

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES**

**April 15, 2024**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's **Regular Meeting** held on April 15, 2024

Chairman, Avi Naveh called the Meeting to order at 7:07 p.m. and declared the Meeting was being held in accordance with the Open Public Meeting Law.

**Roll Call:** Mr. Tratner, Ms. Heffler, Mr. Seibel, Ms. Miller, Ms. Horta,  
Mr. Beg, Ms. Pasarkar, Mr. Zwillenberg &  
Mr. Naveh- **Present**

**Absent:** Mr. Seibel, Mr. Lowenstein      **Late:** Mr. Berow

***Also in attendance:*** Board Attorney; Marc Leibman  
Court Stenographer, Donna Arnold  
Assistant Zoning Officer, Ann Peck  
& Clerk to the Zoning Department; Cathy Bozza

***Professionals in attendance:*** Paul Azzolina- Board Engineer-  
Brian A. Intindola- Traffic Engineer-  
Kathryn Gregory- Board Planner

**ROLL CALL:** Mr. Tratner, Ms. Heffler, Ms. Miller, Ms. Horta, Mr. Berow  
Mr. Beg, Ms. Pasarkar, Mr. Zwillenberg & Mr. Naveh- **Present**

**Absent:** Mr. Seibel, Mr. Lowenstein.

Mr. Naveh (Chairman) opens with the continued discussion on Application #23-036, Oster Fair Lawn Properties, LLC. 16-30 Maple Ave, Block 6810, Lot 16, Zone I-2.

Mr. Naveh (Chairman) discuss the continuation of hearing this Application with Stuart Leibman, (Applicant's Attorney) explains the time restraints on tonight's meeting, having a full Agenda this evening, it would not be fair to other Applicants who are on tonight's Regular Agenda to continue with more testimony this evening. The Board Members, will have questions for the Planner, along with the Residents. They will not be able to complete this Application with the time frame allowed for a vote this evening.

Discussion on carrying this Application to the next meeting of May 20, 2024.

Mr. Stuart Leibman asks for a Special Meeting date possibly being scheduled....

Discussion on dates. Availability of Board Professionals & Board Members availability.

May 7, 2024 @ 7:00 p.m.

Attendance poll taken: Board Professionals & Board Members available.

1. Application#23-036, Oster Fair Lawn Properties, LLC.  
16-30 Maple Ave, Block 6810, Lot 16, Zone I-2.

**Application carried to a Special Meeting of May 7, 2024. No further notice required.**

Mr. Naveh (Chairman) calls for Mr. Josh Levine, Attorney representing Application #23-037- Tom & Lisa Mosca,  
409 Wagaraw Road, Block 6808, Lot10. Zone B-2

Mr. Naveh speaks to Mr. Levine regarding the heavy residential Applications on the agenda this evening and because of the time, most likely will not get to the Commercial Applications. Apologizes for this. Discussion on carrying the hearing of this Application to the Special Meeting of May 7, 2024.

Mr. Levine agrees to carrying the Application to the meeting of May 7, 2024.

2. Application#23-037, Tom & Lisa Mosca,  
409 Wagaraw Road, Block 6808, Lot 10, Zone B-2

**No Testimony heard. Application carried to Special Meeting of May 7, 2024. No further notice required.**

Mr. Naveh moves to the next Application on the Commercial Application.

3. Application #24-002, Omar Transportation Service, LLC.  
38-06 Broadway, Block 2201, Lot 1, Zone B-2

**No Testimony heard. Application carried to Special Meeting of May 7, 2024. No further notice required.**

Mr. Naveh moves to the next Application. Calls for Mr. Jeffrey Kantowitz (Attorney for Application #23-002,) 13-13 River Road, LLC., 13-13 River Road, Block 5610, Lot 29&39, Zone B-4.

Mr. Kantowitz (Attorney) chooses to stay and take his chances on being heard this evening.

Mr. Naveh announces the carrying of the following Application to May 20, 2024 per their Attorney Bruce Rosenberg.

1. Application #24-004, Gregory Tanzer,  
3 Reading Terrace, Block 3607.01, Lot 23, Zone R-1-2

**No testimony heard. Application carried to the Regular meeting of May 20, 2024.  
No further notice required.**

Mr. Naveh opens:

2. **Carried Residential Applications:**

1. **Application #24-003, Rachel & Zev Safran,  
12-47 Burbank Street, Block 4610, Lot 11, Zone R-1-3**

Proposed new covered porch to replace existing concrete platform would increase the building coverage from 34.5% to 39.6% where 25% is permitted. Existing front yard setback of 24.71' to be maintained where 25' is required. Existing side yard setback of 7.94' and 3.06' to be maintained where 8' is required.

Proposed patio would increase the impervious coverage from 48% to 58% where 35% is permitted as per Borough Ordinance 125-12 Schedule of area yard and building requirements.

The proposed Passover kitchen, 2 bedrooms and bathroom in the basement create a 2<sup>nd</sup> dwelling unit where only one dwelling unit is permitted per lot. Two-family are not permitted in the R-1-3 zone. A use variance is required as per Borough Ordinance 125-57D(1)(d)(1) Other variances and waivers may be required for this Application.

**Mr. Berow (Board Alternate) recuses himself from this Application.**

Lisa Cohen (Architect for the Applicant) here this evening to testify along with the Applicants & Homeowner's, Rachael & Zev Safran.

Ms. Peck (Assistant Zoning Officer) informs Mr. Naveh (Chairman) there are only six (6) Board Members to vote this evening....

Mr. Naveh speaks to Ms. Cohen & the Applicants informing them, the decision to move forward is totally up to them understanding you will need five (5) affirmative votes for an approval.

Mr. Leibman (Board Attorney) explains why and clarifies the D-variance.

Mr. Naveh asks the Applicants what their decision will be?

Discussion....

Applicants have decided to move forward.

Ms. Cohen (previously sworn) reviews the Application and former testimony. Shares her screen with Board Members. Speaks to the site plan before them. Notes the non-conformities but explains nothing is changing except for the porch where the roof is being requested. Ms. Cohen explains at the last hearing, the Board Members felt the floor plans needed more information...

Ms. Cohen continues. Reviews the 2<sup>nd</sup> floor showing two bedrooms and a bathroom, noting they have three (3) children and need additional space. Primary bedroom is on the first floor...details the side entry door to the basement and the proposal before them. Explains the plan is to have an additional office, two bedrooms & bathroom for guests and family. Also, would like to add a kitchen for Passover, which is needed for separation...Ms. Cohen has nothing further but know the Applicants would like a chance to speak.

Rachel & Zev Safran (previously sworn)

Ms. Rachel Safran (Applicant) speaks to the reason for proposal. Explains the Passover traditional 8-day preparation. Details the plan proposed.

Ms. Cohen (Architect) reiterates the lot is undersized, no FAR involved, etc...

Mr. Leibman (Board Attorney) asks what the hardship is?

Ms. Cohen speaks to the lot being undersized, front & side yard non-conforming. Notes the Applicants are doing their best to stay within the footprint...

Mr. Leibman notes there are no negative impacts, it is an interior renovation. FAR (Floor area ratio) is below requirement and there is no increase...

Discussion on impervious number...

Ms. Heffler (Board Member) notes the 56% impervious and questions flooding issues.

Mr. Safran (Applicant) testifies they had a sump pump & French drain installed.

No further questions from board Members.

Mr. Naveh opens to Residents living within 200ft. of the resident for questions.

Mr. Naveh (Chairman) swears in Michael Reiner,  
12-50 Burbank Street  
Fair Lawn, N.J.

Mr. Reiner asks how easy it would be to put a lock on the interior door to create an illegal apartment?

Mr. Naveh swears in John Campbell,  
12-51 Burbank Street  
Fair Lawn, N.J.

Mr. Campbell questions an area behind the bathroom on the site plan?

Mr. Safran states it is a shower stall from the primary bathroom...with 3 fixtures clarified.

No further questions,

Mr. Naveh reopens questions from Residents living within 200ft. Seeing none,  
Mr. Naveh closes this portion.

Mr. Naveh opens to the General Public for questions. Seeing none,  
Mr. Naveh closes this portion.

Ms. Cohen (Architect) summarizes. Reiterates her clients are looking for approval for the covered porch and to utilize their home the best way they can as shown on the site plan. They have no intention to rent out the space. They are willing and open to adding conditions and/or a Deed restriction if so deemed.

Mr. Leibman reviews with the Applicants, conditions added. Must agree to one (1) Electric meter, (1) Gas meter, (1) mailbox, etc....

Mr. Naveh (Chairman) clarifies if approved, the kitchen downstairs, all gas & electric regulations will be followed.

Ms. Cohen (Architect) states absolutely.

Mr. Zwillenberg (Vice-Chairman) would also like another condition. The door separating the 1<sup>st</sup> floor. Door locks will not be installed.

Ms. Cohen (Architect) Absolutely agrees not to have locks installed.

No further comments from Board Members.

Mr. Naveh opens to Residents within 200ft. of the Applicant.

Mr. Naveh swears in Ellen Bender,  
12-56 Burbank Street  
Fair Lawn, N.J.

Ms. Bender questions the HIPAA Laws? Is this not a business they are running from their home where clients go in and out. Are they not running a business?

Discussion...

Mr. Leibman (Board Attorney) takes a moment to review the Ordinance. 125-8 Home Occupancy. He shares the screen with Board Members and reads the Ordinance out loud.

Discussion continues regarding Home Occupancy...

Mr. Leibman feels it qualifies as "Home Office" ....

Discussion continues...

Ms. Heffler (Board Member) believes it was written for one, not two offices. Has concerns for residents with the flow of patients with two professionals working from home.

Mr. Leibman respectfully disagrees with Ms. Heffler.

Discussion continues...

Ms. Cohen (Architect) states Ms. Safran works remotely...

Mr. Zwillenberg (Vice Chairman) asks if they could override this portion? The Application is not for an office approval...

Mr. Naveh and Mr. Leibman both agree.

Mr. Tratner (Board Member) asks if locks can be checked?

Mr. Leibman (Board Attorney) states this is not their jurisdiction. If suspected of running a two family, this would be a Violation issue...

No further questions from Board Members.

Mr. Naveh opens to Residents with 200ft. for questions. Seeing none, Mr. Naveh closes this portion.

Mr. Naveh opens to the General Public.

Mr. Naveh swears in Michael Ciolino,  
6-17 Essex Place  
Fair Lawn, N.J.

Questions if there is only one exit from basement?

Ms. Cohen (Architect) testifies there is an egress window for an emergency exit but yes, one exit from the basement. Meets the building requirement.

No further questions.

Mr. Naveh reopens for the General Public for further questions. Seeing none,  
Mr. Naveh closes this portion.

Mr. Naveh opens for Public comment.

Ms. Ellen Bender questions the resale of the home with the extra kitchen & bedrooms.  
Can this be sold as a two family in the future?

Mr. Leibman speaks to a “Deed restriction” which can be put on the property.

Discussion...

Ms. Cohen (Architect) reviews for clarification. One Gas Meter, one mailbox, etc.  
Applicants are willing to put a “Deed restriction” on the property as discussed.

Mr. Naveh swears in Ms. Pamela Coles  
13-34 George Street  
Fair Lawn, N.J.

Ms. Coles questions the amount of clients that would be going in and out?

Mr. Naveh (Chairman) states the Home office business is not part of this Application.

Mr. Michael Reiner,  
12-50 Burbank Street

Would like to make a comment...he moved here in 1994. It was a quiet town with single family homes. They are saying it is a one family now but can sell the house and then it can become an illegal two- family. He has real concerns. He explains he had a two - family which became a nightmare...

Mr. Naveh (Chairman) notes his concern but explains they must move on...

Mr. Zwillenberg (Vice-Chairman) questions if there is anything in the Ordinance regulating how many kitchens are allowed?

Mr. Leibman (Board Attorney) replies; No.

Mr. Naveh moves for a motion.

Mr. Tratner makes the first motion to approve the Application with conditions as stated and Deed restriction filed.

Mr. Zwillenberg will second the motion to approve the Application but amend to add the condition where no locks will be placed on first floor doors.

Mr. Tratner moves to approve with Amendment.

**VOTE:** Mr. Tratner, Ms. Heffler, Ms. Horta, Mr. Beg, Ms. Pasarkar, Mr. Zwillenberg & Mr. Naveh- **YES.**

**Motion carries.**

**APPLICATION APPROVED.**

**New Residential Application:**

**2. Application #24-005, David & Marion Lortz  
43 Albert Ave, Block 6804, Lot 24, Zone R-1-3**

Expansion of a non-conforming structure. Ordinance 125-32C (4) permits expansion without variance provided requirements are met-existing non-conforming side or front yard setbacks are not less than 50% of the required side or front yard setbacks, but in no case closer than 12 feet to the existing dwelling on the adjoining property

Proposed 1 story rear addition. Expansion requires a C-1 variance as per section 125-57D(1)(c)(1). Would maintain the existing front yard setback of 11.82' where 25' is required as per section 125-32C (4) and 125-12 Schedule of area yard and building requirements. Other variances and waivers may be required for this application.

Fees have been paid and there is proof of service.

Rafael Danon (Professional Architect) present with Applicants/Homeowners.

Mr. Leibman swears in Rafael Danon and certifies him as an expert in the field of Architecture with no objections from the Board.

Mr. Danon shares Site plan proposal onscreen with Board Members. Explains the rear addition proposed. Existing deck will be removed, relocated & replaced with a new 20x20 deck. There are no changes to the front of the home. It meets all requirements but is a non-conforming lot. Reviews...

Mr. Naveh (Chairman) clarifies all other requirements are met other than the pre-existing non-conforming front yard setback and there is no expansion to the front yard?

Rafael Danon states this is correct. Only the rear yard addition which is still within the requirements.

Mr. Naveh opens to Board Members for questions.



Mr. Zwillenberg (Vice-Chairman) clarifies the side yard setback.

No further questions.

Mr. Naveh asks if the Applicant has anything to add?

Mr. Naveh swears in Marion Lortz (Applicant/Homeowner)  
43 Albert Ave  
Fair Lawn, N.J.

Ms. Lortz would like to add just a few words. She states her & her family of two children love it here and would like more livable space to entertain friends & family...

No further comment.

No further questions from Board Members.

Mr. Naveh opens the application to Residents living within 200 feet of the Applicant for questions. Seeing none,

Mr. Naveh opens to the General Public for questions or comments. Seeing none,  
Mr. Naveh closes this portion and asks for a motion.

Mr. Berow makes a motion to approve the application.  
Ms. Miller seconds the motion.

**VOTE:** Mr. Tratner, Ms. Heffler, Ms. Miller, Ms. Horta, Mr. Berow, Mr. Zwillenberg & Mr. Naveh. **YES.**

**Motion carries.**

**APPLICATION APPROVED.**

**3. Application #24-006, Frances Albora,  
8-05 Henderson Blvd. Block 5816, Lot 55, Zone R-1-3**

Expansion of a non-conforming structure. Ordinance 125-32C (4) permits expansion without variance provided requirements are met-existing non-conforming side or front yard setbacks are not less than 50% of the required side or front yard setbacks, but in no case closer than 12 feet to the existing dwelling on the adjoining property  
Proposed addition. Expansion requires a C-1 variance as per section 125-57D(1)(c)(1). Would maintain the existing front yard setback of 10.5' where 25' is required. Maintain the existing west side yard setback from 2.3' and 2.4' where 8' is required. Maintain existing building coverage of 27.55% where 25% is permitted. Patio installed by prior owner without a permit- Impervious coverage of 57.3% where 35% is permitted as per Borough ordinance 125-12 Schedule of area yard and building requirements. Other variances and waivers may be required for this application.  
Fees have been paid and there is proof of service.

Thomas Mesuk, (Applicant's Architect) & Ms. Albora (Applicant/Homeowner) present this evening.

Mr. Leibman (Board Attorney) swears in Thomas Mesuk, (Professional Architect)  
1-97 Valley Blvd.  
Wood Ridge, N.J.

Mr. Leibman certifies Mr. Musak as an expert in the field of Architecture with no objections from the Board.

Mr. Musak begins his testimony...shares the site plan with Board Members onscreen explaining it is a severely undersized lot. The proposal is to build a second floor over the existing first floor, excluding the front porch with three (3) bedrooms and one (1) bathroom with stairs. They are also looking to expand the first floor with an open floor plan...explains.

Mr. Musak continues...states the patio was added to the rear yard before the purchase of the home. They are not adding any impervious, noting the property has a trench drain which will take care of any drainage. Mr. Musak adds; the applicants will be adding to their family with a new addition shortly...

Mr. Naveh (Chairman) clarifies trench drain?

Discussion follows...Mr. Musak believes this drain was put in to accommodate the patio installation.

Mr. Naveh asks if any thought has been given to reducing the impervious by reducing the size of patio?

Discussion continues...

No questions from Board Members.

Mr. Naveh opens the application to Residents living within 200 feet of the Applicant for questions. Seeing none,

Mr. Naveh opens to the General Public for questions. Seeing none,

Mr. Musak continues...testifies to similar homes on the block, one across the street.

Mr. Naveh would like to speak with the Applicants.

Mr. Naveh swears in Robert & Frances Albora (Applicants/Homeowners)  
8-05 Henderson Blvd.  
Fair Lawn, N.J.

Mr. Albora states he is a local realtor and speaks to other homes on the block, lot size, etc...

Ms. Albora comments she is 7 months pregnant and with having another child shortly, they need the space, love the neighborhood, etc...

Mr. Naveh (Chairman) questions water or drainage issues?

Mr. Albora testifies to no water whatsoever. Believes it has to do with the patio.

Mr. Berow (Board Alternate) speaks to other homes around his property. Asks if they have the same or similar setbacks, side yards, etc...

Discussion....

Mr. Berow asks if any consideration was given to removing other areas of impervious?

Ms. Albora (Applicant/Homeowner) comments she really would like to keep the patio for entertaining, etc...

Mr. Berow continues...are there other areas around the home? Walkways? Driveway reduction?

Discussion continues....

Mr. Albora (Applicant/Homeowner) states; possibly the side walkway?

Mr. Naveh (Chairman) notes, he tried walking this walkway he speaks to. It is very small.

Mr. Naveh asks Mr. Musek if this walkway was removed, what would the reduction be in the calculation for impervious?

Mr. Musak (Architect) reviews...really would not do anything to reduce.

Mr. Naveh swears in Ms. Ann Peck. (Assistant Zoning Officer to the Borough of Fair Lawn)

Ms. Peck discusses the history of the patio. Tracked to 2014. Patio permits were required. House sold in 2020 but lack of permit was not picked up by Inspector during CCO.

Mr. Zwillenberg (Vice- Chairman) expresses concern with impervious, and with the addition of the 2<sup>nd</sup> floor, the light and air impact to the neighbors.

Mr. Musak (Architect) notes there is 10-feet between the structures.

Discussion follows.

Mr. Berow (Board Alternate) notes the distance between the structures. Has concerns with impact to neighbors also...

Discussion continues...

Mr. Naveh clarifies it is a corner house...

Discussion...

No further questions from Board Members.

Mr. Naveh opens the application to Residents living within 200 feet of the Applicant for questions. Seeing none,

Mr. Naveh opens to the General Public for questions or comments. Seeing none, Mr. Naveh closes this portion and asks for a motion.

Ms. Miller makes a motion to approve the Application.  
Mr. Tratner seconds the motion.

**VOTE:** Mr. Tratner, Ms. Heffler, Ms. Miller, Ms. Horta – **YES**.  
Mr. Berow, Mr. Zwillenberg & Mr. Naveh- **NO**.

**Motion carries- 4-3**  
**APPLICATION APPROVED.**

**Mr. Naveh calls for a 5-minute recess. 8:55 p.m.**  
**Mr. Naveh re-opens meeting. 9:00 p.m.**

**Roll Call:** Mr. Tratner, Ms. Heffler, Ms. Miller, Ms. Horta, Mr. Berow, Mr. Beg,  
Ms. Pasakar, Mr. Zwillenberg & Mr. Naveh- **Present**.

4. **Application #24-007, Pritpal & Parveen Nagi,  
13-30 George Street, Block 5610, Lot 7, Zone R-1-3**  
Proposed addition, renovation and patio. Would increase the building coverage from 27.94% to 30.78% where 25% is permitted. Removal of some existing impervious coverage would reduce the coverage from 47.34% to 44.24% where 35% is permitted. Maintain the existing front yard setback of 19.5' where 25' is required as per Borough Ordinance 125-12 Schedule of area yard and building requirements. FAR D-4 variance required increase from 32% to 41% where 40% is permitted as per borough ordinance 125-57D(1)(d)(1) Other variances and waivers may be required for this Application.

Fees have been paid and there is proof of Service.

Ms. Arjani (Applicant's Architect) along with Pritpal & Parveen Nagi (Applicants & Homeowners) are present this evening.

Mr. Leibman (Board Attorney) swears in Monica Arjani (Professional Architect)  
13-27 Edward Street  
Fair Lawn, N.J.

Mr. Leibman certifies Ms. Arjani as an expert in the field of Architecture with no objections from the Board.

Ms. Arjani begins her testimony with review of the proposal. Shares the site plan onscreen with Board Members. Begins detailing the proposed addition with planned renovations and patio, noting the front of the house will look the same. Explains layout of first floor with a living room, kitchen, two bedrooms and a bathroom. States there is no dining room and the one bedroom has no closet...they would like to create a dining room with the removal of a bedroom and adding a closet to the existing bedroom.

Ms. Arjani moves to the enclosed front porch, noting; depending on the weather can use it. This will remain the same except for new roof. Details the second floor and proposal to add two bedrooms, etc.

Ms. Arjani continues... they will remove a back door, located in the rear of house leading to the basement and create a new side door entrance to the basement...speaks to the setbacks and variances. Front yard non-conforming, not changing. Impervious is being reduced from 47.34% to 44.24%, building coverage 2% increase, FAR (Floor Area Ratio) increased from 32% to 41%.

Ms. Arjani reviews all Exhibits with Board Members and feels the addition will not cause any detriment to the surrounding homes...

No further testimony.

Mr. Naveh (Chairman) opens questions to the Board Members.

Mr. Berow (Board Alternate) questions the basement access from outside. Could this be a potential apartment in the future?

Ms. Arjani shares the site onscreen to explain the improbability to use as an apartment.

No further questions from Board Members.

Mr. Naveh opens the application to Residents living within 200 feet of the Applicant for questions. Seeing none,

Mr. Naveh opens to the General Public for questions or comments. Seeing none,  
Mr. Naveh closes this portion.

Mr. Naveh asks if the Applicant's would like to say anything...

Mr. Naveh swears in Javier Nagi (Son of Applicants) to speak on behalf of his father.  
13-30 George Street  
Fair Lawn, N.J.

Mr. Nagi has lived in town over 20 years and call Fair Lawn their home. They would like the additional space for family visits...entertaining in a dining room, etc...

Discussion...

Mr. Berow (Board Alternate) clarifies the spare room will be used solely for private family.

No further questions from Board Members.

Mr. Naveh opens the application to Residents living within 200 feet of the Applicant for questions. Seeing none,

Mr. Naveh opens to the General Public for questions, Seeing none,  
Mr. Naveh closes this portion.

Mr. Naveh opens to the General Public for comments.

Mr. Naveh swears in Pamela Coles (Resident & Neighbor)  
13-34 George Street  
Fair Lawn, N.J.

Ms. Cole has nothing but good to say about her neighbors. Great neighbors. Watched these children grow up and has a wonderful relationship with them. They keep their home beautiful and asks the Board for their approval on their Application.

Mr. Naveh re-opens to the General Public for comment. Seeing none,  
Mr. Naveh closes this portion and asks for a motion.

Ms. Miller makes a motion to approve the application.  
Mr. Berow seconds the motion.

**VOTE:** Mr. Tratner, Ms. Heffler, Ms. Miller, Ms. Horta, Mr. Berow, Mr. Zwillenberg  
& Mr. Naveh- **YES.**

**Motion Carries.**  
**APPLICATION APPROVED.**

Mr. Naveh (Chairman) stops the opening of the next Application to speak with Mr. Kantowitz (Attorney) regarding Application #23-002, 13-13 River Road, LLC.

Mr. Naveh explains the time restraints and does not feel he will get heard this evening. Mr. Kantowitz agrees to carry the Application to the Special Meeting of May 7, 2024.

Mr. Kantowitz verifies with Ms. Ann Peck there will be enough Certified Board Members to vote at the meeting of May 7<sup>th</sup>...

**Application #23-002, 13-13 River Road, LLC, 13-13 River Road, Block 5610, Lot 29&30, Zone B-4. Carried to the Special Meeting of May 7, 2024. No further notice required.**

Mr. Naveh opens the next Application.

**5. Application #24-008, 17-36 11<sup>th</sup> Street, LLC.**

**17-36 11<sup>th</sup> Street, Block 5808, Lot 2, Zone R-1-3**

Application for a Certificate of Nonconformity- two-family.

Municipal Land use law N.J.S. 40:55D-68 Issuance of Certificate of Nonconformity Property is listed on the tax records as a two-family built in 1947. Property is located within the R-1-3 Single family residential zone. There is no record of a Certificate of Occupancy when this house was built. Official zoning map from 1954 shows property was located within an R-1-3 zone. There is no record of a Certificate certifying that the use as a two-family existed before the adoption of the ordinance in 1954 which rendered the use nonconforming. Municipal Land use law N.J.S. 40:55D-68 Issuance of Certificate of Nonconformity. Other variances and waivers may be required for this Application.

Fees have been paid and there is proof of service.

Ms. Jennifer Barardo (Attorney for Applicant) here to represent Applicant.

Wells, Jaworski & Liebman, LLP.

Rt. 17

Paramus, N.J.

Ms. Barardo begins her testimony with explaining the property has been maintained as a two-family since 1947 and are here this evening for the issuance of a Certificate of Occupancy. Explains a history research was done by the owner, Eugene Ascolese who will testify this evening and present documentation to support his request along with testimony from Professional Architect, Amy Hummerstone...

Ms. Berardo calls her 1<sup>st</sup> witness, Mr. Eugene Ascolese

17-39 11<sup>th</sup> Street

Fair Lawn, N.J.

Mr. Alcolese is sworn in. Testifies to living in the home since 1997. Neighborhood has never changed, cookie cutter homes. Reviews the history of 1946- 2-family permits were issued. Speaks to an historical article in 1947 speaking to twenty homes, all two families being built on 11<sup>th</sup> Street...constructed for WW2 veterans returning from service.

Ms. Barardo shares a series of Exhibits onscreen with Board Members.

**A-1 Exhibit**-Series of records obtained from 17-07 11<sup>th</sup> Street through 17-29 11<sup>th</sup> Street 20 homes built. Deeds do not show two-family.

**A-2 Exhibit**- Historic series of Deeds from said properties.

**A-3 Exhibit**-MLS Listings from sale of property listed as two-family.

**A-4 Exhibit**- Rental listing on MLS from 1993 thru 2020 listing two-family.

Mr. Ascolese speaks to the Zoning Ordinance of 1954. Also pulled minutes from 1945 on....

Mr. Leibman (Board Attorney) swears in Ms. Ann Peck (Assistant Zoning Officer) Who also did research with the addresses provided and identified nine of the addresses as being two-family homes, built in 1947.

Mr. Leibman explains the Ordinance which is pre-dated before the Zoning Ordinance-proof of two-family must be shown...

Discussion follows....

Mr. Zwillenberg (Vice-Chairman) questions why the Zoning Board is hearing this Application.

Mr. Leibman explains; to continue as two-family homes. It is not a variance.

Mr. Zwillenberg clarifies. So it can be sold as two-family?

Discussion continues....

No further questions from Board Members.

Mr. Naveh opens the application to Residents living within 200 feet of the Applicant for questions. Seeing none,

Mr. Naveh opens to the General Public for questions. Seeing none,  
Mr. Naveh closes this portion.

Ms. Barardo (Attorney for the Applicant) calls her 2<sup>nd</sup> witness. Ms. Amy Hummerstone, (Architect) to answer any questions regarding the structural design.



Mr. Leibman (Board Attorney) swears in Ms. Amy Hummerstone.  
(Professional Architect)  
Verdigris Architects  
14 Brearly Crescent,  
Fair Lawn, N.J.

Mr. Leibman certifies Ms. Hummerstone as an expert in the field of Architecture with no objections from the Board.

Ms. Hummerstone begins her testimony by stating she has visited the subject property and made her report as to her determination. Shares photos onscreen with Board Members showing the similarities between all the homes along this section of street. All Cape-Cod Style with siding. Construction materials used date back to the 1930's thru 1950's...metal door frames, front porch entryway, stairwell up to 2<sup>nd</sup> floor. All similar to one another...house was built around 1947, predates the Zoning Ordinance. Speaks to the design. Virtually identical layouts and entry doors and dormers with two (2) Gas meters, (2) Electric meters, (2) Mailboxes, door bells, heaters and furnaces...

Discussion...

Mr. Berow (Board Alternate) clarifies. They are looking for a continuation of a two-family?

Mr. Leibman (Board Attorney) reviews with Board Members the legalities of two-family continuation proofs prior to the Ordinance changes.

No further questions from Board Members.

Mr. Naveh opens the application to Residents living within 200 feet of the Applicant for questions. Seeing none,

Mr. Naveh opens to the General Public for questions. Seeing none,  
Mr. Naveh closes this portion.

Mr. Berow (Board Alternate) asks if the house is currently occupied?

Ms. Barardo (Applicant's Attorney) states it was recently purchased and currently not occupied. The reason we are here this evening is to continue using as a two-family.

Discussion continues...

No further questions from Board Members.

Mr. Naveh opens the Application to Residents living within 200 feet of the Applicant for questions. Seeing none,

Mr. Naveh opens to the General Public for questions or comments. Seeing none, Mr. Naveh closes this portion and asks for a motion.

Mr. Tratner makes a motion to approve the application.  
Mr. Berow seconds the motion.

**VOTE:** Mr. Tratner, Ms. Heffler, Ms. Miller, Ms. Horta, Mr. Berow, Mr. Zwillenberg & Mr. Naveh. - **YES**.

**Motion carries.**  
**APPLICATION APPROVED.**

Mr. Naveh (Chairman) noting the late hour will have to carry the following Application to the Special Meeting of May 7, 2024.

**6. Application #24-009, Concetta Guccione,  
8-35 Lake Street, Block 5821, Lot 27 & 28, Zone R-1-3**

Property has been used as a two-family prior to current owner. Applicant is requesting a use variance to continue the use as a two family dwelling. There is no record of approvals to convert the dwelling to a two family. A request for a D-1 use variance as per Borough Ordinance 125-57D(1)(d)(1) Other variances and waivers may be required for this Application.

**APPLICATION CARRIED TO THE SPECIAL MEETING OF MAY 7, 2024. NO FURTHER NOTICE REQUIRED.**

Mr. Naveh opens for Public Comment:

Ms. Pamela Coles  
13-34 George Street  
Fair Lawn, N.J.

Comments on Counsel Sessions & Zoning Meetings conflicting dates.  
So noted.

**Memorialized Resolutions:**

1. Application #24-032, Michelle Rosenberg,  
39-16 Northern Drive, Block 1302, Lot 13, Zone R-1-2  
Deck exceeds permitted deck coverage- ***Approved***

Ms. Heffler makes a motion to approve the Resolution and Ms. Horta seconds the motion.

All Present: **AYE**

1. Application #24-001, McDonald's Real Estate Company, 37-01 Broadway, Block 2320, Lots 10, 11 & 12. Zone B-2 & R-1-3. The proposal is to remodel the existing Restaurant. Re-configure and maintain the drive thru. – **Approved.**

Ms. Miller makes a motion to approve the Resolution and Mr. Tratner seconds the motion.

All Present: **AYE**

**Minutes:**

Ms. Horta makes a motion to approve the minutes as amended for ***March 18, 2024 Special Meeting*** and Ms. Miller seconds the motion.

**VOTE:** All Present- **AYE**

Mr. Berow makes a motion to approve the minutes as amended for ***March 25, 2024*** and Ms. Heffler seconds the motion.

**Adjourn:**

Ms. Miller makes a motion to adjourn and Mr. Berow seconds the motion.

**VOTE:** All Present: **AYE**

Time: **10:15 pm**

Respectfully submitted,

Cathy Bozza  
Zoning Clerk

