

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Of October 15, 2007**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on October 15, 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: Chairman Mr. Scott Levy, Vice Chairman Mr. Douglas Charipper, Secretary Mr. Joseph Meer, Mrs. Jane Spindel, Alt. #1 Mr. Benny Salerno, Alt. #2 Mr. Gary Sacchinelli, Alt. #4 Mr. Marvin Diner

Absent:

Mr. Sy Karas, Mr. John Nakashian, Mr. Todd Newman, Mr. Brian Blecher

Also in attendance were William Soukas, Board Attorney; Karen Kocsis, Court Reporter; Ann Peck, Assistant Zoning Officer and Cathy Bozza, 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 provide at another location RGO Section 125-57(d)(1). **This application will be carried to a special meeting on December 13, 2007. NO testimony will be given.**
  
3. Application #2007-022, Cumberland Farms, Inc.  
20-11 Fair Lawn Avenue, Block 4701, Lot 6, Zone B-1

The proposed removal of existing Gulf's Service Station and reconstruction of a gasoline filling station requires a Conditional Use Variance Section 125-24B. A new Cumberland Farms convenience store creating two principal uses requires a Use Variance as per Section 125-57D (d) Major Site Plan Approval as per Section 125-65A. Variances and or waivers for Buffer Section 125-41B.(12), parking and loading areas Section 125-48D. Food Handler's License/Minor Site Plan Application Section 125-65B. (3) Signs Section 125-48 (B) Fences section 125-38A. **This application will be carried to a regular meeting on November 19, 2007 NO Testimony will be given.**

**No further notice will be given and all applicants consented to the time for the Board to act on their respective application.**

**Residential Old Business:**

1. 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 are, yard and building requirements. Driveway would have 0" side yard setback where 1' is required for driveways as per Section 125-48.C(7)

Mr. Levy swears in Mr. Myrteza. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Soukas: advises Mr. Myrterza, stating this application has certain Bulk aspects to it. There are 6 members that are here, you have the right to proceed but you do so at your own peril not having the full 7 board members. This application requires a affirmative vote of 5 members so you can proceed. It is up to you whether to proceed or adjourn. Do you understand?

Mr. Myrterza understands and states he would like to proceed. Mr. Myrterza explains to the board what he wants to do. He would like to put a new driveway and increase the impervious coverage because it is a two family and he has no parking space, also the neighborhood would look better.

Mr. Levy asks what are the proposed changes? Mr. Myrteza states he has pictures, shows them to Mr. Levy with a proposed drawing of the changes. Mr. Levy reviews the plans, questions him on the changes. Ms. Spindel then questions him on the proposed driveway. Mr. Myrteza continues to state he has a two family house and that because of the lack of parking, he currently parks on the grass. Mr. Levy decides with the Board after careful review that the application is to be adjourned to a later date with new revisions to be made.

**CARRIED to November 19, 2007 (Revisions to be made)**

**Residential New Business:**

1. Application #2007-081, Krishnamachari Devarajan,  
12 Smith Avenue, Block 6902, Lot 2, Zone R-1-3  
Existing lot is 4,800 sf where 6500 sf is required. Lot frontage of 60 ' where 65' is required. Proposed second floor addition would maintain existing front yard setback of 4.25' where 25' is required. Would have existing impervious coverage of 36.6% where 35% is permitted as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Levy swears in Mr. Devarajan. Fees of \$88.00 have been paid and there is proof of service.

Mr. Andrew Karas (attorney) steps forward along with Mr. Devarajan. Mr. Karas explains it is relatively a simple application. Asking the board for variances but we are not looking to expand any existing conditions on site. Looking to add a second story. Lot area required in the zone is 6500 sf existing lot area is 4800 sf. Second issue has to do with minimum lot width existing lot is 60' where 65 feet is required. Minimum lot dept is 100 ft existing lot dept is 80' Zone requires front yard setback of 25' existing setback 4.25'. Impervious coverage where a maximum of 35% is required the existing coverage 36.6% Explains all proposed plans. Mr. Levy questions him on all proposed changes. Mr. Charipper questions him on the reason why he wants these changes.

Mr. Devarajan answers that he is married and plans to have a family.

Mr. Levy opens the meeting to the public within 200' and to the general public, no one comes forward. Mr. Levy closes the meeting to the public.

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

Vote: Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner, Mr. Charipper, Mr. Meer, Mr. Levy - Yes

**APPLICATION APPROVED**

2. Application #2007-082, James and Trudy Lambert  
4-16 Summit Ave, Block 4404, Lot 20, Zone R-1-3  
Existing lot frontage of 60' where 65' is required. The proposed addition would maintain existing side yard setbacks of 4.86' and 5.6' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Levy swears in Mr. & Mrs. Lambert. Fees totaling \$88.00 have been paid and proof of service.

Mrs. Lambert explains that she wants to enclosed her sun porch and make it a great room. Mr. Levy asks if it is a existing area, in which Ms. Lambert states yes. Mr. Levy then questions Ms. Lambert that all that needs to be done is a vaulted ceiling? To which she replied, Yes. Ms. Lambert then explained her neighbor has the same thing. Mr. Levy reviews pictures and states they are not changing anything front and back. She explains that she needs the room for her expanded family, but staying with the character of the neighborhood.

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 Ms. Spindel seconded the motion.

Vote: Ms. Spindel, Mr. Salerno, Mr. Charipper, Mr. Sacchinelli, Mr. Diner, Mr. Meer, Mr. Levy - Yes

**APPLICATION APPROVED.**

3. Application #2007-083, George and Eileen Viellette  
0-34 Walton Road, Block 1107, Lot 2, Zone R-1-3  
Existing lot frontage of 56.95' where 65' is required. The proposed addition would maintain existing impervious coverage of 64% where 35% is permitted as per Section 125 Schedule of area, yard and building requirements.

Mr. Levy swears in Mr. Stubaus (Molinari Architects) & Ms. Viellette.  
Fees totaling \$88.00 have been paid but has a outstanding water bill of \$84.35.

Ms. Vielette explains to the Board they have 3yr. old twins would like to make a second floor addition to our house. Mr. Levy explains due to the existing variances on the site, you have to show you have reason for expansion. Mr. Stubaus explains the plans for the addition. The excess in impervious coverage is due to a pool that was an existing condition and asks the board to recognize the two existing impervious conditions. Mr. Charipper questions the applicants to consider the problems with having so much impervious coverage? Have you thought about doing anything with the patio? I know it has nothing to this application, but have you ever considered doing something. Mr. & Mrs Vielette said they never thought about it. Ms. Spindel then questions the applicants. Mr. Stubaus (architect) goes over the proposed addition with the Board. Mr. Levy again goes over height of the addition and reviews plans, asks the board if anyone has questions.

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

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

**APPLICATION APPROVED.**

4. Application #2007-084, Alexandra Hoffman  
20-10 Hunter Place, Block 2807, Lot 23, Zone R-1-2  
Existing lot frontage of 70' where 75' is required as per Section 125-8

Mr. Levy swears in Ms. Hoffman and Mr. Stebaus (architect)  
Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Soukas: Have you been before the board before?  
Yes, a year ago, and Mr. Soukas asks if it is the same application? She responds No, that she was there regarding a driveway last year. Mr. Soukas then asks if this application has to do with a new property? She responds yes.  
This particular house is going to be a new house and wants it to be a two story house. Mr. Levy reviews the application and questions the proposed plans.

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

Mr. Levy swears in Robert Stein at 20-06 Hartley Place.  
Mr. Stein questions and comments on the way this property was handled. He has been looking at a house without a permit that has been ripped apart, broken windows and the backyard is a salvage yard. The zoning laws are there to protect the homeowner. With this application, it is proposing a oversized house, blocking the view of other homeowners.

The Board reviews the application and opens questions again on lot size. Mr. Levy questions the applicant again on permits opened and the condition of the house.

Mr. Salerno made a motion to approve this application and Mr. Charipper made the motion to approve it.

VOTE: Mr. Salerno, Mr. Charipper, Mr. Levy - Yes.  
Ms. Spindel, Mr. Diner, Mr. Sacchinelli, Mr. Meer – No

**APPLICATION DENIED.**

3 – Yes votes

4 – No votes

5. Application #2007-085, Scott Osback  
23-13 Cambridge Road, Block 3221.01, Lot 23, Zone R-1-3  
Existing lot is 5000sf where 6500 sf is required. Existing lot frontage of 50' where 65' is required. Proposed driveway expansion would increase the impervious coverage from 33.01% to 40.01% where 35% is permitted as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Levy swears in Mr. Osback.

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

Mr. Osback would like to expand his driveway. He has four children. Two of which are driving now. Two more children will be driving within the next few years.

Ms. Spindel questions homeowner on size of driveway with the patio. Was the calculation including the patio and the shed? Proposal is 33.01% to 40.01% where 35% is permitted.

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

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

**APPLICATION APPROVED**

6. Application #2007-086, Eddie and Genna Tolentino  
24-02 Raphael Street, Block 3320, Lot 43, Zone R-1-3  
Existing lot is 5,696 s.f. where 6,500 s.f. is required. Lot frontage of 57.01' where 65' is required. The proposed addition and new attached garage would increase the building coverage of 23.14% to 28.78% where 25% is permitted. Would increase the impervious coverage from 33.57% to 41.32% where 35% is permitted. Would maintain existing front yard setbacks of 13.6' and 4.5' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Levy swears in Mr. and Mrs. Tolentino.

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

Mr. Tolentino explains that he would like add an addition and a new attached garage which would increase the building coverage of 23.14% to 28.78%.

Mr. Levy: The proposed second story is going to be added to the existing structure? Mr. Tolentino answers yes to Mr. Levy questions

Mr. Levy: Anyone else has comments or questions?

Ms. Spindel questions applicant about a side shed and a deck.

Mr. Levy: This is a covered shed and a corner lot, yes? Mr. Tolentino again answers yes to Mr. Levy's question.

Mr. Levy opens any questions or comments to the public within 200'. Seeing no one close. Mr. Levy closes this portion

Mr. Levy opened the meeting to the general public.

Mr. Levy closes this portion

Mr. Levy ask the applicant the overall height on the proposed addition. An Peck answers 29.73ft elevation from the center of the street to the new ridge.

FAR is 33%.

Mr. Meer makes a motion to approve this application. Mr. Charipper seconds the motion.

Mr. Levy approves the motion only with conditions, curb cut be removed and a regular height curb be put in its place, and paved patio to be removed.

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

### **APPLICATION APPROVED**

7. Application #2007-087, Simon Zarour  
6 Harris Place, Block 2708, Lot 16, Zone R-1-2  
Construction of a single family residence on an existing lot of 9800sf where 7500sf is required. The proposed residence would have an existing lot frontage of 70' where 75' is required as per RGO Section 125-8.

Mr. Levy opens application. Mr. Ira Levine (attorney) approaches bench.

All fees of \$88 have been paid and there is proof of service.

Mr. Levine explains that this house was constructed in the 1920's, the application is to change the setback. The existing front lot of 70' where 75' is required as per Section 125-8. Mr. Levy questions Mr. Levine on non-conformance of existing lot.

Mr. Levy swears in architect, Glen Stubaus. Mr. Stubaus explains the application is to build a one story, single family residence and to build the house within the confines of impervious coverage, and to meet all restrictions for setbacks and coverage's. The Board questions the setbacks. Mr. Levine then explains to the Board because of the lot frontage and structure of home it should be considered a hardship.

Mr. Levy explains that this application is not considered a hardship. Mr. Levy asks if the character of the house is in line with the rest of the neighborhood, directing his statement to the lines and shapes of Mr. Stubaus plans. Mr. Levine adds that it adds character to the neighborhood. Ms. Spindel questions Mr. Stubaus extensively on impervious coverage.

Mr. Levy opens application to the public within 200'. No One comes forward. Mr. Levy closes this portion.

Mr. Levy opens questions to the general public.

Mr. Levy swears in Applicant Mr. Zarour.

Mr. Levy questions the height of the house from the center of the street to the ridge of the house in numbers.

Mr. Stubaus comes forward and states it will measure 30' from the center of the street to the ridge.

Mr. Levy again asks if anyone else has any questions

Mr. Levy opens questions to the applicant Mr. Zarour to the public within 200' and the general public. No questions

Mr. Levy closes the portion to the general public.

Mr. Charipper makes first motion to deny Mr. Levy seconds the motion.

VOTE: Mr. Salerno, Mr. Charipper, Mr. Levy - Yes

Ms. Spindel, Mr. Sacchinelli, Mr. Diner, Mr. Meer - No

### **APPLICATION DENIED**

8. Application #2007-088, Andrei Basov  
14-19 Craig Road, Block 3703, Lot 18, Zone R-1-2  
Proposed relocation and enlargement of existing patio would increase the existing impervious coverage from 47.9% to 49.8% where 35% is permitted as per Section 125-12 Schedule of area, yard and building requirements. Relocating of existing 6' fence to front yard where 3' fence is permitted as per Section 125-38.A. fences and walls.

All fees of \$88 have been paid and there is proof of service.

Mr. Basov comes forward and is sworn in by Mr. Levy. Mr. Basov explains he has a pool and would be building a deck and enlarging his existing patio, and with this change he would like to change his existing 6' fence to the front yard where 3' fence is permitted.

Mr. Levy reviews the plan, opens questions up to the Board. Ms. Spindel questions him on a picture that shows a white fence, material unknown belonging to a neighbor. Ms. Spindel asks if he plans on putting a similar fence. Mr. Basov replies no.

Mr. Levy questions him on the existing type of fence he has and if he plans to do the same. Mr. Basov answers a chain link fence with slats in a dark color. Ms. Spindel states there are no pictures depicting his backyard, (inside the property.) What materials he has inside the property. He has a pool. Does he have gravel, brick, or paved block? Mr. Levy asks what the question has to do with the application in front of them. Ms. Spindel replies, "you do not see everything that is going on in the property and then you want to add a deck." Mr. Charipper intercedes and states "He has a mess already and that he has impervious coverage of 47.9% and then he wants to enlarge it to 49.8%, almost 50% which is usually unacceptable to this Board. He wants to take it, move it, enlarge it and make it worse ".Mr. Basov then defends his plans stating he cannot move the pool, so he wants to enlarge the patio. Mr. Charipper again questions why he even wants to touch it? Mr. Levy and the Board review the plans again. Mr. Levy reviews the patio design wise and looking at the lines of the patio that is there right now he explains to reduce the deck is not reducing the impervious coverage. If you look at the numbers and percentages, that is not the impervious coverage area. He is taking concrete out in front yard and the sides and he is reducing it there, but Mr. Levy states he is not going to negotiate with the applicant and wants to know what he can do to change it? The applicant states maybe he could do so with the fence. He would move that. Mr. Charipper asks questions about how he acquired a 6ft. fence and did he get a variance for it? Prior history shows that the former owner took out a variance. The Board previously gave permission to the previous homeowner for the 6ft fence on the street side setback where the 3ft. was permitted, since then a pool was put in next to it. The variance was never acted on.

Mr. Levy states certain conditions upon approval. Move the fence closer to the curb in order to accommodate the tree. If you have to move the fence closer to the house for symmetry, you will do that, correct? The tree is to remain on High street and the material similar to existing fence is used and landscaped. Mr. Basov agrees.

Mr. Levy asks the Board if there are anymore questions. None are asked.

Mr. Levy opens the meeting to the public within 200'. No one comes forward. Mr. Levy closes this portion.

Mr. Levy opens questions up to the general public.

Mr. Levy swears in Mr. Harvey Rubinstein 28 Rutgers Terrace  
He is a little confused by the application. He would like to know if the property is on the corner or in the middle of the street?

Mr. Basov It is on the corner. High street and Craig road.

Mr. Rubinstein: What is the required front yard setback for this property?

Ms. Peck Property is located in a R-1-2 zone. 30ft. is the required setback

Mr. Rubinstein They are proposing to put a fence that is 6ft high, only 8ft from the side, is it going directly to the corner?

Ms. Peck No it is at the back end of the property.

Mr. Rubinstein After looking at the survey he questions the amount of fences on High St, how many fences are on the street with the same setback?

Mr. Levy again goes over the plans and pictures with the applicant again to reassure the concerned homeowner exactly what he would be doing and to do exactly as what is stipulated on the plans.

Mr. Levy opens questions to the general public. No one steps forward.  
Mr. Levy closes this portion.

Mr. Levy makes a motion to approve the application with conditions, prior to installation of any post or fence contact building department. Note the location of the fence post if to close to the tree then the fence will be moved back.  
Mr. Diner seconds the motion.

VOTE: Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner, Mr. Meer, Mr. Levy -Yes

Mr. Charipper - No

**APPLICATION APPROVED WITH CONDITIONS**

9. Application #2007-089, Haim Benaim  
11-05 Malcolm Terrace, Block 2526, Lot 12, Zone R-1-2

The proposed driveway expansion would increase the impervious coverage from 40.9% to 45.05% where 35% is permitted as per Section 125-12 Schedule of area, yard and building requirements. The proposed driveway would have 0' setback where 1' is required as per Section 125-48.C.(7).

Mr. Levy swears in Mr. Benaim.

Fees of \$88 have been paid and there is proof of service.

Mr. Levy questions Mr. Benaim on the 18ft wide driveway and how far back he wants to go with the impervious coverage that he is requesting on the application.

Mr. Benaim shows Mr. Levy a stretch and what he proposes to do.

One is a retaining wall, with an elevation of 3%. and to widen the driveway to 18ft.

Mr. Levy is questioning if the wall has been reviewed by a construction official.

Ms. Peck No, because he is not at that stage yet. He is here to place the wall right on the property line and to widen the driveway to 18ft.

Mr. Levy questions if it is allowed to go "right to the property line."

Ms. Peck states that the Ordinance requires 1ft from the property line, but he is here today to get the variance to go right to the property line with the wall. The wall is part of the driveway because of the grade on his property.

Mr. Levy questions Mr. Benaim why he wants so much footage and Mr. Benaim explains how he wants steps in the front of the house and steps in the side of the house and he wants to have a lot of space to walk.

Ms. Spindel questions the walkway to the next-door neighbor in relation to the retaining wall. Does her walkway end at the property line? Mr. Benaim responds yes.

Ms. Spindel then questions the Ms. Peck as to the ordinance on driveway requirements; the ordinance allows 22ft. She shows concern, stating that even with widening the driveway to 18ft, it will still barely fit two cars expressing her concern for future problems. Mr. Levy replies that a standard car is 9ft wide and if he wants to come back again to get more footage and file another application, that's his right. Ms. Spindel states that it would create a nightmare for his neighbors eventually. Mr. Levy asks Mr. Benaim if he would agree to move 1ft closer to the house instead of to the property line, to which he agrees. Drainage issues come into play and questioned. The Zoning Officer fills in the Board on other issues going on with this property, not only is he wanting to put the wall on the property line, he wants to put the retaining wall along the front of the property line and level his grade out. There was a lot of change going on with this property. His property slopes from the street "up to the house". He has already dug down to put the garage below the house and built on it. There is a lot of grade shifting. He wants to increase the grade to level the property. Mr. Levy states he is lifting the grade up but we don't have fill in the ordinance. The change in his grades is not allowed to affect his neighbor's. Mr. Levy wants the applicant to clearly

understand what is expected with and if the application is approved. Mr. Levy explains that the wall, the top of the wall, and 12inches behind that wall has to be lawn; it cannot be gravel all the way to the top of the wall and he cannot use the neighbor's property for the foot that he has agreed to move. Mr. Benaim states he clearly understands.

Mr. Levy opens up questions to the public within 200ft.

Mr. Levy swears in Mr. & Mrs. Gajarsky at 11-09 Malcom Terrace. Fair Lawn, N.J.

Mr. Gajarsky presents the Board with pictures depicting a wall - 5 sheets totaling 8 photos Manufactures brochure with installation recommendations makered into evidence. O-1. Mr. Gajarsky stated that this application will directly affect their house. Mr. Tajorsky explains he has lived in Fair Lawn in the same house for 45 years. In April of 2007, the Zoning Board approved a variance for Mr. Benaim to which they had no objection to, but the problem today is the block retaining wall and the grading zone behind it. In August of 2007, Mr. Benaim began to lower the grade of the property and with the removal of the dirt and grass up to his property line; the dirt on his side began to drop. In 2004 he pressed his existing brick and cedar block wall at a cost of \$16,000. His contractor used 18in deep block, behind the block was 12in 3/4 deep pressed stone and landscaped gravel. We then contacted three Manufacture's of Retaining Wall Block and all three have said; you must have brand new film behind the block and that 12in deep block requires 12inches of crushed stone behind the block. To accommodate the necessary drainage before and behind the wall it would be impossible for the wall to be builtd properly if the blocks was placed directly in front of our mutual properties. Therefore we are objecting to the placement of the blocked wall on the property line.

Mr. Levy asks if that is the only objection to which Mr. Tajorsky replies; Yes Mr. Levy then states that Mr. Benaim has agreeded to build the wall at a 1ft setback from the property line to which Mr. Tajorsky accepts these conditions reiterating the agreement of 12in.of drainage and 12in of block? 1Ft.from the property line to the back of the proposed wall and from the back of the proposed wall whatever the width of the block he is going to use. Place of frontal wall will be 18ft, 1ft from there.

Mr. Levy opens the applicant to the general public.

Mr. Levy swears in Mr. Howard Rubinstein 28 Rutgers Terrace, Fair Lawn.

He heard the testimony of the neighbor about the crushed stone as part of the retaining wall and he just wanted to know if the plan shows crushed stone as being one of the materials?

Ms. Peck states that depending on the type of system he puts, the man factor dictates that and he'll (Mr. Benaim) have to follow that. Mr. Levy explains the mason's procedure in building the retaining wall with drainage regulations to Mr. Rubinstein.

Mr. Rubinstein accepts the explanation.

Mr. Levy again opens up questions to the general public. No one comes forward. Closes that portion.

Mr. Meer makes first motion to approve, Ms. Spindel seconds the motion.

VOTE: Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner, Mr. Charipper, Mr. Meer, Mr. Levy - Yes

**APPLICATION IS APPROVED.**

10. Application #2007-090, Damaso and Teresita Aclan  
15-06 Parmelee Avenue, Block 5708, Lot 16, Zone R-1-3  
Existing lot is 3,800sf where 6,500 sf is required. Existing lot frontage of 38' where 65 is required. The proposed 2<sup>nd</sup> story addition would maintain the existing side yard setback of 2.9' where 8' is required. Would maintain the existing front yard setback of 11' where 25' is required. Would maintain existing building coverage of 30.7% where 25% is permitted. Would maintain the existing impervious coverage of 59.5% where 35% is permitted. The F.A.R. would increase from 42.4% to 51.3% as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Levy swears in the applicants, Mr. & Mrs. Aclan and Mr. Glenn Stubaus of Molinari/Stubaus Architects

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

Glen Stubaus speaks to the Board and states that the applicants own a bungalow style house. There are many existing variances on this property due to the unusual narrow width of this house. The applicant would like to build a second floor on the existing structure, and to continue the existing side yard, front yard, rear yard setbacks, however with constructing the 3 bedrooms and one bath I do see a new variance for the F.A.R

Mr. Levy asks Mr. Soukas to explain.

Mr. Soukas: Yes, this being a F.A.R. case, there must be a perfect vote of 5 members of this Board, five to two vote analysis that this board is to follow is to essentially whether this piece of property can accommodate whatever issues may arrive because of the F.A.R.

The applicant then testified that the proposed construction will present no detriment to the neighborhood and that the properties surrounding the house are all 2 story dwellings on narrower properties. The existing enclosed porch will not be affected.

Mr. Levy asks the Board if anyone has questions or comments?

Mr. Meer comments that the design of the addition would tremendously improve what is there right now.

Mr. Levy opens the application to residents within 200ft. No one steps forward.

Mr. Levy closes this portion.

Mr. Levy opens the application to the general public. No one steps forward.

Mr. Levy closes this portion.

Mr. Meer makes a motion to approve this application. Ms. Spindel seconds the motion.

VOTE: Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner, Mr. Charipper, Mr. Meer, Mr. Levy - Yes.

### **Vouchers:**

1. Karen Kocsis in the amount of \$275.00 for the attendance fee.

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

VOTE: All Present – AYE.

### **Resolutions:**

1. Application #2007-074, Scott Avidon  
26-10 Morlot Avenue, Block 3414, Lot 6, Zone R-1-3  
Addition-Approved
2. Application #2007-075, Kerry and Paul Surlak, Jr.  
6 Andrew Place, Block 4601, Lot 22, Zone R-1-3  
Addition-Approved
3. Application #2007-076, Partap Nagi  
28-07 Zachary Terrace, Block 3416, Lot 17, Zone R-1-3  
Addition-Approved
4. Application #2007-077, Tal and Dana Barkel  
39-21 Van Riper Place, Block 1508, Lot 8, Zone R-1-2  
Addition-Approved

5. Application #2007-078, Josephine DiGrande  
30-03 Gentner Road, Block 3811, Lot 8, Zone R-1-2  
Fence-Approved
6. Application #2007-080 Sigalit Cheifitz, 15-04 Elmary Place, Block 4710, Lot 16,  
Zone R-1-3, Addition.

Mr. Charipper made a motion to approve these resolutions and Ms. Spindle seconds the motion.

VOTE: All present--AYE

**Adjourn**

TIME: 10:10 pm.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk