Building Department."

Mr. Schear: "We will provide additional fencing to meet the requirements."

Mr. Karas: "You will substitute the pavers with wood decking?"

Mr. Schear: "We will provide decking with spaces so that water will penetrate."

Mr. Karas: "Are the impervious pavers considered pervious?"

Mr. Schear: "No."

Mr. Karas: "The photos indicate the landscaping as attractive, although the rear yard is not. Will this building look like what is shown on 5th Street?"

Mr. Schear: "No, not at all. The roof will be a fiberglass shingle. The façade will be a combination of brick and siding."

Mr. Karas: "Will this fit in with the character of the neighborhood?"

Mr. Schear: "Yes, this will be an improvement."

Mr. Karas: "Could you give an impervious figure after the reduction of the change from the pavers to decking?"

Mr. Levy: "He stated 47%."

Mr. Newman: "This is a proposal for an 8,000 s.f. home?"

Mr. Schear: "No, that is a typographical error. It is 3,905 s.f."

Mr. Newman: "What about with the basement and the garage?"

Mr. Schear: "It's about 6,000 s.f. with the basement and garage."

Mr. Newman: "How many homes in Fair Lawn are over 6,000 s.f.?"

Mr. Ives: "I couldn't give an answer, we wouldn't normally count in the basement and the garage."

Mr. Newman: "This is an oversized home for the lot."

Mr. Schear: "As it currently exists it is not large to other homes."

Mr. Schear: "The hardship is a corner lot. We can't add additional land to the property. The existing ranch house encroaches into the front yard and exceeds the building and impervious coverage."

Mr. Newman: "What about the additional impervious coverage?"

Mr. Schear: "What is increasing the impervious coverage is the swimming pool."

Mr. Newman: "Do you consider that as a hardship?"

Mr. Schear: "The application seeks to add the in-ground swimming pool which increases the coverage. The pool is not a hardship."

Ms. Spindel: "What if you eliminate the pool?"

Mr. Schear: "Impervious coverage is 42.63%."

Mr. Newman: "How many cars can you park in the driveway?"

Mr. Schear: "2."

Mr. Levy: "You're taking the existing footprint and going up?"

Mr. Schear: "Yes."

Mr. Levy: "Would you consider moving the pool further away from the property line?"

Mr. Schear: "We could do that."

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

Mr. Harvey Rubenstein: "How high will the home be?"

Mr. Schear: "30' to the ridge."

Mr. Rubenstein: "Will the fence conflict with the corner?"

Mr. Schear: "No."

Mr. Rubenstein: "With reference to the impervious coverage, once the fall comes, is the pool cover mesh?"

Mr. Schear: "Yes snow and water penetrates."

Mr. Levy closed the meeting to the public.

Mr. Schear: "We are taking the existing home and adding straight up. The photo shows that houses to the North are closer to the street than this. I don't think this application is out of character with the area and the zone plan. This is a good use of the property."

Mr. Levy: "Personal hardships do not play a part with this Board."

Mr. Nelke: "By allowing us this renovation, this house will provide us with the space we need for our family and extended family. We intend that these plans are the final plans and want to be good neighbors."

Mr. Levy: "The concrete pad will hold the a/c unit and pool pump and garbage cans?"

Mr. Schear: "We could reduce the size of the pad."

Ms. Peck: "If it were removed it would be .7%."

Mr. Charipper: "Do you really need the pool?"

Mr. Nelke: "A pool is an item of recreation. The property is not going to change. We don't want to burden the town by coming back for another variance later for the pool."

Mr. Levy: "Whether or it's now or later, they still have to present the evidence. We can separate the application into voting on separate variances."

Mr. Newman: "Can Mr. Soukas explain to the applicants under the MLUL hardship?"

Mr. Soukas: "Zoning hardship has to relate to specific conditions of a piece of property - not a personal hardship. You could withdraw a portion of the application."

Mr. Levy: "Mr. Schear indicated that the front yard is a hardship and given the circumstances of the house the lot is a hardship."

Mr. Schear: "Yes."

Mr. Levy: "The impervious coverage has been reduced to 47% and the applicant has offered to move the pool further away from the property line."

Mr. Soukas: "Would the applicant like to consult with their professionals?"

Mr. Nelke: "Yes."

Ms. Peck: "Would the applicant be interested in coming back next month with a revised plan?"

Mr. Schear: "We will go forward. The applicant will amend the application to limit the coverage to 43.5%. The current is 39.40%. We will keep the pool and will use a wood deck in place of the patio and we will use the driveway for a pervious material. The applicant seeks to poll the Board without the pool and then poll the Board with the pool with the reduced impervious coverage at 43.5%."

Mr. Newman: "You cannot poll the Board."

Mr. Charipper: "Would this be beneficial to the both the Board and the application to adjourn this to the next meeting. We need to look into the material you are planning on using for the driveway."

Ms. Peck: "The Ordinance does not refer to that type of material as being pervious and the Ordinance reads as such that it would be considered impervious."

Mr. Newman: "Once you park a car on this, it will be compacted and no longer be pervious."

Mr. Charipper: "Maybe you can come up with some new suggestions."

Ms. Peck: "Can they vote on the addition tonight and come back next month for the pool as a bifurcated application?"

Mr. Soukas: "That shouldn't be a problem."

Mr. Levy: "You can come back with findings of what exactly the material presented for the driveway is."

Mr. Newman: "We are wasting time on this. The Ordinance clearly states that a driveway is impervious."

Mr. Schear: "Let's bifurcate the application."

Mr. Levy: "We will take a vote on the addition only."

Ms. Spindel: "We ask that you bring back not only the specifications of the material but a sample as well."

Mr. Charipper made a motion to approve this application for the addition only and Ms. Spindel seconded the motion.

Ms. Peck: "The only increase is .15% to the building and impervious coverage."

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

APPLICATION [of addition only] APPROVED.

Mr. Levy adjourned the following applications to April 19, 2007:

Residential New Business:

6. Application #2007-019, Elbad and Helen Sorek
2-15 17th Street, Block 4308, Lot 25, Zone R-1-3
Lot frontage of 50' where 65' is required. The proposed addition would have existing side yard setbacks of 5.90' and 5.56' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.
7. Application #2007-020, Emilia Gelman
11-02 Philip Street, Block 2521, Lot 3, Zone R-1-2
Existing lot is 6,009.9 s.f. where 7,500 s.f. is required. Lot frontage of 60' where 75' is required. The proposed addition would increase the building coverage from 23.6% to 26.6% where 25% is permitted. Would increase the impervious coverage from 41.9% to 43.57% where 35% is permitted. Would have existing side yard setback of 9.42' where 10' is required. Would have existing front yard setback of 24.89' where 30' is required as per Section 125-12 Schedule area, yard and building.
8. Application #2007-021, Igor Pyatetsky and Inna Slavin
38-54 Vanore Drive, Block 2504, Lot 38, Zone R-1-2
Existing lot is 5,470 s.f. where 7,500 s.f. is required. Lot frontage of 57' where 75' is required. The proposed addition would have existing side yard setbacks of 8.1' and 8' where 10' are required. Would have existing front yard setback of 26.7' where 30' is required as per Section 125-12 Schedule of area, yard and building requirements.
9. Application #2007-024, Haim Benaim
11-05 Malcolm Terrace, Block 2526, Lot 12, Zone R-1-2
Existing lot is 5,400 s.f. where 7,500 s.f. is required. Lot frontage of 54' where 75' is required. The proposed addition would increase the building coverage from 22.6% to 28% where 25% is permitted. Would increase the impervious coverage

from 33.9% to 40.9% where 35% is permitted. Would have existing side yard setbacks of 6.60' and 6.74' where 8' is required. Would have existing front yard setback of 24.66' where 30' is required as per Section 125-12 Schedule area, yard and building.

10. Application #2007-026, Jorge Zuniga
12-10 Sampson Road, Block 2615, Lot 5, Zone R-1-2
The proposed additions would have side yard setback of 10.55' where 12' is required. Would have existing rear yard setback of 19.80' where 20' is required. Would have front yard setback of 26.20' where 30' is required as per Section 125-12 Schedule of area yard and building requirements. The proposed driveway would exceed 22' permitted as per Section 125-48.C.(7) parking and loading area.
11. Application #2007-027, Nikolay and Yelena Mukhin
74 Garwood Road, Block 2817, Lot 14, Zone R-1-2
The proposed addition would have side yard setbacks of 10' and 10.2' where 12' is required as per Section 125-12 Schedule of area, yard and building requirements.

All applicants gave consent to the time constraints of the Board to act.

Residential New Business: (continued)

3. Application #2007-016, Igor and Svetlana Khusid
20-02 Saddle River Road, Block 1804, Lot 8, Zone R-1-3
Existing lot frontage of 53' where 65' is required. The proposed addition would have existing side yard setback of 5.66' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Igor and Svetlana Khusid were sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Khusid: "The house is very old and we need to update the home and we would like to do a full second floor."

Mr. Levy: "These are pre-existing conditions and they are here due to a non-conforming lot."

Mr. Karas: "The height is 27' to the ridge of the roof."

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

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

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

APPLICATION APPROVED.

4. Application #2007-017, Joseph and Barbara Miller
14 Lowe Avenue, Block 4617, Lot 8, Zone R-1-3
Existing lot frontage of 50' where 65' is required as per Section 125-12 Schedule of area, yard and building requirements.

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

Ms. Miller: "I would like to put on an addition for a new kitchen and a laundry room."

Ms. Spindel: "Why does the survey show it as Northern Drive?"

Ms. Miller: "That was way back in 1942 that was what it was called."

Mr. Levy: "If not for the Ordinance Change, this applicant would not be here. This is a non-conforming lot."

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

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

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

APPLICATION APPROVED.

5. Application #2007-018, Thomas Pagano and Joy Drelich
0-50 East Amsterdam Avenue, Block 2214, Lot 3, Zone R-1-3
Existing lot is 6,000 s.f. where 6,500 s.f. is required. Lot frontage of 60' where 65' is required. The proposed addition, covered front porch and driveway expansion would increase the impervious coverage from 36.15% to 41.94% where 35% is permitted. Would have front yard setback of 22.5' where 25' is required.

Would have existing side yard setback of 7.4' and 7.8' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

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

Mr. Pagano: "We would like to widen the driveway and put an addition on the home and a front porch. We will remove 2 sidewalks. The increase in impervious coverage would be up to 41.94%."

Mr. Levy: "How does your porch relate to the neighborhood?"

Mr. Pagano: "Some have them and some do not. The front line of the porch will be in line with the steps."

Mr. Levy: "The pre-existing side yards are not being changed?"

Mr. Pagano: "Yes."

Ms. Spindel: "Did you provide pictures of the surrounding properties?"

Mr. Pagano: "No."

Mr. Levy: "How high are you going?"

Mr. Pagano: "25'."

Mr. Newman: "What is the finished structure going to look like?"

Mr. Pagano: "The 2nd floor will be vinyl siding and the roofing will be shingle roofing of what is there now."

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

Mr. Meer made a motion to approve this application and Mr. Karas seconded the motion with the provision that the concrete walkway is removed.

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

APPLICATION APPROVED.

Resolutions:

1. Application #2007-006, Simon Zarour, 9 Van Saun Place, Block 2514, Lot 34, Zone R-1-2 – Addition.
2. Application #2007-008, Wieslaw and Iwona Okrasinski, 23 Westwood Drive, Block 1111, Lot 4, Zone R-1-3 – Addition.
3. Application #2007-009, Brandon and Jennifer Dittamo, 17-21 Hunter Place, Block 2708, Lot 33, Zone R-1-2 - Addition.
4. Application #2007-010, William and Jodi Oster, 1-15 Cyril Avenue, Block 4325, Lot 30, Zone R-1-3 – Addition.
5. Application #2007-012, Alex and Naomy Cuesta, 14-14 6th Street, Block 5725, Lot 6, Zone R-1-3 – Addition.
6. Application #2007-013, Dan and Natalie Akselrod, 27-02 Urban Place, Block 3416, Lot 6, Zone R-1-3 – Fence and Shed.
7. Application #2006-015, Amy and Philip Plotch, 17 Bancroft Place, Block 3710, Lot 20, Zone R-1-3 – Addition – Variance Extension.
8. Application #2007-011, John and Susan Smithlin, 3 Randolph Terrace, Block 3606, Lot 23, Zone R-1-2 – Addition.

Mr. Charipper made a motion to accept these Resolutions and Ms. Spindel seconded the motion.

VOTE: All Eligible – YES.

9. Application #2007-014, AmeriSuites/Hyatt Place Conversion, 41-01 Broadway, Block 1201, Lots 1 and 2, Zone B-2, Addition of a bar and kitchen with food handlers license.

Mr. Charipper made a motion to accept this Resolution and Mr. Karas seconded the motion.

VOTE: All Eligible – YES.

Vouchers:

1. Karen Kocsis in the amount of \$325.00 for the March 26, 2007 meeting;
2. Azzolina & Feury Engineering in the amount of \$603.75 in reference to Lamring Commons;
3. Azzolina & Feury Engineering in the amount of \$110.00 in reference to MacBrothers, LLC;
4. Azzolina & Feury Engineering in the amount of \$287.50 in reference to Landzettel Realty Co., Inc.
5. Azzolina & Feury Engineering in the amount of \$115.00 in reference to Wendell Realty/Scholastic Bus Company; and

6. Azzolina & Feury Engineering in the amount of \$550.00 in reference to 15-01 Condo Assoc., Inc.

Mr. Charipper made a motion to approve these vouchers and Mr. Meer seconded the motion.

VOTE: All Eligible – YES.

Estimates:

Mr. Charipper made a motion to approve these estimates and Ms. Spindel seconded the motion.

VOTE: All Eligible – YES.

Minutes:

Mr. Charipper made a motion to approve the minutes for the February 22, 2007, March 1, 2007 and March 6, 2007 meetings. Ms. Spindel seconded the motion.

VOTE: All Eligible – YES.

Discussion:

Ms. Spindel felt the Ordinance should be changed to be more specific regarding the type of impervious coverage materials that are used.

Public Comment:

There was no public comment.

Adjourn:

Ms. Spindel made a motion to adjourn this meeting and Mr. Meer seconded the motion.

VOTE: All Present – YES.

TIME: 11:30 p.m.

Respectfully submitted,

Carol LoPiccolo
Zoning Board Clerk