

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Of December 10, 2007**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on **December 10, 2007**.

Chairman Scott Levy called the regular meeting to order at 7:00 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. Charriper, Mr. Meer, Mr. Sacchinelli, Mr. Blecher, Mr. Diner and Mr. Levy.

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

Ms. Spindel arrived at 7:20 p.m.

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

Commercial Old Business

1. #2006-018, Sebastian E. Lentini (McDonald's)
37-01 Broadway, Block 2320, Lots 10-12, Zone B2/R-1-3
Amendment to approved use/ site plan approval requires site plan approval as per RGO Section 125-6

Mr. Levy opens the meeting to **Commercial Old Business** with the purpose to pick dates for the continuation of the application. Do I have two councils?

Mr. Karas: Before you begin, for the record, I previously disqualified myself from this application, and I will remove myself from the podium.

Mr. Levy: Mr. Karas, We understand that you rescued yourself for purposes that Andy Karas is the attorney for the objector and is your son, but we are now just talking about dates to carry the meeting so I don't think there is Quorum. This is a matter to continue into January meetings for purposes of coming to a conclusion in the application.

Mr. Levy: Council, for the record, please state your name.

Mr. Jameson Van Eck of the Law Offices of Lowenstein Sandler, here on behalf of the applicant Sebastion Lentini,

Mr. Andrew Karas on behalf of the Objector, IHOP

Mr. Levy: Our next scheduled meeting is January 14, 2008. I'd like to schedule for that.

Ms. Peck: We had discussed with the attorneys about moving into January 14th, and between then and now confirming either January 15th or the 17th. with room availability to carry it to, so for purpose of calendar we can go to January 14, 2008.

Mr. Van Eck: Joe Steinberg and myself will not be available on that date, but for purposes of carrying the notice until we pick the special hearing date.

Ms. Peck: We have the 15th and the 17th. All three attorneys are available. Two of our professionals are. We just need a few more people to confirm it.

Mr. Karas: From my understanding the applicant is looking for a full compliment of Board Members so that we will have to check to make sure everyone is available. It is also my understanding that the applicant does not intend to call any further witnesses, so it is just a matter of having closing arguments.

Mr. Van Eck: I spoke with Mr. Steinberg about that and he told me that he doesn't foresee any further witnesses at this time and his client is going to be available in the event we need to get a few lines out of him.

Mr. Soukas: I would like to request the Council to provide me with a short briefing on the issue of helping. Mr. Steinberg is taking the position that this is an amendment site plan application only and therefore requires a vote of 4 to 3 in the affirmative. There is the issue relating now before this Board to an amended site plan application relating back to a use variance relating to the drive-thru and there is now the argument that it may require now a 5 to 2 vote for the affirmative. If you would address that to me in a short format, I would appreciate that.

Mr. Van Eck: Not a problem.

Mr. Meer: I have a question, realizing that January 14, 2008 is reorganization, don't we need a little more time for the beginning of the meeting?

Ms. Peck: They are only coming in to carry a date and decide the 15th or the 17th.

Mr. Karas: Let me ask you this, assuming that the 15th or the 17th you have availability for the room, is it then necessary to come in on the 14th?
Ms. Peck: That would be up to the Chairman, if he would accept a letter stating that you give the Board an extension of time past the 14th.

Mr. Van Eck: It would be my opinion that we would have to appear on the 14th to carry it to the 15th for purposes of public notice.

Board agrees to carry application.

**Motion to carry to January 14, 2008
Yes -Unanimous**

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 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)

Mr. Levy: Mr. Myrteza, this is a continuation of your application from what we have discussed earlier. We looked at it and discussed it with our officers.

Mr. Levy: Ms. Peck, Explain to the Board, what are the new changes.

Ms. Peck: The Board members all have a new denial with the changes that were proposed and I also provided you with a copy of the survey with the sketches and the survey with the changes that were proposed. He is proposing to add three parking spots which will pull into the left behind the house and one straight on with the assumption that the one car that is straight on will back out of the driveway and the other three would have a turn radius, so that all the cars won't be backing out onto Fair Lawn Avenue. Reminding the Board that this is only a 3000sf lot.

Mr. Levy: There is also a reduction in the impervious coverage.

Mr. Levy: Mr. Myrteza, one of the other concerns was that there would be a concrete edge along the property line. All I see is a 3"inch edge here. It should be at least 4" to 6" inches of concrete curb age.

Mr. Myrteza: Yes, Mr. Chairman.

Mr. Levy: Any one with any comments or questions?

Mr. Karas: My question is I see that your parking widths are 10ft. According to ordinance it provides for 9ft.

Ms. Peck: It is a two family and does not fall under the ordinance because it is a two family that is commercial. There is no minimum.

Mr. Karas: Is there any practical reason why it couldn't be reduced to 9ft. each?

Ms. Peck: I think he was looking at the opening of the car doors on each side.

Mr. Karas: O.K. The last question I had was, I think we also discussed the drainage pits.

Mr. Levy: Yes, or something that would alleviate the drainage from flowing into the neighbors yard.

Mr. Myrteza: I did whatever you needed from me.

Mr. Levy: Does anyone else have any questions? Witness steps forward.

Mr. Levy: Sir, state your name for the record.

Mario Lapore:

Mr. Levy: For the record, Mr. Lepore owns the property next door to the applicant.
He is here to discuss the issue of drainage.

Mr. Lapore: There are five cars parked back there. He is proposing to put a deck back there. He is going to have to pull behind the house and park up to the dirt in the back and that is where the dirt will runoff.
I showed you pictures where the dirt runoffs the back of the property.

Mr. Levy: Sir, if the curb is to be placed along the back of the property and along the length of the property line, would that alleviate the problem with drainage?

Mr. Lapore: The problem is the people that live in back don't know he is going to propose this. The original plan was just for the driveway, now there's a proposal for the backyard.

Mr. Levy: The proposals that were previously proposed indicated that there was parking that was to extend to the back and by law he has to notify within 200' of the property.

Mr. Lapore: I don't think anything like that was sent out to the neighbors.

Mr. Myrteza: I sent it to everyone.

Mr. Lapore: I have the proposal right here. That is just for the driveway, not parking in the rear of the property.

Mr. Levy: You have the original notice, in the meeting he had amended, I just informed my council being that this is a C variance, that's a sufficient, and also throughout the process there has been no one else speaking for or against the application, so my view and the Board's view is to listen to your concerns on this.

I don't have any idea that you are representing the neighbors, so other than that your statements regarding them is only hearsay and we will not allow that into testimony.

Mr. Lapore: The problem here is that he could go on my property. So I propose that we have the property surveyed.

Mr. Levy: We already discussed this the last time and he has already agreed to have the property surveyed so that he would not go onto your property.

Mr. Myrteza: 100%, I will do that.

Mr. Lapore: He will also put drainage pits in. correct?

Mr. Levy: No, there was no discussion about drainage pits. There was a discussion that drainage was going from the back towards Fair Lawn Avenue

And that was why he was going to put curb age in.

Mr. Myrteza: Yes, there is going to be a pitch and that is why I am going to put the curb in so that the water goes straight down to the street.

Mr. Lepore: The front driveway is pitched down but the back is pitched in the rear, so that the people in the rear are going to get it.

Mr. Myrteza: The man that is doing the blacktop told me he is going to do it the right way, he is a professional and has been working for 30yrs. I discussed with him the fact that the water will not go to anyone's property, so he knows what he is doing.

Mr. Levy: Mr. Myrteza, make sure that the drainage goes from the back to the front and along the curb.

Mr. Myrteza: Of course.

Mr. Lepore: He testified there are four cars and there are five cars.

Mr. Levy: We understand. He asked for parking with four cars. He has also mentioned that any additional cars would be parked along the driveway, not in the back. If something else happens, it becomes an enforcement issue and he will have to change it.

Mr. Lepore: Then give me the enforcement issue.

Mr. Levy: I'm sorry, I don't understand.

Mr. Lepore: The issue with the fence and that he has to have a surveyor come out and everything else.

Mr. Levy: As it is Mr. Myrteza has agreed to get the property surveyed so that he doesn't do anything on your property line and an updated survey will be submitted after the driveway is completed to confirm location of the property line.

Mr. Karas: Mr. Lepore, I want to ask you something, please. You conveyed this property to Mr. Myrteza, is that correct?

Mr. Lepore: My parents. No, No, No, it was always in between.

Mr. Karas: I thought you testified that you owned.....

Mr. Lepore: I testified that we owned the property at one time.

Mr. Karas: Who conveyed this property to him?

Mr. Lepore: Mr. Chip. Someone who owned it in between and no one ever parked on that property.

Mr. Karas: When your family conveyed it, they knew there was no off street parking, didn't they?

Mr. Lepore: Correct. He knew it.

Mr. Karas: Forget about what he (Mr. Myrteza) knew, I don't know whether he got good legal advice or not. You are making a lot of complaints here. Don't you think you are partially responsible for creating this problem? Your family and yourself created part of this problem, and you're complaining about it.

Mr. Lepore: I don't understand how we created it. There was never parking there.
We never used it for parking.

Mr. Levy brings a close to the bickering. Orders it to stop.

Mr. Levy opens the portion to the General public. No one steps forward. Closes this portion.

Mr. Meer makes 1st motion to approve. Mr. Karas seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Chirper, Mr. Meer & Mr. Levy. YES

APPLICATION APPROVED

Residential New Business:

1. Application # 2007-98, Richard Block & Helen (Ostovsky)
6 Ashburn Place, Block 3714, Lot 3, Zone R-1-3
Existing lot is 4547.78sf where 6500sf is required. Lot frontage of 58' where 65' is required. Proposed addition to garage would maintain existing front yard setback of 8.3' where 25' is required. Would maintain existing side yard setbacks of 7.3' where 8' is required. Would increase the existing impervious coverage from 38.34% to 40.64% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirements.

Mr. Levy swears in Mr. Richard Block.

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

Mr. Levy: Mr. Block, can you explain to the Board what it is that you wish to do.

Mr. Block: Add 6ft to the back of my garage and then put a hitch groove on the garage.

Mr. Levy: The frontage is existing so there is no way to change it. Correct?

Mr. Block: Correct.

Mr. Levy: You are not pushing it forward, so there is no change there. What about the side yard?

Mr. Block: No change to side yard.

Mr. Levy: Does anyone else have any questions on the Board?

Ms. Spindel: Has the Radburn Association approved this?

Mr. Levy opens the meeting to the public within 200'. No one steps forward.

Mr. Levy closes this portion.

Mr. Levy opens the meeting to the general public.

Mr. Levy swears in Harvey Rubinstein, 28 Rutgers Terrace, Fair Lawn, N.J.

Mr. Rubinstein: What does the 6ft. addition to the garage violate Section 125?

Ms. Peck: It is an attached garage, so it becomes part of the building structure.

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

Mr. Levy closes this portion.

Doug Chirper makes 1st motion to approve and Mr. Meer seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Chirper,
Mr. Meer & Mr. Levy. YES.

APPLICATION APPROVED.

2. Application #2007-99, Daniel and Donna O'Dowd
12-41 12th Street, Block 4606, Lot 89, Zone R-1-3
Existing lot is 5647sf where 6500sf is required. Lot frontage of 56.84'
where 65' is required. Proposed dormer would maintain existing
building coverage of 25.6% where 25% is permitted. Would maintain
existing impervious coverage of 48.3% where 35% is permitted. Would
maintain existing front yard setback of 23.86' where 25' is required.
Would maintain existing side yard setback of 7.03' where 8' is required
as per Section 125-12 Schedule f area yard and building requirements.

Mr. Levy swears in Daniel O'Dowd.

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

Mr. Levy: Mr. O'Dowd, please explain to the Board what it is you wish to do.

Mr. O'Dowd: I'd like to put a dormer in the front of my house, there is one now, but I'd like to make it bigger. I'd also like it for a master bath.

Mr. Levy: Everything else on site, you are maintaining. Correct?
Just for the record, you are going up and not pushing forward off the street sides? Right?

Mr. O'Dowd: That is correct.

Mr. Levy: Also for the record, there are other houses in the area that are similar to yours and you are maintaining the existing character of the neighborhood.

Mr. O'Dowd: Yes.

Mr. Levy: Anyone on the Board have comments or questions? None.

Mr. Levy opens the meeting to the public within 200'. No one steps forward.

Mr. Levy closes this portion.

Mr. Levy opens the meeting to the general public.

Mr. Levy swears in Harvey Rubinstein, 28 Rutgers Terrace, Fair Lawn, N.J.

Mr. Rubinstein: How high is up?

Mr. O'Dowd: Maintaining the same roofline as it is now on the cape.
24ft.

Mr. Levy closes the portion to the general public.

Mr. Sacchinelli makes 1st. motion to approve and Jane Spindel
seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr.
Chirper,
Mr. Meer & Mr. Levy. YES

APPLICATION APPROVED.

3. Application # 2007-100, Raymond Duda,
31-11 Raphael Street, Block 2304, Lot 10, Zone R-1-3
Proposed 6ft fence in the front yard setback where 3ft is permitted as
per Section 125-38

Mr. Levy swears in Mr. Raymond Duda

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

Mr. Levy: Mr. Duda, you want to put up a 6ft. fence up on the Raphael
side or the 32nd street side?

Mr. Duda: Both actually. I'm replacing a 4ft. wood fence and I am
replacing it with vinyl. The vinyl would go around the left side, a portion
of the north side and the east side as well.

Mr. Levy: Are you placing your fence within the fence line as it exists
now?

Mr. Duda: It is outside the 25ft. mark by a few feet on the east side of
the house.

Mr. Levy: My plan shows the yellow line to be in line with the façade of
the house on Raphael and also in line with the façade of 32nd St. so
you are not extending beyond those points.

Mr. Duda: Correct.

Mr. Levy: You are also in a corner lot, so to your knowledge the fence line is not going to be in the line of sight on the corner.

Mr. Duda: No

Mr. Levy: Anyone from the Board have comments or questions?

Mr. Karas: The rear of the property to the North, 6ft. is allowed. Also on the West side of the house 6ft is allowed and also starts within the front yard setback.

Ms. Peck: The existing fence has been up for some time and he wants to replace it, but the ordinance requires us to find a prior approval. He wants to put a new fence that is higher. He could put a 6ft. in the rear but he can't put the 6ft. or even a 4ft. back in the front portions of the location.

Mr. Karas: My question is: Mr. Duda, facing the front of the building, would a 5ft. fence be acceptable to you? Would you have any objection to the top being 1ft. less and to add some decorative features to it and the fence to the East around the 32nd street side would you have any objections to that also being 1ft. less there.

Mr. Duda: I have no problem with that.

Mr. Levy: Any one else have comments or questions.

Mr. Levy opens the meeting to the public within 200ft.

Mr. Levy swears in Jean Stiles, 31-01 Raphael Street, Fair Lawn, N.J.

Ms. Stiles: I have just one question and I need a better idea of where the fence is going to be placed. Are you fencing in the front and the whole property?

Mr. Duda: No, I am doing the existing facade, replacing the wood fence around the garage and it will be going along the wire fence that is there now, but the rest of the property will be undisturbed.

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

Mr. Karas makes 1st motion to approve and Ms. Spindel seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Chirper,
Mr. Meer & Mr. Levy. YES

APPLICATION APPROVED.

4. Application #2007-101, Joseph & Jamie Caruso
3-06 Bellair Avenue, Block 5513, Lot 32, Zone R-1-3
Existing lot is 5000sf where 6500sf is required. Lot frontage of 50'
where 65' is required. Expansion of a non -conforming 2 family
requires approval.
Proposed addition would increase the building coverage from 23.31%
to 30.82% where 25% is permitted. Would increase the height from
28.9' to 33.8' where 30' is permitted. The reduction for the two existing
driveways will reduce the impervious from 53.24% to 48.06% where
35% is permitted.
F.A.R. of 57% where 40% is permitted as per Section 125-12.
Schedule of area yard and building requirements. Driveway requires a
variance for less than 1' from property line where 1' is required as per
Section 125-48C(7)

Mr. Levy swears Joseph and Jamie Caruso

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

Mr. Levy swears in Lawrence F Guthartz, 0-51 27th Street, Fair Lawn,
N.J.
Architect/Planner registered in the State of N.Y./N.J.

Mr. Guthartz: Basically speaking, we are adding on to the two-family
residence. It will be a two family addition to the rear of the building. The
first floor addition will be to extend the kitchen, and the bathroom area.
The second floor will be turned into master bedroom with a bottom rear
access to the second floor apartment. The building is a non-conforming
two-family.

We are increasing the FAR. going from 41.5% to 57% where 40% is
permitted.

Mr. Levy: Let me cut you off for a minute you have to understand
because of
the FAR Ordinance which is in play, we are going to need 5 affirmative
votes because it is now a D-variance and also because it's a non-
conforming use being expanded.

Mr. Guthartz: I do understand that. Another point I have to bring up regarding the height change from the house grade of 29ft. when you take it from the street there is always a 4 1/2ft difference in height. The existing height from the front of the building is 28.9

Mr. Levy: Why can't you maintain that?

Mr. Guthartz: We can lower the roof for the addition in back. I want to put a slope in the back and make some sort of storage area.

Mr. Levy: In order to maintain the height, it can be lowered?

Mr. Guthartz: It can be lowered. I'll lower it as much as I possibly could.

Mr. Levy: How long has this been a two-family house?

Mr. Caruso: Since the 1940's.

Mr. Levy: How long have you lived there.

Mr. Caruso: About 6 years.

Mr. Levy: There is a tenant there now?

Ms. Caruso: Yes, My mom.

Mr. Chirper: Was there ever any approval by anyone to allow this. My understanding is that we don't allow a two-family in that zone. How do we know for a fact that it's been that way since the 1940's? When did it come into existence?

Ms. Peck: It might have been built that way prior to the ordinance change.

Mr. Karas: I see from the survey, the file goes back to November 2, 1942 but as of August 13, 2003, correct me if I'm wrong on this, indicates that it is a 1 1/2 story framed Level. How did we get a non-conforming two family? I don't mean to give you a hard time with this, but I think we have a problem.

Ms. Peck: The back has a separate entrance if you look at the pictures.

Mr. Levy: Right now it is being used as a two family, non-conforming that has existed for a number of years.

Mr. Chirper: We don't know that and the problem with this application also is that, and I don't mean to perceive possible problems or anything but the driveway is 1ft. from the property line, that's up close and personal with your neighbors. Even though the impervious coverage is reduced under the FAR, you have 57% where 40% is permitted. Basically you got this big structure here and you want to expand it. Is there some sort of hardship in the building itself that requires this? What are the reasons you need this?

Ms. Caruso: The reason is that we only have a two bedroom and I can't accept my family living in a two-bedroom home. It's very small living spaces and we love the town of Fair Lawn but if we can't get a third bedroom, I'm going to have to sell my house.

Mr. Caruso: We bought the house six years ago as a two-family, spoke with an architect and said that we could possibly put another bedroom upstairs. We put a lot of work into the house. It is a craftsman's style house and we maintained the craftsman's style. We are doing the back of the house only.

Mr. Levy: There is a lot of information that we need, and if there is no answers, we may have to adjourn the application. Let me explain what Mr. Chirper means by hardship. Hardship means on land and zoning issues, not it's personal hardship, it may have bearing but it doesn't play a major part on any decision based on zoning. Hardship as far as zoning means on the land, the shape of the land. One of the hardships I see that you have is that you are on a lot that is pre-existing that is short in width and from the pictures, from what I understand and being out at the site also is that there is a shared driveway and that is because there is a O lot line that is between you and your neighbor, I think it's on the left hand side. The property line is visible but you have a shared driveway. There are a lot of questions and a lot of issues that need to be discussed and I'll have the Board asks the questions.

Mr. Chirper: Maybe you will want to consult with your architect and address some of these issues. The other concern, there is another family living here.

Mr. Caruso: My Mother-in- Law.

Mr. Levy: There is a lot of information and questions and what we have done in the past is have the applicants provide us and grant us an extension of time.

Ms. Peck: Excuse me, Mr. Chairman, I am sorry to interrupt but I went back to our CO files from when they purchased the house and there was an apartment conversion as opposed to a full second floor. It is not a complete second floor. It is a two-family home.

Mr. Chirper: May I make a suggestion here, really I'm trying to work with you here, maybe you want per Scott's suggestion to adjourn this application, check with the architect and see if there are any other planning issues and then come back. There are a lot of concerns with this application.

Mr. Caruso: Can we just adjourn to another time, please.

Mr. Levy: Let's adjourn this and we'll take up this matter at another meeting

Board voted to adjourn and move application to January 14, 2008

APPLICATION ADJOURNED TO JANUARY 14, 2008

5. Application #2007-102, Salvatore Calabro
21-18 Dalton Place, Block 3225, Lot 25, Zone R-1-3
Existing lot is 5000sf where 6500sf is required. Lot frontage of 50' where 65' is required. Expansion of a non-conforming 2 family requires approval.
Proposed addition would increase the impervious coverage from 35.37% to 43.72% where 35% is permitted. Would maintain existing front yard setback of 10.50' where 25' is required as per Section 125-12 Schedule of area yard and building requirement.

Mr. Levy swears in Salvatore Calabro

Fees of \$88.00 have been paid. There is an outstanding water bill of \$129.67. and there is proof of service.

Mr. Levy: Let it be noted, upon approval of this application, work cannot begin until balance is satisfied.

Mr. Levy swears in Lawrence F. Guthartz, 0-51 27th street, Fair Lawn, N.J.

I am a Registered Architect/Planner in the state of N.Y. & N.J.

Mr. Guthartz: Let me mention to the Board, I made a boo-pa. Not including the FAR with part of this application. This addition on to the existing two-family residence is going to have an increase to the FAR. Currently it is at 36.09% and it will be increased by 56.52%.

Mr. Levy: Is it legal to go ahead?

Ms. Peck: How about the newspaper?

Mr. Soukas: I am taking a look at the public notice now.

Mr. Guthartz: If there is no mention of it. As I stated, I made a boo-pa.

Mr. Soukas: The notice does have any occurrences and /or labor that may be required for this application however, so that we can go forward.

Mr. Levy: State what your plans are again, please for the Board.

Mr. Guthartz: Again, the existing two-family residence is two-story with part of the attic being occupied as well so it's a two 1/2 story, two family residence and we are adding on a two-story addition to the non-occupied attic space. We are maintaining the existing setback that was there from the original addition. We maintained the Southside 10.4ft from the property line.

Mr. Levy: The setback on the Southside, is that the setback?

Mr. Guthartz: The setback is 10ft.

Mr. Levy: The requirement is 10ft., so you are within the setback.

Mr. Guthartz: That is correct. The addition is being kept at the maximum height. We are not changing the height we are just dropping it down.

The other issue is impervious coverage, which is at 43.72% where 35% is required.

Mr. Levy: Can you explain to me how this is staying within the character of the neighborhood.

Mr. Guthartz: Most of the houses around the neighborhood are two story houses, but not that many. This is one of the older houses in the neighborhood. I think it was built in the 1890's. The addition is not going to intrude anymore than any other house in the area.

Mr. Levy: You are planning on putting a driveway....

Mr. Guthartz: They have two driveways. The existing driveway on Dalton, in the front yard and all we are doing is shifting it over.

Ms. Spindel: The trees that are on the corner, those are staying?

Mr. Guthartz: We are not touching the trees that are in the front. The driveway will be just short of that.

Ms. Spindel: The existing driveway on the West side.....

Mr. Guthartz: We are extending it. They have four cars, and have a tenant that has one car who parks on the other side.

Ms. Spindel: You have two driveways, though.

Mr. Guthartz: Yes, as I said, their family has four cars and they park on the larger driveway and the tenant uses the other one.

Ms. Spindel: It just seems that allot of houses on those lots are long and narrow and with that corner, the back of the house is right on top of the neighbors house.

Mr. Guthartz: Their house is more towards the front, and if you look at the neighbor's house, where they are located, there is not much of a disturbance.

Ms. Spindel: There is not much backyard to his house.

Mr. Guthartz: We talked with the neighbors; they have no problem with it.

Mr. Levy: Due to the many unanswered questions and until the proper FAR is noted for publication, we have no other choice but to adjourn upon agreement from the Board and to carry this meeting to January 14, 2008.

Mr. Levy: All in Favor, AYE.

MOTION CARRIED TO JANUARY 14, 2008.

Request for Variance Extension

1. Application #2007-003, Johan & Amy Israelsson
14 Brearly Crescent, Block 3718, Lot 4, Zone R-1-3
Existing lot frontage is 37.63' where 65' is required. Proposed addition would have existing front yard setback of 11' where 25' is required.
Would have existing side yard setback of 6.76' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Charipper makes 1st motion to approve and Ms. Spindel seconds the motion.

VOTE: Mr. Karas, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Chirper,
Mr. Meer & Mr. Levy. YES

Commercial New Business:

1. Application #2007-104, SK Energy and Chemical I Corp.
22-10 Route 208 South, Block 4904, Lot 4, Zone I-1
The proposed use of laboratory rodents in its research laboratory would require a use variance as per Section 125-5 Prohibited uses. Proposed vestibule would reduce the existing front yard setback from 43.11' to 41.82' where 65' is required as per Section 125-12. Schedule of area yard and building requirements. Prior approval granted June 14, 1999 for site and existing bulk variances. Sign variance for new 58" sign height where 24" is permitted. Sign lettering of 24" where 16" is permitted as per Section 125-41.

Application carried to January 14, 2008.

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 January 14, 2008

Estimates:

Approve as submitted

VOTE: All Present – AYE.

Memorialized Resolutions:

1. Application #2007,091, Joe Patasso, 23-14 Cambridge Road, Block322.01, Lot 17, Zone R-1-3– side entrance- Approved.
2. Application #2007- 092, Rita Jaye Milloer-Greenberg, 335 Howard Ave., Block 3704, Lot 15, Zone R-1-3– Addition- Approved.
3. Application #2007-093, Joseph Mele, 15-25 11th street, Block 5702, Lot 13, Zone R-1-3– Addition- Approved.
4. Application #2007-094, Violetta & Boris Kopeykin, 3-49 27th Street, Block 3403, Lot 2, Zone R-1-3– Addition- Approved.
5. Application #2007-095, Gerald & Annette Kranson, 5-01 River Road, Block 5401, Lot 42, Zone R-1-3– Addition- Approved.
6. Application #2007-096, Raheel & Naseem Faizi, 6-13 Christie Place, Block 3521, Lot 6, Zone R-1-3– Addition- Approved.
7. Application #2007-097, Leonard & Robin Prinz, 12-55 4th Street, Block 5619, Lot 21, Zone R-1-3– Addition- Approved.

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

VOTE: All Present – AYE.

Vouchers:

Approve as submitted

VOTE: All Present – AYE.

Minutes

Approve as submitted

VOTE: All Present – AYE.

Adjourn

. VOTE: All Present – AYE.

TIME: 9:15 P.M.

Respectfully submitted,

Cathy Bozza
Zoning Board Clerk