

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Special Meeting  
of September 7, 2006**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's special meeting held on **Thursday, September 7, 2006**.

Chairman Scott Levy called the special meeting to order at 7:30 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present were: Mr. Nakashian, Ms. Spindel, Mr. Charipper, Mr. Levy, Mr. Sacchinelli, Mr. Salerno and Mr. Diner.

Absent were: Mr. Karas, Mr. Newman, Mr. Meer and Mr. Blecher.

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

**Residential Old Business:**

1. 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.

Joseph and Ann Landi came forward and were sworn in. Fees totaling \$88.00 have been paid and there was proof of service.

Mr. Charipper: "What are the problems with the land that requires a 6' fence?"

Mr. Landi: "Our property is a transition property. Our westbound border is a commercial property which is B&B Liquors, and across the street is a bank and the cars coming through face our property. Since B&B Liquors have opened there has been an increase in traffic. In addition, the property that we want to fence off is a side yard."

Pictures depicting the property were marked as Exhibit A.

Mr. Levy: "There are a series of photographs showing what is existing and what is proposed, this is a unique situation. On the second page it shows the commercial zone."

Mr. Charipper: "It's not a hardship that has been created by this individual but has been created by others."

Mr. Levy: "Across the street by the bank there is a residential structure, there is an existing 6' fence along that property?"

Mr. Landi: "No. He doesn't face the same situation that we do. He doesn't have the egress of the bank like we do."

Ms. Spindel: "Who put the fence up on the side by B&B Liquors?"

(Mr. Meer arrived at 7:40 p.m.)

Mr. Landi: "That was put up by B&B Liquors. There is a 6' fence on the right hand side of the photograph, we intend to take the same style fence and connect it to the side of our garage and it will enhance the area. We are continuing what is already there."

Ms. Spindel: "Will there be a gate there?"

Mr. Landi: "Yes."

Ms. Spindel: "Big enough for cars to go back there?"

Mr. Landi: "No. There is concrete there now and that will be removed."

Mr. Levy opened the meeting to the public. No one came forward. Mr. Levy opened the meeting to the general public.

Mr. Harvey Rubenstein, 28 Rutgers Terrace: "I support this application and am familiar with the property and have been at many meetings and this property is a hardship."

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner, Mr. Charipper and Mr. Levy - YES.

**APPLICATION APPROVED.**

2. 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.

Alain and Victoria Montero came forward and were both sworn in. Fees totaling \$88.00 were paid and there is proof of service.

Mr. Montero: "The proposed addition is a 2 story addition in the rear with a front vestibule."

Mr. Salerno: "Has Radburn approved this?"

Mrs. Montero: "Not yet. We submitted this in July and we were advised that we should be receiving it."

Ms. Spindel: "Are you expanding the footprint?"

Mr. Montero: "Yes - in the front."

Ms. Spindel: "How many feet in the front?"

Mr. Montero: "We currently have 26.4' and we are going to 18.4'."

Mr. Levy: "Are there porches similar to this?"

Mr. Montero: "Yes."

The plans were marked as Exhibit A and photos were marked as Exhibit B.

Mr. Montero explained the pictures that were presented.

Mr. Levy: "What you are proposing fits in with neighborhood?"

Mr. Montero: "Yes."

Ms. Spindel: "How many of these are within 200'?"

Mr. Montero: "Some of these are not within 200' but are within eyesight of our home."

Mr. Levy: "Your lot is pie shaped?"

Mr. Montero: "Yes, and the street is on a curve."

Mr. Nakashian: "He didn't come out further than the neighbors."

Ms. Peck: "The 18.4' is not for the vestibule, but for the platform."

Mr. Montero: "The height will be 26'."

Mr. Levy: "What about the patio?"

Mr. Montero: "That will be removed."

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

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Sacchinelli, Mr. Charipper,  
Mr. Levy and Mr. Meer - YES.  
Mr. Salerno - abstained due to there not being Radburn approval.

**APPLICATION APPROVED.**

3. Application #2006-072, Robert & Ronnie Phillips  
18 Gurney Terrace, Block 3815, Lot 8, Zone R-1-1  
The proposed front porch would increase the impervious coverage from 37.28% to 39.19% where 35% is permitted. Would reduce the side yard setback from 16' to 12' where 15' is required. Would reduce the front yard setback from 36'8" to 29'8" where 35' is required as per Section 125-12 Schedule of area, yard and building requirements.

Robert Phillips came forward and was sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Phillips: "The porch will reduce the setback on the side."

Ms. Spindel: "I would like to remind the Board that there was a letter from a neighbor. Why did you include the homes in Glen Rock?"

Mr. Phillips: "That is to show what I am proposing."

Ms. Spindel: "But they do not have a side porch."

Mr. Phillips: "Correct."

Ms. Spindel: "Would you be willing to remove the side porch?"

Mr. Phillips: "Yes. I do not need the side portion."

Mr. Levy opened the meeting within 200'. Francine Kane, 20 Gurney Terrace, Gary Kane, 20 Gurney Terrace, came forward and were sworn in.

Mr. Kane: "It pains me to object to their application. We are objecting to the side portion of the porch. The porch would be right under the bedroom windows."

Mr. Levy: "The applicant indicated that he would remove the side porch."

Mr. Kane: "The Board hasn't made a decision yet."

Mr. Charipper: "The wrap around porch was for aesthetics, and the proposal is now only for the front porch."

Mr. Levy opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace: "If the Zoning Board asked you to take down the side porch would you agree to that in the Resolution?"

Mr. Phillips: "Yes."

Ms. Spindel: "With the removal of the side portion, does that bring down the impervious coverage?"

Mr. Levy: "There is an existing porch there now?"

Mr. Phillips: "Yes."

Mr. Levy: "How much is being added?"

Mr. Phillips: "3' or 4'?"

Mr. Levy: "The porch is in with the character of the neighborhood?"

Mr. Phillips: "I showed you the houses on Gurney Terrace and no 2 houses are alike."

Ms. Peck: "38.85% would be the impervious coverage with the deletion of the side porch."

Mr. Charipper made a motion to approve this application as amended and was seconded by Ms. Spindel.

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

**APPLICATION APPROVED.**

4. Application #2006-073, Taffy Stevens  
39-30 Wenonah Drive, Block 1209, Lot 8, Zone R-1-3  
Existing lot is 5,051 s.f. where 6,500 s.f. is required. The proposed addition would increase the building coverage to 34.2% where 25% is permitted. The impervious coverage would increase to 40.9% where 35% is permitted. Would decrease the front yard setback from 23.6' to 22.1' where 25' is required. Would decrease the side yard setback from 4.1' to 2.5' where 10' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Linda Herlihy, attorney for the applicant came forward. Fees totaling \$88.00 have been paid and proof of service was provided.

Ms. Herlihy: "The applicant is here for improvements to the property and the property is non-conforming and the existing house is non-conforming and the variances requested are for a C-1 or C-2 variance. The improvements are modest to the house."

Mr. Douglas Steen, 6 Brighton Place, Fair Lawn, NJ, Licensed Architect, came forward and was accepted as an expert.

The plans were marked as Exhibit A.

Ms. Herlihy: "Are you familiar with the area and prepared the plans?"

Mr. Steen: "Yes. The property is a lot that is non-conforming in square footage of 5,051 s.f. and the lot width is non-conforming of 51.9'."

Ms. Herlihy: "What is the shape of the lot?"

Mr. Steen: "The lot is a parallelogram. The lot width is 51.9' parallel to the street but parallel to the residents is 50'."

Ms. Herlihy: "It is a single family residence and does that conform?"

Mr. Steen: "Yes it is a single family and currently sits 6.2' on the east side where 10' is required and 4.1' on the west side where 10' is required. The existing residence is typical of the neighborhood. The upstairs has a small bedroom and the 1st floor has 1 bedroom with a den, kitchen, living room and dining room."

Mr. Steen: "The existing garage is very small and could only fit a small car. The proposed improvements would have the addition to a portion to the front of the garage and there is a small bay window proposed in the existing living room and a

front porch at the front of the residence. At the rear there would be another bedroom and a bathroom, a breakfast area and a rear door with a small deck."

Ms. Herlihy: "With squaring off the garage that will encroach into the front yard?"

Mr. Steen: "Yes, but would be flush with the front of the house."

Ms. Herlihy: "That is true of the bay window as well?"

Mr. Steen: "Yes."

Ms. Herlihy: "The applicant is also proposing a front porch?"

Mr. Steen: "Yes and it will not encroach further than the front stoop."

Ms. Herlihy: "The side yards - there is a trellis proposed on the east side that would have a setback of 2.5'?"

Mr. Steen: "Yes, that is an open structure."

Ms. Herlihy: "The west side - the porch will slightly wrap around to the side?"

Mr. Steen: "Yes and that will require a side yard variance. On that side there is a chimney that protrudes out further than what we are proposing."

Ms. Herlihy: "The proposed rear addition does not require any variances?"

Mr. Steen: "Correct."

Ms. Herlihy: "What about the overall aesthetics?"

Mr. Steen: "We will use brick on the first floor and siding on the remaining of the home. The second floor will include 2 bedrooms with an additional bathroom and a small office space over the garage."

Ms. Herlihy: "What about building coverage and impervious coverage? We believe a trellis would not get counted and the impervious coverage would be 38.7%."

Mr. Steen: "20% of the surrounding homes have been improved and have been slightly larger than this one. We tried to keep a low roof-line and was very conscientious of the neighborhood."

Ms. Herlihy: "Will this remain consistent with the area?"

Mr. Steen: "Yes."

Ms. Herlihy: "We do require a number of variances but this is not being overbuilt."

Mr. Steen: "This is not a McMansion and we tried to keep it in the character of the neighborhood."

Mr. Nakashian: "The side yard of 4.1' is going to 2.5'. Is there a house next to this?"

Mr. Steen: "Yes."

Mr. Levy: "That is very close to the property line - what about removing the side porch?"

Mr. Steen: "That would not effect the character very much."

Ms. Spindel: "What is the existing and proposed square footage?"

Mr. Steen: "I do not have that information. I will obtain it."

Ms. Spindel: "The pergola brings the coverage to what?"

Ms. Herlihy: "38.7%."

Mr. Steen: "I have the square footage of the existing of 995 s.f.; the stoop is 33 s.f.; the rear is 14 s.f., which totals 1,020 s.f. - approximately. The proposed footprint is 1465 s.f. for the residence; 173 s.f. for the front porch and steps are 38 s.f. and 53 s.f with a total of 1,730 for the footprint. I don't have the second floor."

Ms. Herlihy: "Changing the roof-line is really using the space that is unusable now because of the pitch of the roof. The style of the roof-line in the rear of the house slopes down and is not usable for the second floor of the new addition. That is a 1-story addition in the rear. The applicant would be willing to end the front porch at the building line to the west. The photographs submitted shows a larger porch than what is proposed."

Mr. Levy: "Which house shows the porch?"

Taffy Stevens came forward and was sworn in. "I took all the photos and the one with the porch is on Blue Hill and is not within 200'."

Mr. Sacchinelli: "When you designed this, are there any houses that have a front porch and have a squared off front?"

Mr. Steen: "I don't know about the front porch, but there are homes that have been expanded."

Mr. Sacchinelli: "It doesn't seem to fit in with the neighborhood."

Mr. Steen: "We tried to put windows in the space on the second floor. You don't see the space from the front, but from the side for the office."

Mr. Sacchinelli: "It didn't seem like there were any other homes squared off."

Ms. Herlihy: "When the garage is squared off, is there any change to the structure."

Mr. Steen: "Yes, the roof."

Ms. Stevens: "Next door to me over the garage they have 4 bedrooms, 1 over the garage and they went straight up and also down the street they doubled the size of the home with 4 bedrooms on top. Half the houses were built originally with the garage being squared off."

Mr. Levy opened the meeting within 200'. No one came forward. Mr. Levy opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace: "In all the testimony, what is the total height?"

Ms. Herlihy: "It will be 28' and will conform."

Mr. Rubenstein: "Is the attic non-livable and can it be increased later?"

Ms. Herlihy: "The currently existing attic space is non-livable, but what is proposed will be livable."

Ms. Herlihy: "We have a property that is non-conforming and the applicant has no control over it/. It is an irregular shape and has a deficient lot width. It currently encroaches into the front yard setback. What we are asking for is reasonable, and with the changes being done in the area, this is an improvement and is consistent to the neighborhood and there is no detriment. This is a C-1 variance and a C-2 variance."

Mr. Nakashian: "You will delete the 2.5' setback."

Ms. Herlihy: "Yes. it will be 4.1'."

Mr. Nakashian made a motion to approve the application as amended and was seconded by Ms. Spindel.

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

**APPLICATION APPROVED.**

A recess was taken at 9:00 p.m. and the meeting resumed at 9:05 p.m.

5. Application #2006-074, Tamar Copeland and Gregory Outcalt  
4 Brighton Place, Block 3717, Lot 13, Zone R-1-3  
The existing lot is 2,627 s.f. where 6,500 s.f. is required. The proposed second story addition and covered side porch would have existing side yard setbacks of 0' and 2.84' where 8' is required. Would have existing front yard setback of 22.6' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Gregory Outcalt, 4 Brighton Place came forward and was sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Outcalt: "We would like to put a second story addition over a sunroom and putting a front foyer."

Ms. Spindel: "They are not expanding the footprint. It's a typical Radburn house."

Mr. Outcalt: "We have gotten Radburn approval."

Mr. Charipper: "This is a very straight forward application."

Mr. Levy: "This is staying with the character of the neighborhood?"

Mr. Outcalt: "Yes."

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

Mr. Charipper made a motion to approve this application and was seconded by Mr. Meer.

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

**APPLICATION APPROVED.**

Mr. Levy had to leave the meeting at 9:10 p.m.

6. Application #2006-075, Don and Adrienne Peloso  
4-08 Alyson Street, Block 5412, Lot 14, Zone R-1-3  
The proposed second story addition and cantilever would decrease the front yard setback from 25.1' to 23.2' where 25' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Don and Adrienne Peloso came forward and were sworn in. Fees totaling \$88.00 have been paid and proof of service has been provided.

Ms. Peloso: "We would like a second story addition. There is a cantilever of 1.9' further than what we are allowed. The new roof will flow into the existing part of the house easier with the cantilever."

Ms. Spindel: "What are the pictures depicting?"

Ms. Peloso: "Those are pictures of what is in the neighborhood, but not what we are proposing."

Mr. Charipper opened the meeting within 200'. No one came forward. Mr. Charipper opened the meeting to the general public. Harvey Rubenstein, 28 Rutgers Terrace: "What is the total height?"

Ms. Peck: "22'."

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

VOTE: Mr. Nakashian, Ms. Spindel, Mr. Salerno, Mr. Sacchinelli, Mr. Diner, Mr. Meer and Mr. Charipper.

#### **APPLICATION APPROVED.**

7. Application #2006-076, Irina Chernyakhovskaya  
2 Ramsey Terrace, Block 3612, Lot 20, Zone R-1-2  
Existing lot is 6,000 s.f. where 7,500 s.f. is required. The first floor addition to the garage with second story above would have existing side yard setback of 8.3' where 10' is required. Would have existing front yard setback of 28.9' and new front yard setback of 28.9' and new front yard setbacks of 3.5' and 4.4' where 30' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Irina Chernyakhovskaya and Michael Shinkarovsky came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Shinkarovsky: "We would like to make a second story addition over the garage and existing home."

Ms. Peck: "If you look at the town map, it shows this a corner property. There is an additional 45' of the right of way from the side yard to Plaza Road."

Mr. Charipper: "Would you feel more comfortable to have more time to review this?"

Ms. Peck: "No. He needs a variance either way, we need clarification as to whether it is a front yard or side yard."

Mr. Rosenberg: "Nothing shows as an easement there."

Mr. Charipper opened to the meeting within 200'. No one came forward. Mr. Charipper opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace: "This is from hearsay that there is an easement there on Plaza Road. That was told to me."

Ms. Peck: "It doesn't show on the tax map."

Mr. Charipper: "Maybe we need to gather more information."

Ms. Peck: "The easement does not show on their property."

Mr. Rosenberg: "We have a licensed survey which shows the property line and does not show an easement. What is proposed is the maximum variance relief sought. We are looking at the survey that does not go further west. This has 2 front yard setbacks as a corner lot, which is accurate."

Mr. Charipper: "The front yard setback of 3.5' and 4.4' is a concern that I have."

Mr. Diner: "Do you have Radburn approval yet?"

Mr. Shinkarovsky: "We have not applied yet, but have talked with the supervisor."

Ms. Spindel: "Who drew up the plans?"

Mr. Shinkarovsky: "I did."

Ms. Spindel: "This does not conform with anything in Radburn and I would not vote for this."

Mr. Shinkarovsky: "We have pictures of the surrounding area."

Ms. Spindel: "I was concerned about the sight line from Plaza Road."

Ms. Chernyakhovskaya : "There is another house across the street which is closer to Plaza Road than we would be."

Mr. Rosenberg: "None of the submissions made by the applicant are made by a licensed architect. I am concerned what exactly is the Board approving, and if built, how would the Building Department be with these plans?"

Ms. Peck: "The Building Department would accept these plans."

Mr. Sacchinelli: "How many bedrooms are you proposing?"

Ms. Chernyakhovskaya: "We have 3 bedrooms and we are adding 2 more."

Mr. Charipper: "Does the Board feel these plans are complete and would we like more professional plans?"

The Board agreed that they would like to see more details on the plans.

Mr. Charipper asked the applicants if they would like to carry this application to the October 16 meeting. The applicants agreed.

**This application was carried to the October 16 meeting.**

### **PUBLIC COMMENT**

Mr. Rubenstein inquired about the process of applications before the Board in conjunction with the Radburn Association.

### **VOUCHERS**

1. Voucher submitted by Karen Kocsis in the amount of \$425.00 for the August 21, 2006 meeting.
2. Vouchers submitted by RSC Architects in the amounts of \$495.00 regarding Screamin Ink; \$412.50 regarding McDonald's Corp.; \$495.00 regarding Michael Chang; and \$247.50 regarding Zap Lube.
3. Voucher submitted by Bruce Rosenberg, Esq. in the amount of \$262.50 regarding Maple Auto.

Mr. Meer made a motion to approve these vouchers and Mr. Sacchinelli seconded the motion.

VOTE: All Present - YES.

**ESTIMATES**

1. Birdsall Engineering, Inc. estimate in the amount of \$1,900.00 to review United Cerebral Palsy of Hudson County, Inc.
2. RSC Architects estimate in the amount of \$825.00 to review United Cerebral Palsy of Hudson County, Inc.

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

VOTE: All Present - YES.

**Minutes**

Ms. Spindel made a motion to approve the minutes for the August 21, 2006 meeting and Mr. Diner seconded the motion.

VOTE: All eligible - YES.

**ADJOURN**

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

VOTE: All Present - YES.

TIME: 9:45 p.m.

Respectfully submitted,

Carol LoPiccolo  
Zoning Board Clerk