

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
of September 17, 2007**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on **Monday, September 17, 2007.**

Chairman Scott Levy called the regular meeting to order at 7:15 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. Meer, Mr. Sacchinelli, Mr. Blecher, Mr. Diner and Mr. Levy.

Absent were Mr. Nakashian, Mr. Salerno and Mr. Charipper (Mr. Nakashian was ill).

Mr. Salerno arrived at 7:40 p.m. (Mr. Salerno had to attend a wake).
Mr. Charipper arrived at 7:15 p.m.

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

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. **This application will be carried to a special meeting on November 8, 2007. NO testimony will be given.**
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 September 27, 2007. NO testimony will be given.**
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. **This application will be carried to a special meeting on October 11, 2007. NO testimony will be given.**

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. **This application will be carried to a regular meeting on November 19, 2007. NO testimony will be given.**

Residential New Business:

1. Application #2007-074, Scott Avidon
26-10 Morlot Avenue, Block 3414, Lot 6, Zone R-1-3
Existing lot is 5,136 s.f. where 6,500 s.f. is required. Lot frontage of 55' where 65' is required. Proposed addition would maintain existing side yard setbacks of 2.7' and 3.8' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Chris Miseo, 205 Mt. Pleasant Ave., East Hanover [architect for the applicant] came forward along with Scott Avidon and both were sworn. Fees totaling \$88.00 have been paid and there is proof of service. Ms. Miseo stated that this application is simple due to a dormer being added to the rear. The lot is non-conforming and the addition does conform. The existing side yard is 2.7' and the lot depth needs to be 100'. The lot is undersized. The addition does not need any variances. The hardship is that the variances are existing. The lot depth is 93.38'. Ms. Miseo stated there is an existing sun-porch that will be enclosed. There are numerous other houses that have similar dormers to the rear. The home to the rear has the same dormer. The height will be 22.6'.

Mr. Avidon asked the Board to consider that his wife is expecting a baby in March and they need the room. Mr. Levy stated that can not be considered. Mr. Avidon stated that he likes the area and the addition is a simple dormer and the footprint will not be changed, and the front will not be changed in any way.

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. Meer seconded the motion.

VOTE: Mr. Karas, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Meer and Mr. Levy – YES.

APPLICATION APPROVED.

2. Application #2007-075, Kerry and Paul Surlak, Jr.
6 Andrew Place, Block 4601, Lot 22, Zone R-1-3
Existing lot frontage of 51.67' where 65' is required. Proposed addition would maintain existing front yard setback of 23.60' where 25' is required. Would maintain an existing side yard setback of 6.30' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Kerry and Paul Surlak came forward and were sworn in. Fees totaling \$88.00 have been paid and there is proof of service. Mr. Surlak stated that the lot is a non-conforming lot size and the setbacks are pre-existing conditions. The addition is a modest 12'x18' two story addition. The style of the house will remain. The lot is a pie-shaped lot and narrows towards the front and Rt. 208 is behind the property. Pictures that were provided that are similar in nature and also show complete expansions and this proposal is only in the back of the home.

Mr. Levy asked the height of the house. The height will be 21' and will not be any higher than what it is there already.

Mr. Karas asked what the floor to area ratio is [F.A.R.]. Ms. Peck stated that the current building coverage is 15% and does not exceed the F.A.R.

Mr. Levy opened the meeting to the public within 200'. No one came forward. Mr. Levy opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace came forward and felt 2 of the Board members that were talking during testimony should not vote. Mr. Charipper felt the testimony was heard and could vote.

Mr. Levy closed the meeting to the public and had the applicants reiterate their testimony.

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

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

APPLICATION APPROVED.

Commercial Old Business:

1. Application #2007-063, PowerTech, Inc.
0-02 Fair Lawn Avenue, Block 6601, Lot 1, Zone B-2
The installation of additional equipment in the exterior of the parking lot. Prior approval for a use variance approved May 1976 requires amendment to the site plan approval Section 125-57.D.

Mr. Seymour Karas recused himself from this application.

Andrew Karas, attorney for the applicant and Mr. Alex Polner, President for PowerTech came forward. Fees totaling \$4,800.00 have been paid and there is proof of service. Mr. Karas stated that Mr. Polner has installed an air scrubber unit. Mr. Karas asked how long PowerTech has operated at this location. Mr. Polner stated over 30 years. Mr. Polner stated they manufacture products that contain acid and are used under chemical fume hoods.

Mr. Karas asked how much acid is used. Mr. Polner stated 7-10 gallons of acid that are based in various tanks and there are many different containers of this, and each container has a hood with water and drainage. The chemicals that are used have a hood on top so that the fumes are emitted. The air scrubber scrubs the fumes that are omitted. The air scrubber was previously in the facility since the beginning and has since been moved outside. The new scrubber is a modern scrubber that replaced the old one. The new scrubber has the fumes go into the large tank outside and water sprays the fumes and then it is re-circulated. This is all regulated by the DEP. There has to be approval of this process annually by government agencies. Initially when the factory was opened, there were many more chemicals used. The scrubber is required when the fumes are at a certain level and is not needed in this instance, but prefers to use the scrubber as a preventative measure for safety reasons.

Mr. Levy asked if the new scrubber is larger than the old one. Mr. Polner stated yes. Mr. Levy asked how many times the level of acid materials are reached. Mr. Polner stated very low and is only when it is not covered which is only for about 15 minutes.

Ms. Spindel asked if there are any chances this machine could leak. Mr. Polner stated it could, but it would leak water. Ms. Spindel asked if it makes any noise. Mr. Polner stated initially it did, but they called the manufacturer and have now lessened that level of noise. This machine conforms with DEP and OSHA.

Mr. Newman asked if anything has been done to mitigate the visual impact of the scrubber such as screening. Mr. Karas stated it is a manufacturing facility and has a retaining wall with trees at the rear of the property.

Ms. Bergailo, Board Planner, stated that the nitrogen tank is much larger than this scrubber. Evergreen trees could be planted at the lawn area on top of the retaining wall. Mr. Polner stated they would plant some shrubbery.

Mr. Levy opened the meeting to the public within 200'. Harry Poster, 13-10 2nd Street, stated that initially this town allowed this application to have no changes at all and initially the internal scrubber never had approval and there are 2 sheds back there without any permits. Mr. Poster had concerns over the chemicals. Mr. Poster read from the Resolution of 1976 where no changes should have been made to the property. Mr. Poster presented a photo of the site that shows the scrubber, nitrogen tank and shed. The photo was marked as **Exhibit O-1**.

Ms. Peck stated that there was an electric permit taken out for the scrubber. Mr. Karas stated that in 1976 there was approval for the internal scrubber. Mr. Karas read from testimony regarding the scrubber. Mr. Karas stated that the Fire Department required the sheds.

Mr. Sacchinelli asked if the applicant could reapply to the DEP since his level of chemicals have dropped and why come before the Board to have this scrubber if he doesn't need it. Mr. Karas stated he would rather have the scrubber to be environmentally friendly.

Mr. Charipper asked how long Mr. Poster lived there. Mr. Poster stated since 1989. Mr. Charipper asked if any previous complaints were filed. Mr. Poster stated that initially no one knew the scrubber was there. Once the new one was put in, Mr. Poster filed a complaint. Mr. Poster felt that this facility has grown and the town needs to supervise this property.

Mr. Charipper asked if the applicant could provide a yearly report to the residents. Mr. Karas stated they could not provide a yearly report to the residents.

Mr. Levy asked if any fines are being levied against the applicant. Ms. Peck stated that this is the first time that there has been a shed there and will contact the Fire Dept. Ms. Peck stated that the sheds are there previous to 2000 when permits were not required for sheds.

Mr. Soukas asked if there is any federal oversight for the nitrogen tank. Mr. Karas stated yes.

Mr. Charipper asked if the Fire Dept. comes in and inspects this facility. Mr. Levy stated that could be part of the resolution. Mr. Karas stated they come in on a yearly basis to inspect this and the chemicals that are utilized on the site are overseen by federal inspections.

Mr. Sacchinelli had a concern over the electricity that is running near the nitrogen tank. Ms. Peck stated that should the Board approve this, the Construction Official will look at this and determine if any additional permits are needed.

Mr. Poster has a concern that the site is growing. Mr. Polner stated that the company is much smaller now and may not even stay in business. Mr. Polner stated that 7-10 gallons of chemicals are used. Mr. Polner stated that nothing more will be added to this building.

Mr. Levy asked Mr. Poster if there are any other concerns regarding this application. Mr. Poster stated no.

Mr. Sacchinelli asked if the scrubber uses water, are there any plumbing permits used. Mr. Polner stated no. Mr. Sacchinelli felt someone should go out and see if any additional permits are required. Mr. Newman stated that all necessary permits should be taken out.

Mr. Poster is worried that this site will be increased in growth.

Mr. Soukas stated that this is a use variance and balancing of positive and negative criteria and there has to be a majority vote of 5.

Ms. Bergailo stated that this is a non-conforming use in the zone and the amount of investment being put into the site is looked at. They are not adding a lot of infrastructure to the site and the new investment to the site is very small.

Mr. Soukas stated that the law is to minimize the impact of the non-conforming use.

Joan Barrows, 13-24 2nd Street, PowerTech has always been a good neighbor and once the attention was brought about the sound, they took care of it. Ms. Barrows stated she can see the scrubber from her window and asked why sometimes she can see a blue color from the fume and wanted to know what that is. Mr. Polner stated he has called the manufacturer and stated it is a mist. A PH meter was put and it is neutral. The water is monitored within the tank. Ms. Barrows asked if the town could check the PH level.

Mr. Newman asked if the pollutant is acidic, does it need to be neutralized. Mr. Polner stated yes and there is no acid going into the air and no other chemicals are being used. Mr. Newman asked if anything were to leak would it be hazardous. Mr. Polner stated that if it were to break, the plant would be shut down.

Mr. Levy opened the meeting to the general public. Anna DiNardo, 13-06 2nd Street stated the noise was not promptly addressed and is concerned that if the business doesn't need a scrubber, then why not put a smaller scrubber inside. Ms.

DiNardo asked where the chemicals are stored. Mr. Polner stated they are stored inside. Ms. DiNardo also did not want to see the facility get larger.

Mr. Levy asked if there is any residue from the scrubber. Mr. Polner stated it is in the water.

Ms. DiNardo asked when it is determined that the acid needs to go through the scrubbing. Mr. Polner stated that when a certain level is reached. Ms. DiNardo asked why the new scrubber has to be larger. Mr. Karas stated it is modern technology and is bigger – not that it is scrubbing more.

Mr. Harvey Rubenstein, 28 Rutgers Terrace, asked if safety sheets are required by the DEP and OSHA. Mr. Polner stated yes and they are monitored by DEP and OSHA.

Mary Rizzo, 13-18 2nd Street is concerned if the air will be tested from the air scrubber. Mr. Polner stated that the air is tested all the time and would show Ms. Rizzo the results.

Mr. Levy closed the meeting to the public.

Mr. Karas stated the expansion of the non-conforming use is minimal and this is beneficial due to the safety. It is a manufacturing process and the chemical needs to be neutralized.

Mr. Newman made a motion to approve this application and Mr. Charipper seconded the motion. Evergreen shrubbery should be planted to help screen the equipment and should provide any air testing to the residents.

VOTE: Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Charipper, Mr. Meer – YES.

Mr. Levy stated that even though the applicant has been a good neighbor and the scrubber is of modern technology, it was testified that the equipment is not necessary. Mr. Levy voted NO.

APPLICATION APPROVED.

Mr. Levy left the meeting at this time and Mr. Charipper was acting Chairman.

Residential New Business (continued)

3. Application #2007-076, Partap Nagi
28-07 Zachary Terrace, Block 3416, Lot 17, Zone R-1-3
Existing lot is 5,628 s.f. where 6,500 s.f. is required. Lot frontage of 58' where 65' is required. The proposed addition would maintain an existing side yard setback of 6.1' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Partap Nagi came forward and was sworn in along with Glenn Stubaus, architect. Fees totaling \$88.00 have been paid and there is proof of service. Mr. Nagi stated that he would like to do an addition and the variances are existing that are needed.

Mr. Stubaus stated that the property has a cape cod with a full dormer at the back. A 2 story addition would be added at the rear of the property with a second level added over the existing home. The lot is undersized and there are 2 existing side yards that are nonconforming as 6.1' and 7.2'. If the application were to be approved, the building coverage and impervious coverage and F.A.R. and height will not be exceeded. The proposed height is 29' to the ridge.

Mr. Charipper asked if there were a hardship due to the lot size. Mr. Stubaus stated the lot is undersized and cannot be changed and the existing non-conformities are not being made any worse. The property is very narrow.

Mr. Sacchinelli asked if the side yard setback on the right side – would it be needed if the attic were eliminated. Mr. Stubaus stated it is non-living space, the 2nd floor would diminish the look architecturally of the garage. Mr. Sacchinelli had a concern over the bulk of the garage. Mr. Stubaus stated the height of the garage is 23' and the existing roofline of the house is 22'. The appearance will still be cape code in appearance.

Ms. Spindel asked if the style of the house reflects the neighborhood. Mr. Stubaus stated it does and they had designed several of the properties in the area. Ms. Spindel asked if the façade will be stucco. Mr. Nagi stated it will be stucco. Ms. Spindel felt the stucco would not conform in the neighborhood. Mr. Nagi stated there will also be stone and not just stucco. Ms. Spindel asked if Mr. Nagi agree to that in a Resolution. Mr. Nagi agreed.

Mr. Karas stated the impervious coverage is being reduced to 35% which is allowed.

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

Mr. Newman made a motion to approve this application and Mr. Salerno seconded the motion with the condition that there will stone and stucco on the façade.

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

APPLICATION APPROVED.

4. Application #2007-077, Tal and Dana Barkel
39-21 Van Riper Place, Block 1508, Lot 8, Zone R-1-2
Existing lot is 6,890 s.f. where 7,500 s.f. is required. Proposed addition would maintain existing side yard setback of 11.3' where 12' is required. Would maintain existing front yard setback of 24.8' where 30' is required as per Section 125-12 Schedule of area, yard and building requirements.

Tal Barkel came forward and was sworn in. Fees totaling \$88.00 have been paid and there is proof of service. Mr. Barkel stated that they would like to put an addition on top of the garage for an extra bedroom. The existing lot is undersized and the side yard setbacks are currently non-conforming.

Mr. Charipper asked if the addition would fit in with the neighborhood. Mr. Barkel stated there is a house behind this property that is larger and there are several that are similar in nature.

Ms. Spindel asked if any trees would be affected. Mr. Barkel stated no. Ms. Spindel asked why blue tarp is over the fence. Mr. Barkel stated it is over the fence to prevent the nursery school from throwing the tire mulch onto his yard. Mr. Barkel stated that he was planning on putting a new fence once the construction is done. Ms. Peck stated that Property Maintenance will be notified and the nursery school will have to address this and possibly put slots in the fence.

Mr. Charipper opened the meeting to the public within 200' and the general public. No one came forward. Mr. Charipper 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. Salerno, Mr. Sacchinelli, Mr. Meer and Mr. Charipper – YES.

APPLICATION APPROVED.

5. Application #2007-078, Josephine DiGrande
30-03 Gentner Road, Block 3811, Lot 8, Zone R-1-2
Proposed 5' fence in the front yard setback where 3' is permitted as per Section 125-38.A.

Fees totaling \$88.00 have been paid and there is proof of service. Josephine and Joseph DiGrande came forward and were sworn in.

Mrs. DiGrande stated that she would like to put a white PVC fence. Currently there is wood fence that is rotting. It would be a 4' fence and 1' of lattice, making the total height 5'. There is no backyard and need some privacy and have 2 dogs that could jump over the fence. There is hardship due to the lot size and there is no backyard. This fence would fit in with the neighborhood and would give a better appearance to the lot.

Mr. Diner noted that the highlighting indicates the area that would be 5'. The 6' indicating on the survey is allowed.

Mr. Blecher stated that the area of fencing on Gentner goes right to the sidewalk. Mr. DiGrande stated it is 2'-3' from the sidewalk.

Mr. Newman had a concern over the 2 front yards especially the one on Gentner and asked why the fence could not be brought back in line with the home. Mr. DiGrande stated there would not be much yard left. Mr. Newman asked how the car would back out onto the street with the fence along side the property. Mrs. DiGrande stated there are trees there currently and does not have a problem seeing from the driveway. Mrs. DiGrande stated that was how the original permit was issued.

Mr. Meer asked when the applicant backs out of the driveway there is a concern over seeing with the fence being there. Mrs. DiGrande stated that has not been an issue and would be less than what the trees are.

Ms. Spindel asked if the entire property is fenced currently. Mr. DiGrande stated yes, but it is not all their fencing. Ms. Spindel asked if the white fencing would run next to the wooden fence. Mr. DiGrande stated it would, but be an improvement of what is there now. Ms. Spindel felt the white fence would stick out, where the wood fence blends in with the property. Ms. Spindel did not have a problem with the 5' fence, but with the style.

Mr. Karas depicted the photos presented where the current fence is. Mr. Karas did not have a problem with the 5' fence, but did have a problem with the wood fence. Mr. Charipper stated he did not have a problem with the style.

Mr. Salerno felt that the vinyl fence is a good alternative and did not have a problem with the height.

Mr. Charipper opened the meeting to the public within 200'. No one came forward. Mr. Charipper opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace, asked if the current fence is 3'. Mrs. DiGrande responded yes. Mr. Rubenstein asked if there have been any accidents. Mr. DiGrande responded no. Mr. Charipper closed the meeting to the public.

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

VOTE: Mr. Karas, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli,
Mr. Charipper – YES.

Mr. Newman did not have a problem with the side on Greenwood Drive but did not see the hardship on Gentner Road and thought there could be a site problem and thought the yard would still be large enough – NO.

Mr. Meer felt the height on Gentner is a problem and does not add anything to the neighborhood – NO.

Mr. Charipper felt there was a hardship to the property.

APPLICATION APPROVED.

6. Application #2007-079, Shpendi Myrteza
2-06 Fair Lawn Avenue, Block 5622, Lot 46, Zone B-2
Existing 2 family in a B-2 zone – non-conforming use. Proposed driveway would increase the impervious coverage from 31.57% to 37.05% where 35% is permitted. Proposed deck would have 7.5' side yard setback where 1' is required. Would have deck coverage of 6.80% where 5% is permitted as per Section 125-12 Schedule of area, yard and building requirements. Driveway would have 0' side yard setback where 1' is required for driveways as per Section 125-48.C.(7).

The applicants were not present. The Board carried this application to **October 15, 2007.**

Mr. Levy returned to the meeting at this time.

7. Application #2007-080, Sigalit Cheifitz
15-04 Elmary Place, Block 4710, Lot 16, Zone R-1-3
Existing lot is 5,662.90 s.f. where 6,500 s.f. is required. Existing lot frontage of 56.37' where 65' is required. Proposed addition would increase the floor to area ratio from 19.62% to 40.08% where 40% is permitted. Proposed addition would

increase the existing building coverage from 19.68% to 28.14% where 25% is permitted. Would increase the impervious coverage of 33.60% to 42.66% where 35% is permitted. Would reduce the existing front yard setback from 22.07' to 18.56' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Karas recused himself from this application.

Mr. Clauss and Ms. Cheifitz came forward along with the architect Raymond Boos and were sworn in. Fees totaling \$88.00 have been paid and there is proof of service. Mr. Clauss stated they would like to put an addition on the home to expand the garage and put a bedroom on the home. This home needs to be improved aesthetically.

Mr. Boos stated this is an add-a-level and the garage would be a little larger. The bump out in front is for a porch.

Mr. Levy asked if the porch is the reason for the encroachment. Mr. Boos stated yes. Mr. Levy asked if the homes on Elmary Place – would the porch remain in character with those homes. Mr. Boos stated yes.

Mr. Levy asked if the impervious coverage is from the addition. Mr. Boos stated it is existing, and the increase is from the garage. The patio and walkway would be removed. The height would be 28.10' to the ridge.

Ms. Spindel asked what is being done with the garage as far as a door. Mr. Boos stated it has an overhead door along with a man door. It will be a 1-car garage with storage. Ms. Spindel felt the garage could be made smaller to reduce the impervious coverage. Mr. Boos stated he could reduce the garage by 4', which would reduce the coverage by approximately 1%. Ms. Spindel asked if there is a second floor above the garage. There is a second floor.

Mr. Levy agreed that the impervious coverage is too high and the garage should be reduced.

Ms. Spindel commented that there is actually more impervious coverage due to the non-calculation of the driveway, because the garage is detached.

Mr. Charipper asked if the impervious coverage is reduced by the garage of 4', is there anything else that could reduce the impervious coverage. Mr. Boos stated that the master bedroom in the back of 190 s.f. could be eliminated and the impervious coverage would be reduced by 3 ½% and the F.A.R. would be reduced 7%. Ms. Peck stated 37.9% would be the impervious coverage.

Mr. Levy commented that the porch would stay within the character of that part of the neighborhood.

Mr. Levy opened the meeting within 200'. No one came forward. Mr. Levy opened the meeting to the general public. Harvey Rubenstein, 28 Rutgers Terrace, asked the height of the building. Mr. Boos stated it is 28.10'. Mr. Rubenstein asked if the proposed porch would set precedence. Mr. Boos stated the porch is open and will not set precedence and does not have an impact. Mr. Levy closed the meeting to the public.

Mr. Newman made a motion to approve this application as amended and Mr. Charipper seconded the motion.

VOTE: Mr. Newman, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Mr. Meer and Mr. Charipper, Mr. Levy – YES.

APPLICATION APPROVED.

Estimates:

1. Estimate submitted by Taylor Design in the amount of \$1,200.00 regarding McDonald's; and
2. Estimate submitted by Birdsall Engineering in the amount of \$1,500.00 regarding McDonald's.

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

VOTE: All Present – AYE.

Resolutions:

1. Application #2007-064, Douglas and Eileen Moser, 9-10 6th Street, Block 5508, Lot 28, Zone R-1-3 – Driveway - Approved.
2. Application #2007-065, Louis and Maria Rea, 0-02 28th Street, Block 3212, Lot 5, Zone R-1-3 – Driveway - Approved.
3. Application #2007-066, William J. and Christine Morrison, 12-67 3rd Street, Block 5621, Lot 25, Zone R-1-3 – Addition - Approved.
4. Application #2007-067, Joseph Maslo, 34-07 Ryan Road, Block 2204, Lot 7, Zone R-1-3 – Addition - Approved.
5. Application #2007-068, Barry and Isabel Rudd, 16-00 Well Drive, Block 2707, Lot 7, Zone R-1-2 – Addition - Approved.
6. Application #2007-069, Miguel and Maria Rojas, 16-22 Kipp Street, Block 4509, Lot 33, Zone R-1-1 – Pool (Approved) and Fence (Denied).

7. Application #2007-070, Matthew and Linda Wagner, 19-02 Saddle River Road, Block 1804, Lot 1, Zone R-1-3 – Circular Driveway - Approved.
8. Application #2007-071, Gilda Linden, 14 Arlington Place, Block 3711, Lot 8, Zone R-1-3 – Addition – Use Variance - Approved.
9. Application #2007-073, John and Laurie Feola, 10-20 Burbank Street, Block 4522, Lot 6, Zone R-1-3 – Addition - Approved.
10. Application #2007-072, Seymour and Joell Karas, 11 Lamring Drive, Block 5728, Lot 4, Zone R-1-3 – Shed - Approved.

Mr. Charipper made a motion to accept these resolutions and Mr. Diner seconded the motion.

VOTE: All Present – AYE.

Vouchers:

1. Karen Kocsis, Court Reporter in the amount of \$275.00 for attendance fee for September 17, 2007 meeting.

Mr. Charipper made a motion to accept these resolutions and Mr. Sachinelli seconded the motion.

VOTE: All Present – AYE.

Minutes

1. Mr. Charipper made a motion to approve the minutes for the August 20 and August 30, 2007 meeting and Mr. Diner seconded the motion.

VOTE: All Present - AYE

Adjourn

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

TIME: 9:55 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Carol LoPiccolo
Zoning Board Clerk