

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Special Meeting  
Of July 6, 2006**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's special meeting held on **Thursday, July 6, 2006.**

Chairman Scott Levy called the regular meeting to order at 7:40 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. Nakashian, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Meer, Mr. Levy, Mr. Sacchinelli, Mr. Blecher, and Mr. Diner.

Absent was: Mr. Salerno.

Also in attendance were Bruce Rosenberg, Board Attorney; Ann Peck, Assistant Zoning Officer and Carol LoPiccolo, Zoning Board Clerk.

Residential New Business:

1. Application #2006-055 – Gina and Vincent Scappaticcio  
4-03 Lyons Avenue, Block 5626, Lot 13, Zone R-1-3  
Existing lot width is 60' where 65' is required. The proposed addition would have an existing side yard setback of 9.6' where 10' is required. Would have a street front yard of 10' where 25' is required. Would increase the building coverage from 23% to 26% where 25% is permitted. Would increase the impervious coverage from 39% to 43% where 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements. The proposed 6' fence in the front yard setback where 3' is permitted as per RGO Section 125-38.A.

Mrs. Gina Scappaticcio came forward and was sworn in. Fees totaling \$88.00 were paid and proof of service was provided.

Mrs. Scappaticcio: "We would like to do a kitchen addition and a fence for the backyard."

Mr. Diner: "Where is the fence going to be placed?"

Ms. Peck: "It's marked on the survey."

Mr. Levy: "The 6' fence is shown going up 4<sup>th</sup> Street towards the middle of the house."

Mr. Sacchinelli: "What's the reason you need a 6' fence?"

Mrs. Scappaticcio: "I have a 2 year old and 6 year old that will give me privacy and security."

Mr. Sacchinelli: "Does it have to be 6'?"

Mrs. Scappaticcio: "No."

Mr. Newman: "You're building coverage is going up from 23% to 26% and the impervious coverage from 39% to 43%. What is the hardship for the property to warrant this increase and the hardship for the fence?"

Mr. Rosenberg: "Is there testimony that you could offer the Board that would benefit the zone plan, not personally a hardship to you or to benefit you? This is a C variance. Are there other 6' fences in your neighborhood?"

Mr. Charipper: "In regards to your property, does your addition fit in with the neighborhood?"

Mrs. Scappaticcio: "Yes."

Mr. Charipper: "How close is the distance between the fence and the common area?"

Mrs. Scappaticcio: "The sidewalk is a couple of feet from the fence."

Mr. Charipper: "The 6' fence - what could you offer instead of that - what about 4' of 5'?"

Mrs. Scappaticcio: "I could compromise with 5'."

Mr. Meer: "Would you consider reducing the height of the fence in the front yard area?"

Mrs. Scappaticcio: "I'm not sure what the front yard is."

Ms. Spindel: "Since it's not clear to me what was given with this application, you have a concrete wall on 4<sup>th</sup> Street that is 3' high and on top of that is a 3' picket fence. You already have a 6' high protection there. You don't have a fence that goes from there to the house. "

Mrs. Scappaticcio indicated that there was a fence there but it is now gone.

Ms. Spindel: "So you want to replace the existing fence?"

Mrs. Scappaticcio: "Yes, a 6' fence on top of the 3' wall."

Mr. Newman: "When we're looking at height, isn't it the total height?"

Ms. Peck: If the wall is a retaining wall, it goes from ground level on top of the wall."

Mr. Levy: "It is a retaining wall."

Mr. Karas: "The information that has been provided is insufficient and I don't think the applicant has provided enough information."

Mr. Levy: "The application shows a set of plans that are inadequate and has a survey from 1997 and doesn't accurately depict on what's out there now. The front of the house towards Lyons Avenue doesn't accurately depict that. The addition is being added to the back of the house?"

Mrs. Scappaticcio: "Yes."

Mr. Levy: "The retaining wall you have there now is not 3' but 4'. A 4' fence would fit better with the neighborhood."

Mr. Levy polled the Board to see if there was enough information.

Mr. Nakashian, Mr. Levy, Ms. Spindel, Mr. Meer, Mr. Charipper, Mr. Newman, Mr. Sacchinelli, Mr. Blecher, Mr. Diner - No.

Ms. Peck: "The floor plan does not match the survey."

Mrs. Scappaticcio: "That's the only survey I have."

Mr. Levy: "The application should be carried to the August 21 meeting."

Mrs. Scappaticcio agreed to carry this application to the August 21 meeting and consented to waiver the Board to act on this application.

**APPLICATION CARRIED TO AUGUST 21, 2006.**

2. Application #2006-052 – Andrew and Sara Cilderman  
28-03 Zachary Terrace, Block 3416, Lot 16, Zone R-1-3  
The proposed addition would have an existing front yard setback of 21' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Fees totaling \$88.00 were paid and proof of service was provided. Mr. Cilderman came forward and was sworn in.

Mr. Cilderman: "We're proposing an addition and have an undersized lot and would not be here if it weren't for the Ordinance change."

Mr. Karas: "The applicant is requesting an addition to the second story and does not extend beyond the current setbacks."

Mr. Sacchinelli: "Will the overhang pass the stoop?"

Mr. Cilderman: "No."

Mr. Levy opened the meeting to the residents within 200'. No one came forward. Mr. Levy opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace, came forward and was sworn in.

Mr. Rubenstein: "How high will this be?"

Mr. Cilderman: "24.67'."

Mr. Levy closed the meeting to the public.

Mr. Karas: "On your plans A-1, you indicate that it'll be a 2 story as opposed to a 2 1/2 story?"

Mr. Cilderman: "I'm not sure of the distinction. It's going to be a 2 story now, I'm just adding an addition to the rear."

Mr. Karas: "Where you talk about your deck area, I believe your percentage figure is incorrect - it should be 3.9%."

Mr. Cilderman: "Yes - that is correct."

Mr. Levy re-opened the meeting to the public.

Mr. Craig Miller, 5 Ramapo Terrace, was sworn in: "Is the height to the mean or the very top of the building."

Ms. Peck: "It will be 24.67' to the mean which is measured from the street level."

Mr. Levy closed the meeting to the public.

Mr. Meer made a motion to approve this application and Mr. Karas seconded the motion

Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Meer and Mr. Levy - YES.

**APPLICATION APPROVED.**

3. Application #2006-053 – David and Barbara Nicosia  
13-41 Burbank Street, Block 4607, Lot 5, Zone R-1-3  
The existing lot is 5,200 s.f. where 6,500 s.f. is required. The proposed second floor addition would have an existing front yard setback of 12.74' where 25' is required. Would increase the existing impervious coverage from 51.75% to 52.3% where 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Mr. David and Ms. Barbara Nicosia came forward and were sworn in. Fees totaling \$88.00 have been paid and there's proof

Ms. Nicosia: "We'd like to put an addition above."

Mr. Levy: "Your impervious coverage is now almost 52% and it would go up to 52.3%."

Ms. Peck: "They're adding a landing and steps out the back."

Ms. Spindel: "Can some of this concrete be removed?"

Ms. Nicosia: "What concrete?"

Ms. Spindel: "The concrete at the back of the property along the side of the garage?"

Ms. Nicosia: "That's only a sidewalk."

Mr. Levy: "What about trading the amount of coverage for the landing from somewhere else to keep the impervious the same?"

Ms. Spindel: "Were these conditions here when you bought it?"

Mr. Nicosia: "Yes, 14 years ago."

Mr. Charipper: "It's over 50% and I have a problem with the amount of coverage."

Ms. Nicosia: "The hardship is we have an undersized lot."

Mr. Nicosia: "We'll do whatever we have to do."

Mr. Levy: "How can we come up with a solution for a tradeoff?"

Ms. Spindel: "How critical is it to remove the sidewalk to the house?"

Mr. Nicosia: "We'll do whatever is necessary."

Ms. Peck: "They also have some concrete in the rear of the garage. It appears the architect made a mistake with his calculation because he counted in the driveway going all the way back to the garage."

Mr. Levy: "You have an existing setback that's supposed to be at 25' and you're set at 12.74' - that is a pre-existing condition?"

Mr. Nicosia: "Correct."

Mr. Levy: "There is a hardship that is existing and not caused by the applicant."

Mr. Levy: "The height of the structure is being extended?"

Mr. Nicosia: "Yes. A number of houses are much higher than what we are proposing. Our house will fit within the character of the neighborhood."

Ms. Peck: "With the change it comes to 38% of impervious coverage."

Mr. Charipper: "So they won't have to take out the concrete."

Mr. Levy: "No."

Mr. Levy opened the meeting to the public within 200'. No one from the public came forward. Mr. Levy opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace, came forward and was sworn in: "The actual height of the addition - what is it?"

Mr. Nicosia: "25' to the mean."

Mr. Levy closed the meeting to the public.

Mr. Karas: "The comment about the driveway is noted on the schedule. They're putting in addition to the addition a landing and steps that will increase the impervious coverage. They're willing to remove some of the concrete even though they're not required to do so. Would you be willing to remove the concrete along the right side of the plan?"

Mr. Nicosia: "As long as there is not a financial burden to do it."

Mr. Karas: "What about the walkway?"

Mr. Nicosia: "As long as there is not a financial burden."

Mr. Karas: "What about the concrete behind the garage?"

Mr. Nicosia: "Our neighbors use it."

Mr. Levy: "It's only 3% over the requirement."

Mr. Nakashian: "He's almost near the requirement. That sidewalk that's near the house may be pitching the water away from the house."

Ms. Nic: "That worries me to remove that portion against the house, but don't have a problem removing the walkway going to the garage."

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

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Meer, Mr. Levy - YES.

**APPLICATION APPROVED.**

4. Application #2006-054 – Michael and Alyssa Locascio  
0-160 Blue Hill Avenue, Block 1207, Lot 13, Zone R-1-3  
The proposed second story dormer would have an existing side yard setback of 7' where 8' is required. Would have a front yard setback of 19.9' and 24.9' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Michael and Alyssa Locascio came forward and were sworn in. Fees totaling \$88.00 were paid and proof of service was provided.

Mrs. Locascio: "We would like to build a dormer on the existing first floor."

Ms. Peck: "If it weren't for the Ordinance change they wouldn't be here."

Mr. Levy: "What is the height?"

Mrs. Locascio: "23'."

Mr. Newman: "The front yard setback is existing."

Mr. Levy opened the meeting to the public within 200'. No one came forward from either 200' or the general public. Mr. Levy closed the meeting to the public.

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

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Meer,  
Mr. Levy - YES.

**APPLICATION APPROVED.**

5. Application #2006-056 – Vladimir Taran and Sergey Zavrazhnoz  
17-42 Hunter Place, Block 2803, Lot 15, Zone R-1-2  
Existing lot is 6,574.7 s.f. where 7,500 s.f. is required. The proposed expansion would have existing side yard setbacks of 5.8' and 6.2' where 12' is required. Would have an existing front yard setback of 26.2' where 30' is required. Would increase the impervious coverage from 35.9% to 37.15% where only 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Vladimir Taran, came forward and was sworn in. Mr. Vladimir Kaushansky, Architect, also came forward and was sworn in. Fees totaling \$88.00 were paid and proof of service was provided.

Mr. Levy: "Mr. Kaushansky, are you licensed in the state of New Jersey?"

Mr. Kaushansky: "Yes."

Mr. Kaushansky provided his credentials and the Board accepted Mr. Kaushansky as an expert witness.

Plans were marked as Exhibit A-1.

Mr. Kaushansky: "The maximum height will be 26'. We are only adding a 2<sup>nd</sup> floor and the setbacks are existing. What we are seeking from the Board is relief from an undersized lot."

Mr. Newman: "How does this house fit in with the neighborhood?"

Mr. Kaushansky presented 6 photos of the neighborhood that were taken two weeks ago. Photos were marked as A-2.

Mr. Newman: "You're testifying that these homes are comparable."

Mr. Kaushansky: "Yes. These homes are even larger."

Mr. Karas: "Referring to your plan A-3 - to the rear of the building it indicates a 4' concrete pad for stair building. Why do you need that?"

Mr. Kaushansky: "It is feasible for then the stairs to sink into the ground."

Mr. Karas: "Where are the stairs in relation to the deck?"

Mr. Kaushansky: "On the North side."

Mr. Karas: "I don't see the stairs on the plan."

Mr. Levy: "They're shown on A-4."

Mr. Karas: "Can't you use piers?"

Mr. Kaushansky: "It is not feasible. The proper way to put it is to put it on a concrete pad."

Mr. Karas: "The first floor is within the setbacks and the second floor addition is within the footprint?"

Mr. Kaushansky: "Yes."

Ms. Spindel: "When I was on the block there was only 1 house on the block similar, the rest are capes. These expanded ones are on Split Rock which is around the corner. The others are on Halsey which is outside the 200 feet. I am questioning where these pictures are taken from. I am also questioning the 3 different types of fencing on the property."

Mr. Kaushansky: "We are planning on removing all the fencing and replace with all continuous fencing."

Mr. Levy: "The application states there is an impervious coverage from 35.9% to 37.15%. The plans show it higher."

Ms. Peck: "The architect made an error. It should be 39.8% and the side yard setback should be 5.9' and 6.2'."

Mr. Newman: "Is there anything that could be amended to decrease the impervious coverage?"

Mr. Kaushansky: "We could remove 209 s.f. of concrete pool deck."

Ms. Peck: "That would reduce it by 3.17%."

Mr. Levy opened the meeting to the public within 200' and the general public. No one from within 200' came forward. Mr. Harvey Rubenstein, 28 Rutgers Terrace was sworn in: "I'm not sure - is the building staying within the footprint and what will the height be?"

Mr. Kaushansky: "26.4' to the mean and the addition is staying within the footprint."

Mr. Levy: "I too am also concerned about the height - but it is allowed within the Ordinance."

Mr. Rubenstein: "It doesn't fit within the neighborhood."

Mr. Kaushansky: "The remaining capes are old and nobody wants to live in that small of a house and eventually they will be remodeling them."

Ms. Spindel: "Houses can be remodeled and it doesn't have to change the entire context of the house."

Mr. Kaushansky: "Unfortunately, with a cape you can't make the rooms large enough."

Mr. Levy: "This is pre-existing non-conforming setbacks."

Mr. Newman: "How exactly does the style of the home play into the negative criteria?"

Mr. Rosenberg: "Even when the structure is non-conforming and is being expanded, they still have to meet the criteria of a C-2 variance. The Board is to balance the testimony of the applicant and does the community benefit from this."

Mr. Nakashian made a motion to approve this application. Mr. Meer seconded the motion.

Mr. Karas: "I Abstain - I'm not sure."

Mr. Nakashian: "Yes, we have to look at progress."

Mr. Newman: "No. There are many homes that are nicely remodeled, but stay within the character of the neighborhood. I think the height of the building and the architecture doesn't fit at all."

Ms. Spindel: "No. I feel the house needs remodeling but the way it looks, it doesn't fit with the neighborhood."

Mr. Charipper: "No. I don't feel the proposed changes fit with the neighborhood."

Mr. Meer: "Yes. This is a small lot and the applicant was willing to reduce some of the impervious coverage. It's 1.6% more in coverage, it is mainly due to the size of the lot and is staying within the footprint. The height is within the Ordinance."

Mr. Levy: "No. The applicant has reduced the coverage and the further advancing of the Zoning Ordinance, and this does not fit in with the neighborhood. The applicant hasn't proven the C-2 criteria for a variance."

**APPLICATION DENIED.**

A recess was taken at 9:10 p.m. The meeting resumed at 9:20 p.m.

6. Application #2006-058 – Arkady Geltzer  
30-14 Garrison Terrace, Block 2805, Lot 17, Zone R-1-2  
Existing lot is 7,000 s.f. where 7,500 s.f. is required. The proposed addition and removal of a concrete patio would reduce the impervious coverage from 47.06% to 45.02% where 35% is permitted. Would have an existing front yard setback of 25.8' where 30' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Lawrence Guthartz, [Architect for the applicant] came forward and was sworn in. Fees totaling \$88.00 were paid. The Notice was insufficient and the applicant will have to re-publish.

**Application carried to the August 21, 2006.**

Mr. Rosenberg: "Notice with the newspaper was insufficient and re-notice in the paper is necessary, but re-notice to the property owners is not required."

7. Application #2006-057 – Thomas McMahan  
9-19 Berdan Avenue, Block 5605, Lot 23, Zone R-1-3  
The proposed 6' fence in the front yard setback where 3' is permitted as per RGO Section 125-38.A.

Thomas McMahan came forward and was sworn in. Fees totaling \$88.00 were paid and proof of service was provided.

Mr. McMahan: "I have a corner lot and would like a 5 1/2' fence and would like to coincide with my property. I need this for privacy and will be putting in a pool in the future."

Mr. Charipper: "Because of the characteristics of the land you need this?"

Mr. McMahan: "Yes. There are houses in the neighborhood that it fits in with."

Mr. McMahan presented 11 photos that were marked as Exhibit A.

Mr. McMahan: "I have bushes there now that I would like to remove."

Ms. Peck: "Shrubs as well as fences need to be maintained at 3'."

Mr. Sacchinelli: "You bought a corner house and you lack privacy. You caused your own hardship."

Mr. McMahan: "I bought the house due to the price. I'm trying to improve the house."

Mr. Newman: "There needs to be a hardship with the property that would require you to put in a 6' fence."

Mr. McMahon: "I am trying to keep the fencing on the one side so it looks even on this side yard. I'm trying to make the neighborhood look better."

Mr. Blecher: "How far back from the sidewalk is that portion of the fence going?"

Ms. Peck: "It would be 3' from the sidewalk."

Mr. McMahon: "Yes. This has been done in my neighborhood."

Mr. Karas: "To the rear of your property, there is chain link fence."

Mr. McMahon: "That's a 4' fence."

Mr. Karas: "Would you consider moving the fence back to your building line?"

Mr. McMahon: "Where would that be?"

Mr. Levy: "The side that is facing Rosewood. It would be 11.6' in."

Mr. McMahon: "I am willing to make a compromise."

Mr. Karas: "Would you be willing to bring the fence down to 4'?"

Mr. McMahon: "Yes."

Ms. Spindel: "Those pictures that you showed are not within 200'. There is only 1 house within 200'."

Ms. Spindel: "I am concerned about you pulling out those shrubs and they offer you more privacy."

Mr. Levy: "Are you willing to lower the fence height to 4'?"

Mr. McMahon: "Yes."

Mr. Levy opened the meeting within 200' and the general public. The following members of the public came forward and were sworn in:

Ms. Suzanne Fishbein, 12 Bancroft Place: " I agree with Jane Spindel and the shrubs should be left and the fences should not be allowed."

Arlene Rubenstein, 28 Rutgers Terrace: "Isn't the Ordinance read that a fence should not be higher than 3'?"

Ms. Peck: "Nothing higher than 3' is permitted on the front yard and he is beyond the sight triangle."

Ms. Rubenstein: "I think a 6' high fence would be a detriment not an asset."

Mr. Harvey Rubenstein, 28 Rutgers Terrace: "I'd like to know if Mr. McMahon was told about the 3' height ordinance."

Mr. McMahon: "I was informed by the Zoning Department."

Mr. Nakashian: "What about going 6' from the sidewalk line?"

Mr. McMahon: "That would be fine."

Mr. Craig Miller, 5 Ramapo Terrace: "I think the applicant testified that he has 6' shrubs and I feel that is nicer than a 6' fence."

Mr. McMahon: "I have 2 beautiful trees in front and a nice green lawn."

Mr. Levy: "The Board can't make you keep something you don't want. The character of the fence has been brought up and the Board has offered some compromises to you."

Mr. Charipper: "4' was offered and the applicant agreed to that."

Mr. McMahon: "What if I moved back the fence 6' and it would be behind the shrubs?"

Mr. Newman: "This discussion should be about the fence not the bushes. To make him leave the bushes in is unreasonable."

Mr. Levy: "I agree with you, but we want to keep it with the character of the neighborhood. Would you go with the 4' fence being pulled back 6' from where it's proposed now?"

Ms. Peck: "What if he takes a few minutes to think about this and go to the next applicant."

Mr. Levy: "Yes, that's fine."

8. Application #2006-059 – M&R Development, LLC  
57 Sandford Road, Block 3618, Lot 15, Zone R-1-2  
The proposed second floor addition would have an existing side yard setback of 7.8' where 10' is required. Would have an existing front yard setback of 24.8' where 30' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Fees totaling \$88.00 were paid and proof of service was provided.

Mr. Jeffrey Kantowitz [attorney for the applicant] came forward: "We have existing non-conformities. There is an Appellate Division Decision regarding the side yard variances that this requires relief. Your Zoning Officer decided that we need that variance, but it is within my right to disagree with that decision. This is an application to renovate an existing structure. The existing non-conformities are a front yard setback and a side yard non-conformity. There is a 1-story garage that lies 7.8' from the side yard. A 10' side yard is required. This property was before the Zoning Board 1 year ago and this is now a different application and eliminates 2 additional variances. You granted this variance by allowing an increase in building coverage. This application reduces the building coverage below 25% thereby eliminating a variance. 1 year ago this Board granted impervious coverage to 41.19%. This application reduces the impervious coverage down to 34.2% beneath the 35% maximum thereby eliminating a variance."

Mr. Rosenberg: "In terms of the prior variance, you have vested rights in the prior approval."

Mr. Kantowitz: "The resolution was adopted in June 2005."

Mr. Rosenberg: "Did you pull building permits?"

**Application #2006-057 – Thomas McMahan (continued)**

Mr. Levy called Mr. McMahan back up.

Mr. McMahan: "If I pull the fence back 6' I am willing to go with a 4' fence."

Mr. Newman made a motion to approve this application for a 4' fence in the front yard setback and will be brought back 6' from the property line and landscaping to be made in front of the fence. Ms. Spindel seconded the motion.

VOTE: Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Meer and Mr. Levy - YES.

**APPLICATION APPROVED.**

**Application #2006-059 – M&R Development, LLC (continued)**

Mr. Kantowitz: "My client advises me before the end of that year they applied to the Building Department for a permit that in fact there was no mention made in the Resolution of the front yard and side yard non-conformity and we now need to be here."

Ms. Peck: "Building Department permits were filed on May 25, 2006."

Mr. Rosenberg: "So there are vested rights in the prior approval."

Mr. Levy: "Were permits filed on the plans filed now or the previous plans?"

Mr. Kantowitz: "Based on the current plans, the Zoning Department noticed that it didn't include these 2 variances and dictated that they come before the Zoning Board. What we're doing is reducing 2 variances. The third variance for deck coverage was originally granted for 7.5% and we're proposing a deck under the maximum deck allowed of 5%. What we are seeking a variance for is a pre-existing front yard and a pre-existing side yard encroachment. Our application seeks to maintain that line 7.8' from the side but also enlarge the structure."

Raphael Danon, 15 Beekman Place, Fair Lawn, NJ [architect for the applicant] came forward. Mr. Danon is a licensed registered architect in New Jersey since 1988 and has testified before Municipal Boards. Mr. Danon was accepted as an expert witness.

Mr. Kantowitz: "Have you reviewed this application and the previous application?"

Mr. Danon: "Yes and I agree with your statement of eliminating the 2 variances."

Mr. Kantowitz: "You prepared a rendering for the application?"

Mr. Danon: "Yes."

Pictures dated 6/22/06 were marked as A-5 which were prepared by Mr. Danon.

Mr. Danon: "This shows the view on both sides of the street the East view and the West view."

Mr. Kantowitz: "Did you take those pictures?"

Mr. Danon: "One of my associates."

Mr. Kantowitz: "Does it accurately depict the area?"

Mr. Danon: "Yes."

Mr. Kantowitz: "It show us where the house is planned?"

Mr. Danon: "It's on the center."

Mr. Kantowitz: "What are the renovations?"

Mr. Danon: "We are using the same footprint and adding a second floor. It's going to be brick in the front and vinyl shingles."

Mr. Kantowitz: "You've walked up and down the street?"

Mr. Danon: "Yes."

Mr. Kantowitz: "Do you design with the surrounding properties?"

Mr. Danon: "Yes."

Mr. Kantowitz: "Do you design with the needs of the residents."

Mr. Danon: "Yes."

Mr. Kantowitz: "Does this fit in with the streetscape of Sandford Road?"

Mr. Danon: "These homes were built 50 years ago and have very tiny bedrooms. Some of them have a full size second floor. Approximately 5 have already expanded with a full second floor."

Mr. Kantowitz; "Do you notice any trend with home renovations?"

Mr. Danon: "Yes. Master bedrooms are becoming bigger. A 1/2 story in a cape becomes a second story."

The plans dated 4/28/06 were marked as Exhibits A1 through A4.

Mr. Danon went on to describe the plans and stated that the plans have been approved by the Radburn Association.

Mr. Kantowitz: "The size of the second floor - was there a reason it goes out to the existing garage?"

Mr. Danon: "The garage is 7.8' away from the side yard. If we would be building over the garage it wouldn't be aesthetically pleasing."

Mr. Kantowitz: "How is the second floor arranged?"

Mr. Danon: "We have 4 bedrooms including 1 over the garage. There is a master suite."

Mr. Kantowitz: "Was the location of the second floor designed in order to take advantage of existing structural features?"

Mr. Danon: "Yes."

Mr. Kantowitz: "Would it be difficult to alter the structure of the second floor to eliminate a non-conformity over the garage?"

Mr. Danon: "Yes. But would involve changes to the second floor."

Mr. Kantowitz: "Would the sizes of the rooms be diminished?"

Mr. Danon: "Yes. 30 sq. ft. would have been lost from each bedroom. Each bedroom should have a desk, computer, TV and a decent sized closet. A master bedroom should have it's own bathroom which these plans accommodate."

Mr. Kantowitz: "Does the survey accurately propose what is there on the property and what is being proposed?"

Mr. Danon: "Yes."

Mr. Kantowitz: "Do you live in town - in Radburn?"

Mr. Danon: "Yes."

Mr. Kantowitz: "Do you have an opinion as to how this proposal fits within the zone scheme?"

Mr. Levy: "Is he testifying as a planner or an individual resident of the area?"

Mr. Kantowitz: "As a qualified architect and a resident with specialized knowledge of the area."

Mr. Danon: "Yes, I do and have tried to make it the right shape, proportion and materials."

Mr. Kantowitz: "Do you feel that this proposal represents what is there?"

Mr. Danon: "It shows a larger home, but still is in proportion to other homes that could be there in the future."

Mr. Kantowitz: "Does it enhance the streetscape?"

Mr. Danon: "Yes."

Mr. Levy announced that Applicants #2006-060 and 2006-061 from tonight's agenda are being carried to the July 17, 2006 meeting due to the time being 10:40 p.m.

Mr. Kantowitz: "Recognizing there is a non-conformity - do you feel that is detrimental to the public good and welfare?"

Mr. Danon: "I think that putting the second floor over the first floor will improve the area and will be more aesthetically pleasing. If only a partial addition, it would not be aesthetically pleasing."

Mr. Charipper: "You would have an existing front yard setback of 24.8' what are the negative effects of that?"

Mr. Kantowitz: "That is existing."

Mr. Sacchinelli: "It sounds like you're designing the house around the garage. I think it wouldn't look right if you only did a partial addition."

Mr. Danon: "Yes."

Mr. Sacchinelli: "Does it have to be a 4 bedroom house?"

Mr. Danon: "Today's homes are at least 4 bedrooms."

Mr. Sacchinelli: "If you designed it a 3 bedroom house, it wouldn't look like this?"

Mr. Danon: "Yes."

Mr. Nakashian: "How many square feet do you have for the whole building?"

Mr. Danon: "The total footprint of the building 1,500. sq. ft. for the first floor (including the garage). The second floor would be 1,300 sq. ft. and the basement is 1,300 sq. ft."

Mr. Levy: "What is the total square feet of living area?"

Mr. Danon: "The first and second floor is about 2,500 sq. ft."

Mr. Levy: "How does this compare with the neighborhood?"

Mr. Danon: "This would be an average home for renovated homes with a second story."

Mr. Levy: "How does it compare with the existing neighborhood?"

Mr. Danon: "There are several homes with a second floor, but none with an addition over the garage."

Mr. Levy: "So this is more?"

Mr. Danon: "Yes, by 200 sq. ft."

Mr. Kantowitz: "We can go to the Tax Department and pull the property record cards and undertake what each house in the area has for square footage. If someone wanted to put a large addition out the back, and it conformed, might not even be before this Board. I don't think it would be the most useful information to know what each house in the area has for living space. Many of these homes can have very large living spaces and it wouldn't be pertinent to this case."

Mr. Karas: "When you said this Board granted the previous application it wasn't this Board. Was construction started or just permits filed?"

Mr. Kantowitz: "A permit was filed but construction did not begin."

Mr. Karas: "You're applying for a side yard variance for what?"

Mr. Kantowitz: "What currently exists is a garage which is 7.8' from the side. We have a 1-story garage which consists of a non-conforming structure. This is to seek to simply renovate the existing home by putting a second story right over the first floor and stay within the footprint."

Mr. Karas: "If this application is granted, you're abandoning the previous approval."

Mr. Kantowitz: "Yes."

Mr. Karas: "On A-4, I gather by that, that the basement will be a finished basement?"

Mr. Danon: "Yes."

Mr. Karas: "And to the rear of the rec room, there is stairway to go to ground level?"

Mr. Danon: "That is an exit that is existing."

Mr. Karas: "Facing the building from the front the right side of the basement it shows a square next to a basement window."

Mr. Danon: "It's an egress window and also to provide for more ventilation."

Mr. Karas: "What is the difference between a 2 and 2 1/2 story building?"

Mr. Danon: "A 1/2 story would have to have some space in the attic. I meet the requirements."

Mr. Karas: "You have a 2 1/2 story building."

Mr. Danon: "Yes, if you count the attic."

Ms. Spindel: "On the survey, are you removing a concrete pad? What is the X on the rectangle?"

Mr. Danon: "You are referring to existing stairs coming from the basement and it is staying."

Ms. Spindel: "I want to compliment you on staying with the neighborhood. There are safety issues on the property right now. There are a collapsing deck, open windows and water pits around the foundation."

Mr. Kantowitz: "We will erect a safety netting around the property. It will be done as soon as possible."

Mr. Levy: "This application drawing is different from what was shown to an earlier Board because of the extension over the garage?"

Mr. Danon: "Yes."

Mr. Levy: "The majority of houses in the area have a garage. Instead of having that type of character, you want to change the design and put an addition on top of the garage."

Mr. Danon: "It is an improvement and this is more aesthetically pleasing. The garage is usually 2-3 feet below the first floor and you have a 2 story house with 3' ceiling."

Mr. Levy: "It is changing the character of the neighborhood."

Mr. Danon: "There is always progress and change."

Mr. Levy: "There is a way to improve without changing the character of the neighborhood."

Ms. Spindel: "The style of the windows has to conform with Radburn."

Mr. Danon: "Yes. We have approval for these plans and the previous plans were not approved."

Mr. Levy: "Can we carry this to the next meeting?"

Mr. Kantowitz: "I cannot attend the July 17 meeting."

Mr. Levy: "By show of hands, who has comments on this application? There is a substantial amount from the public that which to be heard."

Mr. Kantowitz: "Can I have a special meeting?"

Mr. Newman: "If the public is not repetitive, we can have the public comment tonight."

Mr. Levy: "I am not going to open the meeting to the public."

**Application carried to August 21, 2006.** There will be no further notice required.

9. Application #2006-060 – Arkady and Rita Zutler  
37-02 Ferry Heights, Block 2607, Lot 14, Zone R-1-2  
Existing lot is 5,888.85 s.f. where 7,500 s.f. is required. The proposed dormer would have an existing front yard setback of 24.77' where 25' is required. Would have existing side yard setback of 5.99' and 6' where 10' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

**Carried to July 17, 2006.**

10. Application #2006-061 – Mohammad Faiza Riaz  
10-01 Berdan Avenue, Block 5603, Lot 30, Zone R-1-3  
The proposed 6' fence in the front yard setback where 3' is permitted as per RGO Section 125-38.A.

**Carried to July 17, 2006.**

RESOLUTIONS:

1. Resolution of Approval for Joell and Jane Perkel and F. Cannella, 34-15 Hillside Terrace, Block 2611, Lot 21.
2. Resolution of Approval for Michael and Christine Mappa, 7-26 Chester Street, Block 5829, Lot 10.
3. Resolution of Approval for Joseph D. Ravenelle, III, 12-18 Bellair Avenue, Block 4520, Lot 19.
4. Resolution of Approval for Antonio and Julie Beites, 5-29 Elizabeth Street, Block 1405, Lot 55.
5. Resolution of Approval for Joseph Fojon, 68 Albert Avenue, Block 6806, Lot 13.
6. Resolution of Approval for Eric Hirsch, 15-07 Jordan Road, Block 2711, Lot 19.
7. Resolution of Approval for Howard and Lisa Londner, 3-36 Hartley Place, Block 3325, Lot 31.
8. Resolution of Approval for Alexandra Frolov, 38-48 Van Riper Place, Block 2505, Lot 84.
9. Resolution of Approval for Akinbowale Adegbayi, 26 Smith Avenue, Block 6903, Lot 4.

Mr. Newman made a motion to accept these Resolutions and Mr. Karas seconded the motion.

VOTE: All Eligible – YES.

APPROVAL OF MINUTES:

Mr. Newman made a motion to approve the amended minutes for the June 26, 2006 meeting. Ms. Spindel seconded the motion.

VOTE: All Present - YES.

VOUCHERS/ESTIMATES:

1. Voucher in the amount of \$440.50 submitted by Birdsall Engineering in reference to the Chang application. Mr. Newman made a motion to approve this voucher and Ms. Spindel seconded the motion.

VOTE: All Present - YES.

2. Mr. Newman made a motion to approve the estimate submitted by Birdsall Engineering to render services for \$2,300.00 for the Zap Lube application. Ms. Spindel seconded the motion.

VOTE: All Present - YES.

Commercial Old 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).

Mr. Newman made a motion to go into closed session and was seconded by Mr. Charipper to discuss the Chang application that was denied at the June 26, 2006 meeting. Ms. Spindel made a motion to close the executive session and re-open the public meeting and was seconded by Mr. Newman.

Mr. Levy: "There was a request made by Mr. Maycher for a Notice of Motion for Reconsideration for the Chang application. The Board will be polled in reference to this."

Mr. Levy: "I vote yes to re-hear the application."

Mr. Meer - "Yes."

Ms. Spindel - "Yes."

Mr. Sacchinelli: "No."

Mr. Newman: "No."

Mr. Levy: "Mr. Karas, you will have to read the transcripts and sign an affidavit."

Mr. Nakashain made a motion to adjourn this meeting and Mr. Karas seconded the motion.

VOTE: All Present - YES.

MEETING ADJOURNED AT 11:30 p.m.

Respectfully submitted,

Carol LoPiccolo  
Zoning Board Clerk