

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Regular Meeting
of September 18, 2006**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on **Monday, September 18, 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. Charipper, Mr. Meer, Mr. Newman, Mr. Levy, Mr. Sacchinelli, Mr. Salerno and Mr. Diner.

Absent was: Mr. Blecher.

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

Residential Old Business:

1. 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 Section 125-12 Schedule of area, yard and building requirements.

This application was withdrawn.

Commercial Old Business:

1. Mac Brothers Developers, LLC vs. Zoning Board of Adjustment of the Borough of Fair Lawn and the Borough of Fair Lawn (Settlement Proposal)
39-60 Broadway, Block 1206, Lot 18, Zone B-2
The proposed four-family residential building require a use variance as per RGO 125-24.D.(3) B-2 Zone prohibited uses.

Elaine Berkenwald, Attorney for the applicant came forward: "We're here on the Whispering Woods Case. The applicant has removed 2 bedrooms. This matter was denied at the original meeting. We hope by reducing the size of the building that would enable the Board to accept a settlement. If the vote is approved to hear this case, we would submit revised plans before the next hearing."

Mr. Rosenberg: "Under the case of Whispering Woods, the applicant has the right to come back before the Board. The applicant's settlement proposal is as she has just described. The settlement agreement has been reviewed by myself, and the Board, and is here tonight to seek approval by the Board on this Agreement."

Ms. Berkenwald provided proof of service.

Mr. Nakashian: "What is the total square footage of the land?"

Ms. Berkenwald: "I am not prepared to answer that question."

Mr. Levy: "The details of the site would be offered at the hearing."

Ms. Berkenwald: "We will have that information when we come back."

Mr. Karas: "I was not here at the original application and am ineligible to vote."

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

Craig Wilcox, 39-37 Sunderland Drive: "Is the building going to be the same square footage?"

Ms. Berkenwald: "The second floor will be scaled back. The first floor will remain the same."

Mr. Levy: "Plans have not been submitted yet - but will be."

Mr. Rosenberg: "The public will be notified of the meeting date."

Dennis Hickey, 39-53 Sunderland: "I am directly next door. If they were denied, how can they come back? They've already scaled it back once."

Mr. Rosenberg: "The 8 units never got voted on when it was denied. The applicant filed a lawsuit with the Court challenging the Board's decision, and the applicant has now offered a settlement proposal. They have this right. They have not gone to trial yet, and the Court encourages settlement. They will have to come back for full site plan approval."

Mr. Levy: "They have to prove their application."

Mr. Hickey: "They want to convert it from business to residential. They bought it as a non-conforming lot and claimed a hardship. If it is voted no, they cannot come back?"

Mr. Rosenberg: "Yes."

Mr. Hickey: "The street has been vacated and has been split between 2 properties."

Mr. Rosenberg: "A portion of Blue Hill Avenue has been vacated."

Mr. Hickey: "The state has decided that the curb cannot be broken, so in order to get into the site, they would have to trespass."

Mr. Rosenberg: "That will all be discussed at the meeting."

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

Mr. Harvey Rubenstein, 28 Rutgers Terrace: "More than a single family home is prohibited, why go to something that is more than that? This Borough 20 years ago won in Court over "shoehorning" large buildings into too small of a property. I urge the Zoning Board to stick up for the Borough on this."

Don Smart, [Broadway Improvement Corporation]: "I have never been to a Whispering Woods Hearing, but it is my understanding that the Board will be hearing this application on its merits."

Mr. Rosenberg: "We are voting on the settlement hearing only. At a later date, the applicant will submit a full site plan application. They have never presented a site plan application on the original application."

Mr. Smart: "The hearing on the application would be predicated by the settlement?"

Mr. Ros:enberg: "They plan to reduce the number of units as part of the settlement."

Mr. Smart: "Should it be accepted, the density is not under comment. Much statement has been made as to the access of Route 4. Has it been established that whether or not the property has been purchased before Route 4 purchased the access?"

Mr. Rosenberg: "I believe they purchased it after that."

Mr. Smart: "Did they look into a shared parking?"

Mr. Levy: "This is not what we are supposed to be discussing at this time."

Mr. Smart: "The public has not been advised."

Ms. Berkenwald: "Yes, I advertised in the paper and certified mail within 200'."

Mr. Charipper: "Don, your questions are being asked relative to a site plan, not what we are here for tonight."

Mr. Smart: "If you accept this offer, that you at least do so with knowledge to use the property within the existing zoning. Before you vote, if the offer was not made, then the applicant's request to void the zoning has not been made."

Mr. Rosenberg: "The Board inquired as to whether or not the applicant would use any adjoining property."

Ms. Berkenwald: "We have no ability to use any adjacent properties. But these are all site plan issues, which will be addressed. My client has made a substantial down-sizing. This property does not have access to Route 4. Circulation is all a site plan issue. 4 members did agree that this would have less of an impact on the area than a commercial property."

Mr. Charipper: "Assuming it is approved, there is not a predetermination - the site plan then goes through the normal process. The door is not shut taking into your concerns."

Mr. Smart: "The issue is the zoning. It is B2 zoning. Commercial access would be a moot point."

Mr. Edward Trawinski, 3-33 Lyncrest Avenue: "I am not appearing as a member of the Council, but as a resident of Fair Lawn. If this Board considers this, that would be to approve this settlement without a full site plan. In the Scholastic Bus case against Fair Lawn, they argued that they should not have been required to submit full site plan. The court ruled that in some cases, if it is so interrelated, it should require a full site plan application. This is not an application, as part of the settlement, a full site plan should be submitted. I ask you to reject this, but if you are willing to accept a settlement, it should be provided a site plan is submitted. By approving this settlement, you are putting yourself into a "box." You are saying you are granting a use change. As a resident of Fair Lawn I am asking you to reject this."

Ms. Berkenwald: "Mr. Trawinski was not here at the previous hearings, and the Board has voted 4 in favor of this. We will have to come back and present all the issues. This should be zoned differently, commercial uses do not belong on residential streets and would have a negative impact. I ask this Board to reconsider. We are taking off 2 bedrooms and are reducing this significantly. Mr. Trawinski never saw the site plan. Do not waste the tax dollars on litigation - we

may win and the Town will have no input into the project. This way, the Board will have input with this."

Mr. Levy: "The Board will vote based on testimony, not on what will or will not happen in Court."

Mr. Trawinski: "When the street was closed, I was on the New Jersey State Highway Commission and was Mayor of Fair Lawn. We considered to re-zone the property at that time and decided not to. I am very much aware of what took place at the hearings as I have read the transcripts."

Mr. Newman: "Can I ask Mr. Rosenberg to offer his opinion."

Mr. Rosenberg: "The applicant elected to bifurcate the application. The negative criteria must be satisfied with the site plan application and the site plan application would be reviewed by the Board. The Board has the right to consider the site plan and it will be a full public hearing."

Mr. Newman: "So you recommend that the Board does not need a full site plan at this time?"

Mr. Rosenberg: "I do not feel it is necessary."

Mr. Wilcox: "If this is approved, do I have the right to build a 4 unit building on my property?"

Mr. Levy: "No."

Mr. Karas: "In paragraph 3 of the proposed settlement it speaks about cross easements and provided that this Board will not raise this issue."

Mr. Rosenberg: "That issue will not be raised by the Board's professionals to deem the application as incomplete, but can be part of the site plan."

Mr. Levy closed the meeting to the public.

Mr. Newman: "Can we ask for a variation of the settlement being offered?"

Mr. Rosenberg: "Yes, as part of the settlement, the site plan then needs to be integrated into the settlement. Right now what is before the Court is to approve the use, not the site plan. To do it now, would not really make sense."

Mr. Nakashian: "How binding is this vote going to be?"

Ms. Berkenwald: "We cannot come back with more units. We are only settling the number of units - just the use. When we come back, you can address circulation and all site plan issues."

Mr. Nakashian: "Once this is adopted, you cannot change the use."

Mr. Newman: "The access to the site is a big issue, if we agree to the settlement and we get to the site plan and there is no reasonable way to solve the access, what happens then?"

Mr. Rosenberg: "The application would be denied."

Mr. Newman: "But the use remains and they could come back with a significantly different application."

Mr. Rosenberg: "Yes."

Ms. Berkenwald: "You cannot build a site without access - we would have to prove it."

Mr. Salerno: "You could end up with another McDonalds/IHOP down the road."

Ms. Berkenwald: "We are proposing that a residential use is less intensive than a commercial use. There is some contradiction in the Ordinance as to whether residential is even prohibited."

Mr. Newman: "Would the applicant consider lowering the amount of units - 3 units - 1 with 3 bedrooms and two with 2 bedrooms?"

Ms. Berkenwald: "No. We are submitting it with 4 units. We are not asking for any setback variances, bulk, or parking right now. It is adequate for what we are proposing."

Mr. Newman made a motion to accept the Settlement Proposal and Mr. Charipper seconded the motion.

Mr. Nakashian, Mr. Salerno, Mr. Sacchinelli, Mr. Meer - No.
Mr. Newman, Mr. Charipper, Mr. Levy - Yes.

PROPOSAL DENIED.

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).

This application was carried to the October 16, 2006 meeting.

2. 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.

Thomas Venino and Paul Venino [attorneys for the applicant] came forward. Proof of publication was provided and fees totaling \$350 have been paid and proof of service was provided.

Mr. Thomas Venino [all testimony was given by Thomas Venino]: "We are proposing 2-1 family dwellings, each consists of 6 rooms to house people with disabilities. These buildings are intended to be fully sprinkled. That does not appear at this time, until we receive approval."

Mr. Nick Starita, Director of United Cerebral Palsy, 28 West 29th St., Bayonne, NJ for 25 years, came forward and was sworn in.

Mr. Venino: "Describe what the purpose is."

Mr. Starita: "Every person is entitled to a meaningful existence. The programs we offer are free. We have an adult special needs program from 10 a.m. to 3 p.m. We pick up the people and take them home. We have a respite program where we go into the home. We have a day care center in Jersey City. We have a pediatric day care which will give services to birth to 5 years old that are disabled. We also give transportation. We have been in existence for over 50 years."

Mr. Meer: "Why was this particular site chosen?"

Mr. Starita: "The square footage is very good and the vicinity of public transportation makes this a good site. The way we would like to have our people live. It's a community that gives us life as we know it. They could have an existence within a community."

Mr. Meer: "That is extremely close to a very busy intersection. It backs up to River Road and the turning radius is very tight."

Mr. Starita: "We are very concerned for the safety of our people."

Mr. Venino: "We will address these issues with our professionals."

Mr. Karas: "You listed a number of programs that your facility provides, but you will run a day care program from 10 am to 3 pm?"

Mr. Starita: "No. The programs I listed are for Bergen and Hudson County."

Mr. Karas: "What do you plan to run at this facility?"

Mr. Starita: "None. This is a full time residence."

Mr. Karas: "Is there transportation provided?"

Mr. Starita: "Yes."

Mr. Karas: "Do you plan to run a respite program?"

Mr. Starita: "No. It is a residence only."

Mr. Levy: "How many other professionals do you have?"

Mr. Venino: "3."

Mr. Levy: "I'll open the meeting the public."

Mr. Venino: "I usually present the whole case."

Harold Ritvo [attorney for a group of objectors], "I represent 19 residents of the Borough who are opposing this application. I agree with the Chair not to break it up. I want to be able to question Mr. Starita."

Mr. Levy: "We will allow you to question Mr. Starita."

Ana Galvan [architect for the applicant], 530 Tunnely Avenue, North Bergen, NJ came forward and was sworn in and was accepted as an expert.

Mr. Venino: "You prepared the plans?"

Ms. Galvan: "Yes, I did."

The April 28, 2006 plans were marked as Exhibit A-1.

Ms. Galvan: "The lot is a flag shaped. The entrance would be at the bottom and will face River Road. The bottom will be 5-17 and the one to the top left will be 5-19. The 2 houses are 2,600 s.f. each. Each one of the houses will have a central court dining room, kitchen area, living room to the right, 3 bedrooms and

a general bathroom and to the left would be an identical set up. Because of the size of the lot we have 2 different plans - 1 is longer and 1 is wider and shorter, but have the same amount of units. We are trying to use the existing foundation of 5-17 for a basement for a storage area. We are not going for any special programs."

Mr. Newman: "The impervious coverage is 29.64%?"

Ms. Galvan: "That is incorrect."

Mr. Newman: "It does not include the pavers."

Ms. Galvan: "I will supply the correct information."

Plans prepared by Costa Engineering, dated 4/26/06 were marked as Exhibit A-2.

Ms. Spindel: "There is one house on the lot?"

Ms. Galvan: "Yes."

Mr. Sacchinelli: "The basement is intended for storage?"

Ms. Galvan: "Yes, it will not be for living space."

Mr. Levy: "What is the height?"

Ms. Galvan: "16.7'."

Mr. Levy: "What kind of lighting would be used?"

Ms. Galvan: "4 1/2' candles will be around the property."

Mr. Karas: "Are you going to have a lighting engineer?"

Mr. Venino: "No."

Mr. Keith Kearney, 629 Willow Avenue, Hoboken, NJ: "I am the associate director. I run the day to day operations and make sure the programs are running. I have been involved with community residences for 15 years."

Mr. Venino: "How will the residents be operated?"

Mr. Kearney: "They will both operate the same. They have developmental disabilities and have medical needs. They may need tubes, may be hearing and visual impaired and be in wheelchairs. Someone will be there to help them bathe,

etc. There will be a nurse. There will be 3 shifts at all times - 24 hours a day. The nurse oversees the medical needs. A manager will oversee the whole site. They will manage both homes. 7am to 3 pm, 3 pm to 11 pm and 11 pm to 7 am are the shifts. The residents leave the building around 9 am to attend a work program. Their breakfast will be eaten together. Lunch is prepared and it is brought with them to their work or rehab. They return at 4 pm and will have their dinner and possibly utilize the town. They will leave the home 5 days a week. UCP will operate 3 vehicles on the lot. We typically buy vans - Ford F250 vans. We flatten the floor to ratchet the wheelchairs and raise the roof a little."

Mr. Venino: "How many residents will there be?"

Mr. Kearney: "Typically there would be 3 wheelchairs, and possibly chairs around that doesn't require wheelchairs. 3 vans would leave each morning with 12 individuals."

Mr. Venino: "Who would be in the home during the day?"

Mr. Kearney: "The nurse and manager and, if someone is ill and stays behind. 1 van stays behind if needed. When they return they may do laundry, prepare meals, etc. 2 individuals at all time are on staff at each home, plus the manager and RN."

Mr. Venino: "How many parking spaces are there?"

Mr. Kearney: "11, but would need 8 with staff and visitors. Sometimes a social worker may stop by or a therapist."

Mr. Venino: "Do they have visitors?"

Mr. Kearney: "The residents that are planned for this facility do not have families."

Mr. Venino: "What about weekends?"

Mr. Kearney: "Those with families come up during the weekends. There will be no children living there."

Mr. Venino: "Will the vans remain on the weekends."

Mr. Kearney: "None of the residents drive, and those vans are needed for group outings."

Mr. Venino: "Staff that you hire - how are they controlled - who are they?"

Mr. Kearney: "We require a FBI fingerprinting and State Police background check."

Mr. Venino: "What agency oversees this?"

Mr. Kearney: "Funding comes from the Division of Developmental Disabilities and we are inspected once a year by the State unannounced, but more often in the beginning. There will be case managers for the residents as well."

Mr. Venino: "Are there any behavioral programs?"

Mr. Kearney: "No. The people we target have medical issues and are not able to defend themselves. We do not admit anyone with aggression. The staff is fully trained before working with the disabled."

Mr. Venino: "Have you experienced any serious behavioral problems?"

Mr. Kearney: "No. If something develops in the day program, we bring in a team of behavioral specialists and they would recommend they be removed. We will not admit anyone with alcohol or substance abuse issues. Before anyone is admitted, we have a final say by assessments by our psychologists and years of records through the state. Where they come from, the requests are made by families and by the State."

Mr. Venino: "If the project is built does the town benefit?"

Mr. Kearney: "This does qualify for COAH points and are low income. We will continue paying the taxes on the property."

Ms. Spindel: "What is the age range?"

Mr. Kearney: "Approximately 50 years and above right now. They will not be children. It's typically older adults."

Ms. Spindel: "If one of the residents leaves, they get replaced?"

Mr. Kearney: "Yes."

Ms. Spindel: "Are the genders separated?"

Mr. Kearney: "One probably female and the other mixed. We had a group of people. It's what the individual wish."

Ms. Spindel: "How many other are there in New Jersey?"

Mr. Kearney: "This would be the first. I've run them at a previous organization. This property first went through with the testing of the area by UCP. We have a contract to do five."

Ms. Spindel: "I have concerns with people with disabilities being on a very busy street, walking into a situation could be dangerous."

Mr. Kearney: "The majority of people we serve aren't capable of leaving."

Mr. Sacchinelli: "Do you have a policy of removing medical waste?"

Mr. Kearney: "Yes. We have been approved by the State."

Mr. Sacchinelli: "Is that once or twice a week?"

Mr. Kearney: "I don't know."

Mr. Sacchinelli: "Is there any maintenance personnel?"

Mr. Kearney: "We do basic maintenance ourselves, but contractors we need to hire we usually hire local contractors. We have a full time maintenance staff that is located in North Bergen."

Mr. Charipper: "What kind of procedures will you have to prevent them from wandering? Are you planning to have other facilities?"

Mr. Kearney: "Yes within the state."

Mr. Charipper: "Within Fair Lawn?"

Mr. Kearney: "No. This is for 2 homes. We are looking to put 3 in Hudson County. We are under contract within the State to do five and have no intention to put another one in Fair Lawn."

Mr. Charipper: "What kind of procedures will there be about the residents wandering?"

Mr. Kearney: "Staffing patterns are a 3to1 ratio to take care of the needs of the people. There will be 3 ambulatory and 3 non ambulatory residents. This is a typical home of the State."

Mr. Karas: "There will be a total of 6 staff always on site. 2 in each building and a nurse and a manager?"

Mr. Kearney: "Yes."

Mr. Karas: "Will you be hiring additional staff for maintenance?"

Mr. Kearney: "Yes."

Mr. Karas: "You only have 11 spaces - it's kind of tight."

Mr. Kearney: "The people coming to do the maintenance are in and out. The people living there will be gone, when the maintenance comes."

Mr. Karas: "6 spaces for the staff and the 3 vans leaves only 2 extra."

Mr. Kearney: "Yes."

Mr. Karas: "This is state funded?"

Mr. Kearney: "Yes."

Mr. Karas: "Have you explored any other sites for parking?"

Mr. Kearney: "No. A lot of staff that we hire utilize mass transportation which is why this property was appealing."

Mr. Karas: "These type of facilities have people coming in to do the books, visitations by the state, etc. how will that fit into the 2 spaces?"

Mr. Kearney: "All the accounting is done at our administrative office. The staff is only there to care for the residents. Everything is scheduled and is controlled by us. We don't know when the state comes and that would be during the day."

Mr. Salerno: "Who have you done this with?"

Mr. Kearney: "I've done a school similar to this in Basking Ridge, Green Township and Franklin."

Mr. Levy: "Can you get the addresses so the Board could look at them?"

Mr. Kearney: "Yes."

Mr. Newman: "Individuals would have case managers?"

Mr. Kearney: "Each individual will have a case manager. There are 2 for the County and they come once a year."

Mr. Newman: "Who drives the van?"

Mr. Kearney: "The nurse and another staff member. There would be no other additional staff."

Mr. Newman: "I'm sure you'll have appropriate receptacles for medical waste?"

Mr. Kearney: "Yes, but it would not be often."

Mr. Levy: "Is there ever a time that buses are used?"

Mr. Kearney: "No. One of the state regulations is that residents cannot be on a van more than 2 hours a day, and the smaller vehicle allows that."

Mr. Levy: "What about parties at the site?"

Mr. Kearney: "We really involve the residents with the community and will hold a party and invite the town."

Mr. Karas: "Who does the cooking?"

Mr. Kearney: "The residents do and they also do the shopping like a normal home. There are no deliveries."

A 5 minute recess was taken. The meeting resumed at 9:50 p.m.

Robert Costa, P.E. [Engineer for the project] came forward and was accepted as an expert.

Mr. Levy: "Are you testifying as an engineer or as a planner?"

Mr. Costa: "As much as possible in those capacities. I want to clarify some of the record."

Mr. Venino: "You've prepared the plans, dated April 26, 2006?"

Mr. Costa: "Yes."

The plans were marked as Exhibit A-4.

Mr. Costa: "I've visited the site and have come up with this design, drainage, driveway, configuration of the parking lot, lighting. We are not proposing site lighting. We are surrounded by residents and do not want to impact those residents."

Mr. Venino: "What is proposed for lighting?"

Mr. Costa: "An entry light into the home and some exterior lighting on the rear of the home. The amount of traffic this will impact will not need additional lighting. This is not an in and out situation with traffic. I've done a spectrum for living house many years ago and this is similar."

Mr. Venino: "What are the variances for coverage?"

Mr. Costa: "The imperious coverage we are proposing - not including the pavers - is 29%. Under the new Storm Water, brick pavers are not considered impervious."

Ms. Peck: "Under our definition it includes patios, and isn't this is a patio?"

Mr. Costa: "Yes, but there is also a parking lot and that should not be included in the coverage."

Mr. Newman: "Currently in the Borough, pavers are included in the impervious coverage."

Mr. Costa: "The building coverage are 1 story buildings."

Architectural Drawings were marked as A-5. Photos were marked as A-6.

Mr. Costa: "The entrances are in the middle with bedrooms to the left and the right. The chances of all the parking spaces being needed is remote. This use is very limited. The residents don't drive. Half of them don't walk. What is the negative? We're in a residential neighborhood, the landscaping plan would shield the other houses from this site. If the director says we don't need 2 spaces, we could remove them. The surface water will infiltrate into the ground. We don't want to do the lighting. We are willing to work with you and not to have that great of an impact on the area. This is an easy site. Your minimum zoning is 6,500 s.f. This is a flag lot and is nearly 20,000 s.f. You could build a big house here - a McMansion. This is not. This is an inherently beneficial use. This has the least of amount of impact. Any suggestions, by the Board and the public, and we would try to put into our design."

Mr. Levy: "I have questions on the planning issues. This will be carried to the October 16 meeting, and we will assign a special meeting date."

APPLICATION CARRIED TO THE OCTOBER 16, 2006 MEETING.

Paul Azzolina left the meeting at 10:15 p.m.

Residential New Business:

1. 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.

This application is carried to October 16, 2006.

2. 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.

Moskal Arkadiusz and Alicja Chmiel came forward and were both sworn in. Fees totaling \$88.00 have been paid and there was proof of service.

Ms. Chmiel: "We would like to change the second floor to add bedrooms. I have 3 children and need more room."

Mr. Levy: "There is a cantilever in the back and that is what is bringing them here?"

Ms. Peck: "The cantilever and they are covering the front porch. The porch is less than half the requirement of the front yard."

Mr. Rosenberg: "Can you clarify the existing 49.14% impervious coverage?"

Ms. Spindel: "What's the garage - it's a mess."

Ms. Chmiel: "We want to fix it."

Mr. Levy: "The height is 29.6'. Is this within the character of the neighborhood?"

Ms. Chmiel: "Yes."

Mr. Rosenberg: "The survey is dated February 2, 2006 - did they get a C.O.?"

Ms. Peck: "I did not do that research on this property."

Mr. Levy opened the meeting to the public within 200'. Maria Gonzalez, 11-18 Floral Avenue, came forward and was sworn in: "I have lived there for 21 years. The house already has 4 bedrooms, 2 baths, living room and dining room. My house is just like theirs. I think they will improve it, but it is too big. The garage has already been started and they have replaced the roof."

Mr. Levy: "They are within the limits of the height, but bringing up the character of the neighborhood - "

Ms. Gonzalez: "None of the houses in the neighborhood have that. The next house would be on the corner of Burbank."

Mr. Karas: "I visited the dwelling and it seems to be overbuilding on the small lot and is out of character with the neighborhood and it seems to be quite high."

Mr. Levy: "It is within the ordinance with the height."

Ms. Spindel: "Do you have any pictures?"

Mrs. Gonzalez: "No."

Mr. Charipper: "Under what conditions would you approve this?"

Mrs. Gonzalez: "I just think it's too high and should stay within the height of the other homes."

Mr. Levy opened the meeting to the general public. Mr. Harvey Rubenstein, 28 Rutgers Terrace: "What would be the consequences of the Borough with the impervious coverage?"

Mr. Rosenberg: "It is to establish how the coverage came to be based on the survey."

Mr. Newman: "How high will the attic be? Is it a walk-in attic?"

Mr. Arkadiusz: "It is not a walk-in attic."

Mr. Levy: "According to the scale it is 10' high."

Mr. Arkadiusz: "We can lower the house 2'."

Ms. Spindel: "Carl Mecky drew the plans he should decide - not the applicants."

Mr. Charipper: "The applicants should come back with revised plans after speaking with their architect."

This application is carried to October 16, 2006.

3. Application #2006-080, Vincent Polisi
12-72 6th Street, Block 5615, Lot 5, Zone R-1-2
Existing lot is 5,000 s.f. where 7,500 s.f. is required. Lot has street frontage of 50' where 75' is required. The proposed additions would increase the existing building coverage from 26.58% to 26.96% where 25% is permitted. Would change the existing side yard setback of 5' to 6.9' where 10' is required as per Section 125-12 Schedule of area, yard and building requirements.

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

Vincent Polisi, came forward and was sworn in. "We were granted an approval in 2003 and never proceeded. My house is set all the way back. We are now moving the house forward and the rear would have 21'."

Mr. Levy: "What is the height of the house?"

Mr. Polisi: "29.5'. A house that just went up across the street is higher than what I am proposing."

Ms. Spindel: "This house was approved?"

Ms. Peck: "He received a variance with a 6' rear yard for a 2nd floor addition. By moving it forward he has improved it and has eliminated some of the variances."

Ms. Spindel: "Who drew these plans?"

Mr. Polisi: "I did."

Ms. Spindel: "Is there anything like this in your neighborhood?"

Mr. Polisi: "Yes. The one across the street is very similar to this."

Ms. Spindel: "I didn't see anything like this."

Mr. Polisi: "This is an undersized lot, but if you want me to change the design, I will. I can do siding instead of stucco."

Mr. Levy: "This is substantially smaller than the one across the street."

Mr. Polisi: "Yes."

Mr. Karas: "The existing dwelling of the side yard is 4.9'."

Mr. Polisi: "No it is 6.9'."

Mr. Karas: "It is actually less."

Ms. Peck: "I went to his survey which shows a 5' side yard."

Mr. Karas: "What about the 6.9'?"

Ms. Peck: "That is where the house juts in."

Mr. Karas: "The minimum side yard would be 6.9'?"

Ms. Peck: "Yes."

Mr. Karas: "Does the impervious coverage include the driveway?"

Ms. Peck: "Yes."

Mr. Karas: "Are there any other houses higher than yours?"

Mr. Polisi: "Yes. There are 3 other houses higher than this."

Mr. Newman: "If this were to be approved does the prior approval run with the land?"

Mr. Rosenberg: "It expired in 12 months."

Mr. Newman: "Right now, the existing dwelling with the 6.9' side yard, once it is removed, it is like it was never there?"

Mr. Rosenberg: "Yes it will have been abandoned."

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

Mr. Levy: "So, the peak of the roof is 29.5'?"

Mr. Polisi: "Yes."

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

VOTE: Mr. Karas - ABSTAIN.

Mr. Nakashian, Mr. Newman, Ms. Spindel, Mr. Salerno, Mr. Meer,
Mr. Levy - YES.

APPLICATION APPROVED.

Mr. Newman requested this be the last application the Board hear tonight. Mr. Charipper, Mr. Meer, Ms. Spindel, Mr. Diner and Mr. Levy agreed.

Mr. Salerno and Mr. Sacchinelli disagreed and thought they should hear the remaining residential applications.

Mr. Nakashian and Mr. Karas would do either.

The following applications were all carried to the October 16, 2006 meeting:
(All the applicants consented to an extension of time).

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.
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.
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.

Public Comment

Mr. Harvey Rubenstein: "I would like to compliment the Chairman and the Board Members on how this Board is being run."

Resolutions

1. Application #2006-055 – Gina and Vincent Scappaticcio, 4-03 Lyons Avenue, Block 5626, Lot 13, Zone R-1-3 – Addition - Approved.
2. Application #2006-058 – Arkady Geltzer, 30-14 Garrison Terrace, Block 2805, Lot 17, Zone R-1-2, Addition - Approved.
3. Application #2006-059 – M&R Development, LLC, 57 Sandford Road, Block 3618, Lot 15, Zone R-1-2, Addition - Approved.
4. Application #2006-068, Susan Snochowski, 4-06 Lyons Avenue, Block 5628, Lot 11, Zone R-1-3, Addition - Approved.
5. Application #2006-069, Christopher Laudis, 39-26 Sycamore Drive, Block 1110, Lot 18, Zone R-1-3, Addition - Approved.
6. Application #2006-055 – Gina and Vincent Scappaticcio, 4-03 Lyons Avenue, Block 5626, Lot 13, Zone R-1-3 – Fence - Denied.

Vouchers

1. Voucher submitted by Karen Kocsis in the amount of \$275.00 for the September 7, 2006 meeting.
2. Voucher submitted by Winne, Banta, Hetherington, Basralian & Kahn, P.C. in the amount of \$225.00 for the September 7, 2006 meeting.

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

VOTE: All Present - YES.

Estimates

1. RSC Architects estimate in the amount of \$1,980.00 to review Omnipoint Communication, Inc.
2. Azzolina & Feury Engineering, Inc. in the amount of \$3,200.00 to review United Cerebral Palsy of Hudson County, Inc.

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

VOTE: All Present - YES.

Minutes

Ms. Spindel made a motion to approve the minutes for the September 7, 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: 11:15 p.m.

Respectfully submitted,

Carol LoPiccolo
Zoning Board Clerk