

BOROUGH OF FAIR LAWN
Special Meeting
Zoning Board of Adjustment

MARCH 7, 2006

PRESENT:

Scott Levy, Chairman
Joseph Meer, Secretary
John Nakashian
Todd Newman
Jane Spindel
Benny Salerno, Alt #1
Gary Sacchinelli, Alt #2
Brian Blecher, Alt # 3
Bruce Rosenberg, Brd. Atty
Ann Peck, Asst. Zoning Officer
Carol LoPicciolo, Brd. Clerk

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

Public Comment

Harvey Rubenstein questioned when the agendas so on the Web site and the Brd. Mins. Also would like the “streescap” kept in FairLawn.

Susan Soojian questioned who enforces the resolutions/variances.

Reminder: Dates for mandatory Education needed.

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.

Proof of service, payment of fee of \$600 and escrow fee of \$3,500 is on file in the Building Dept.

Joseph Steinberg, Esq., appeared for the applicant.

Brd. Experts present: Paul Azzolina, PE. and Robert Strangwolf,
of Birdsall Engineering.

Kenneth Fears, P.E. sworn and testified.

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

Public: Mike Obsuth, Lou Silvestro and Harvey Rubenstein asked questions.

Correspondence/Resolutions/Bills

Bills: \$1,719.50 for Paramas Mall and \$797.50 for MacBrothers. On motion by Ms. Spindel, seconded by Mr. Meer and unanimously approved by roll call vote.

R E S O L U T I O N S

On motion by Mr. Meer, seconded by Mr. Newman and unanimously approved by all those eligible to vote. Chairman Levy abstained on Application #06.

**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 3500
Lot 2**

App. #2006-002

WHEREAS, an application was filed by **Julio and Rosemary Vidal** residing at 27-06 Romaine Street, Fair Lawn, New Jersey, for bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to the construction of an addition which would increase building coverage from 21.07 % to 28.70 % where 25% is permitted; decrease impervious coverage from 37.87% to 36.05% where 35% is permitted; would have an existing side yard setback of 5.85 feet where 10 feet is required for real property commonly known as **27-06 Romaine Street**, and shown on the official tax map of the Borough of Fair Lawn as Lot 2 in Block 3500; 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 public hearings on January 23, 2006 and February 23, 2006, at which hearings the Board had an opportunity to hear sworn testimony and receive documents into evidence; and

WHEREAS, the Zoning Board of Adjustment, having conducted public hearings on said application on January 23, 2006 and February 23, 2006, at which time the Board heard the testimony of the Applicant and a representative of the Applicant's 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 lot approximately 50 feet by 100 feet.

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

4. The Applicant proposes to construct a second story addition and a one story addition which would increase the building coverage from 21.07% to 28.70% where 25% is permitted; would remove an existing patio area which decrease the existing impervious coverage from 37.87% to 36.05% where 35% is permitted; and would have an existing side yard setback of 5.85 feet where 10 feet is required.

5. The Applicants testified that they revised the plan so as to eliminate a previously proposed cantilevered area so as to minimize the encroachments to the front yard setback as well as reduce the existing impervious coverage. 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.

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

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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 3511
Lot 16**

App. #2006-012

WHEREAS, an application was filed by **Fred C. Hirsch** having an address of 25-11 Romaine Street, Fair Lawn, New Jersey, for a bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to a proposed new one family dwelling which would be on a nonconforming lot of 5,000 sq. ft. where 7,5000 is required; would have building coverage of 26.60% where 25% is permitted; would have impervious coverage of 36.9% where 35% is permitted for real property commonly known as **25-11 Romaine Street**, and shown on the official tax map of the Borough of Fair Lawn as Lot 16 in Block 3511; 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 held on February 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 the public hearing on said application on February 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 50 feet by 100 feet.

3. There is presently located on said lot a one story frame dwelling an enclosed porch and a separate three bay garage. The Applicant proposes to construct a new one family dwelling that would provide for building coverage of 26.60% where 25% is permitted; and would have impervious coverage of 36.9% where 35% is permitted.

4. The Board finds with respect to 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 Board finds that the existing dwellings and garage structure on the property cause the existing lot to have impervious coverage in excess of 95%, whereas the proposed single family dwelling will provide impervious coverage of 36.9%. The Board further finds that the existing structures on the property are in a state of disrepair and constitute a negative detriment to the area. The proposed new single family dwelling will enhance the aesthetics of the area and 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 bulk variances more particularly set forth above be granted subject to the following conditions:

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 3705
Lot 12**

#2006-017

WHEREAS, an application was filed by **Norman Barta** residing at 6 Berkley Place, Fair Lawn, New Jersey, for bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to the construction of an addition which would increase existing building coverage from 26.8% to 28.76% where 25% is permitted; would increase existing impervious coverage from 38% to 42.76% where 35% is permitted; would maintain an existing side yard setback of 0 feet and 7.6 feet where 8 feet is required; would decrease the front yard setback from 10.8 feet to 6.8 feet where 25 feet is required; for real property commonly known as **6 Berkley Place**, and shown on the official tax map of the Borough of Fair Lawn as Lot 12 in Block 3705; and

WHEREAS, the property is located in an R-1-3 district according to the zoning map and zoning ordinance of the Borough of Fair Lawn; and

WHEREAS, the properties is also subject to the rules and regulations promulgated by the Radburn Association;

WHEREAS, the application was duly considered by the Board of Adjustment at a public hearing on February 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 February 23, 2006, at which time the Board heard the testimony of the Applicant, the Applicant's 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-1-3 district on a lot approximately 37 feet by 93 feet.

3. There is presently located on said lot a two story framed residential dwelling.

4. The Applicant proposes to construct an addition which would increase existing building coverage from 26.8% to 28.76% where 25% is permitted; would increase existing impervious coverage from 38% to 42.76% where 35% is permitted; would maintain an existing side yard setback of 0 feet and 7.6 feet where 8 feet is required; and would decrease the front yard setback from 10.8 feet to 6.8 feet where 25 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 applicant has agreed to modify the site plan so as to eliminate a stone patio area as well as a proposed permanent stone table so as to decrease the impervious coverage from the proposed 42.76% to 40.76%. The applicant shall also revise the landscape plan in accordance with recommendations made by Board members Spindel and Levy.

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 a revised plan which is to be submitted to the Zoning Board Secretary for review by members Spindel and Levy and the subject premises shall be constructed in accordance with all applicable building codes.

3. The applicant shall comply with any requirements, conditions or limitations imposed by the Radburn Architectural Approvals and any such conditions are incorporated hereby by references as set forth at length. No building permit shall be issued until written proof of such approval is presented to the Fair Lawn Building Department. The applicant shall also provide written proof to the Secretary of the Zoning Board of Adjustment that a copy of this Resolution has been provided to the Manager of the Radburn Association.

4. **THE APPLICANT AGREES THAT THE ATTIC AREA WILL BE NON-HABITABLE AND USED FOR STORAGE PURPOSES ONLY.**

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

6. The variance is granted by this Board and is valid for a period not to exceed 12 months and shall then terminate if not implemented or otherwise extended by the Board.

**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 3710
Lot 20**

App. #2006-015

WHEREAS, an application was filed by **Amy and Philip Plotch** residing at 17 Bancroft Place, Fair Lawn, New Jersey, for bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to the construction of a 165 square foot addition which would increase existing building coverage from 27% to 31% where 25% is permitted; would increase existing impervious coverage from 37% to 41% where 35% is permitted; would maintain an existing side yard setback of 0 feet and 9.97 feet where 8 feet is required; would have an existing front yard setback of 24.91 feet where 25 feet is required; for real property commonly known as **17 Bancroft Place**, and shown on the official tax map of the Borough of Fair Lawn as Lot 20 in Block 3710; and

WHEREAS, the property is located in an R-1-3 district according to the zoning map and zoning ordinance of the Borough of Fair Lawn; and

WHEREAS, the properties also subject to the rules and regulations promulgated by the Radburn Association;

WHEREAS, the application was duly considered by the Board of Adjustment at a public hearing on February 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 February 23, 2006, at which time the Board heard the testimony of the Applicant, the Applicant's 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-1-3 district on a lot approximately 50 feet by 90 feet and is irregular in shape.

3. There is presently located on said lot a two and one-half story brick residential dwelling. There is a common party wall to the dwelling located immediately to the east of the subject building.

4. The Applicant proposes to construct an approximately 165 square foot addition which would increase existing building coverage from 27% to 31% where 25% is permitted; would increase existing impervious coverage from 37% to 41% where 35% is permitted; would maintain an existing side yard setback of 0 feet and 9.97 feet where 8 feet is required; and would have an existing front yard setback of 24.91 feet where 25 feet is required.

5. The Applicant testified that they received architectural approval from the Radburn Association for the proposed changes and accept any conditions imposed by the Radburn Architectural approvals.

6. 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 enhance the aesthetics of the area of the area while not creating 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. The applicant shall comply with any requirements, conditions or limitations imposed by the Radburn Architectural approvals and such conditions are incorporated hereby by references set forth at length. No building permit shall be issued until written proof of such approval is presented to the Fair Lawn Building Department. The applicant shall also provide written proof to the Secretary of the Zoning Board of Adjustment that a copy of this Resolution has been provided to the Manager of the Radburn Association.

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

5. The variance is granted by this Board and is valid for a period not to exceed 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 February 23, 2006, upon the motion of Todd Newman and seconded by John Nakashian and upon the roll call as follows: Sy Karas-yes; John Nakashian-yes; Todd Newman-yes; Doug Charipper-yes; Joseph Meer-yes; Scott Levy-yes; Gary Sacchinelli-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 _____, 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

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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 3812
Lot 13**

App. #2006-016

WHEREAS, an application was filed by **Jeffrey and Karen Brooks** residing at 30-23 Grunstra Place, Fair Lawn, New Jersey, for bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to the construction of a proposed vestibule and covered porch which would reduce the front yard setback from 30.75 feet to 18.66 feet where 30 feet is required; for real property commonly known as **30-23 Grunstra Place**, and shown on the official tax map of the Borough of Fair Lawn as Lot 13 in Block 3812; 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 February 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 February 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 one and a half story brick residential dwelling.

4. The Applicant proposes to construct a vestibule and covered porch which would reduce the front yard setback from 30.75 feet to 18.66 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.

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

4. The variance is granted by this Board and is valid for a period not to exceed 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 February 23, 2006, upon the motion of Jane Spindel and seconded by John Nakashian and upon the roll call as follows: Sy Karas-yes; John Nakashian-yes; Todd Newman-yes; Jane Spindel-yes; Joseph Meer-yes; Scott Levy-yes; Gary Sacchinelli-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 _____, 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

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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 4800
Lot 15**

App. #2006-013

WHEREAS, an application was filed by **Robert and Janice Belbol** residing at 17-23 Eberlin Drive, Fair Lawn, New Jersey, for a bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to the construction of an addition and front yard porch which would increase the existing impervious coverage from 52.8% to 54.3% where 35% is permitted; and would provide existing side yard setbacks of 9.5 feet and 9.9 feet where 10 feet is required for real property known as 17-23 Eberlin Drive, Lot 15 and Block 4800; and

WHEREAS, the property is located in an R-1-3 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 public hearings held on February 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 February 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-1-3 district on a lot approximately 65 feet by 120 feet.

3. There is presently located on said lot a one story frame dwelling. The Applicant proposes to construct an addition and front yard porch which would increase the existing impervious coverage on the site from 52.8% to 54.3% where 35% is permitted; and would continue the existing Side Yard Setbacks of 9.5 feet and 9.9 feet where 10 feet is required.

4. The Board finds that with respect to this application the specific property which the subject to 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 Applicant has agreed to reduce the existing impervious coverage from 52.8% to 50.46%, by amending the Applicant's site plan.

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

1. The 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 revised plans which shall be submitted to the Zoning Board of Adjustment secretary prior to the issuance of building permits. The applicant shall also improve the subject premises in accordance with all applicable building codes.

3. This application is granted expressly conditioned upon Applicant showing satisfactory proof that all taxes assessments are current at the time of approval or that 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 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 February 23, 2006, upon the motion _____ and seconded by _____ and upon the roll call as follows: _____.

Yes: _ Abstain: 0

No: _ 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 March _____, 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

**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 6807
Lot 62**

App. #2006-006

WHEREAS, an application was filed by **Jorge Machado** residing at 20 Craig Road, Montvale, New Jersey, for a use variance with respect to the expansion of a nonconforming two family dwelling and for bulk variances pursuant to N.J.S.A. 40:55D-70 with respect to the construction of the proposed addition which would increase the building coverage from 21.99 % to 32 % where 25% is permitted; would decrease impervious coverage with the removal of a driveway and patio from 78.83% to 49% where 35% is permitted; would have existing side yard setback of 2.4 feet where 15 feet is required; and would increase the front yard setback from an existing 5.2 feet to 6 feet where 25 feet is required for real property commonly known as 103 Lincoln Avenue, and shown on the official tax map of the Borough of Fair Lawn as Lot 62 in Block 6807; and

WHEREAS, the property is located in a B-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 held on February 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 February 23, 2006, at which time the Board heard the testimony of the George Machado, the Applicant's representative, and Michael Napolitan, a licensed Architect and Planner of the State of New Jersey, 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 a B-2 district on a lot approximately 37.5 feet by 115 feet.

3. There is presently located on said lot a pre-existing non-conforming two family dwelling. The Board considered the testimony of Michael Napolitan a licensed architect and planner of the State of New Jersey. Mr. Napolitan testified as to the exceptional narrowness of the property and that a conforming commercial use could not be constructed on the premises. He further testified that a commercial use would create a greater traffic and parking problem on Lincoln Avenue as compared with the continuance of the two family residential use. He further testified that the proposed addition will aesthetically improve and upgrade the existing two family dwelling and the purposes of the zone plan will not be impaired by expanding the nonconforming two family use

4. The Board finds with respect to 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 Board finds credible the expert testimony proffered by the Applicants' architect and planner that the site is particularly suited for a two family residential building rather than a permitted commercial building. The Board further finds that the proposed addition to the two family dwelling can be approved without causing a substantial detriment to the public good or zone plan and 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 use variance and bulk variances more particularly set forth above be granted subject to the following conditions:

1. The 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.

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

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Approve Minutes – none.

Adjourned

On motion by Mr. Newman, seconded by Mr. Meer and unanimously approved by roll call vote, the meeting was adjourned at 11:12 p.m.