

**BOROUGH OF FAIR LAWN**  
**Regular Meeting**  
**Zoning Board of Adjustment**

**FEBRUARY 23, 2006**

**PRESENT:**

Scott Levy, Chairman  
Doug Charipper, Vice Chairman (left at 10:15 p.m.)  
Joseph Meer, Secretary  
Jane Spindel  
John Nakashian  
Todd Newman  
Sy Karas  
Gary Sacchinelli, Alt # 2  
Bruce Rosenberg, Brd. Atty  
Ann Peck, Asst. Zoning Officer  
Carol LoPiccolo, Brd. Clerk (Acting Chairperson for Reorganization)

**Declaration** by Chairman Levy that meeting is being held in accordance with Open Public Meeting Act.

**Swearing in of Jane Spindel** by Bruce Rosenberg, Brd. Atty.

**Residential Old Business:**

- 1. Application #2006-002, Julio and Rosemarie Vidal**  
27-06 Romaine Street, Block 3500, Lot 2, Zone R-1-2  
The proposed addition would increase the building coverage from 21.07% to 28.70% where 25% is permitted. The removal of the patio would decrease the impervious coverage from 37.87% to 36.05% where 35% is permitted. Would have existing side yard setback of 5.85' where 10' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Proof of service and payment of fee of \$88 in Building Dept.

Julio and Rosemarie Vidal as previously sworn, testified.

Peter Gokowki (not licensed Architect) sworn and testified.

On motion by Mr. Nakashian to approve, seconded by Mr. Meer and unanimously approved by roll call vote.

**2. Application #2006-004, Alex Mirtchouk**

12-23 FairClough Place, Block 4613, Lot 4, Zone R-1-3

The proposed addition would increase the building coverage from 25.2% to 32.9% where 25% is permitted. Removal of patio, walkways and reduction of the driveway would decrease the existing impervious coverage from 47.4% to 47% where 35% is permitted. Would have existing side yard setbacks of 5.93' and 6.66' where 8' is required. Would reduce the existing front yard setback from 24.88' to 20.88' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements. **This application will be carried to the March 20, 2006 meeting. NO TESTIMONY WILL BE GIVEN.**

Carried to March 20, 2006.

## **Residential New Business:**

**1. Application #2006-006, Jorge L. Machado**

103 Lincoln Avenue, Block 6807, Lot 62, Zone B-2

The proposed addition would increase the building coverage from 21.99% to 32% where 25% is permitted. The impervious coverage would decrease with the removal of driveway and patio, from 78.83% to 49% where 35% is permitted. Would have existing side yard setback of 2.4' where 15' is required. Would increase the front yard setback from existing 5.2' to 6' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements. **Use variance required.**

Proof of service and payment of fee of \$225.00 in Building Dept.

Alfred Machado sworn and testified.

Michael Napolitano, AIA, sworn and testified.

Exhibits marked: A-1 and A-2.

Public: Harvey Rubenstein, 28 Rutgers Terrace.

On motion by Mr. Newman to approve, seconded by Mr. Charipper,

**Roll call vote:**

Charipper, Newman, Sacchinelli, Meer, Spindel, Karas and Nakashian: yes.

Levy: no.

**2. Application #2006-011, Mellie Belvis**

2-18 Lambert Road, Block 5629, Lot 31, Zone R-1-3

The proposed expansion and driveway expansion would increase the impervious coverage from 32.78% to 42.57% where 35% is permitted. Would have existing side yard setbacks of 4.79' and 5.25' where 8' is required. Would have a front yard setback of 23.7' where 25' is required. The proposed 14'x22' deck would be 6.13% where 5% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Proof of service and payment of fee of \$88 in Building Dept.  
Water bill \$96.31 due.

Mellie Belvis, Eugene Belvis and Camilo Lacap sworn and testified.

Scott Levy recused. Mr. Charipper Acting Chairman.

Revising Plans. Will come back.

**3. Application #2006-012, Fred Hirsch**

25-11 Romaine Street, Block 3511, Lot 16, Zone R-1-2

The proposed new one family dwelling would be on a nonconforming lot of 5,000 sq. ft. where 7,500 sq. ft. is required. Would have building coverage of 26.60% where 25% is permitted. Would have impervious coverage of 36.9% where 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Proof of service and payment of fee of \$88 in Building Dept.

Fred Hirsch sworn and testified.

Sy Karas recused.

Exhibits: A-1, A-2 and A-3

Public: Ruth Lattermann and Lauren Patterson.

On motion by Mr. Meer to approve, seconded by Mr. Newman and unanimously  
Approved by roll call vote.

**4. Application #2006-013, Robert and Janice Belbol**

17-23 Eberlin Drive, Block 4800, Lot 15, Zone R-1-3

The proposed addition and front yard porch would increase the existing impervious coverage from 52.8% to 54.3% where 35% is permitted. Would have existing side yard setbacks of 9.5' and 9.9' where 10' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Proof of service and payment of fee of \$88 in Building Dept.

Robert and Janice Belbol sworn and testified.

Revised plans submitted.

Public: Harvey Rubenstein.

On motion by Mr. Charipper to approve, seconded by Mr. Meer and unanimously approved by roll call vote.

**5. Application #2006-014, Robert Harris**

6-38 Mansfield Drive, Block 3525, Lot 24, Zone R-1-2

Existing lot is 7,201 sq. ft. where 7,500 sq. ft. is required. The proposed addition would reduce the side yard setback from 9.5' to 5.1' where 10' is required.

Would have an existing front yard setback of 26.5' where 30' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Proof of service and payment of fee of \$88 in Building Dept.

Robert Harris sworn and testified.

To revise plans. Carried to March 20, 2006.

**6. Application #2006-015, Amy and Philip Plotch**

17 Bancroft Place, Block 3710, Lot 20, Zone R-1-3

Existing lot is 4,540 sq. ft. where 6,500 sq. ft. is required. Would increase the existing building coverage from 27% to 31% where 25% is permitted. Would increase the existing impervious coverage from 37% to 41% where 35% is permitted. Would have existing side yard setbacks of 0' and 9.97' where 8' is required. Would have existing front yard setback of 24.91' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Proof of service and payment of fee of \$88 in Building Dept.

Amy and Philip Plotch sworn and testified.

Jane Spindel recused.

Jake Solomon, AIA, sworn and testified.

Exhibits: A-1 and A-2.

On motion by Mr. Newman to approve, seconded by Mr. Nakashian and unanimously approved by roll call vote.

**7. Application #2006-016, Jeffrey and Karen Brooks**

30-23 Grunstra Place, Block 3812, Lot 13, Zone R-1-2

Existing lot is 7,000 sq. ft. where 7,500 sq. ft. is required. The proposed vestibule and covered porch would reduce the front yard setback from 30.75' to 18.66' where 30' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Proof of service and payment of fee of \$88 in Building Dept.

Jeffrey and Karen Brooks sworn and testified.

Doug Charipper recused.

Exhibits: A-1 and A-2.

Public: Harvey Rubenstein and Louis DeGeronimo.

On motion by Ms. Spindel to approve, seconded by Mr. Nakashian and unanimously approved by roll call vote.

**8. Application #2006-017, Norman Barta**

6 Berkeley Place, Block 3705, Lot 12, Zone R-1-3

Existing lot is 3,467 sq. ft. where 6,500 sq. ft. is required. The proposed addition would increase the existing building coverage from 26.08% to 28.76% where 25% is permitted. Would increase the existing impervious coverage from 38% to 42.76% where 35% is permitted. Would have existing side yard setbacks of 0' and 7.6' where 8' are required. Would decrease the front yard setback from 10.8' to 6.8' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements. **RADBURN APPROVAL REQUIRED.**

Proof of service and payment of fee of \$88 in Building Dept.

Norman Barta sworn and testified.

Margella DiGeronimo, AIA sworn and testified.

On motion by Mr. Meer to approve, seconded by Mr. Newman and unanimously approved by roll call vote.

**Commercial Old Business:**

**1. Application #2004-087, George Gelewski Partners**

0-82 Saddle River Road, Block 1205, Lot 50.01 and 50.02

The proposed townhouse development within the R-1-3 Residential District will require a use variance as per RGO Section 125.17.A(1).

**This application will be carried to the March 20, 2006 meeting. NO TESTIMONY WILL BE GIVEN.**

**Commercial New 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.

Carried to March 7, 2006.

**Correspondence/Resolution/Bills**

**RESOLUTIONS**

On motion by Mr. Newman, seconded by Mr. Meer and voted upon by only those eligible to vote, the Resolutions were approved.

**Resolution of Findings and Conclusions  
of the Zoning Board of Adjustment  
of the Borough of Fair Lawn,  
County of Bergen, State of New Jersey**

**RE: Block 3702  
Lot 11**

**App. #2006-009**

**WHEREAS**, an application was filed by **Aizik and Alexandra Hoffmann** residing at 16-10 Alden Terrace, Fair Lawn, New Jersey, for a bulk variance pursuant to N.J.S.A. 40:55D-70 with respect to the expansion of a driveway which would increase the impervious coverage from 32.05% to 38.48% where 35% is permitted, for real property commonly known as **16-10 Alden Terrace** and shown on the official tax map of the Borough of Fair Lawn as Lot 11 in Block 3702; and

**WHEREAS**, the property is located in an R-1-2 district according to the zoning map and zoning ordinance of the Borough of Fair Lawn; and

**WHEREAS**, the application was duly considered by the Board of Adjustment at a public hearing on January 23, 2006, at which hearing the Board had an opportunity to hear sworn testimony and receive documents into evidence; and

**WHEREAS**, the Zoning Board of Adjustment, having conducted a public hearing on said application on January 23, 2006, at which time the Board heard the testimony of the Applicant and the Board having opened the meeting to the public and received comments therefrom and having considered all the evidence presented, the responses to the issues raised by Board members and the public and otherwise having reviewed the plans submitted, the Board now makes the following findings of fact and conclusions of law:

1. The Board of Adjustment acquired jurisdiction for a hearing upon the filing of an application. The Applicant has properly published notification of said hearing and has properly notified the property owners as required by law and proof of said publication and notification are on file with the Board.

2. The property in question is presently located in an R-1-2 district on a lot approximately 78 feet by 103 feet. The lot is irregular in shape. There is presently located on said lot a split level frame and brick residential dwelling. The Applicant proposes to expand an existing driveway which increase the impervious coverage from 32.05% to 38.48% where 35% is permitted.

3. The Board finds that with respect to this application and the specific property which is the subject of the application, the purposes of the Municipal Land Use Act would be advanced by permitting a deviation from the requirements of the Zoning Ordinance and the benefits of said deviation would substantially outweigh any detriment.

More particularly, the proposed driveway expansion will not create any hardship or inconvenience for any of the surrounding properties.

**NOW, THEREFORE**, the Zoning Board of Adjustment of the Borough of Fair Lawn finds that the within variance application as more particularly set forth above be granted subject to the following conditions:

1. Applicant must comply with the necessary requirements of the Zoning Ordinance of the Borough of Fair Lawn and the Municipal Land Use Act of the State of New Jersey.

2. The Applicant shall develop, prepare and improve the subject premises so as to conform with all the details as shown on the plans submitted with the application and in accordance with all applicable building codes.

3. This application is granted expressly conditioned the Applicant showing satisfactory proof that all taxes assessments are current at the time of approval or that upon and the Applicant will pay all of the appropriate taxes and assessments with 15 days of the date hereof, and that for the failure to pay same within this time frame, this resolution shall be null and void.

4. The variances granted by this Board are valid for a period not to exceed twelve (12) months and shall then terminate if not implemented or otherwise extended by the Board.

This application was approved by the Zoning Board of Adjustment of the Borough of Fair Lawn at its meeting on January 23, 2006, upon the motion of Doug Charipper and seconded by Todd Newman and upon the roll call as follows: Doug Charipper-yes; Joseph Meer-yes; Larry Morgenstein-yes; John Nakashian-yes; Todd Newman-yes; Sy Karas-no; Scott Levy-no.

Yes: 5	Abstain: 0
No: 2	Absent: 0

**BE IT FURTHER** resolved that a copy a copy of this resolution be forwarded to the applicant, the Borough Clerk, the Construction Code Official and the Zoning Officer of the Borough of Fair Lawn.

This resolution was adopted on February 23, 2006, upon the motion of \_\_\_\_\_ and seconded by \_\_\_\_\_ by a vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays.

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Chairperson

I do certify this is a true and correct copy of the resolution as adopted by the Board of Adjustment of the Borough of Fair Lawn, County of Bergen and State of New Jersey in the within application.

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Secretary

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**Resolution of Findings and Conclusions  
of the Zoning Board of Adjustment  
of the Borough of Fair Lawn,  
County of Bergen, State of New Jersey**

**RE: Block 2805  
Lot 18**

**App. #2006-010**

**WHEREAS**, an application was filed by **Oleg Sukharenko and Alla Grimman** residing at 30-18 Garrison Terrace, Fair Lawn, New Jersey, for bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to the previously unauthorized construction of a covered patio which has increased the building coverage from 30.74% to 30.51% where 25% is permitted; increased the impervious coverage from 31.15% to 38.92% where 35% is permitted; caused a Rear Yard Setback of 17 feet where 20 feet is required for real property commonly known as **30-18 Garrison Terrace** and shown on the official tax map of the Borough of Fair Lawn as Lot 18 in Block 2805; and

**WHEREAS**, the property is located in an R-1-2 district according to the zoning map and zoning ordinance of the Borough of Fair Lawn; and

**WHEREAS**, this matter arises from a Notice of Violation issued by the Building Department of the Borough of Fair Lawn;

**WHEREAS**, the application was duly considered by the Board of Adjustment to the Public Hearing held on January 23, 2006 at which hearing the Board had an opportunity to hear one sworn testimony, received documents and evidence;

**WHEREAS**, the Zoning Board of Adjustment, having conducted a public hearing on said application on January 23, 2006, at which time the Board heard the testimony of the Applicant and the Board having opened the meeting to the public and received no comments therefrom and having considered all the evidence presented, the responses to the issues raised by Board members and the public and otherwise having reviewed the plans submitted, the Board now makes the following findings of fact and conclusions of law:

1. The Board of Adjustment acquired jurisdiction for a hearing upon the filing of an application. The Applicant has properly published notification of said hearing and has properly notified the property owners as required by law and proof of said publication and notification are on file with the Board.

2. The property in question is presently located in an R-1-2 district on a lot approximately 70 feet by 100 feet.

3. There is presently located on said lot a two story dwelling, garage and covered patio. The covered patio, which is the subject of this variance application, was constructed prior to the Applicant securing variance approval from the Board.

4. The Board finds that the evidence presented by the Applicant does not justify permitting the covered portion of the patio to remain and the patio roof must be removed. With respect to the existing patio, which has already been constructed, permitting the Applicant to keep this patio will not cause a substantial detriment to the Zoning Plan or Zoning Ordinance of the Borough of Fair Lawn.

**NOW, THEREFORE**, the Zoning Board of Adjustment of the Borough of Fair Lawn finds that the within variance application with respect only to the previously constructed patio without a roof be granted subject to the following conditions:

1. Applicant must comply with the necessary requirements of the Zoning Ordinance of the Borough of Fair Lawn and the Municipal Land Use Act of the State of New Jersey.

2. The Applicant shall develop, prepare and improve the subject premises so as to conform with all the details as shown on the plans submitted with the application and in accordance with all applicable building codes.

3. This application is granted expressly conditioned the Applicant showing satisfactory proof that all taxes assessments are current at the time of approval or that upon and the Applicant will pay all of the appropriate taxes and assessments with 15 days of the date hereof, and that for the failure to pay same within this time frame, this resolution shall be null and void.

4. The roof over the patio shall be removed no later than April 1, 2006, and the failure of the Applicant to remove same within this time frame shall render this resolution null and void.

This application was approved by the Zoning Board of Adjustment of the Borough of Fair Lawn at its meeting on January 23, 2006 upon the motion of Todd Newman and seconded by Doug Charipper and upon the roll call as follows: Doug Charipper-yes; Sy Karas-yes; Scott Levy-yes; Joseph Meer-yes; Larry Morgenstein-yes; John Nakashian-yes; Todd Newman-yes.

Yes: 7	Abstain: 0
No: 0	Absent: 0

**BE IT FURTHER** resolved that a copy a copy of this resolution be forwarded to the applicant, the Borough Clerk, the Construction Code Official and the Zoning Officer of the Borough of Fair Lawn.

This resolution was adopted on February 23, 2006, upon the motion of \_\_\_\_\_ and seconded by \_\_\_\_\_ by a vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays.

\_\_\_\_\_  
Chairperson

I do certify this is a true and correct copy of the resolution as adopted by the Board of Adjustment of the Borough of Fair Lawn, County of Bergen and State of New Jersey in the within application.

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Secretary

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**Resolution of Findings and Conclusions  
of the Zoning Board of Adjustment  
of the Borough of Fair Lawn,  
County of Bergen, State of New Jersey**

**RE: Block 2813  
Lot 13**

**App. #2006-005**

**WHEREAS**, an application was filed by **Neil and Nechama Amrani** residing at 75 Garwood Road, Fair Lawn, New Jersey, for bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to the construction of additions which would have existing Side Yard setbacks of 8.91 feet where 12 feet is required; would have an existing Side Yard setback of 26.52 feet where 30 feet is required for real property commonly known as **75 Garwood Road** and shown on the official tax map of the Borough of Fair Lawn as Lot 13 in Block 2813; and

**WHEREAS**, the property is located in the R-1-2 district according to the zoning map and zoning ordinance of the Borough of Fair Lawn; and

**WHEREAS**, the application was duly considered by the Board of Adjustment at a public hearing on January 23, 2006, at which hearing the Board had an opportunity to hear sworn testimony and receive documents into evidence; and

**WHEREAS**, the Zoning Board of Adjustment, having conducted a public hearing on said application on January 23, 2006, at which time the Board heard the testimony of the Applicant and the Architect and the Board having opened the meeting to the public and received no comments therefrom and having considered all the evidence presented, the responses to the issues raised by Board members and the public and otherwise having reviewed the plans submitted, the Board now makes the following findings of fact and conclusions of law:

1. The Board of Adjustment acquired jurisdiction for a hearing upon the filing of an application. The Applicant has properly published notification of said hearing and has properly notified the property owners as required by law and proof of said publication and notification are on file with the Board.

2. The property in question is presently located in an R-1-2 district on a 12,474 square foot lot which is irregular in shape.

3. There is presently located on said lot a one story frame dwelling.

4. The Applicant proposes to construct additions to the existing premises which would have a proposed Side Yard Setback of 8.91 feet where 12 feet is required and would have an existing Front Yard Setback of 26.52 feet where 30 feet is required.

5. The Board finds that with respect to this application and the specific property which is the subject of the application, the purposes of the Municipal Land Use Act would be advanced by permitting a deviation from the requirements of the Zoning Ordinance and the benefits of said deviation would substantially outweigh any detriment.

More particularly, the lot upon which the additions shall be constructed is irregular in shape. The applicant has demonstrated to the satisfaction of the Board that this irregularity causes a hardship. The Board further finds that with respect to the Side Yard Setback variance of 8.91 feet where 12 feet is required, said encroachment exists along an area of dimension which is not the entire length of the Side Yard Setback, but, due to the irregular shape of the lot, only extends for an area of approximately 10 feet before the setback increases to the required 12 feet. The Front Yard Setback also exists as a result of the irregular curvature of the Front Yard lot line. Once again, this constitutes a hardship under and pursuant to N.J.S.A. 40:55D-70 c (1).

**NOW, THEREFORE**, the Zoning Board of Adjustment of the Borough of Fair Lawn finds that the within variance application as more particularly set forth above be granted subject to the following conditions:

1. Applicant must comply with the necessary requirements of the Zoning Ordinance of the Borough of Fair Lawn and the Municipal Land Use Act of the State of New Jersey.

2. The Applicant shall develop, prepare and improve the subject premises so as to conform with all the details as shown on the plans submitted with the application and in accordance with all applicable building codes.

3. This application is granted expressly conditioned the Applicant showing satisfactory proof that all taxes assessments are current at the time of approval or that upon and the Applicant will pay all of the appropriate taxes and assessments with 15 days of the date hereof, and that for the failure to pay same within this time frame, this resolution shall be null and void.

4. The variances granted by this Board are valid for a period not to exceed twelve (12) months and shall then terminate if not implemented or extended by grant of the Board.

This application was approved by the Zoning Board of Adjustment of the Borough of Fair Lawn at its meeting on December 19, 2005, upon the motion of Joseph Meer and seconded by Larry Morgenstein and upon the roll call as follows: Doug Charipper-yes; Sy Karas-yes; Scott Levy-yes; Joseph Meer-yes; Larry Morgenstein-yes; John Nakashian-yes; Todd Newman-yes.

Yes: 7	Abstain: 0
No: 0	Absent: 0

**BE IT FURTHER** resolved that a copy a copy of this resolution be forwarded to the applicant, the Borough Clerk, the Construction Code Official and the Zoning Officer of the Borough of Fair Lawn.

This resolution was adopted on February 23, 2006, upon the motion of \_\_\_\_\_ and seconded by \_\_\_\_\_ by a vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays.

\_\_\_\_\_  
Chairperson

I do certify this is a true and correct copy of the resolution as adopted by the Board of Adjustment of the Borough of Fair Lawn, County of Bergen and State of New Jersey in the within application.

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Secretary

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**Resolution of Findings and Conclusions  
of the Zoning Board of Adjustment  
of the Borough of Fair Lawn,  
County of Bergen, State of New Jersey**

**RE: Block 3626  
Lot 1**

**App. #2006-003**

**WHEREAS**, an application was filed by **Elizabeth and Timothy Coughlin** residing at 12-54 Sunnyside Drive, Fair Lawn, New Jersey, for bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to the construction of an addition of porch which will increase building coverage from 17.95% to 25.98% where 25% is permitted; would decrease the existing Front Yard setbacks 25 feet to 20 feet and 20.10 feet where 30 feet is required; have an existing Side Yard setback of 5.3 feet where 10 feet is required for real property commonly known as **12-54 Sunnyside Drive**, and shown on the official tax map of the Borough of Fair Lawn as Lot 1 in Block 3626; and

**WHEREAS**, the property is located in an R-1-2 district according to the zoning map and zoning ordinance of the Borough of Fair Lawn; and

**WHEREAS**, the application was duly considered by the Board of Adjustment at a public hearings held on January 23, 2006 at which hearing the Board had an opportunity to hear sworn testimony and receive documents into evidence; and

**WHEREAS**, the Zoning Board of Adjustment, having conducted a public hearing on said application on January 23, 2006, at which time the Board heard the testimony of the Applicant and the Board having opened the meeting to the public and received comments therefrom and having considered all the evidence presented, the responses to the issues raised by Board members and the public and otherwise having reviewed the plans submitted, the Board now makes the following findings of fact and conclusions of law:

1. The Board of Adjustment acquired jurisdiction for a hearing upon the filing of an application. The Applicant has properly published notification of said hearing and has properly notified the property owners as required by law and proof of said publication and notification are on file with the Board.

2. The property in question is presently located in an R-1-2 district on a corner lot containing an area of approximately 6,951.63 square feet.

3. There is presently located on said lot a two and one-half story frame residential dwelling.

4. The Applicant proposes to construct an addition and open porch which will increase building coverage from 17.95% to 25.98% where 25% is permitted, which will have Front Yard setbacks of 20 feet and 20.10 feet where 30 feet is required; and would have an existing Side Yard setback of 5.3 feet where 10 feet is required.

5. The Board finds that with respect to this application and the specific property which is the subject of the application, the purposes of the municipal land use act would be advanced by permitting a deviation from the requirements of the Zoning Ordinance and the benefits of said deviation would substantially outweigh any detriment. More particularly, the proposed development will improve the neighborhood and will enhance the aesthetics of the area without creating any hardship or inconvenience for any of the surrounding properties. The Board particularly notes, that with respect to the requested Front Yard setback variance, the proposed porch will be an open porch thereby preserving light and air on the lot.

**NOW, THEREFORE**, the Zoning Board of Adjustment of the Borough of Fair Lawn finds that the within application as more particularly set forth above be granted subject to the following conditions:

1. Applicant must comply with the necessary requirements of the Zoning Ordinance of the Borough of Fair Lawn and the Municipal Land Use Act of the State of New Jersey.

2. The Applicant shall develop, prepare and improve the subject premises so as to conform with all the details as shown on the plans submitted with the application and in accordance with all applicable building codes.

3. This application is granted expressly conditioned the Applicant showing satisfactory proof that all taxes and assessments are current at the time of approval or that upon and the Applicant will pay all of the appropriate taxes and assessments within 15 days of the date hereof, and that for the failure to pay same within this time frame, this resolution shall be null and void.

4. The variances granted by this Board are valid for a period not to exceed twelve (12) months and shall then terminate if not implemented or an extension granted.

This application was approved by the Zoning Board of Adjustment of the Borough of Fair Lawn at its meeting on January 23, 2006, upon the motion of Larry Morgenstein and seconded by Todd Newman and upon the roll call as follows: Doug Charipper-yes; Sy Karas-yes; Scott Levy-yes; Joseph Meer-yes; Larry Morgenstein-yes; John Nakashian-yes; Todd Newman-yes.

Yes: 7	Abstain: 0
No: 0	Absent: 0

**BE IT FURTHER** resolved that a copy a copy of this resolution be forwarded to the applicant, the Borough Clerk, the Construction Code Official and the Zoning Officer of the Borough of Fair Lawn.

This resolution was adopted on February 23, 2006, upon the motion of \_\_\_\_\_ and seconded by \_\_\_\_\_ by a vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays.

\_\_\_\_\_  
Chairperson

I do certify this is a true and correct copy of the resolution as adopted by the Board of Adjustment of the Borough of Fair Lawn, County of Bergen and State of New Jersey in the within application.

\_\_\_\_\_  
Secretary

**Approve Minutes.**

On motion by Mr. Meer, seconded by Mr. Nakashian the minutes of November 17, November 21 and December 19, 2005 were unanimously approved by roll call vote.

**Adjourn.**

On motion by Mr. Meer, seconded by Mr. Nakashian, the meeting was adjourned at 11:20 p.m.

Karen Kocsis, CSR