

**BOROUGH OF FAIR LAWN
ZONING BOARD OF ADJUSTMENT
Special Meeting
of November 16, 2006**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's special meeting held on **Thursday, November 16, 2006**.

Vice-Chairman Douglas Charipper called the regular meeting to order at 7:40 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present were: Mr. Karas, Ms. Spindel, Mr. Meer, Mr. Newman, Mr. Sacchinelli, Mr. Charipper, Mr. Blecher and Mr. Diner.

Absent were: Mr. Salerno, Mr. Levy* and Mr. Nakashian.
*Mr. Levy was at the League of Municipalities.

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

Residential New Business:

1. Application #2006-091, Francesco and Dina Paradiso
7 Wyman Court, Block 1108, Lot 13, Zone R-1-3
Existing lot frontage is 60' where 65' is required. The proposed addition would have existing side yard setbacks of 7.58' and 7.58' where 8' is required as per Section 125-12 Schedule of area, yard and building requirements.

Francesco and Dina Paradiso came forward and were sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mrs. Paradiso: "We would like to build a second story addition."

Ms. Peck: "If not for the Ordinance change, they would not be here."

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

Mr. Paraidso: "There are 4 homes within 200' that have done similar additions."

Ms. Spindel: "The lower level will remain the brick and the top will have siding?"

Mr. Paradiso: "Yes."

Mr. Karas: "On the plans A-1 - the building coverage - what is present?"

Mr. Paradiso: "Approximately 1,000 s.f."

Mr. Karas: "On the plot plan, at the rear of the property you show a deck and concrete - will that remain?"

Mr. Paradiso: "The deck has been removed and the concrete area will also be removed."

Mr. Karas: "What is the present impervious coverage?"

Mr. Charipper: "They are within the code and do not need a variance for impervious coverage."

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

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

VOTE: Mr. Karas, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Meer and Mr. Charipper - YES.

APPLICATION APPROVED.

2. Application #2006-092, Marilyn and Marshall Wilen
3-18 Alyson Street, Block 5406, Lot 19, Zone R-1-3
The proposed addition would have an existing front yard setback of 15.3' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

Mr. Blecher recused himself from this application.

Marilyn and Marshall Wilen came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Wilen: "We would like to add a bedroom on the second floor and an addition to the rear for the kitchen and family room."

Mr. Charipper: "How would this addition conform with the neighborhood?"

Mr. Wilen: "Across from us there is an identical addition and there is a house a few houses down from us that is in the process of a similar addition. This would fit in with the neighborhood. The house is 50 years old and hasn't been updated at all and this would add to the value of our neighbors' houses."

Mr. Karas: "What is the correct figure for the building coverage?"

Mr. Wilen: "1,625 s.f."

Ms. Peck: "That is correct."

Mr. Karas: "The front yard setback is not being increased?"

Mr. Wilen: "Correct."

Mr. Karas: "The front stoop seems to be encroaching further."

Mr. Wilen: "That is steps with a landing and we are enclosing it. Our contractor already has a permit for that."

Ms. Peck: "The front foyer is under 50 s.f. and does not need a variance since it is allowed to encroach into the front yard."

Mr. Charipper opened the meeting to the public within 200' and the general public. No one came forward. Mr. Charipper 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. Newman, Ms. Spindel, MR. Sacchinelli, Mr. Diner, Mr. Meer and Mr. Charipper - YES.

APPLICATION APPROVED.

3. Application #2006-093, Nadine and Raymond Misko
5-03 Lyons Avenue, Block 5626, Lot 8, Zone R-1-3
Existing lot is 5,260 s.f. where 6,500 s.f. is required. Existing lot frontage of 50' where 65' is required. The proposed addition would increase the building coverage from 28.18% to 30.5% where 25% is permitted. Would increase the impervious coverage from 34.65% to 36.9% where 35% is permitted as per Section 125-12 Schedule of area, yard and building requirements.

Nadine and Raymond Misko came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Ms. Misko: "We would like to put an addition on the second floor."

Mr. Diner: "The height - what is it?"

Ms. Peck: "The height is 29' to the mean."

Mr. Newman: "You have an undersized lot with a shared driveway?"

Mr. Misko: "Yes."

Ms. Spindel: "Where is the additional impervious coverage from?"

Ms. Peck: "There is a cantilever."

Mr. Karas: "Is there a bump-out in the rear?"

Mr. Misko: "Yes that is a 4' cantilever."

Mrs. Misko described the photos.

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

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

VOTE: Mr. Karas, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Meer and Mr. Charipper - YES.

APPLICATION APPROVED.

4. Application #2006-094, Issa Huzien
46 Pomona Avenue, Block 6904, Lot 17, Zone R-1-3
Existing lot is 6,456 s.f. where 6,500 s.f. is required. The proposed addition would increase the building coverage from 28.4% to 29.99% where 25% is permitted. Would increase the impervious coverage from 67.51% to 67.89% where 35% is permitted. Would have existing front yard setbacks of 9.7' and 5.7' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

Issa Huzien and Cheryl Huzien came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mrs. Huzien: "We would like to put a second floor addition."

Mr. Charipper: "You are increasing the impervious coverage from 67.51% to 67.89%. We never typically grant a variance over 50%."

Mr. Meer: "They are increasing less than 1%."

Ms. Peck: "The pool was granted back in the 80's which accounted for the increase."

Ms. Spindel: "Although you did not create this condition, would you be willing to remove some of the concrete around the garage or the pool area?"

Mrs. Huzien: "All the rain water goes into a drain in the middle of the patio. We could remove some of the block patio to the right of the garage."

Ms. Peck: "That would bring the coverage down to 65.11% which is less than what they currently have."

Mr. Newman: "Does the addition fit in with the neighborhood?"

Mrs. Huzien: "Yes, there are several houses in the area that have similar additions."

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

Ms. Spindel made a motion to approve this application as amended and Mr. Karas seconded the motion.

VOTE: Mr. Karas, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Meer and Mr. Charipper - YES.

APPLICATION APPROVED.

5. Application #2006-095, David and Lisa Barbieri
39-29 Romana Drive, Block 1207, Lot 19, Zone R-1-3
Existing lot is 5,254 s.f. where 6,500 s.f. is required. Lot frontage of 51.91' where 65' is required. The proposed addition would have existing side yard setbacks of 4.95' and 7' where 8' is required. The proposed front cantilever would reduce the existing front yard setback from 23.17' to 21.17' where 25' is required as per Section 125-12 Schedule of area, yard and building requirements.

David and Lisa Barbieri came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Barbieri: "We're planning on putting on an addition in the rear for the kitchen and a second floor addition with a cantilever."

Mr. Barbieri described the photos presented.

Mr. Charipper: "Does this fit in with the character of the neighborhood?"

Mr. Barbieri: "Yes."

Mr. Charipper: "Your lot is irregular shaped?"

Mr. Barbieri: "Yes."

Mr. Newman: "If not for the irregular shaped lot, your front yard would not be an issue."

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

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

VOTE: Mr. Karas, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Meer and Mr. Charipper - YES.

APPLICATION APPROVED.

6. Application #2006-096, Keith and Grete Meerholz
13-21 Sunnyside Drive, Block 3601, Lot 11, Zone R-1-2
Existing lot frontage of 57.64' where 75' is required. The proposed new covered porch would decrease the existing front yard setback from 25.25' to 18.85' where 30' is required. The proposed second floor addition would have existing side yard setbacks of 4.7' and 8.10' where 10' is required as per Section 125-12 Schedule of area yard and building requirements.

Keith and Grete Meerholz came forward and were both sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mr. Meerholz: "We would like to put a second floor addition over the garage with a 2' cantilever on the front and the rear. We would also like to put a front porch just in the front of the house - not the garage."

Mr. Newman: "You want to reduce the front yard setback because of a porch?"

Mr. Meerholz: "Yes."

Mr. Newman: "What is the reason of the porch?"

Mr. Meerholz: "The house down the street has done something similar and we've always wanted a front porch."

Mr. Newman: "Have any other homes come that far forward?"

Mr. Meerholz: "I'm not sure."

Mr. Newman: "Right now, you're in line with the other houses?"

Mr. Meerholz: "Yes, but this would improve the area."

Ms. Spindel: "I'm a little concerned over the depth of the porch coming out. 6' deep is not very deep - do you think you'll get use out of that?"

Mr. Meerholz: "Yes, our children are very small and it's just to be able to sit out there and watch them."

Mr. Karas: "6' is kind of narrow, but would you be willing to reduce it to 4' or 5'?"

Mr. Meerholz: "I don't think it would be viable."

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

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

VOTE: Mr. Karas, Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher, Mr. Meer and Mr. Charipper - YES.

APPLICATION APPROVED.

7. Application #2006-097, Susan Tate and Joe Potanovic
32-02 Nicholson Drive, Block 2512, Lot 30, Zone R-1-2
Existing lot is 6,114 s.f. where 7,500 s.f. is required. Lot frontage of 94.62' x 65' where 75' x 100' is required for a corner lot. The proposed addition, covered front porch and driveway expansion would increase the building coverage from 15.3% to 27.24% where 25% is permitted. Would increase the impervious coverage from 27.4% to 40.25% where 35% is permitted. The new enclosed front porch would reduce the existing front yard setbacks from 24.8' & 25.2' to 20.8' and 21.2' where 30' is required as per Section 125-12 Schedule of area, yard and building requirements. The driveway expansion would be 26' wide where 22' wide is permitted as per Section 125-48C Parking.

Susan Tate and Joe Potanovic came forward and were sworn in. Fees totaling \$88.00 have been paid and there is proof of service.

Mrs. Potanovic: "We're looking to build a garage with an addition over the garage."

Mr. Karas: "I believe you're asking for too much. You're increase in building by 12% and impervious by 13%. Also your setback you're reducing by 4'."

Mr. Potanovic: "My lot is undersized and I'm actually only going over by 2%."

Mr. Karas: "You're impervious coverage is going over by 5%. Can you decrease the size of the driveway or the garage?"

Mr. Newman: "Can you give me an idea, without the wrap-around porch, what would the building coverage be? Although I think the porch outweighs the negative of the slight increase in coverage."

Ms. Peck: "The decrease would be 2.24% in both building and impervious coverage."

Mr. Newman: "The porch improves the look of the home."

Mr. Potanovic described photos as presented. The photos were marked as Exhibit A-1.

Mr. Karas: "Your driveway would extend beyond the garage. Can you shift it over to be in line with the garage?"

Mr. Potanovic: "Yes, that would be removed which is 2' x 30'."

Ms. Peck: "That would not even lower it 1%."

Mr. Charipper: "You're asking for a lot, is there anything you can reduce?"

Mr. Potanovic: "We would really like to keep the porch."

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

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

VOTE: Mr. Newman, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher,
Mr. Meer and Mr. Charipper - YES.

Mr. Karas - NO.

APPLICATION APPROVED.

Public Comment

There was no public comment.

Resolutions

There were no Resolutions.

Vouchers

1. RSC Architects regarding UCP in the amount of \$825.00; and
2. Karen Kocscis regarding October 16, 2006 meeting in the amount of \$275.00.

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

VOTE: All Present - YES.

CORRESPONDENCE/ITEMS FOR DISCUSSION

The Board felt they were burdened by the Ordinance Change [regarding non-conforming lots], but it should remain in place until the FAR is put into place.

Minutes

Mr. Newman made a motion to approve the minutes for the October 16, 2006 meeting.
Mr. Karas seconded the motion.

VOTE: All Present - YES.

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

VOTE: All Present - YES.

TIME: 9:20 p.m.

Respectfully submitted,

Carol LoPiccolo
Zoning Board Clerk