

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
of May 21, 2007**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on **Monday, May 21, 2007**.

Acting Chairman Joseph Meer 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: Ms. Spindel, Mr. Diner, Mr. Nakashian, Mr. Sacchinelli, Mr. Salerno and Mr. Meer.

Absent were: Mr. Blecher, Mr. Karas, Mr. Newman, Mr. Charipper and Mr. Levy.

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

Mr. Meer announced that beginning June 18, 2007 all Zoning Board meetings will begin at 7:00 p.m.

Mr. Meer announced the following adjournments:

Residential New Business:

1. Application #2007-044, Louis Tsai and Anemarie Perez-Tsai
13-43 Jerome Place, Block 2609, Lot 6, Zone R-1-2
Existing corner lot is 89'x116'. The proposed addition and renovations would create an additional living space creating a two family dwelling in a one family zone. Would have existing front yard setback of 29.23' and 25.46' where 30' is required. Would reduce the existing side yard setback from 14.41' to 10' where 12' is required as per Section 125-12 Schedule of area, yard and building requirements. **Application carried to June 18, 2007.**

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 June 28, 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). **This application will be carried to a special meeting on July 9, 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 June 18, 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 24, 2007.**

[All of the adjourned applications listed above all consented to the continuation of their application and waived the time for the Board to act on their application].

Residential Old Business:

1. Application #2007-031, James and Lori Roccanova
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.

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

Mr. Roccanova stated that he would like to put an in-ground swimming pool in the backyard.

Mr. Meer stated that the impervious coverage would increase from 34.13% to 44.5% in coverage.

Mr. Diner asked if there was an existing pool on the property now.

Mr. Roccanova stated that there was one from 12 years ago with a deck around it but it was taken down last year.

Ms. Spindel asked if the applicant would consider reducing the pool in size.

Mr. Roccanova stated that the new pool is actually taking up less space than the original one.

Ms. Spindel stated that there was a concern over drainage and asked what would the smallest size pool Mr. Roccanova could do.

Mr. Roccanova stated he could reduce the pool by 2' which would be a pool of 15' x 28'.

Ms. Peck stated that the old pool was 249 s.f. and the patio around it was 97 s.f. and if he would have replaced the pool it would not have been as big of an increase.

Mr. Sacchinelli stated that without the deck the appearance of the yard would be actually larger.

Mr. Meer asked if the old pool was there when Mr. Roccanova bought the house

Mr. Roccanova responded no - he installed it.

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

Mr. Harvey Rubenstein, 28 Rutgers Terrace came forward and was sworn in and asked if there were any setback variances required.

Ms. Peck responded no.

Mr. Diner made a motion to approve this application and Mr. Salerno seconded the motion.

VOTE: Mr. Nakashian, Mr. Salerno, Mr. Sacchinelli, Mr. Diner,
Mr. Meer - YES.
Ms. Spindel - NO.

APPLICATION APPROVED.

Residential New Business:

1. Application #2007-045, Kathi and Elliot Schneider
0-50 West Amsterdam Avenue, Block 2216, 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. Would increase the impervious coverage from 31.04% to 36.7% where 35% is permitted. Would have existing side yard setback of 3.58' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

James Sowlakis, Architect, came forward with Kathy Schneider and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service. Mr. Sowlakis was qualified as an expert witness.

Mr. Sowlakis stated that the applicant wants to put a 2 story addition off the rear of the house with a 16' x 16' deck. The interior of the house would be renovated to be wheelchair accessible for her handicapped son. The existing bedroom on the first floor will be renovated to also accommodate a handicapped bathroom. Kitchen cabinets will be installed to be more open and accessible. There will be a new flight of stairs to go up to the second floor. Doorways will be opened up along with a ramp at the exterior through the garage. The doorway to the deck will also be widened. The 2nd floor will be 4 bedrooms to accommodate the 2 other children, a caretaker and a master bedroom. The only variance being sought is for impervious coverage going to 36.7% which is due to the need for walkways for the wheelchair.

Ms. Spindel asked if the pathway along the side will be there. Mr. Sowlakis stated that originally he thought stepping-stones would be used but now he realized that a walkway will be needed.

Ms. Peck stated that there would be an additional square footage of 140 s.f. which would increase the impervious coverage to 39.03%.

Mr. Meer stated that the lot is only 6,000 s.f. which is a small lot.

Mr. Soukas stated that personal hardship plays no part in how the Board could vote.

Mr. Meer opened the meeting to the public within 200'. No one came forward. Mr. Meer opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace came forward and was sworn in. Mr. Rubenstein asked what the height of the building will be. Mr. Sowlakis stated 24'. Mr. Rubenstein stated that there is a side yard variance required. Mr. Sowlakis stated that it is presently existing and it was not created by this applicant.

Mr. Meer closed the meeting to the public.

Mr. Sowlakis amended the application to include the additional 140 s.f.

Mr. Nakashian made a motion to approve this application and Ms. Spindel seconded the motion with the additional 140 s.f. of walkways as previously testified.

VOTE: Mr. Nakshian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli,
Mr. Diner and Mr. Meer - YES.

APPLICATION APPROVED.

Residential Old Business:

2. 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.

Robert and Paul York came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Robert York stated that they would like to put in an in-ground pool which increases the impervious coverage to 43.05%.

Mr. Meer asked how big the pool is. Mr. York stated 12'x24'.

Ms. Spindel asked how wide the walkway around the pool is and Mr. York responded 2'. Ms. Spindel asked about the 10' x 8' shed on the left side of the property and what would that do to the impervious coverage.

Ms. Peck stated the shed would increase the impervious coverage by 1% bringing the total to 44.05%.

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

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

VOTE: Mr. Nakashian, Mr. Salerno, Mr. Sacchinelli, Mr. Diner and Mr. Meer - YES.
Ms. Spindel - NO.

APPLICATION APPROVED.

3. 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.

Andrei Cheine, 3-22 Cyril Avenue and Salvatore Greeman, attorney, came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service. Mr. Greeman stated the applicant would like to remove the second floor and the footprint will not change. The height will be 29' to the peak.

Mr. Meer stated that the lot is too small.

Ms. Peck stated that all the non-conformities are existing and are not being enlarged by the addition.

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

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner
and Mr. Meer - YES.

APPLICATION APPROVED.

4. 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.

Mr. Roman Lipovetsky, 19-36 Hunter Place was sworn in. Fees totaling \$88.00
have been paid and there is proof of service.

Mr. Lipovetsky stated that he would like to put a foyer on the house in the front.
The existing entrance needs repair and this will fit in with the neighborhood.

Mr. Meer asked if the neighbors have similar types of foyers in the front. Mr.
Lipovetsky responded yes.

Ms. Spindel asked if the brick is existing. Mr. Lipovetsky responded yes.

Mr. Soukas asked what the depth of the foyer is. Mr. Lipovetsky stated the foyer
is 6' deep. Ms. Peck stated the landing has a roof over it and the roof extends
beyond that and the total would be 10.63'.

Mr. Soukas asked if the foyer will look like any of the ones as presented in the
photos. Mr. Lipovetsky stated it will look like 20-07 Hunter.

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

Ms. Spindel asked what the total depth is. Ms. Peck stated 9' is for the foyer and
then an additional 1.8' for the overhang. Mr. Lipovetsky responded that his foyer
will conform with the neighborhood.

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner,
and Mr. Meer - YES.

APPLICATION APPROVED.

Residential New Business:

2. Application #2007-039, Beth and Steven Wechsler
378 Owen Avenue, Block 3801, Lot 26, Zone R-1-1
Existing lot frontage of 67' where 75' is required. The proposed addition would have existing front yard setback of 29.87' where 35' is required. Would have existing side yard setbacks of 7.68' and 10.33' where 15' are permitted as per Section 125-12 Schedule of area, yard and building requirements.

Steven Wechsler and Frank Hall, architect, came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Wechsler stated that he would like to put a bath and bedroom on the second floor.

Mr. Meer stated the applicant would not be enlarging the footprint of the house and all the variances being sought are existing.

Mr. Hall gave his credentials and was accepted as an expert witness. Mr. Hall stated that the conditions are existing and they are not creating any new variances.

Mr. Meer opened the meeting to the public within 200'. No one came forward. Mr. Meer opened the meeting to the general public. Mr. Harvey Rubenstein came forward and was sworn and asked the total height of the addition. Mr. Hall stated that the addition is lower than the existing home and is at 24'. Mr. Meer closed the meeting to the public.

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Sacchinelli, Mr. Diner and
Mr. Meer - YES.

APPLICATION APPROVED.

A 5 minute recess was taken. The meeting resumed at 9:25 p.m.

3. Application #2007-037, Nancy DelMauro
16 Ryder Road, Block 3617, Lot 2, Zone R-1-2
Lot frontage of 57' where 75' is required. Lot is 6,314.44 s.f. where 7,500 s.f. is required. The proposed addition would have an existing front yard of 27.20'

where 30' is required as per Section 125-12 Schedule of area, yard and building requirements.

Nancy DelMauro and Catherine DelMauro were both sworn in and fees totaling \$88.00 have been paid and there is proof of service.

Ms. Catherine DelMauro stated they would like to put an addition on for additional living space.

Mr. Soukas asked how many bedrooms are there now. Ms. Catherine DelMauro stated 3.

Mr. Meer noted that the lot is small at 6,314.44 s.f. where 7,500 s.f. is required. Mr. Meer asked if this fits in with the neighborhood. Ms. Nancy DelMauro stated that they have Radburn approval and this will fit in with the neighborhood.

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

Mr. Salerno made a motion to approve this application and Mr. Diner seconded the motion.

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner and Mr. Meer - YES.

APPLICATION APPROVED.

4. Application #2007-038, Mark and Jackie Richards
32-06 Nicholson Drive, Block 2512, Lot 29, Zone R-1-2
Lot is 5,126.5 s.f. where 7,500 s.f. is required. Lot frontage of 54' where 75' is required. Proposed addition would increase the building coverage from 14.8% to 32% where 25% is permitted. Would increase the impervious coverage from 27.7% to 41.7% where 35% is permitted. Would reduce side yard setbacks from 16.65' and 7.25' to 4.31' and 7.25' where 10' is required. Would have an existing front yard setback of 25.05' where 30' is required. The proposed deck would have 6.94% coverage where 5% is permitted as per Section 125-12 Schedule of area, yard and building requirements.

Mark and Jackie Richards came forward and were sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Richards stated that they need additional living space and would like to put on this addition. The lot is very undersized and small.

Mr. Meer asked how many vehicles are in the house. Mr. Richards stated currently 2 but there will be 3.

Mr. Richards stated it would be a 2 story addition with a room for the applicant's father-in-law. There would be a laundry room, master bath and additional bath on the 2nd floor. There is currently no garage and are proposing to add a garage.

Mr. Salerno asked what the height is. Ms. Peck stated it is 30' to the ridge and is probably 25' to the mean.

Mr. Meer stated that the whole expansion is to the back of the property. Ms. Spindel stated the addition is 30' wide.

Ms. Spindel asked how the applicant's house would fit in with the streetscape. Mr. Richards stated the proposed house is smaller than what is being built on his street now.

Mr. Sacchinelli stated that it is not a large house at 1,600 s.f.

Mr. Meer opened the meeting to the public within 200' and the general public. No one came forward. Mr. Harvey Rubenstein, 28 Rutgers Terrace, came forward. Mr. Rubenstein asked the height. Ms. Peck stated 30' to the ridge. Mr. Rubenstein asked if the footprint was being expanded. Mr. Richards responded yes. Mr. Meer closed the meeting to the public.

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner and Mr. Meer - YES.

APPLICATION APPROVED.

5. Application #2007-040, Yefrim and Roza Grinberg
36-24 Ferry Heights, Block 2607, Lot 13, Zone R-1-2
Existing lot frontage of 55' where 75' is required. Existing lot is 5,834 s.f. where 7,500 s.f. is required. Would have existing front yard setback of 24.82' where 30' is required. Would have existing side yard setbacks of 5.63' and 5.98' where 10' is required as per Section 125-12 Schedule of area, yard and building requirements.

Michael Carrullo, Contractor and Yefrim Grinberg, came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Grinberg stated that he would like to put an addition on the second floor for an additional bedroom and bathroom.

Mr. Carrullo stated that the addition will stay within the lines of the house and is going up on the existing house, but will not be going over the garage.

Mr. Soukas stated that the variances being sought are all existing.

Ms. Spindel asked what the height of the roof will be. Mr. Carrullo stated 25'.

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

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner and Mr. Meer - YES.

APPLICATION APPROVED.

6. Application #2007-041, Scott and Audrey Gross
45 South Broadway, Block 1105, Lot 9, Zone R-1-3
Existing lot frontage of 50' where 65' is required. Existing lot is 5,000 s.f. where 6,500 s.f. is required. Would increase the existing building coverage from 17.6% to 28.62% where 25% is permitted. Would increase the existing impervious coverage from 33.18% to 40.56% where 35% is permitted. Would have existing side yard setback of 6.8' where 8' is required. New front porch would decrease the existing front yard setback from 25.2' to 19.2' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

Scott Gross and William Martin, architect, came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service. Mr. Martin was accepted as an expert witness in architecture and planning.

Mr. Martin presented the plans submitted and were marked as **Exhibit A-1, Exhibit A-2, Exhibit A-3, Exhibit A-4 and Exhibit A-5, Exhibit A-6, Exhibit A-7, Exhibit A-8.**

Mr. Martin stated that the house is a cape cod style house. Mr. Martin presented photos that were marked as **Exhibit A-9 and Exhibit A-10.** Mr. Martin described the photos.

Mr. Martin stated there would be a 6' wide porch in the front, a 16' wide addition off the back of the house and there would be a 2nd floor addition. The 2nd floor addition would only be over the existing 1st floor - not over the new 1st floor. The 2nd floor will have 4 bedrooms and 2 full baths. The first floor will be a kitchen, dining room, living room, sitting room and a great room. The design of the addition will be aesthetically pleasing to the neighborhood. There are several variances needed. The lot is undersized for the zone. A front yard setback is required for the front porch. There is an encroachment of 5.8'. The side yard setbacks are currently existing and have not been created. The impervious coverage will be 40.56%. The building coverage will be 28.62%. This will be a benefit to the neighborhood and will be consistent with the neighborhood.

Mr. Soukas stated this would be a C-2 variance or flexible variance.

Ms. Spindel stated that although this would be aesthetically pleasing, could the addition be reduced on the first floor.

Mr. Martin stated that it could not be reduced substantially enough and still look in proportion to the house.

Mr. Meer asked if the porch could be put in the back instead of the front. Mr. Martin stated it would interfere with the rear setback line and in the front it will soften the aesthetic look of the house.

Mr. Meer opened the meeting to the public within 200'. Richard Svrcheck, 49 South Broadway, was sworn in. Mr. Svrcheck is the immediate neighbor to the right and felt this addition and would be an improvement and is appropriate and will fit in with the neighborhood and should be approved.

Mr. Meer opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace asked what the height is. Mr. Martin stated 25' to the mean. Mr. Rubenstein asked if this is the only house that encroaches into the front yard setback. Mr. Martin was not sure.

Ms. Spindel asked if the photos presented were all part of Fair Lawn. Mrs. Gross came forward and was sworn and stated that the photos were of both Fair Lawn and Saddle Brook.

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner and Mr. Meer - YES.

APPLICATION APPROVED.

7. Application #2007-042, Stephen and Emily Feldman
39-15 Van Duren Avenue, Block 1512, Lot 9, Zone R-1-2
Lot is 67.50' x 93.06' where 75' x 100' is required. Proposed addition would increase the existing impervious coverage from 28.39% to 35.14% where 35% is permitted. Would have existing front yard setback of 21' and 12.9' where 30' is permitted. Would have existing side yard setback of 5.4' where 10' is required. Proposed deck would have a front yard setback of 24.5' where 30' is required as per Section 125-12 Schedule of area, yard and building requirements.

James Sowlakis, architect, and Emily Feldman both came forward and were sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Ms. Feldman stated that she has lived there for 35 years and needs a room to entertain in.

Ms. Spindel asked if the concrete around the property was included. Mr. Sowlakis responded yes.

Mr. Sowlakis stated that the size of the lot is undersized and if the lot were larger the building and impervious coverage would have conformed. The remaining variances are all pre-existing non-conforming. The lot is a corner lot and that has created the need for a front yard setback for the deck. The house is very small and there is a need for this addition.

Ms. Spindel asked what the height of the addition would be. Mr. Sowlakis stated 18' and the existing house is 23'. This would fit in with the character of the neighborhood. The shed will be removed. There is also a hardship for the fact that it is a corner property.

Mr. Meer made a motion to open the meeting to the public within 200' and the general public. No one from the public came forward. Mr. Meer closed the meeting to the public.

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner and Mr. Meer - YES.

APPLICATION APPROVED.

8. Application #2007-043, Stephen and Marie Conte
5-06 6th Street, Block 5403, Lot 29, Zone R-1-3
The proposed 4' fence in the front yard setback where 3' fence is permitted as per Section 125-38 fences and walls.

Stephen Conte and Matthew DiMaria, attorney, came forward and were sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Conte would like to put a 4' fence where 3' is allowed. Mr. Meer asked why the need for a 3' fence. Mr. Conte stated for privacy and security. Mr. Meer asked if there was any other way to design it.

Mr. Conte stated that he is only bringing the 4' fence forward and is leaving 12' to the property line and there is a bend in the road which is the street side.

Ms. Spindel asked what type of fence would be installed. Mr. Conte stated a PVC fence. Ms. Spindel asked how high is the existing fence. Mr. Conte stated that there is a 5' fence in the rear and on the side is 4'.

Mr. DiMaria stated that because of the exposure of the back yard and due to the configuration of the property, there is a need for privacy and this would allow for more space. There would be no detriment to the public and this would enhance the neighborhood. Mr. DiMaria stated that Mr. Conte has already received a License Agreement from the Mayor and Council to cross over the easement.

Ms. Spindel asked why the need to bring the fence forward. Mr. Conte stated that there is a need for space.

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

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner and Mr. Meer - YES.

APPLICATION APPROVED.

Variance Extension:

1. Application #2006-024, Andrezej Soltys
0-28 Plaza Road, Block 3223.01, Lot 1

Demolition of a single family dwelling and construction of a new one family dwelling which would have a front yard setback on Berkshire Road of 12 feet where 25 feet is required. Approved May 22, 2006 with Resolution dated June 26, 2006.

2. Application #2006-017, Norman Barta
6 Berkely Place, Block 3705, Lot 12
Construction of an addition which would increase the existing building coverage from 26.8% to 28.76% where 25% is permitted. Would increase the existing impervious coverage from 38% to 42.76% where 35% is permitted. Would maintain an existing side yard setback of 0' and 7.6' where 8' is required. Would decrease the front yard setback from 10.8' to 6.8' where 25' is required.
Approved February 23, 2006 with Resolution dated March 7, 2006.

Mr. Salerno made a motion to approve these extensions and Ms. Spindel seconded the motion.

VOTE: All Present – AYE.

Estimates:

1. Azzolina & Feury Engineering, Inc. in the amount of \$5,000.00 for Cumberland Farms, Inc.;
2. Birdsall Engineering in the amount of \$2,500.00 for Cumberland Farms, Inc.; and
3. Taylor Design Group in the amount of \$2,250.00 for Cumberland Farms, Inc.

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

VOTE: All Present – AYE.

Vouchers:

1. Birdsall Engineering in the amounts of \$955.00 for Cumberland Farms; \$1,435.00 for Fire Co. #1; \$1,291.00 for AmeriSuites;
2. Azzolina & Feury Engineering, Inc. in the amounts of \$143.75 for Cumberland Farms; \$1,725.00 for Fire Co. #1; \$1,006.25 for 16-01 Broadway Properties, LLC; \$258.75 for Scholastic Bus Co.; \$1,466.25 for Lamring Commons;
3. Taylor Design Group in the amount of \$105.00 for Omnipoint Communications; and
4. Karen Kocsis, in the amount of \$275.00 for the meeting of 5/21/07.

Mr. Diner made a motion to approve these vouchers and Ms. Spindel seconded the motion.

VOTE: All Present – AYE.

Resolutions:

1. Application #2007-015, Richard and Jeanette Nelke, 7-15 6th Street, Block 5507, Lot 33, Zone R-1-3 – Pool.
2. Application #2007-019, Elbad and Helen Sorek, 2-15 17th Street, Block 4308, Lot 25, Zone R-1-3 – Addition.
3. Application #2007-020, Emilia Gelman, 11-02 Philip Street, Block 2521, Lot 3, Zone R-1-2 – Addition.
4. Application #2007-021, Igor Pyatetsky and Inna Slavin, 38-54 Vanore Drive, Block 2504, Lot 38, Zone R-1-2 – Addition.
5. Application #2007-024, Haim Benaim, 11-05 Malcolm Terrace, Block 2526, Lot 12, Zone R-1-2 – Addition.
6. Application #2007-026, Jorge Zuniga, 12-10 Sampson Road, Block 2615, Lot 5, Zone R-1-2 – Addition and Driveway.
7. Application #2007-027, Nikolay and Yelena Mukhin, 74 Garwood Road, Block 2817, Lot 14, Zone R-1-2 – Addition.
8. Application #2007-028, Dmitry and Robin Fishbeyn, 16-07 Everett Terrace, Block 4716, Lot 2, Zone R-1-3 – Addition.
9. Application #2007-032, Kathleen Maikis, 0-188 Yerger Road, Block 2211, Lots 15 & 16.01, Zone R-1-3 – Fence.
10. Application #2007-033, Jose Mercado, 45 Albert Avenue, Block 6804, Lot 23, Zone R-1-3 – Addition.
11. Application #2007-029, Raanan Ovadia, 1-06 Lambert Road, Block 5629, Lot 19, Zone R-1-3 – Addition, Driveway and Deck.
12. Application #2007-030, Jose and Inna Quintana, 10-21 6th Street, Block 5506, Lot 62, Zone R-1-3 – Addition and Driveway.
13. Application #2005-028, Jeff and Jackie Weisberger, 9 Bolton Place, Block 3808, Lot 9, Zone R-1-3 – Driveway, previously approved April 25, 2005 with Resolution dated June 2, 2005.

Mr. Sacchinelli made a motion to accept these resolutions and Ms. Spindel seconded the motion.

VOTE: All Present - AYE

Minutes

1. Mr. Sacchinelli made a motion to approve the minutes for the April 19, 2007, April 23, 2007 and May 3, 2007 meetings. Ms. Spindel seconded the motion.

VOTE: All Present - AYE

Adjourn

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

TIME: 10:50 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Carol LoPiccolo
Zoning Board Clerk