

**BOROUGH OF FAIR LAWN**  
**Regular Meeting**  
**Zoning Board of Adjustment**  
**MARCH 20, 2006**

**PRESENT:**

Scott Levy, Chairman  
Doug Charipper, Vice Chairman  
Joe Meer, Secretary  
John Nakashian  
Todd Newmann  
Sy Karas  
Ben Salerno, Alt #1  
Gary Sacchinelli, Alt #2  
Ann Peck, Asst. Zoning Officer  
Carol LoPiccolo, Brd. Clerk  
Bruce Rosenberg, Brd. Attorney

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

**Public Comment.** Harvey Rubinstein.

**Residential Old Business:**

1. Application #2005-059, Debra and Guy DellaMonica  
15-51 Elmary Place, Block 4708, Lot 1  
The proposed circular driveway would have two curb cuts where one is permitted as per RGO Section 125-48C(7). Would increase the impervious coverage from 37.07% to 46.60% where 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Debra and Guy DellaMonica, as previously sworn, appeared.

Exhibits A-1 and B-1.

Public: Harvey Rubinstein, Al Bzik.

On motion by Mr. Meer, seconded by Mr. Levy:

**Roll Call Vote:** Nakashian: abstain. Karas, Charipper, Newmann: no.  
Spindel, Meer and Levy: yes. Application was denied.

2. Application #2006-001, Humberto Acosta  
2 Pomona Avenue, Block 6904, Lot 2, Zone R-1-3  
The proposed second story addition would have existing side yard setback of 7.1' where 8' is required. Would have existing front yard setback of 3.7' and 4' where 25'. The proposed 2' cantilever would increase the existing building coverage from 28.40% to 29.48% where 25% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Jane Spindel recused.

Maria and Humberto Acosta sworn and testified.

Proof of service, payment of fee of \$88 is on file in building department.

Exhibits: A-1.

On motion by Mr. Charipper, seconded by Mr. Meer .

**Roll call vote:** Nakashian, Newmann, Salerno, Levy, Charipper, Meer, Karas and Salerno: yes.

3. 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 April 17, 2006 meeting. NO TESTIMONY WILL BE GIVEN.**
4. 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 40.66% 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 as per RGO Section 125-12 Schedule of area, yard and building requirements.

Scott Levy recused. Doug Charipper as Acting Chair.

Eugene Belvis and Camilio Lacap sworn and testified.

Proof of service, payment of fee of \$88 is on file in building department.

Water bill due of \$96.31.

Exhibit: A-1.

Public: Harvey Rubinstein.

On motion by Mr. Nakashian, seconded by Ms. Spindel  
Roll call vote: Nakashian, Newmann, Charipper, Spindel,  
Meer, Salerno, Karas: yes.

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. **This application will be carried to the April 17, 2006 meeting. NO TESTIMONY WILL BE GIVEN.**

### **Residential New Business:**

1. Application #2006-019, Steve and Andrea Rickett  
14-13 Berdan Avenue, Block 4611, Lot 12, Zone R-1-3  
The proposed replacement of existing detached garage would increase the impervious coverage from 37.68% to 38.55% where 35% is permitted. The new garage would have new side yard setbacks of 2' where 4' is required. Would decrease the front yard setback from 22.8' to 20' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Todd Newmann recused.

Steve Rickett sworn and testified.

Proof of service, payment of fee of \$88 is on file in building department.

Public: Harvey Rubinstein.

On motion by Mr. Meer, seconded by Mr. Charipper.

**Roll Call Vote:** Nakashian, Karas, Charipper, Spindel, Meer, Salerno and Levy

2. Application #2006-020, Daniel and Danielle McManus  
13-17 5<sup>th</sup> Street, Block 5614, Lot 30, Zone R-1-3  
The proposed second floor addition would have an existing side yard setback of 1'3" where 8' is required. Would have existing front yard setback of 5'6" where 25' is required. The removal of concrete and patios would decrease the impervious coverage from 36.36% to 32.38% where 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Daniel and Danielle McManus sworn and testified.

Proof of service, payment of fee of \$88 is on file in building department.

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

3. Application #2006-021, Josef and Mazal Herskowitz  
40-26 Tierney Place, Block 1608, Lot 35, Zone R-1-2  
The replacement of a 6' wood fence without prior approval with a vinyl fence in the front yard setback where only 3' is permitted. The installation of decorative lions on the front walkway with a height of 42" where only 36" is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Josef and Mazal Herkowitz sworn and testified.

Proof of service and payment of fee of \$88 is on file in building department.

Taxes and water bill in arrears.

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

4. Application #2006-023, Tomer Vardi  
12-09 Hopper Avenue, Block 4604, Lot 33, Zone R-1-3  
The proposed addition would increase the building coverage from 31.33% to 33.66% where 25% is permitted. Would increase the impervious coverage from 35.50% to 39.13% where 35% is permitted. Would increase existing front yard setback from 11.90' to 12.50' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Tomer Vardi, Raul Caetano, AIA. And Rene Matabag, project mgr. sworn and testified.

Proof of service and payment of fee of \$88 is on file in building department

Public: Harvey Rubinstein.

Applicant will revise plan.

5. Application #2006-024, Andrzej Soltys  
28 Plaza Road, Block 3223.01, Lot 1, Zone R-1-3  
Existing lot is 5,000 sq. ft. where 6,500 sq. ft. is required. The proposed new one family dwelling would have a front yard setback on Berkshire Road of 12' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Ajourned to April 17, 2006.

6. Application #2006-025, Paul and Monique Ragusa  
26-15 Urban Place, Block 3415, Lot 6, Zone R-1-3  
The proposed covered porch would increase the building coverage from 25.45% to 27.18% where 25% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Paul Ragusa sworn and testified.

Proof of service and payment of fee of \$88 is on file in building department.

Water bill due \$89.57.

On motion by Mr. Newmann, seconded by Mr. Charipper and unanimously approved by roll call vote.

### Commercial Old Business:

1. Application #2004-087, George Gelewski Parnters  
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 April 17, 2006 meeting. NO TESTIMONY WILL BE GIVEN.**

### Commercial New Business:

1. Application #2006-022, Michael Chang, LLC  
23-07 Broadway, Block 3324, Lot 23, Zone B-2

A proposed accessory use convenience store to an existing service station which is a conditional use in a B-2 Zone as per RGO Section 125-24.B. and 125-24.C. Food Handler's license/minor site plan approval as per RGO Section 125-65.B(3).

Dennis Macher, Esq., appeared for the applicant.

Adjourned until April 17, 2006.

## 10. **Correspondence/Bills**

Birdsall estimate approved, and Azzolina for MacBrothers of \$1,760. On motion by Mr. Newmann, seconded by Mr. Charipper the bills, estimate and the January and February minutes were approved.

# **R E S O L U T I O N**

**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 22.74% 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 March 20, 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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**11. Approve Minutes. None**

- 12. Adjourned** On motion by Mr. Karas, seconded by Mr. Newmann, the meeting was adjourned at 10:48 p.m..

Karen Kocsis, CSR