

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
of October 16, 2006**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on **Monday, October 16, 2006**.

Chairman Scott Levy called the regular 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. Karas, Mr. Nakashian, Ms. Spindel, Mr. Meer, Mr. Newman, Mr. Levy, Mr. Sacchinelli, Mr. Salerno and Mr. Diner.

Absent were: Mr. Charipper* and Mr. Blecher*.

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

Commercial Old Business:

1. Application #2006-018, Sebastian E. Lentini (McDonald's)
37-01 Broadway, Block 2320, Lots 10-12, Zone B-2/R-1-3
Amendment to approved use/site plan approval requires site plan approval as per RGO Section 125-6.

Joseph Steinberg [attorney for McDonald's] came forward: "McDonald's Corporation has retained an attorney and he has suggested a meeting between all of the attorneys in the matter - counsel for the objector, himself, counsel for the municipality - Mr. Kates and, Attorney for the Board - Mr. Rosenberg. It is my understanding that we are available this Friday, October 20 at 1:00 p.m. to discuss these negotiations and may be able to resolve some matters that are not necessarily before this Board. I respectfully request that this matter be carried and we will notify the Board of the results of this meeting."

Andrew Karas [attorney for IHOP]: "I don't have a lot of hope that this will progress at this meeting. I would like to schedule a special meeting and if things get resolved then so be it."

Mr. Levy: "I would like to know the results of this meeting at the Board's next regular meeting of November 20 and then we will know how to proceed."

Mr. Karas: "Will we have testimony at the next meeting?"

Mr. Levy: "No. Just a report of this Friday's meeting and then we will schedule a special meeting."

Mr. Steinberg: "We will report in writing as soon as possible."

Mr. Blecher and Mr. Charipper arrived at 7:40 p.m.

This application was carried to November 20, 2006.

2. 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).

APPLICATION CARRIED TO NOVEMBER 20, 2006.

3. Application #2006-077, United Cerebral Palsy of Hudson County, Inc., NJ
5-17 & 5-19 River Road, Block 5401, Lot 10, Zone R-1-3
Proposed are two, one-family group home dwellings on one lot requires a Use Variance as per RGO Section 125-17 – only one dwelling per lot is permitted.

Mr. Levy: "This will be carried to a special meeting on December 4, 2006."

Mr. Carl Helder [objector]: "Mr. Ritvo, our attorney representing a group of objectors, could not attend and he asked that he be notified of any future dates."

Ms. LoPiccolo: "I had to go through 15 dates before the December 4 date was determined to work for all the Board's professionals and then I notified the applicant and finally Mr. Ritvo. He was notified of this date."

APPLICATION CARRIED TO DECEMBER 4, 2006.

Residential Old Business:

1. 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.

Ms. LoPiccolo: "I called this applicant to find out if they were proceeding with this application. I did not receive revised plans to date and they have not returned my call."

APPLICATION CARRIED TO NOVEMBER 20, 2006.

2. Application # 2006-078, 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 5.9' and 6.1' where 12' is required. Would have existing front yard setback of 26.2' where 30' is required. Would increase the impervious coverage from 35.9% to 36.6% where only 35% is permitted as per RGO Section 125-12 Schedule of area, yard and building requirements.

Sal Greenman, 12-47 River Road [attorney for the applicant]: "This application was denied in August of 2006. Mr. Taran is only building a house not a McMansion. His family would be living there and this would benefit the neighborhood."

Mr. Rosenberg: "Do they have the right to reapply under res judicata? How does this differ from the application in August? It has to be substantially different."

Vladimir Taran, 17-42 Hunter Place, came forward and was sworn in. "The architect reduced the coverage of the building and he changed the front of the building by removing the porch of the front of the home."

Mr. Rosenberg: "I don't want the Board to act on plans that have an incorrect date. If the architect made revisions to the plans they should be the ones the Board looks at. Mr. Greenman can you put together a memo summarizing the differences between the original and revised plans?"

Mr. Greenman: "Yes."

APPLICATION CARRIED TO NOVEMBER 20, 2006.

3. Application #2006-079, Moskal Arkadiusz and Alicja Chmiel
12-02 Floral Avenue, Block 4604, Lot 11, Zone R-1-3
Existing lot is 5,000 s.f. where 6,500 s.f. is required. Lot frontage is 50' where 65' is required. The proposed expansion would have a front yard setback of 9.18' where 25' is required. Would have an existing side yard setback of 3.51' where 8' is required. Would increase the building coverage from 25.8% to 27.72% where 25% is permitted. Would increase the impervious coverage from 49.14%

to 49.38% where 35% is permitted as per Section 125-12 Schedule of area, yard and building requirements.

Ms. Chmiel and Mr. Arkadiusz came forward and were both sworn in.

Mr. Arkadiusz: "Before my attic had 10' and you suggested I lower it 2' and that is what we did."

Ms. Spindel: "Were new plans submitted?"

Ms. Peck: "Yes."

Mr. Levy: "You had 29.6' and it is now 27.6' and is now more in line with the character of the neighborhood."

Mr. Charipper: "The applicants should be commended for taking the suggestions and making it in line with the neighborhood."

Mr. Newman: "The front yard setback - is that existing?"

Ms. Peck: "That is due to a landing."

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

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

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

APPLICATION APPROVED.

4. Application #2006-081, Franklin and Michele Castro
12-23 Edward Street, Block 5606, Lot 8, Zone R-1-3
Existing lot is 8,005 s.f. where 6,500 s.f. is required. The lot frontage is 59'
where 65' is required. The proposed second story addition would have an
existing front yard setback of 20.2' where 25' is required.

Application carried to November 20, 2006. The applicant was not present.

5. Application #2006-082, Leonid Polyak
64 Sandford Road, Block 3619, Lot 8, Zone R-1-2

Existing lot is 6,319 s.f. where 7,500 s.f. is required. The proposed roof over existing deck would have a side yard setback of 2' where 10' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Meer: "Fees totaling \$88.00 have been paid and there is proof of service. There is an outstanding water bill."

Mr. Polyak: "I have a deck on the side of my house and I would like to put an aluminum roof over the deck."

Mr. Nakashian: "What is the elevation of the deck?"

Mr. Polyak: "3'7"."

Mr. Newman: "Has the work been done?"

Mr. Polyak: "No. The deck is existing."

Mr. Levy: "So you're only putting a roof and it will be open on all 3 sides?"

Mr. Polyak: "Yes."

Mr. Newman: "What is the pitch of the roof?"

Mr. Polyak: "The highest point is 8' and the lowest is 7' and it will have a gutter."

Ms. Spindel: "You're asking for a setback of 2' where 20 is required. What is the size of the existing deck?"

Mr. Polyak: "8'x16' and the roof will overhang 1' from the deck on each side."

Ms. Spindel: "So the overhang will be 3' from your neighbor and how high is the roof from the deck?"

Mr. Polyak: "7' high from the deck."

Mr. Karas: "When was the deck built?"

Mr. Polyak: "Around 1984. I bought the house 3 years ago."

Mr. Karas: "So you don't know if a building permit was issued then?"

Ms. Peck: "The deck was cleared in the CO when he purchased it."

Mr. Karas: "The roof line is only 2' from the property line. That is a concern."

Mr. Polyak: "It will be 3'."

Ms. Peck: "It will be 2' from the property line. The deck is currently 3' to 3 1/2' from the property line."

Mr. Rosenberg: "At the narrowest point it would be measured."

Ms. Peck: "It would be 2' from the property line at the narrowest point. I had advised the applicant to measure the deck to the nearest structure of his neighbor."

Mr. Polyak: "It would be 6' from the neighbor's garage."

Mr. Karas: "Would you consider the roof in line with the deck so it doesn't go out any further than the deck?"

Mr. Polyak: "I would consider it - I would check with my contractor."

Ms. Peck: "The roof becomes building coverage. If you look at his pictures you can see there are trees on the side."

Ms. Spindel: "I saw those bushes and don't see why he can't move the roof back to be in line with the deck. Those bushes can be cut down."

Mr. Newman: "There is an aluminum roof - how is that supported?"

Mr. Levy: "This is like post and beam construction. The post would either come off the ground or the deck."

Mr. Newman: "Cosmetically what is this going to look like?"

Mr. Polyak: "It will be white finished aluminum and it will match the house."

Mr. Sacchinelli: "You have built in gutters to catch the water off the roof. Which way will the downspouts be pitched?"

Mr. Levy: "The applicant has to make sure the spout does not go toward the neighbor."

Mr. Polyak: "I will reduce the size of the roof to be in line with the deck and gutters will be placed on that edge."

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

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

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

APPLICATION APPROVED.

6. Application #2006-083, Leonard and Carol Hrinuk
17-04 Parmelee Avenue, Block 5812, Lot 17, Zone R-1-1
Existing lot is 6,000 s.f. where 10,000 s.f. is required. Lot frontage of 65' where 75' is required. The addition would have an existing front yard setback of 26.20' where 35' is required. Would have existing side yard setback of 9' where 15' is required. Would reduce the existing rear yard setback from 39.29' to 19.79' where 20' is required. Would increase the impervious coverage from 40.9% to 41.3% where 35% is permitted. The proposed wood deck would have a side yard setback of 9' where 15' is required as per Section 125-12.

Carol and Leonard Hrinuk came forward and were both sworn in.

Mr. Meer: "Fees totaling \$88.00 have been paid and there is proof of service."

Mr. Hrinuk: "My wife's mother had a stroke and she cannot go up and down stairs and we would like to put an addition on the back on the first floor for a bedroom and we would like to add a shower to make a bathroom from the laundry room. We looked around the neighborhood and tried to make this in conformance with the area."

Mr. Levy: "What about the deck?"

Mrs. Hrinuk: "From the end of the new addition there would be a deck. The addition is going over an existing patio."

Ms. Spindel: "You have the parking lot of Westmoreland School and behind you is an open field."

Mrs. Hrinuk: "Yes."

Mr. Levy: "How high is the addition going - it's approximately 12'."

Mrs. Hrinuk: "The property slopes - it's higher on one end than the other."

Mr. Levy: "Unfortunately personal hardship cannot be a reason why this application is granted. This is not surrounded by houses and the impact of this addition is diminimous. There is a unique feature surrounding this site."

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

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

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

APPLICATION APPROVED.

Mr. Hrinuk asked if it is necessary to send the letters certified mail return receipt requested and couldn't the applicants use another way since the post office has an alternative method of certified mail.

Mr. Rosenberg: "That is a good suggestion but we are governed by the State."

Residential New Business:

1. Application #2006-084, John Kapetanakis
1-38 33rd Street, Block 2309, Lot 3, Zone R-1-3
Existing lot is 5,000 s.f. where 6,500 s.f. is required. The proposed second floor addition would have existing side yard setbacks of 4.94' and 4.67' where 8' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Mr. Meer: "Fees totaling \$88.00 have been paid and there is proof of service."

Mr. Kapetanakis came forward and was sworn in. "The existing home is small and I would like to add a second floor to add more space."

Mr. Levy: "You are not going above the existing peak?"

Mr. Kapetanakis: "No."

Mr. Levy: "How high will that be?"

Mr. Kapetanakis: "I don't know. This is similar to what is in neighborhood."

Mr. Levy: "If it weren't for the Ordinance Change, would he be here?"

Ms. Peck: "No."

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

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

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

APPLICATION APPROVED.

2. Application #2006-085, Nick and Jill Bojanowski
40-24 Van Duren Avenue, Block 1507, Lot 60, Zone R-1-2
Existing lot frontage of 60' where 75' is required. The proposed addition would have an existing front yard setback of 22' where 30' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Karas: "I received notice and will recuse myself from this application."

Nick Bojanowski and Jill Bojanowski came forward and were both sworn in.

Mr. Meer: "Fees totaling \$88.00 have been paid and there is proof of service."

Mr. Bojanowski: "We want to square off the front of the house and do an add-a-level on the second floor."

Mr. Levy: "You're adding the porch on the front and you're staying within the front line of the house?"

Mr. Bojanowski: "Yes."

Mr. Levy: "How is the shape of the land - does it slope?"

Mr. Bojanowski: "Very slight it slopes."

Mr. Levy: "How high is it?"

Mr. Bojanowski: "29.67'."

Mr. Levy: "Does this fit in with the neighborhood?"

Mr. Bojanowski: "Yes."

Mr. Levy: "You're squaring off the building?"

Mr. Bojanowski: "Yes."

Mr. Charipper: "This seems like a very straight forward application."

Mr. Levy: "The setbacks are pre-existing?"

Mr. Bojanowski: "Yes."

Ms. Spindel: "2 of the pictures - only 1 of them is on Van Duren."

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

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

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

APPLICATION APPROVED.

A 5 minute recess was taken at 8:45 p.m. The meeting resumed at 8:50 p.m.

3. Application #2006-086, Bella Stavitsky
3-16 28th Street, Block 3310, Lot 17, Zone R-1-3
Existing lot is 4,000 s.f. where 6,500 s.f. is required. The existing deck is 6.30% coverage where 5% is permitted. The existing deck has a side yard setback of 2' where 8' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Mr. Meer: "Fees totaling \$88.00 have been paid and there is proof of service."

Bella Stavitsky came forward and was sworn in: "I need a variance for the deck."

Mr. Levy: "The deck is 6.30% where 5% is permitted."

Ms. Peck: "It has a side yard variance as well and this deck has already been built."

Mr. Sacchinelli: "Have the footings been inspected?"

Ms. Peck: "The permit has not been issued, it is pending an approval."

Mr. Charipper: "Why did you build the deck without permission?"

Ms. Stavitsky: "I made a mistake. I didn't know I needed anything."

Mr. Levy: "If they removed that side piece would it bring it down to 5%?"

Ms. Peck: "Possibly, but it would still need a side variance."

Ms. Spindel: "There is very little green space back there. Doesn't this need a variance for impervious coverage also?"

Ms. Peck: "The deck is a separate coverage and does not counted into impervious coverage."

Mr. Rosenberg: "Every development application has to include full zoning data and how it affects the property. Ms. Spindel is asking for the impervious coverage."

Ms. Peck: "I didn't look at the impervious coverage."

Mr. Charipper: "I agree."

Mr. Nakashian: "I looked at this, with the applicant taking off the 3' and put it in line with the home - what would it be?"

Mr. Charipper: "We need to look at the overall impact of this property."

Mr. Levy: "Does the Board have the right to remedy this?"

Mr. Sacchinelli: "Did you put up this deck or a contractor did it?"

Ellen Avrutiz, 66 Sandford Road, [friend of the applicant] was sworn in.

Ms. Stavitsky: "A contractor built the deck."

Mr. Karas: "I would also like to see the percentage if the 3' is removed."

Mr. Levy: "What would the Board like to do - if we adjourn it the deck is still in violation."

Mr. Blecher: "Is the impervious coverage issues there when you bought it?"

Ms. Stavitsky: "Yes."

Mr. Sacchinelli: "I have a problem with a contractor building this without a permit."

Ms. Peck: "Ultimately it's the homeowner's responsibility and the Construction Official to decide if there will be a fine issued."

Mr. Levy: "Does the Board want to pursue the impervious coverage issue?"

Mr. Nakashian: "I want to be fair to the applicant and will hear the application tonight."

Mr. Karas: "I want to see the application with proper plans."
Ms. Spindel, Mr. Meer and Mr. Charipper agreed.

Mr. Newman: "What is the likelihood that we'll get the information?"

Ms. Peck: "We may find through the tax records that there was a patio permit. A covered patio may show a building permit. You won't find anything on sidewalks, maybe a driveway."

Mr. Newman: "I would like it researched."
Mr. Salerno, Mr. Sacchinelli, Mr. Blecher and Mr. Diner agreed.

Ms. Spindel: "The deck was built over the concrete walk. Do you use that walkway?"

Mr. Levy: "Whether they use it or not is not an issue right now. The Board is not ready to act on this tonight. My feeling is that the applicant is using a deck that is illegal and I have a problem with that. This has to be carried until we have all the information."

Ms. Peck will investigate the records and calculate the impervious coverage.

APPLICATION CARRIED TO NOVEMBER 20, 2006.

4. Application #2006-087, Norbert and Margaret Wilde
13-10 Hedman Place, Block 2608, Lot 11, Zone R-1-2
Existing lot is 5,500 s.f. where 7,500 s.f. is required. The proposed addition would increase the building coverage from 21.67% to 25.03% where 25% is required. Would increase the existing impervious coverage from 38.52% to 40.65% where 35% is permitted. Would have an existing side yard setback of 5.93' and 6.18' where 10' is required. Would have an existing front yard setback

of 25.03' where 30' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Norbert and Margaret Wilde came forward and were sworn in.

Mr. Meer: "Fees totaling \$88.00 have been paid and there is proof of service."

Mrs. Wilder: "We'd like to tear down the existing porch and replace it with a family room addition and replace part of the patio. There are pictures of a house 2 doors away and we'd like to do something almost identical. Although their impervious coverage is higher since their patio is larger."

Ms. Spindel: "Did you submit pictures of your house?"

Mrs. Wilde: "No."

Mr. Levy: "You will remove part of the patio?"

Mrs. Wilde: "Yes. The addition will go over it."

Mr. Levy: "What is the height of the addition - It is 18.6'."

Ms. Peck: "That is to the peak."

Mrs. Wilde: "It is a 1 story addition."

Mr. Levy: "Is the rear setback in violation?"

Ms. Peck: "No."

Mr. Levy: "This is in line with the existing side yard?"

Mr. Wilde: "Yes."

Ms. Spindel: "I am a little concerned over the impervious coverage that will be at 40.65%."

Mr. Charipper: "It is over, but they're only going up 2%."

Ms. Spindel: "Are you willing to make the room a little smaller?"

Mr. Wilde: "I can remove part of the existing patio."

Mr. Nakashian: "That is a small increase and I don't feel it is necessary."

Ms. Peck: "If they remove the patio, that would bring it down 2%."

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

Mr. Meer made a motion to approve the application as originally submitted (without the removal of the patio). Mr. Karas seconded the motion.

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

APPLICATION APPROVED.

5. Application #2006-088, Lesley Delvecchio
12-12 Fairclough Place, Block 4602, Lot 17, Zone R-1-3
Existing lot frontage of 55' where 65' is required. Existing lot has 5,500 s.f. where 6,500 s.f. is required. The proposed dormer would have existing side yard setbacks of 5.71' and 7' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Meer: "Fees totaling of \$88.00 have been paid and there is proof of service."

Mr. Levy: "Would this applicant be here without the Ordinance change?"

Ms. Peck: "No."

Mr. Levy: "Will this be in character with the neighborhood?"

Ms. Delvecchio: "Yes."

Mr. Levy: "Is this going to be built outside of the footprint?"

Ms. Delvecchio: "No."

Ms. Spindel: "Who drew the plans?"

Ms. Delvecchio: "My contractor."

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

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.

6. Application #2006-089, David and Elizabeth Kurilla
39-05 Kramer Place, Block 1705, Lot 5, Zone R-1-3
The proposed addition would increase the existing impervious coverage from 51.8% to 58.8% where 35% is permitted. Would have existing side yard setbacks of 9.1' and 8.7' where 10' is required. The proposed pavers to the property line where 4' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Mr. Meer: "Fees totaling \$88.00 were paid and proof of service was provided."

David and Elizabeth Kurilla came forward and were both sworn in.

Charles Whelan, architect was also sworn in. Plans dated May 3, 2006 were marked as A-1, A-2, A-3, A-4, A-5 and A-6 [pages 1 through 6]; Photos were marked as A-7.

Mr. Whelan: "The denial from the Borough is for an increase in the impervious coverage from 51.8% to 58.% and that is incorrect. The proposed is 54%. We incorrectly included the deck. The existing house on the east side is 8.7' and we are not creating that. We can offer a remedy to the encroachment of the pavers on the side. The Kurilla's want to expand the kitchen and there is a pool in the back yard and that is the source of the impervious coverage issue. They want to improve the flow of traffic around the pool and want to have a larger master bedroom, and the current bedroom is too narrow. They want to improve the use of the basement to the pool area. The proposal is to provide the bedroom and the kitchen by building up and out on the east side of the house to the north. We are proposing to put a solarium to the back of the house, which will add light to the basement. The existing bedroom above the garage will be expanded into a suite where they will get a master bathroom with a walk in closet. The issue with the pavers on the east side of the house - when we realized this would be an issue we will move the storage shed to the other side and would put a 4' wide sidewalk from the front of the house to the steps to the kitchen."

Mr. Charipper: "I've got some concerns with the application - usually when something goes over 50% this is a problem. You want to expand the house but there is a problem with impervious coverage. This is too much for the property."

You're going to have to get rid of some of the concrete and try to get it to under 50%. You are already at 47%, which is a high number already."

Mr. Newman: "What is the hardship with this?"

Mr. Whelan: "The hardship is the house has rooms that were suitable in the 50's, but not now."

Mr. Newman: "What is the hardship under MLUL?"

Mr. Whelan: "The hardship is the size of the home. The size of the lot is the minimum and the pool is a hardship by taking up so much of the lot."

Mr. Newman: "What prevented the addition going up and not out?"

Mr. Whelan: "We've talked about that, but I think it will add bulk in ways much less desirable, and will not provide a suitable kitchen size and access to the pool area. If the application is denied, we can proceed another way, but is less desirable. On this street, the way proposed is more in with the neighborhood. There are 2 pictures presented and you can see the neighborhood is 1950's split levels, and 1 split level did an add a level and the neighborhood was upset with that, and we tried to keep more in line. The way proposed is not so overbearing to the neighbors."

Mr. Newman: "Because this is a split level, there are only certain ways to expand it?"

Mr. Whelan: "Yes. There is not a lot of freedom in expanding a split level."

Mr. Newman: "Is the existing architecture of the house considered to be a hardship?"

Mr. Rosenberg: "No, the nature of the structure is the applicant's issue, not the Board's issue."

Mr. Whelan described the photos of the house as it currently exists.

Mr. Levy: "There is a 10' drainage easement on the property and could present a hardship, but the amount of work being proposed, that is not limiting you from cutting down the size of solarium, or something. You mentioned the applicants would be willing to re-visit some of these items."

Mr. Whelan: "I'm not sure. There may be some things that could be done to bring down the impervious coverage. The deck should not have been counted in.

The encroachment of the pavers, that would reduce the paved area on that side and bring down the impervious coverage. We could reduce some of the concrete apron around the pool."

Mr. Newman: "Do you have those new calculations?"

Mr. Whelan: "No. I do believe we could get it below 50%, but not down to what it is now. The pavers on the side is 236.9 square feet."

Ms. Peck: "That would bring it down 3.64%."

Mr. Whelan: "If we remove some around the pool we could get it down below 50%."

Mr. Charipper: "Do you want to recalculate and revise these plans and come back to the Board?"

Mr. Newman: "How much do you need the solarium?"

Mr. Whelan: "The idea of using a basement is not ideal."

Mr. Levy: "It seems you might take this back with your clients and come back."

Mr. Newman: "I think architecturally this is right, but you have a pool and the impervious coverage is an issue, but I don't want to see you come back with a huge block of a building."

Mr. Levy: "I agree with that."

Mr. Karas: "I agree with my colleagues on this regarding the impervious coverage. Are you agreeable to coming back with revised plans? On your plans, you say relocate plastic shed - is that shed presently there?"

Mr. Whelan: "Yes, the shed is to the rear. We show on the existing site plan it is being removed and being relocated."

Mr. Karas: "The property is 65 x 100 and is a split level, contrary to what you said, in my neighborhood there are additions made to a split and it can be done."

Mr. Whelan: "Yes, it can be done, but there are concerns since they won't address the size of the kitchen and the egress to the pool area."

Mr. Levy: "What is the length from the house to the solarium?"

Mr. Whelan: "It's about 20'."

Mr. Levy: "This application will be carried to November 20."

Ms. Spindel: "If you can take out some existing concrete, you can replace it with a deck, but what about green space?"

Mr. Whelan: "The Kurilla's cannot attend the November 20 meeting."

APPLICATION CARRIED TO DECEMBER 18, 2006.

7. Application #2006-090, Mona Lieberman and Alan Anczelowicz
33-20 Halsey Road, Block 2815, Lot 5, Zone R-1-2
Existing lot frontage of 63' where 75' is required. Existing lot has 6,706 s.f. where 7,500 s.f. is required. The proposed second story addition and enclosing of existing open porch would have existing front yard setback of 24.87' where 30' is required as per RGO Section 125-12 Schedule of area, yard and building requirements.

Mr. Meer: "Fees totaling \$88.00 have been paid and there is proof of service."

Mona Lieberman came forward and was sworn in. "We'd like to go up with 4 bedrooms and a bathroom and push out where there is a porch existing and make that part of the house."

Mr. Levy: "That is within the existing footprint."

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

Ms. Lieberman: "There is a home right across the street that was done a few years ago and this will fit in with the neighborhood and this will not stand out."

Ms. Lieberman described the photos presented.

Mr. Levy: "The height is 26'."

Mr. Meer: "I'm familiar with the neighborhood and these houses are quite small and people are making improvements to fit today's lifestyle and have no objections and they are staying within the footprint of the house."

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

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

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

Mr. Levy commented that the lot is odd-shaped and the applicant is staying within the existing footprint.

APPLICATION APPROVED.

Request for Variance Extension:

1. Application #2005-077, Ron Hirsh and Etti Indig-Hirsh
11-15 Elaine Terrace, Block 1501, Lot 19, Zone R-1-2
Variance granted September 19, 2005. Resolution adopted October 24, 2005.
The construction of an addition to the existing structure which would increase the building coverage from 22.14% to 29.92% where 25% is permitted, would increase the impervious coverage from 35.01% to 38.72% where 35% is permitted, would have a side yard setback of 5.15' where 12' is required and would have a rear yard setback of 7.15' where 2' is required as per RGO Section 125-12, Schedule of area, yard and building requirements.

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

Mr. Karas - ABSTAIN.

VARIANCE EXTENSION GRANTED.

Public Comment

There was no public comment.

Resolutions

1. Application #2006-070, Joseph and Ann Landi, 7-11 Hopper Avenue, Block 5610, Lot 21, Zone R-1-3 – Fence - Approved.
2. Application #2006-071, Alain and Victoria Montero, 9 Ruskin Road, Block 3617, Lot 9, Zone R-1-2 – Addition - Approved.
3. Application #2006-072, Robert & Ronnie Phillips, 18 Gurney Terrace, Block 3815, Lot 8, Zone R-1-1, Porch - Approved.
4. Application #2006-073, Taffy Stevens, 39-30 Wenonah Drive, Block 1209, Lot 8, Zone R-1-3, Addition - Approved.

5. Application #2006-074, Tamar Copeland and Gregory Outcalt, 4 Brighton Place, Block 3717, Lot 13, Zone R-1-3, Addition and covered side porch – Approved.
6. Application #2006-075, Don and Adrienne Peloso, 4-08 Alyson Street, Block 5412, Lot 14, Zone R-1-3, Addition and cantilever - Approved.

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

VOTE: All Eligible - YES.

7. Application #2006-080, Vincent Polisi, 12-72 6th Street, Block 5615, Lot 5, Zone R-1-2, Addition - Approved.

Mr. Newman made a motion to accept this Resolution and Mr. Meer seconded the motion.

VOTE: All Eligible - YES.
Mr. Karas - ABSTAIN.

Vouchers

1. Bruce Rosenberg regarding MacBrothers in the amount of \$3,037.80.
2. Birdsall Engineering regarding United Cerebral Palsy in the amount of \$821.00; and McDonald's in the amount of \$653.00.
3. Azzolina, Feury & Raimondi regarding Maple Auto in the amount of \$165.00; Pumpin Donuts - \$110.; Landzettel Realty - \$302.50; Michael Chang - \$1,402.50; Lamring Commons - \$605.00; and Wendell Realty/Scholastic Bus - \$1,402.50.

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

VOTE: All Present - YES.

CORRESPONDENCE/ITEMS FOR DISCUSSION

Mr. Karas: "What about the applicant with the deck that has already been built - what will happen?"

Ms. Peck: "They have indicated that they will come back and I will make sure they follow through, or they will have to take it down. If approved, they can keep it and the Building Department will enforce the inspections and fine them if they feel necessary."

Mr. Karas: "Zap Lube has been adjourned many times. What is going on?"

Ms. Peck: "The owner is in negotiation with Broadway SID."

The Board had no comment on the memo to be submitted to Tom Metzler regarding the Ordinance Change.

Minutes

Mr. Charipper made a motion to approve the minutes for the September 28, 2006 meeting. Mr. Sacchinelli seconded the motion.

VOTE: All Present - YES.

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

VOTE: All Present - YES.

TIME: 10:30 p.m.

Respectfully submitted,

Carol LoPiccolo
Zoning Board Clerk