

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Of April 19, 2007**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on **Thursday, April 19, 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. Newman, Ms. Spindel,  
Mr. Blecher, Mr. Diner, Mr. Charipper, and Mr. Levy.

Absent were: Mr. Nakashian and Mr. Salerno.

Mr. Meer arrived at 7:35 p.m. and Mr. Sacchinelli arrived at 7:45 p.m.

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

Variance Extension:

1. Application #2005-028, Jeff and Jackie Weisberger  
9 Bolton Place, Block 3808, Lot 9, Zone R-1-3  
The construction of an 18' driveway would increase the impervious coverage from 38.27% to 41.90% where 35% is permitted as per Section 125-12 Schedule of area, yard and building requirements. Zoning Board approved April 25, 2005 with Resolution adopted June 2, 2005.

Mr. Weisberg: "We were looking to have a small area paved, and by the time we did find someone to do the job the state put into law a new licensing procedure and my contractor was not licensed. I found a new contractor but then I found that my resolution expired."

Mr. Newman made a motion to grant the variance extension from April 25, 2006 to April 25, 2007 and an extension from April 25, 2007 to April 25, 2008. Ms. Spindel seconded the motion.

VOTE: Mr. Karas, Mr. Newman, Ms. Spindel, Mr. Blecher, Mr. Diner,  
Mr. Charipper and Mr. Levy - YES.

**Variance Extension Granted.**

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 a special meeting on April 23, 2007.**
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 a special meeting on May 29, 2007.**
4. 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.**
5. 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. **Application carried to a special meeting on May 3, 2007.**

Residential Old Business:

1. Application #2007-015, Richard and Jeanette Nelke  
7-15 6<sup>th</sup> Street, Block 5507, Lot 33, Zone R-1-3  
The in-ground pool and patio would decrease the impervious coverage from 39.40% to 39.02% where 35% is permitted as required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Levy: "This is a carry from last month and there were certain items discussed to reduce some of the impervious coverage."

Mr. Blecher: "I was not here last meeting - I will recuse myself."

Mr. Schear: "We revisited the site plan and redesigned it. We tried to limit the impervious coverage as much as possible and this reflects the coverage by being reduced by what is presently there now. We reduced the area around the pool and we have created it out of wood deck. Additionally, we came up with a different design by using concrete tire strips for the driveway."

Mr. Schear presented 3 photos and they were marked as **Exhibit A-4, A-5 and A-6**. Mr. Ives described the photos.

Mr. Schear: "We put a paver landing strip at the beginning of the concrete pads. We are less in coverage as presented than what we have today. We took all the comments of the Board and made a better situation. The pool meets all the setbacks."

Mr. Newman: "How does the concrete pads play into the Ordinance?"

Ms. Peck: "Past practice has been that as long as they leave grass in between that grass area in between would not be counted into the coverage."

Mr. Karas: "Is this going to be 1 resolution or 2?"

Mr. Soukas: "We did not request that the applicant to put it into a single resolution. I've prepared a resolution in anticipation of tonight."

Mr. Levy: "The Board already approved the building addition."

Mr. Schear: "As part of the addition to the Board did grant 39.55% in coverage with the new application we would have 39.02% in coverage. The resolution has to reflect the correct number."

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.

Ms. Spindel: "Are you putting shrubbery along the pool area?"

Mr. Schear: "No."

The plans dated 4/11/07 were marked as **Exhibit A-7**.

Mr. Meer made a motion to approve this application for the pool for impervious coverage for 39.02%. Mr. Karas seconded the motion.

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

Mr. Levy: "There is a reduction of the impervious coverage and they are staying within the realm of the neighborhood."

**APPLICATION APPROVED.**

2. Application #2007-019, Elbad and Helen Sorek  
2-15 17<sup>th</sup> 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.

Eldad and Helen Sorek came forward and were both sworn in. Fees are totaling \$88.00 and there is proof of service.

Mr. Sorek: "We are adding an additional bedroom with a dormer in the back. We are not increasing the footprint and the setbacks are not being changed."

Mr. Levy: "You are not changing the lines in the front at all?"

Mr. Sorek: "Correct. Half of the back is dormered we are just doing the other half."

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

Mr. Sorek: "Yes."

Mr. Levy reviewed the photos that were in the application.

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 and Ms. Spindel seconded the motion.

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

**APPLICATION APPROVED.**

3. 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.

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

Mr. Levy: "You want to put a one story on the building - you want to square off the house?"

Ms. Gelman: "Yes."

Ms. Gleman presented photos of the area that were marked as **Exhibit A-1**.

Mr. Newman: "What about the prior variance?"

Ms. Peck: "There is none that we are aware of."

Ms. Gelman: "We purchased the home 7 years ago and that's how it was."

Ms. Peck: "Based on the original survey that is how the house was built."

Mr. Levy: "From the pictures, within the neighborhood, your addition will be modest in size and it will be a 1 story addition?"

Ms. Gelman: "Yes."

Ms. Spindel: "The impervious coverage - you are already over and are going up to 43.57% - is it necessary to have the concrete on the side?"

Ms. Peck: "It appears that the concrete actually keeps the water away from the basement - it is a window well."

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. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Charipper, Mr. Meer - YES.

Mr. Levy - NO. Mr. Levy felt the impervious coverage was too high.

**APPLICATION APPROVED.**

4. 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.

Fees totaling \$88.00 have been paid and there is proof of service. Salvatore Greeman, attorney came forward. Igor Pyatetsky was sworn in along with Yevgeniy Romm project manager for Winton Group Architecture. Mr. Romm provided his credentials. Mr. Romm was accepted as a Fact Witness.

Mr. Greeman: "The lot is undersized and this is a hardship. The new project will be consistent with the neighborhood."

Mr. Romm: "The only violation in this project is already built in because it is an undersized lot. We have not increased the side setback. We have an existing front yard setback of 26.7' which we have not created. All other areas we conform."

Mr. Levy: "What is the height of the building?"

Mr. Romm: "28.4'. 30' is what is allowed."

Ms. Peck: "On one side it is 30' and the other is 29.5' and he has been made aware that it is measured from the street and it is noted on the plans that they must comply."

Mr. Karas: "On page A-2 it shows the height to the peak is 32.75'."

Mr. Romm: "That is to the peak."

Mr. Karas: "Can you reduce the height?"

Mr. Romm: "We are fully complying with the zoning Ordinance why should we have to reduce the roof?"

Mr. Levy: "Is there a 3<sup>rd</sup> floor?"

Mr. Romm: "No. it is 2 1/2 stories."

Ms. Peck: "Under the Ordinance it is not a 3<sup>rd</sup> story."

Mr. Levy: "You have photos of other residences on Vanore - what is the height of these buildings/"

Mr. Romm: "Our building will not be any higher than the other ones."

Ms. Spindel: "The right elevation - they have a large wall with a window on the top - can you add more windows?"

Mr. Romm: "That is the attic - I don't think it is necessary to add more windows."

Mr. Levy: "We don't have architectural input."

Mr. Karas: "On Sheet A-2 the roof lines are shown as 7-12, can you reduce that?"

Mr. Romm: "The roof would be too flat and I tried to reduce it and I think this is within the limits."

Mr. Levy: "The height is taken from the center of the street-way and the Building Department will have to monitor this."

Mr. Karas: "That is attic space - can it be reduced 6" to 12"?"

Mr. Romm: "It will change proportions and they became unattractive."

Mr. Newman: "Are they over the height?"

Ms. Peck: "As presented, they do not need a variance for height. The applicant will have to make adjustments if necessary during building."

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 and Mr. Sacchinelli seconded the motion.

VOTE: Mr. Karas: "This is an undersized lot, while there are no increases in building and impervious coverage, we do have an Ordinance being reviewed about height and I feel this height could be lowered - NO."

Mr. Newman: "The application is under the height requirement and the applicant will adjust the plans if necessary during construction - YES."

Ms. Spindel: "Yes I am in agreement with Mr. Newman."

Mr. Sacchinelli, Mr. Charipper and Mr. Meer - Yes.

Mr. Levy - "Yes. The applicant has indicated that they will lower the height of the structure if needed during construction. The applicant has shown the pictures of the neighborhood and this will fit in with the character of the neighborhood. We have to go by the current Ordinance. - YES."

**APPLICATION APPROVED.**

5. 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.

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

Mr. Benaim: "We would like to put an addition on the back and to the 2<sup>nd</sup> floor. We are going straight up."

Mr. Levy: "Is the porch in violation?"

Ms. Peck: "No, he is removing the existing one and is staying within the setback."

Mr. Levy: "How high is the building going?"

Mr. Benaim: "28' to the top."

Mr. Newman: "Why is the building coverage going up?"

Ms. Peck: "He is putting a cantilever and he is putting an addition of where the deck is."

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

Mr. Karas: "Is the deck considered impervious coverage in these calculations?"

Mr. Newman: "No. I was talking about the increase since the addition is taking the place of the deck and the deck will be moved back."

Ms. Spindel: "Is there anywhere to reduce the coverage?"

Ms. Peck: "Other than a walkway to the side entrance - no."

Mr. Meer made a motion to approve this application and noted that this lot is smaller by 2, 100 s.f. Mr. Newman seconded the motion.

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

The board members stated the lot was severely undersized and there was a hardship.

**APPLICATION APPROVED.**

A 5 minute recess was taken at 8:55 p.m.

6. 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.

George Zuniga and Jorge Zuniga were both sworn in and fees totaling \$88.00 have been paid and there is proof of service.

Mr. George Zuniga: "We would like to build up within the footprint of the house. The rear yard and front yard setbacks are existing. Years ago this lot was subdivided and that has created a very odd shaped lot."

Mr. Levy: "Could you build on the slope?"

Mr. Zuniga: "No. There is a stream encroachment that we cannot go over."

Mr. Levy: "Because of the grade and the encroachment you couldn't expand there?"

Mr. Zuniga: "Yes."

Mr. Karas: "On A-1 it shows the deck encroaches on the stream line."

Ms. Peck: "We brought these plans to the Engineering Department and we were told that the footings could not encroach but there could be a an overhang. Engineering is o.k. with this."

Mr. Levy: "Correct. What is the height?"

Mr. Zuniga: "21'."

Ms. Spindel: "The southern side of the house - you have a concrete walk and a blacktop driveway that will come out."

Mr. Zuniga: "Yes, the blacktop will come out."

Ms. Spindel: "Do you need a 5' sidewalk? Can it be reduced?"

Mr. Zuniga: "I will reduce it to 3'."

Mr. Levy: "Are there 2 kitchens?"

Mr. Zuniga: "No."

Mr. Levy opened the meeting to the public within 200'. Mr. Stanley Cohen, 12-04 Sampson Road, came forward and was sworn in. "I strongly support this application."

Mr. Levy opened the meeting to the general public. No one came forward. Mr. Levy closed the meeting to the public.

Ms. Spindel: "I feel there is too much concrete."

Mr. Levy: "They do not need a variance for impervious coverage."

Ms. Peck: "I believe the walkways around the property serve a purpose in keeping water away from the foundation."

Mr. Newman: "What is the hardship for the size of the driveway?"

Ms. Peck: "We discussed this, and it was hard to get in and out of the driveway due to a retaining wall that is holding back dirt."

Mr. Newman: "Is it possible to have the driveway shortened?"

Ms. Peck: "His garage is over 28' and the Ordinance allows a hammerhead driveway in excess of 22'. I put it in the Denial as a precaution."

Mr. Zuniga: "It is a Safety hazard to back out of the driveway."

Mr. Levy: "Is it appropriate to have this type of driveway?"

Mr. Cohen: "Yes."

Nancy Cohen, 12-04 Sampson Road, came forward and was sworn in. "There are 2 things - it is my understanding that our property was created 12 years ago and has created this hardship. We thought this property without the improvements is a negative impact to our property. This property does not have good visibility for backing out and is a safety issue."

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

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

Mr. Newman: "I feel there is a hardship due to the shape and topography of the property."

Ms. Spindel: "I think this would enhance the neighborhood."

Mr. Levy agreed with Mr. Newman and Ms. Spindel.

**APPLICATION APPROVED.**

Commercial Old Business:

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], came forward. "I sent a letter requesting an adjournment for Zap Lube. I would like to address that comments have been made that my client has been dragging his feet with this application. The talks my client had with BIC officially ended 2/27/07. We did everything we could in meetings and couldn't come to a resolution. Mr. Smartt recommended we meet with Arthur Levine and my client agreed. Those plans were rejected by BIC. The reason for the adjournment tonight is because of my schedule. May 21 and June 18 do not meet with my schedule. I would be willing to do a special meeting."

Mr. Levy: "You are amending the application?"

Mr. Mondello: "Yes. Based on all of the recommendations by The Joint Design Committee."

Mr. Levy: "How long will it take to get ready?"

Mr. Mondello: "I would ask for a special meeting in June."

Mr. Charipper: "Realistically when could you come?"

Mr. Mondello: "In June."

Ms. LoPiccolo: "I will get dates for a special meeting and confirm it and we can carry this to May 21 to only announce the new meeting date."

Mr. Charipper: "If he is not ready, will this be dismissed without prejudice?"

Mr. Levy: "I would like to at that time, but would not allow this to go beyond June."

The Board consented to the adjournment to May 21 to announce the June meeting date. Mr. Mondello consented to time for the Board to act.

### **APPLICATION ADJOURNED TO MAY 21.**

#### Residential Old Business: (continued)

7. 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.

Yelena Mukhin, 74 Garwood Road was sworn in and fees totaling \$88.00 have been paid and there is proof of service.

Ms. Mukhin: "I would like to put an addition for a garage."

Mr. Levy: "You have an odd-sized lot and is on a turn."

Ms. Mukhin: "Yes."

Mr. Levy: "The photos indicate the existing house."

Ms. Mukhin: "Yes."

Mr. Levy: "They also show similar garages in the area that you would like to do."

Ms. Mukhin: "Yes."

Ms. Spindel: "Is there going to be a problem parking 2 cars?"

Ms. Mukhin: "That is the widest we can do."

Mr. Levy: "The driveway is parallel with the property line?"

Ms. Mukhin: "Yes."

Mr. Levy: "They have 15' from the width - can they reduce that by 1'."

Ms. Mukhin: "I have two cars that are 7' each."

Mr. Sacchinelli: "This cannot be reduced or it won't fit 2 cars."

Mr. Karas: "The zoning requirements, it is existing 1 1/2 stories and proposed to 2 1/2 stories."

Ms. Peck: "That is what is required not what they are proposing."

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

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

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

**APPLICATION APPROVED.**

Residential New Business:

1. Application #2007-028, Dmitry and Robin Fishbeyn  
16-07 Everett Terrace, Block 4716, Lot 2, Zone R-1-3  
The proposed addition would have existing side yard setbacks of 9.4' and 9.8' where 12' are required as per Section 125-12 Schedule of area, yard and building requirements.

Dmitry Fishbeyn came forward and was sworn in and fees totaling \$88.00 have been paid and there is proof of service. "I am seeking a variance to put an addition straight up within the existing footprint."

Mr. Levy: "What is the height?"

Mr. Fishbeyn: "28' to the peak."

Mr. Levy: "This stays within the character of the neighborhood?"

Mr. Fishbeyn: "Yes."

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. Charipper made a motion to approve this application and Ms. Spindel seconded the motion.

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

**APPLICATION APPROVED.**

2. Application #2007-032, Kathleen Maikis  
0-188 Yerger Road, Block 2211, Lots 15 & 16.01, Zone R-1-3  
The proposed 5' fence in the front yard setback where only 3' fence is permitted as per Section 125-38.A. Fences and Walls.

Kathleen Maikis came forward and was sworn in and fees totaling \$88.00 have been paid and there is proof of service.

Ms. Maikis: "I live on a corner lot and my side yard is on an exit ramp from Route 4 going east. I have a young child with special needs and would like to put a fence in the back yard."

Mr. Levy: "You're not going to remove any of the trees that are there?"

Ms. Maikis: "No, the fence will be inside the trees."

Mr. Charipper: "There is a hardship here and this would justify the granting of the variance."

Ms. Maikis: "It would be a split rail fence."

Ms. Maikis presented a photo.

Mr. Levy: "Why not a 3' fence?"

Ms. Maikis: "My child could climb right over it."

Ms. Spindel: "I am concerned that your child could climb the rails on the fence you want."

Ms. Maikis: "The rails would be on the outside not the inside."

Mr. Newman: "What area is in the front yard setback?"

Ms. Peck: "The highlighted area."

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 and Mr. Karas seconded the motion.

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

The board members felt there is a hardship is a safety hazard and the fence would be screened by the view.

**APPLICATION APPROVED.**

3. Application #2007-033, Jose Mercado  
45 Albert Avenue, Block 6804, Lot 23, Zone R-1-3  
Lot frontage of 60' where 65' is required. The proposed addition would have existing front yard setback of 19.95' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

Jose Mercado and Willis Chavez came forward and were sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Chavez: "Mr. Mercado is seeking a variance in the front yard setback which is pre-existing. We are proposing an addition that conforms in all other areas. This would conform with the neighborhood."

Mr. Levy: "The height is 28.10'?"

Mr. Chavez: "Yes, to the ridge."

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

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

**APPLICATION APPROVED.**

4. Application #2007-029, Raanan Ovadia  
1-06 Lambert Road, Block 5629, Lot 19, Zone R-1-3  
Existing lot is 5,190 s.f. where 6,500 s.f. is required. Lot frontage of 50' where 65' is required. The proposed addition and driveway expansion would increase the impervious coverage from 39.5% to 43.5% where 35% is permitted. Would have existing side yard setbacks of 4.80' and 4' where 8' is required. The proposed deck would increase the deck coverage from 2.19% to 6.69% where 5% is permitted as per Section 125-12 Schedule of area, yard and building requirements.

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

Mr. Ovadia: "The proposed addition is a 2nd floor addition to the back yard and a deck on the left side of the house. We are putting in a kitchen and a family room."

Mr. Levy: "How big is the deck?"

Mr. Ovadia: "14' x 16'."

Ms. Peck: "They already have an existing deck on the garage which accounts for 4.5%. The deck on the ground is only 2.19%."

Mr. Levy: "So it's only a small deck on the ground then."

Mr. Karas: "What is the percentage of the deck on the ground?"

Ms. Peck: "2.19%."

Mr. Levy: "What is adding to the impervious coverage?"

Ms. Peck: "The addition and the driveway."

Mr. Ovadia: "When we step out of the car we step onto the mud. We need to increase the width of the driveway."

Mr. Karas: "Your car is only 7' wide, you should have plenty of room without adding the driveway 3'."

Mr. Ovadia: "We can't open the doors then without hitting the other car."

Mr. Levy: "On Lambert Road the properties are 40'-50' wide. In the neighborhood now, people are parking on the grass which it causes mud. This is unsightly and I have no objection to widening the driveway. Does your property slope down to the back?"

Mr. Ovadia: "No."

Ms. Spindel: "You have concrete from the driveway to the front door and to the left and then to the back and then to the deck - do you need it all?"

Mr. Levy: "On the side door there you are coming out of the kitchen and that's the only way to get to the back - there's really no place to cut. You've compared this to other houses in the neighborhood with the pictures."

Mr. Ovadia: "Yes, my addition will not be as large."

Mr. Karas: "The picture that shows the driveway with the car - it seems there is plenty of room."

Mr. Ovadia: "When you add another car it is too tight."

Mr. Levy: "This is a 50' wide lot - to reduce 2' from the driveway makes it hard."

Ms. Peck: "The driveway width will be 19' to accommodate 2 cars."

Mr. Karas: "The proposed macadam driveway shows it goes to 22'. That increases the impervious coverage to 1.5%."

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

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

VOTE: Mr. Karas - "No. I feel the driveway could have been reduced."

Mr. Newman - "Yes. It is an undersized lot."

Ms. Spindel: "Yes - I agree with Mr. Newman."

Mr. Sacchinelli, Mr. Charipper and Mr. Meer - "YES."

Mr. Levy: "Yes, It is staying with the character of the neighborhood and this is an undersized lot."

#### **APPLICATION APPROVED.**

Mr. Newman: "It is 10:30 p.m. and I feel we serve the applicants a disservice by continuing any longer."

Mr. Levy: "Let's try to continue."

Ms. Spindel: "Members could leave and we have enough members to continue."

All board members stayed to continue with the agenda.

5. Application #2007-030, Jose and Inna Quintana  
10-21 6<sup>th</sup> Street, Block 5506, Lot 62, Zone R-1-3  
Existing lot is 5,000 s.f. where 6,500 s.f. is required. Lot frontage of 50' where 65' is required. The proposed addition and driveway expansion would increase the building coverage from 16% to 32% where 25% is permitted. The removal of concrete and patio would decrease the existing impervious coverage from 62% to 48% where 35% is permitted. Would have existing side yard setbacks of 1.47' where 8' is required. Would have existing front yard setback of 9' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

Jose and Inna Quintana came forward were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Quintana: "We would like to put an addition on the back and the side of the house first and second story."

Ms. Spindel: "You have blacktop behind the fence from your driveway?"

Mr. Quintana: "Yes."

Ms. Spindel: "Why do you need to expand the driveway?"

Ms. Peck: "He's changing the driveway from the depth to width."

Ms. Spindel: "The driveway behind the fence is being removed?"

Mr. Quintana: "Yes."

Mr. Levy: "Why does the addition have to be 16' wide?"

Mr. Quintana: "It is a very small house and we need the room."

Mr. Karas: "If you look at A-2, your family room is 21.8' x 21.5 1/2' - that is a huge family room."

Mr. Quintana: "That also includes a bathroom."

Mr. Karas: "Can't this be decreased a little bit to reduce the increase in building coverage? You're doubling your building coverage."

Mr. Quintana: "We are 7 people living in the house. There are other houses in the neighborhood that are much larger than what we are proposing."

Mr. Levy: "Personal issues are not a hardship. It has to be the size of the lot, etc. You're reducing the impervious coverage by 14%."

Ms. Spindel: "Where is the 1.47' setback?"

Mr. Quintana: "It is on the left side and is existing."

Mr. Levy: "Have you considered stepping it in?"

Mr. Quintana: "Yes, we could do that."

Ms. Peck: "The architect made a note that the house is over 16' to the next door property."

Mr. Meer: "This is a very small lot being 1,500 s.f. below what is required."

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

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

VOTE: Mr. Karas - "Yes with reservations about the size of the addition."

Mr. Newman abstained.

Ms. Spindel, Mr. Sacchinelli, Mr. Charipper and Mr. Meer - "Yes."

Mr. Levy - "I too have reservations with the size of the addition, although this is a very small lot. - NO."

#### **APPLICATION APPROVED.**

Mr. Levy adjourned the following applications. All applicants agreed to the extension of time for the Board to act.

6. Application #2007-031, James and Lori Rocanova  
0-62 Blue Hill Road, Block 1108, Lot 3, Zone R-1-3  
Lot frontage of 55' where 65' is required. The proposed in ground pool and walkway would increase the existing impervious coverage from 34.13% to 44.5% where 35% is permitted as per Section 125-12 Schedule of area, yard and building requirement.

7. Application #2007-034, Paul, Patricia and Robert York  
35-09 Lenox Drive, Block 2408, Lot 23, Zone R-1-2  
The proposed in-ground pool would increase the impervious coverage from 36.52% to 43.05% where 35% is permitted. Would have setback of 7' where 10' is required as per Section 125-12 Schedule of area, yard and building requirements.
8. Application #2007-035, Andrei Cheine  
3-22 Cyril Avenue, Block 4327, Lot 7, Zone R-1-3  
Existing lot is 5,000 s.f. where 6,500 s.f. is required. Lot frontage of 50' where 65' is required. The proposed addition would have existing building coverage from 27.30% where 25% is permitted. Would have existing impervious coverage from 37.52% where 35% is permitted. Would have existing side yard setbacks of 5.2' and 5.7' where 8' is required. Would have existing front yard setback of 24.8' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.
9. Application #2007-036, Roman and Yelena Lipovetsky  
19-36 Hunter Place, Block 2807, Lot 26, Zone R-1-2  
Lot frontage of 70' where 75' is required. The proposed foyer would reduce the existing front yard setback from 30.93' to 20.3' where 30' is required as per Section 125-12 Schedule of area, yard and building requirements.

#### VOUCHERS

1. William Soukas in the amount of \$764.62 regarding AmeriSuites;

#### RESOLUTIONS

1. Application #2007-023, Susan and John Smithlin, 3 Randolph Terrace, Block 3606, Lot 23, Zone R-1-2 – Addition.
2. Application #2007-015, Richard and Jeanette Nelke, 7-15 6<sup>th</sup> Street, Block 5507, Lot 33, Zone R-1-3 – Addition.
3. Application #2007-016, Igor and Svetlana Khusid, 20-02 Saddle River Road, Block 1804, Lot 8, Zone R-1-3 – Addition.
4. Application #2007-017, Joseph and Barbara Miller, 14 Lowe Avenue, Block 4617, Lot 8, Zone R-1-3 – Addition.
5. Application #2007-018, Thomas Pagano and Joy Drelich, 0-50 East Amsterdam Avenue, Block 2214, Lot 3, Zone R-1-3 – Addition.
6. Application #2007-012, Alex and Naomy Cuesta, 14-14 6<sup>th</sup> Street, Block 5725, Lot 6, Zone R-1-3 – Addition.

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

VOTE: All Eligible - YES.

MINUTES

Mr. Charipper made a motion to approve the March 26, 2007 and April 9, 2007 minutes.  
Mr. Diner seconded the motion.

VOTE: All Eligible - YES.

ITEMS FOR DISCUSSION

Mr. Levy: "We could start our meetings earlier to accommodate the residents."

Mr. Karas: "If we start at 7:00 p.m. and end at 10:30 people will get upset as opposed to ending at 11:00 p.m."

The Board agreed to start the meetings at 7:00 p.m. provided Karen Kocsis would agree to the change in time.

Mr. Charipper: "What is going on with the Floor to Area Ratio?"

Ms. Peck: "It is before the Mayor and Council right now."

Mr. Newman: "Do we need to have all our experts at every commercial application?"

Mr. Soukas: "It is beneficial to have all the professionals."

Ms. LoPiccolo: "I give the commercial applications to all the professionals, and it is up to the specific professional to determine if their input is needed."

Adjourn

Mr. Karas made a motion to adjourn this meeting and Mr. Diner seconded the motion.

TIME: 11:05 P.M.

VOTE: All Present - YES.

Respectfully submitted,

Carol LoPiccolo  
Zoning Board Clerk