

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Of July 17, 2006**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on **Monday, July 17, 2006**.

Chairman Scott Levy called the regular meeting to order at 7:55 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. Salerno, Mr. Sacchinelli, Mr. Blecher, Mr. Diner, Mr. Meer, Mr. Charipper and Mr. Levy.

Also in attendance were Bruce Rosenberg, Board Attorney; Carol LoPiccolo, Zoning Board Clerk; and Mark Kataryniak, Zoning Board Traffic Engineer.

Commercial Old Business:

1. Application #2006-038, 37-10 Broadway, LLC (Zap Lube)
37-02/37-10 Broadway, Block 2201, Lot 2, Zone B-2
The placement of a billboard sign on the property located at 37-01 through 37-10 Broadway, Block 2201, Lot 3. The billboard requires a use variance as the service is provided at another location RGO Section 125-57(d)(1).

Ronald Mondello [attorney for the applicant] came forward. "There have been a number of discussions between myself and Mr. Weiner [principle of 37-10 Broadway, LLC] and Mr. Smart, and we have decided to take a closer look at this application. We would like to come back before this Board with an amended site plan which will contain the signage of both pices of property and to come up with a strategy for a more global uniform site and more aesthetically pleasing site. We will remove the fence on the property that is in poor shape and work with the Broadway Improvement Corporation [BIC] along with his engineer to look at better parking and better ingress and egress. I could have Mr. Weiner sworn in to testify that he has agreed to all these items."

Mr. Levy: "So you will amend your application?"

Mr. Mondello: "I think Mr. Smart should be given a chance to speak."

Mr. Don Smart came forward and was sworn in: "I am also here tonight with a number of residents from the area. We have toured the site with them and are here tonight to go for an amended application which will provide for lighting and a commonality of both properties. In touring the property it became apparent that the

current application of 2 signs would be better served with an amended application that perhaps they might want to take down the fence which would permit better ingress and egress. The applicant is prepared at his cost to replace the fence in its entirety which abuts the residential properties and he is willing to revise these plans in cooperation with BIC. This has far more potential and support than the current application."

Mr. Levy: "What is the time frame?"

Mr. Mondello: "I would anticipate a September date."

Mr. Nakashian: "What was the date when those illegal signs were put up?"

Mr. Mondello: "I am not sure, but I know the Building Department has viewed them as billboards. I disagree. My clients' business is adjoined to the building."

Mr. Nakashian: "In the Ordinance we have sign requirements. I think they should take those signs down now."

Mr. Levy: "The signs are up and are on notice, but because they have an application before us, we cannot ask them to take it down."

The Board voted to adjourn this application to September 18, 2006.

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

The applicant consented to an extension of time for the Board to act and will re-notice.

Application adjourned to September 18, 2006.

Commercial Business:

2. McDonald's Restaurant
37-01 Broadway, Block 2320, Lots 10, 11 & 12
Proposal to close the access driveway of McDonald's so that vehicles transversing 37th Street cannot enter the McDonald's restaurant site at that location under the Zoning Board Resolution of January 3, 1983.

Mr. Karas and Ms. Spindel both recused themselves from this matter.

Michael Kates [Borough Attorney] came forward. "The Mayor and Council on June 13, 2006 wished to close the 37th Street driveway of the McDonald's site. Under the January 3, 1983 Resolution we should be before you to alert you on

what the Mayor and Council would like to do. The Resolution was adopted in 1983 to create a playland in the interior of the building."

Mr. Kates read from the Resolution which was marked as Exhibit A-1. Mr. Kates called Officer Timothy Franco forward who was sworn in.

Mr. Kates: "Pursuant to the Chief's request, did you look at the site?"

Mr. Franco: "Yes I did. People in the neighborhood asked for relief for traffic volume. Some of the neighbors came with a proposal for a dead end on the southerly end. I came up with an alternate solution which would to make 36th Street a one way southbound. The discussion at the Council work session was to close the driveway and try a 90 day trial period of 36th Street being a one way which will end in 90 days. If it works, we will propose to change it to a one way. There is also a problem with the Yerger Road U-Turn. A vehicle on Yerger Road would have to change lanes coming in to the traffic of the U-Turn which causes a traffic problem to negotiate that turn."

Mr. Kates marked the site plan dated 11/27/02 as Exhibit A-2.

Mr. Franco depicted on the site plan where the one way street began and ended for 36th Street.

Mr. Kates: "With that, there are still complaints with the driveway open?"

Mr. Franco: "Yes. With the exception of Fire Company 3 there are no other vehicles that access the site from that area. They all access it from 208 through Virginia Drive. Unless a car is in that area, they do not access it from that area."

Mr. Paul Salvatoriello [attorney for McDonald's] came forward: "We are here to object to this summary proceeding. Evidence is being put on the record and we have only learned about this tonight. We received a letter from the Chairman and we objected to this Hearing and felt this could all be addressed at one time. I only received Mr. Kataryniak's report at the end of last week and have had no time to prepare. Joe Steinberg is the attorney on record and is not available tonight and we would like a special meeting to handle all the McDonald's issues at once. The 37th Street entrance has been there for 20 years and while the Board handled the drive-thru it wasn't addressed then. I haven't seen any traffic counts. There are a lot of legal technical issues. Is the 1983 Resolution even in effect right now? It's our position we object to this being addressed right now. We feel it is an arbitrary move by the Board and would like a special meeting."

Mr. Levy: "The previous Board in 1983 discussed this issue."

Mr. Salvatoriello: "Not during the 2004 application was it discussed. The property owner is not going to participate in this Hearing and didn't have time to prepare."

Mr. Rosenberg: "Is it your client's intention to act on the 1983 resolution and an amended application?"

Mr. Salvatoriello: "There is a pending application that was stayed for the signage and an automatic gate. Why not handle these issues all at once?"

Mr. Rosenberg: "I think procedurally that the Board has to vote on these issues as to whether the Board should wait to hear this or continue with the closing of 37th Street as presented by the Borough."

Mr. Kates: "The Mayor and Council if they see a need they will close that driveway, I see no reason to incorporate this into the whole application. Under the police if there is a problem, they will close that entrance. I just wanted to get this going and don't want the Board to feel they need to act on this tonight."

Mr. Kataryniak [Traffic Engineer] was sworn in. "July 12, 2006 is the date of my report which stated the proposal site circulation issues and the proposal. In hearing Officer Franco's testimony, in response to the Yerger Road U-Turn, I agree with those comments. My recollection of the proceedings of the drive-thru, some concerns of 37th Street were discussed. If you look at this application on a state highway, there are traffic concerns on the side streets. The State DOT always looks to divert the traffic off the highway. I have no objections to closing that driveway from 37th Street. That is somewhat isolated from the site. However, whenever you have a site with more than 1 driveway, there are issues. I think it would be prudent to look at the traffic at the light on Route 4."

Mr. Charipper: "I think it would make sense to have a special meeting for all these issues. Wouldn't there be legal ramifications for proceeding with this tonight? Would you provide a transcript from the first meeting on your most recent application?"

Mr. Salvatorillo: "Yes."

Mr. Levy: "I will poll the Board on the issue of holding a special meeting."

Mr. Rosenberg: "I don't have a problem to integrate this application and gives the applicant due process."

Mr. Newman, Mr. Salerno, Mr. Sacchinelli, Mr. Meer, Mr. Nakashian, Mr. Meer and Mr. Levy - YES.

Mr. Diner: "What about the 90 day trial period?"

Mr. Franco: "By Statute, within the 90 days the situation remains the same, we will enact an Ordinance to continue it and it wouldn't interfere with the application."

Mr. Rosenberg: "Mr. Franco could you come back for a special meeting?"

Mr. Franco: "Yes."

This matter was carried to a special meeting on September 7, 2006.

Residential Old Business:

1. 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.

Michael Carullo [contractor for the applicant] and Rita Zutler came forward and were both sworn in. Fees totaling \$88.00 have been paid and there was proof of service.

Ms. Zutler: "In my house, I have a master bedroom on the second floor and don't have a bathroom."

Mr. Carullo: "The bedroom is upstairs and have been there for 21 years and we would like to build a dormer out 5' and are not extending anything on the sides or the front and are keeping the ridge the same line."

Mr. Levy opened the meeting to the public within 200' and the general public. No one came forward.

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

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

APPLICATION APPROVED.

2. 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.

Mohammad Riaz and Faiza Riaz came forward and were sworn in. Fees totaling \$88.00 were paid and there is proof of service.

Mr. Riaz: "We would like to put a 6' fence in the front yard."

The Survey was marked as Exhibit A and pictures were marked as Exhibit B.

Mr. Karas: "From the sidewalk there is a lawn that elevates 2 or 3 feet?"

Mr. Riaz: "Yes."

Mr. Karas: "There is a wall and you put a fence on that it will be 8' or 9'."

Mr. Riaz: "No. It won't be on the wall it will be near the wall."

Mr. Karas: "But it will be 3' higher than the sidewalk. Would you consider reducing the fence to 4'."

Mr. Riaz: "We need some privacy, what about 5'?"

Mr. Karas: "Would you consider 4'?"

Mr. Riaz: "Then I don't have privacy, so no."

Ms. Spindel: "Your reasons for a 6' fence?"

Mr. Riaz: "It is for privacy - it is very open."

Mrs. Riaz: "My son's toys are there and have been stolen."

Ms. Spindel: "Did you report it to the police?"

Mrs. Riaz: "No."

Mr. Meer: "Are there any houses near you that have a 6' fence?"

Mrs. Riaz: "Yes."

Mr. Riaz presented additional photos that were marked as Exhibit C.

Mr. Rosenberg explained the criteria for a C-1 variance.

Mr. Newman: "Is there anything particular about your lot that requires you to have a 6' fence?"

Mr. Riaz: "The lot is so open and we would like to have 5' instead of 4'."

Mr. Sacchinelli: "The sidewalk on Berdan - the grade is higher."

Mr. Riaz: "Between 2' and 3'."

Mr. Riaz: "I will go 4' on the Berdan side."

Mr. Levy opened the meeting to anyone within 200'. No one came forward. Mr. Levy opened the meeting to the general public.

Mrs. Arlene Rubenstein, 28 Rutgers Terrace was sworn in. "Since we do have an Ordinance in place, since his rationale doesn't meet the criteria, this Board should not grant this and I am opposed."

Mr. Charipper: "Is the applicant amending his application?"

Mr. Riaz: "I will amend the fence to 4' on the Berdan Avenue but would like a 5' fence on the Rosewood side."

Mr. Newman: "If you pull back the fence within the setback you can have the height you want."

Mr. Riaz: "The lot is so small and do not want to pull the fence back."

Mr. Meer made a motion to deny this application for a 6' fence in the front yard setback. Mr. Karas seconded the motion.

VOTE: Mr. Karas, Mr. Newman, Ms. Spindel, Mr. Charipper, Mr. Meer,
Mr. Levy - YES.
Mr. Nakashian - No.

APPLICATION DENIED.

Residential New Business:

1. Application #2006-062, Stephen and Amy Agress
36-14 High Street, Block 2709, Lot 12, Zone R-1-2

The proposed construction would have an existing front yard setback of 27' where 30' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Ronald Dworkis [Architect for the applicant] and Stephen and Amy Agress came forward and was sworn in. Fees totaling \$88.00 were paid and proof of service was provided.

Mr. Dworkis: "The existing residence is located in an R-1-2 zone and has an existing non-conforming front yard setback of 27'. Relief should be granted because this is a pre-existing condition. The proposed project is along the rear of the dwelling and does not change the existing front yard setback and every other area conforms."

Mr. Levy: "On High Street, there is a radius to the property line?"

Mr. Dworkis: "Yes, which affects the irregularity of the lot."

Mr. Levy opened the meeting to the public within 200' and the general public. No one came forward.

Mr. Newman made a motion to approve this application and Ms. Spindel seconded the motion.

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

APPLICATION APPROVED.

The Board took a recess at 9:15 p.m. The meeting resumed at 9:20 p.m.

2. Application #2006-063, Ronald and Myra Sherman
33-23 Halsey Road, Block 2814, Lot 18, Zone R-1-2
Existing lot is 7,323 s.f. where 7,500 s.f. is required. The proposed addition would have an existing side yard setback of 8.2' where 10' is required. Would have an existing front yard setback of 25' where 30' is required. Would increase the building coverage from 20.5% to 32.5% where 25% is permitted. Would increase the impervious coverage from 31.5% to 41.6% where 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Mr. Newman recused himself from this application.

Ronald Sherman and Fred Klenk [architect for the applicant] both came forward and were sworn in. Fees totaling \$88.00 have been paid and there is proof of

service.

Plans dated March 10, 2006 marked as Exhibit A-1.

Mr. Klenk: "The applicants have been residents for 48 years and are proposing this addition to meet the needs of the growing family. As they get older, the facilities for the bathroom and the living area, and a master bedroom with an enlarged bathroom, are needed. Mrs. Sherman is in the hospital with a broken hip. They have a lot of 7,323 s.f. where 7,500 s.f. is required and it is pie shaped. Their lot is 69.85' where 75' in width is required. This creates some setback issues. Because of their needs, we propose a 1 story addition to the rear. The residence from the front would remain the same except for enhancing it with stone. The existing front yard setback is 25', which at the time it was built, conformed. The side yard requirements in this zone are 10' - on the right hand side there is an existing 10.1' and 11.1' setback. On the left side there is 10.2' which narrows to 8.2', due to the irregularity of the property. Those non-conformities are existing. The rear yard setback conforms. The building coverage we propose is 32.5%. The impervious coverage we propose is 41.6%. There is a deck that we are proposing which conforms. The existing shed at the rear of the property will be removed. The intent of the zoning ordinance is adhered to and we feel this is not a detriment. The needs of my client prohibit a second story."

Ms. Spindel: "I don't see the shed on the site plan."

Mr. Klenk: "It has been removed. That actually is concrete which will be removed."

Ms. Spindel: "What will the new impervious coverage be then?"

Mr. Klenk: "It would be reduced by approximately 2%."

Ms. Spindel: "Can you reduce the size of the back room to reduce the coverage?"

Mr. Klenk: "We could not."

Ms. Spindel: "What is between the dining room and the bedroom?"

Mr. Klenk: "That is a closet."

Mr. Karas: "Your great room is 17' x 18'. That is very big in comparison to the size of the den."

Mr. Klenk: "It is not a den per say. It will be used as a bedroom for their

grandchildren. The existing dining room is an expansion of the kitchen and they need a larger room to entertain. 17' x18' is not that large of a room compared to the average sized great room."

Mr. Karas: "You're increasing your building coverage by 12% and impervious by 10% which brings both of them over the maximum required. I understand it is a ranch dwelling. I was hoping that you could offer something to decrease those numbers."

Mr. Klenk: "We could propose a 2nd story here which would reduce the coverages, but would impact the community, and this stays within the character of the neighborhood."

Mr. Karas: "By increasing the size of the building, you could in the future put a second floor."

Mr. Levy: "We can't look at what he might do in the future."

Mr. Karas: "How do we know if there have been any previous applications?"

Mr. Levy: "There is a question on the application form".

Mr. Sacchinelli: "You're doing some work on the front of the house? What if you remove the front porch?"

Mr. Klenk: "That would reduce it by approximately 2%. But a front porch has an architectural appeal aesthetically. We would like to enhance the look of the front porch."

Ms. Spindel: "This is very much in character with the neighborhood and I think putting the stone in the front will improve the look."

Mr. Levy opened the meeting to the public within 200' and then the general public. No one came forward.

Mr. Rosenberg: "This is a C-2 variance. The applicant has offered that what is proposed is balancing."

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

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

APPLICATION APPROVED.

3. Application #2006-064, Boris and Galina Brin
7-14 Essex Place, Block 6503, Lot 1, Zone R-1-3

Existing lot is 5,230 s.f. where 6,500 s.f. is required. The proposed driveway expansion would increase the impervious coverage from 45.92% to 49.15% where 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Ms. Galina Brin came forward and was sworn in. Fees totaling \$88.00 have been paid and proof of service has been provided. "My lot is undersized and I do not have a large enough area for parking and want to enlarge the driveway on the side."

Mr. Levy: "This is a 2-family house?"

Ms. Brin: "Yes."

Ms. Spindel: "You have a 2 car garage?"

Ms. Brin: "Yes."

Ms. Spindel: "How many cars are parked in the driveway?"

Ms. Brin: "3."

Ms. Spindel: "Where are the rest parking?"

Ms. Brin: "They are looking for parking somewhere else."

Mr. Levy opened the meeting to the public within 200'.

Paul Perkins [attorney for Ms. Gizak, an objector], came forward. "Has the house always been a 2-family?"

Ms. Brin: "Yes."

Mr. Perkins: "It was a two-family since 1951."

Ms. Brin: "I bought this on January 31, 2005 and I bought it as a 2 -family."

Mr. Perkins: "How many families live there?"

Ms. Brin: "2 families."

Mr. Perkins: "How many people?"

Ms. Brin: "2 adults on the first floor and 4 adults on the second floor. My tenants have 5 cars altogether. I live in a single family house and are a family of 4 and we will have 4 cars. Parking is not permitted on the streets and my tenants right now need the parking and future tenants may not need as much parking."

Mr. Rosenberg: "If the Board grants an approval with this application it stays with the property."

Ms. Brin: "Most of the driveways can accommodate 1 car behind each other - this cannot."

Mr. Perkins: "How many bedrooms are there?"

Ms. Brin: "2 bedrooms on the second floor and 3 bedrooms on the first floor."

Mr. Karas: "When the house was converted to a 2 family was it done legally?"

Ms. Lopiccio: "I did look in the zoning file and it was granted by the Zoning Board on September 12, 1951 and then looked in the tax files which indicated the same."

Elizabeth Giszack, 7-08 Essex Place, came forward and was sworn in.

Mr. Perkins: "How long have you lived there?"

Ms. Giszack: "Over 50 years."

Mr. Perkins: "How many cars have you seen there?"

Ms. Giszack: "4. I am concerned over a pine tree being removed or damaged. It is 3 or 4 feet from the property."

Mr. Levy: "Where do you live in relation to the applicant?"

Mr. Perkins: "She lives on the south side of the house."

Mr. Levy: "The tree straddles the property?"

Ms. Giszack: "No, it's on my property."

Mr. Levy: "From their fence to your tree, how far is it?"

Ms. Giszack: "About 3'."

Mr. Perkins: "When the house was built prior to 1951 it was built as 1 family. Mr. Perkins read 256 N.J. Super., Ketcherik v. Borough of Mountain Lakes. This was a 2 family created and they have created this hardship and would like a continuance. I have allegations that this is not being used as a 2 family but a multi-family. If the tree is damaged that will reduce the value of my Client's property."

Mr. Rosenberg: "Whether it is being legally used as a multi-family is not before this Board."

Mr. Perkins: "If this is the result of an illegal use, I would like time to investigate this and they have created this hardship."

Mr. Charipper: "I have a problem with a continuance and these are allegations."

Ms. Spindel: "Are these cars there on a nightly basis?"

Ms. Gizak: "There was for quite a while 4 cars, but now they've stopped because of the police."

Mr. Levy: "Where were they parked?"

Ms. Gizak: "On the lawn because there is not enough parking."

Ms. Spindel: "When did this happen?"

Ms. Gizak: "Approximately 2 months ago."

Mr. Levy: "Is this a corner lot?"

Ms. Brin: "Yes. I received a violation notice for parking on the grass so I came to the Zoning Department and stopped parking on the lawn."

Mr. Newman: "Where have the additional cars been getting parked?"

Ms. Brin: "Floating around."

Mr. Newman: "You can park on the street every fourth night."

Ms. Brin: "It's not the car that can park every fourth night, it's the house that is allowed to put a car on the street."

Mr. Levy opened the meeting within the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace came forward and was sworn in. "If you put this driveway in, will you have any lawn left?"

Ms. Brin: "Yes, I am only adding a small portion to add on either side."

Mr. Perkins: "I believe this hardship was created by the predecessor."

Mr. Rosenberg: "You have asked to continue this application for 1 month. The Board has to decide whether to grant this request."

Mr. Levy: "Should the Board approve this, doesn't any interested party have 45 days to appeal the decision?"

Mr. Rosenberg: "Yes."

Mr. Newman, Mr. Meer, Ms. Spindel were not opposed to an adjournment
Mr. Charipper, Mr. Karas, Mr. Nakashian, Mr. Levy were opposed for an adjournment.

ADJOURNMENT REQUEST DENIED.

Ms. Spindel: "She was the only house that had a short driveway. But what about once it's expanded she will increase the amount of tenants."

Mr. Sacchinelli: "By renting the house to tenants with more cars than she could accommodate, she has created her own hardship."

Ms. Brin: "We live in a residential area and public transportation is readily available. Nowadays, both spouses are usually working and kids grow up and go to work and the amount of cars has increased. Almost every house gets in to problems with parking."

Mr. Perkins: "We do feel the approval of this application has been created by this applicant, but if the Board should approve this, please save the trees on my client's side."

Mr. Charipper: "Is it possible to safeguard the tree?"

Ms. Brin: "I could move the driveway on the other side."

Mr. Levy: "You could leave the driveway 5' from the property line."

Ms. Brin: "That's fine."

Mr. Newman: "If you go with a total width of 25' with the apron I think it will be enough for 5 cars."

Ms. Brin: "I don't feel by enlarging my driveway it will ruin her tree."

Mr. Charipper: "This is a compromise."

Mr. Karas made a motion to deny this application. Mr. Nakashian seconded the motion.

Mr. Charipper: "I disagree. There is a hardship here. We are trying to compromise here."

Mr. Karas, Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Meer - YES.
Mr. Charipper and Mr. Levy - NO.

APPLICATION DENIED.

Commercial New Business:

1. Application #2006-067, MBB Art, Inc. (Bill Cirignano - Screamin Ink)
34-09 Broadway, Block 2315, Lot 12, Zone B-2
The expansion of a non-conforming use requires a use variance as per RGO Section 125-57.D.(d).

Mr. Mondello [attorney for the applicant] came forward for Sceramin Ink. "Due to the late hour, we have on objection to this matter being adjourned to the August 21, 2006 meeting."

The applicant consented for an extension of time for the Board to act.

APPLICATION ADJOURNED TO AUGUST 21, 2006.

RESIDENTIAL NEW BUSINESS (continued)

4. Application #2006-065, Joseph and Diane Tedeschi
4-08 Hartley Place, Block 3409, Lot 16, Zone R-1-3
Existing lot frontage is 54' where 65' is required. Proposed second story addition would increase the existing impervious coverage from 52.2% to 53.1% where 35% is permitted. Would have existing side yard setbacks of 7' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Ms. Spindel, Mr. Nakashian, Mr. Karas and Mr. Newman recused themselves from this application.

Fees totaling \$88.00 have been paid and proof of service was provided. Mr. Joseph Tedeschi came forward and was sworn. Plans dated June 27, 2006 were marked as Exhibit A-1.

Mr. Tedeschi: "We would like to construct a dormer to enlarge the bedrooms. Due to the shape of the lot it has created this hardship."

Mr. Sacchinelli: "You will be at 53.1% in impervious coverage."

Mr. Tedeschi: "Yes. The addition is only 218 sq. feet. I have actually reduced the amount of impervious coverage since I bought this house."

Mr. Sacchinelli: "Can you reduce some of the impervious coverage?"

Mr. Tedeschi: "No."

Mr. Meer: "I feel this improves the neighborhood and he is increasing this by less than 1%."

Mr. Levy opened the meeting to the public within 200'. Mr. John Nakashian, 2-09 27th Street, came forward and was sworn in. "The property behind Hartley Place borders on an industrial area. They have built up the neighborhood and I am in favor of this."

Mr. Harvey Rubenstein, 28 Rutgers Terrace, came forward and was sworn in. "How high will the house be?"

Mr. Tedeschi: "25'."

Mr. Rubenstein: "Will there be houses higher?"

Mr. Tedeschi: "Some will be higher and some will be lower."

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

VOTE: Mr. Charipper, Mr. Blecher, Mr. Diner, Mr. Meer, Mr. Levy - YES.
Mr. Salerno, Mr. Sacchinelli - NO.

APPLICATION APPROVED.

Mr. Levy adjourned the following applications to the August 21, 2006 meeting.

5. Application #2006-066, Joshua and Ella Weiss
13-46 Comerford Place, Block 1605, Lot 12, Zone R-1-3
The additional concrete walkway around pool and increase to the existing patio would increase the impervious coverage from 42.76% to 50.39% where 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.
6. Application #2006-068, Susan Snochowski
4-06 Lyons Avenue, Block 5628, Lot 11, Zone R-1-3
The existing lot has a lot frontage of 50' where 65' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.
7. Application #2006-069, Christopher Laoudis
39-26 Sycamore Drive, Block 1110, Lot 18, Zone R-1-3
The existing lot has lot frontage of 51.92' where 65' is required. The proposed second story addition would have existing 5' and 5.9' side yard setbacks where 8' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.
8. Application #2006-070, Joseph and Ann Landi
7-11 Hopper Avenue, Block 5610, Lot 21, Zone R-1-3
The proposed 6' fence in the front yard setback where only 3' is permitted as per Section 125-3.
9. Application #2006-071, Alain and Victoria Montero
9 Ruskin Road, Block 3617, Lot 9, Zone R-1-2
Existing lot is 6,010 s.f. where 7,500 s.f. is required. Existing lot frontage is 65' where 75' is required. The proposed addition would have a front yard setback of 18.4' where 30' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Vouchers

1. Voucher submitted by Karen Kocsis in the amounts of \$500.00 for the May 22, 2006 meeting and \$500.00 for the June 5, 2006 meeting.
2. Voucher submitted by Birdsall Engineering in the amount of \$429.00 in reference to the Chang application.
3. Voucher submitted by Winne Banta in the amount of \$270.00 for special meeting of June 5, 2006.

Mr. Charipper made a motion to approve these vouchers and Ms. Spindel seconded the motion.

VOTE: All Present - YES.

Resolutions

1. Resolution of Approval for Carl Mecky and Christoper Rodriguez, 10-26 4th Street, Block 5512, Lot 10.
2. Resolution of Denial for Adolph and Thecla Everett, 0-102 Blue Hill Avenue, Block 1110, Lot 24.
3. Resolution of Approval for Junelito and Josefa Fuertes, 38-40 Vanore Drive, Block 2504, Lot 45.
4. Resolution of Approval for Angelo and Christina Ingrati, 2 Burnham Place, Block 3716, Lot 12.
5. Resolution of Approval for Dennis and Catherine DeRitter, 13-20 3rd Street, Block 5622, Lot 12.
6. Resolution of Approval for Syama and Madhumita Sinha, 11-14 5th Street, Block 5510, Lot 2.
7. Resolution of Approval for Maple Auto, 11-12 River Road, Block 5506, Lot 1.

Mr. Newman made a motion to approve these Resolutions and Mr. Charipper seconded the motion.

VOTE: All Eligible - YES.

Minutes

Mr. Charipper made a motion to approve the amended minutes for the May 22, June 5 and June 26 meetings. Mr. Newman seconded the motion.

VOTE: All Eligible - YES.

ADJOURN

Mr. Newman made a motion to adjourn this meeting and Mr. Charipper seconded the motion.

VOTE: All Present - YES.

TIME: 11:10 a.m.

Respectfully submitted,

Carol LoPiccolo
Zoning Board Clerk

