

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Of February 23, 2009**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on February 23, 2009.

Chairman Todd Newman called the regular meeting to order at 7:10 p.m. and declared that the meeting was being held in accordance with the Open Public Meeting Law.

Roll Call: Present: Mr. Diner, Mr. Karas, Mr. Charipper, Ms. Spindel, Mr. Salerno, Mr. Frankel, Mr. Sacchinelli, Mr. King, & Mr. Newman

Absent: Mr. Joe Meer & Mr. Brian Blecker.

Also in attendance were William Soukas, Board Attorney; Karen Kocsis, Court Reporter; Ann Peck, Assistant Zoning Officer and Cathy Bozza, Zoning Board Secretary.

Mr. Soukas swears in Mr. Gary Sacchinelli as Alternate II.

**Residential New Business:**

1. Application #2009-092- Joseph Costa,  
2-01 28<sup>th</sup> Street, Block 3308, Lot 23, Zone R-1-3  
Existing lot is 5000sf where 6500sf is required. Lot frontage of 50' where 65' is required. Proposed addition would increase the building coverage from 21.76% to 25.06% where 25% is permitted. Would maintain the existing front yard setbacks of 24.48' and 11.89' where 25' is required. Would maintain the existing side yard setback of 7.86' where 8' is required as per Section 125-12 Schedule of area yard and building requirements. FAR of 45.09% where 40% is permitted. Requires a D-4 variance as per Section 125-57.D.(d)

Fees have been paid and there is proof of service.

Mr. Newman swears in Mr. Joseph Costa.

Mr. Newman asks Mr. Costa what it is that he would like to do?

Mr. Costa explains that he bought this property and would like to add a second floor to it.

Mr. Newman: You are here tonight seeking a D-Variance because you are over the limitations on the FAR.

Mr. Newman explains to Mr. Costa that a vote tonight would require 5 affirmative votes out of seven for this type of relief to be passed.

Mr. Costa states he is aware of this.

After further discussion and careful consideration regarding the FAR, the applicant requests to carry the application to the March 16, 2009 Zoning Board Meeting so that he may bring his professionals with him. Mr. Costa grants the Board an extension of time and it is the consensus of the Board to carry the application.

**Application carried to March 16, 2009.**

2. Application#2009-093- Gad & Iris Tzour,  
12-35 Fairclough Place, Block 4613, Lot 1, Zone R-1-3  
Proposed driveway expansion would increase the existing 12' wide driveway to 18'. Would increase impervious coverage from 35.9% to 38.97% where 35% is permitted as per Section 125-12 Schedule of area yard and building requirement.

Mr. Newman swears in Iris Tzour.

Fees have been paid and there is proof of service.

Mr. Newman: Please explain why you are here tonight.

Ms. Tzour: We would like to expand our driveway. We are currently a family of four. The driveway we currently have accommodates only two cars. I have a daughter and a son who have their own cars so we need more room to park.

Mr. Newman explains that the reason that she is here tonight is because she is over the impervious coverage.

Ms. Tzour is aware of this.

Lot size is 56x100.....Discussion is continued. Site plans reviewed.

Ms. Tzour explains how she plans to expand the driveway. A little bit to the left and 1ft. away from the property line and also a little bit to the right.

Ms. Spindel voices her concern over the expansion to the right, stating it may interfere with the entranceway to the front door.

Ms. Tzour states it does not change the accessibility to the stairs. The stairs that were there originally were very narrow and straight. What we did was put them a little bit on an angle for curb appeal and also for more access.

Mr. Newman discusses impervious coverage issues with Ms. Tzour. Lot size is approximately 5000sf. The requirement in the zone is 6500sf. If the lot size was that big, expanding the driveway wouldn't be an issue.

Ms. Tzour asks if the Board does not grant this variance, was she's supposed to do? There is no overnight parking in Fair Lawn.....

Mr. Newman explains the Municipal Land Use Laws and why they are but also recognizes that she does have a situation where she does have an undersized lot. That does present a hardship when it comes to impervious coverage. The pictures you have included shows that the character of the neighborhood, driveway expansions are common and this would fit in with the character of your neighborhood.

Mr. Newman opens the applicant up to residents within 200ft. Seeing no one.  
Mr. Newman closes this portion.

Mr. Newman opens the applicant up to the general public. Seeing no one.  
Mr. Newman closes this portion.

Mr. Charipper makes 1<sup>st</sup>. motion to approve the application with an amendment that driveway must be 1ft. from property line.  
Mr. Salerno seconds the motion.

**VOTE:** Mr. Diner, Mr. Karas, Mr. Charipper, Ms. Spindel, Mr.Salerno, Mr. Frankel,  
& Mr. Newman, **YES.**

**Application Approved.**

**Commercial Old Business:**

1. Application#08-072. Oscar & Donna Krieger,  
8-05 River Road, Block 5503, Lot 24, Zone R-1-3  
Existing one family dwelling being used as an office in a residential zone.  
Zoning Certification required.

Fees have been paid and there is proof of service. (Open water bill of \$18.72)

Mr. Kantowitz: Mr. Chairman and members of the Board, this is a continuation of a hearing on the application as you indicated for Block 5503, Lot 24. The first we appeared in front of you was the Fall of 2008. At the time we identified two grounds to which we would proceed. One was to show some records of how we were grandfathered in, the use of it predated the zoning and the other one was we would have to put on a straight use variance case. I did do the research and cannot make out a case that we were

grandfathered in, which leaves us to continue our application with classic proofs for a use variance under Section 70-D.

Mr. Kantowitz wants to summarize when they were here prior to tonight, Ms. Krieger testified on the history and how it all came to past. Her husband bought the house, was living there with his parents, began practicing as a physician there, at another point in time he moved out and continued his practice there until 18months ago he ceased practicing there. Since then there has been every effort to try and obtain a tenant or a use comparable and similar to the use that he made of it for 40 yrs. The issue of a use variance came up because it is non-conforming as so far as it is a residential zone. It does allow home occupation but it requires the resident on the property.

Mr. Newman: Just for the record, the purpose for the relief you are seeking tonight is not a use variance where an applicant has purchased the property and wants to do whatever, this is a seller seeking a use variance.

Mr. Kantowitz: Let me be clear. This is a property that has been used for 50 yrs has been used as a physicians office. This is a physician who retired a couple of years ago and it is property that has been placed on the market and if we can persuade you with our proofs, it should be entitled to continue in the manner that it has been used for the kind of uses defined in your home occupation even though each of the conditions set forth in that definition are not met primarily, the individual is not residing in the home. That is what is being sought. The Planner and Engineer's report are extensive and we will answer to each of those reports.

Discussion continues.

Mr.Kantowitz explains the Law of Astopo to those who are not familiar with it. It basically states that because you let me do something, even though I was not validity allowed to do it, in long course of you allowing me to do it and my relying on doing that establishes a situation that blocks you from many years later and saying stop.

Mr. Newman reminds him that he did not have proof prior nor does he have proofs tonight to use the Law of Astopo.

Mr. Kantowitz: The testimony of Mrs. Krieger will supplement that a little later and will establish that basically her husband was operating for many, many years. Paying taxes and this went on for the course of 40 yrs.

Mr. Newman: We have building permits which show applications submitted to do work. There is no record of any inspections. There is no record of anyone ever going to the property, nor do we have any sworn affidavits of any kind. We basically have testimony of Ms. Krieger.

Discussion continues.....

Mr. Newman: Because the original use was under the Home Occupation Definition, and then cease to..... by virtue of that, was the operation illegal?

Mr. Kantowitz brings up the Law of Astopo again.....if you let us go this long, the time has passed when you can tell us to stop.

Mr. Newman: I also want to discuss, the abandonment of the practice for a number of years.

Mr. Kantowitz: The Law regarding “Abandonment” requires active demonstration that you have walked away from the use. Ever since the property ceased to be used by her husband practicing there, Mrs. Krieger has made every effort to market it for an office use. There was never an act or step taken by her to walk away and say we are not going to use this as an office use.

Mr. Newman: Active efforts to continue to market it to be used as an office? The way that I understand it, if you are here seeking a use variance, based on the history, the use variance should be very specific to the use of a solo practice medical office, not an office. It sounds like you are leaning on the “Home Occupation” description, which says if you are a homeowner anywhere in the Borough, in any residential zone in these professions, you are allowed to have an office with one client at a time, no more than one staff members.....all these professions can be a home office. Now you are talking about someone who took on a very specific use, questionable, in my opinion whether or not it was legal at the time it went from a home occupation use to a full blown medical office with no one living there. Now you are seeking relief first in the form of a zoning certification, now in the form of a use variance.....in that, it’s an office, and any type of office should be allowed to be there.

Mr. Newman continues.....Medicine has changed.....You don’t see this type of practice anymore because it is not a very sustainable way to make a living as a physician, but that was the use.

Mr. Kantowitz explains why he is here tonight requesting a use variance.....we are not permitted to use it for an office use and we want to use it as such.....The use variance we seek is two fold.....one, it is a office use, but the reason we speak to Home occupation is not because our application here for a use variance is limited to just what is in the home occupations under those conditions but rather we think that the definition well circumscribes the kinds of uses that we would be prepared and are applying to be limited to for this property.....we are using the definition and the listing of uses in the “Home Occupation and then grafting it on to the facts and the circumstances that we have. We believe that the kinds of uses that the ordinance contains is appropriate for the property, however the facts that relate to this property support the use variance for a non residential use of the kind enumerated in your Home Occupation definition.

Debate continues.....with Mr. Kantowitz speaking to the Board Members on the term “Abandonment”.....

Mr. Kantowitz states that when you hear testimony, this is going to look a lot like and behave a lot like a home occupancy, except we are not proposing to have the individual dwelling there and we are proposing to exceed the space limitations. That is what takes us in a different vein from just a general commercial use variance.

Mr. Newman mentions that Mr. Soukas (Board Attorney) just brought up a point to him. The Abandonment issue needs to be looked at more from the standpoint of the non-conformity, not the permitted home office use.

Mr. Soukas explains that the abandonment issue really relates to any valid non-conforming use. It seems to me that if one actively abandons it, the case law seems to stand for the proposition that the property would no longer be entitled to non conforming use status. There is that obligation that the non conforming use be continuous, historically.

Mr. Kantowitz debates this issue.

Discussion continues.....

Mr. Newman: Before your planner comes up, I just want to make one thing clear for the record. You are seeking a use variance in general terms. There is no site plan, correct?

Mr. Kantowitz: Correct, there is no site plan. These are all existing conditions. There is not one physical change to the structure on the site.

Mr. Newman: Yes, but if you are granted a use variance, it in no way prohibits a buyer from rebuilding a structure on that site that is no longer the existing structure and the use variance runs with the land. Then they have the ability to erect a brick office façade there and say it's an office.

Mr. Kantowitz: That is the beauty of limited conditions in any resolution approval. This Board has the ability to see fit to grant the use variance and impose limited conditions, in types of uses.

Mr. Newman and Mr. Kantowitz discuss further these conditions.....

Mr. Newman: Why don't we bring your Planner up?

Mr. Newman swears in Mr. Art Bernard, Certified Professional Planner in N.J. & N.Y. Mr. Bernard has represented Municipal Bodies as a Planner also.

Mr. Newman qualifies him as an expert witness.

Mr. Bernard begins by stating he has reviewed the 1992 Master Plan & 1996 River Road Master Plan & 1998 & 2004 Master Plan re-examination reports and Land Development Ordinance, Municipal Land Use Law and have been out to the site on two different occasions.

The proposal is to formalize the conversion of the single family house to an office space on this home. It is a 5000sf corner lot. The property has a one car driveway with a garage.

Mr. Bernard circulates pictures of the property to each Board Member for a better understanding of the visual area.

Photos of the pictures are marked. 5 photographs are marked A1-1, A1.2, A1.3, A1.4, A5, dated February 23, 2009.

Mr. Bernard explains how small the yard is around the house as far as fitting the needs with a family with children.

Mr. Newman asks if that is different from many of the properties in Fair Lawn.

Mr. Bernard feels the site is different from many of the properties that are in the Borough. This entire home has been used as a Doctor's office. Inside there is a reception area. What I found is the site is halfway between Van Riper Ellis Church and Day School & the downtown area which are two heavy trafficked generators along River Road, so a lot of traffic is going by the house. Most of the houses along Manor Ave are single family homes. I found there were plenty of parking spaces available during the day along Manor Avenue which would leave no issues as far as parking if needed by a small office.

Mr. Bernard states his conclusion was that a low intensity office space would continue to be compatible with the surrounding single family homes because of the use and there would be no outside alterations of the property. A small office wouldn't generate any issues as far as parking during normal working hours. It wouldn't generate any fumes, noise or have a substantial detriment on the surrounding areas.

Having said that, the next thing would be to look at the zoning, it is in the R-1-3 zone which permits single family home with a home occupation permitted, but we don't comply with the term Home Occupation in terms of the square footage requirement. The applicant does need a D-variance.

Mr. Bernard starts with the 1992 Master Plan and goes into detail of the goal of preserving existing single family residential character and maintaining the scale & street scrapes of the residential neighborhoods. This use is already there and there is no effort to disrupt the scale of the building or the street scrape.

Mr. Bernard does agree with Mr. Kantowitz that if nothing is going to be changed then that is an enforceable condition on the application.

Mr. Bernard speaks of the 1996 River Road Master plan which endorses a lot more intensive use in the downtown area. The downtown area endorses three story buildings, advocates a more intense use, mixed uses, apartments over stores.....etc.....

A lot of the traffic moves along River Road by this house which makes it more suitable for an office type use and less suitable for a residential use. There is no yard area for children to play.

Mr. Bernard concludes that a regulated office use would not disrupt this single family residential neighborhood because the River Road Master Plan endorses the concept of a mixed use. The positive criteria I need to provide to you for granting a use variance is the site is suited for a small office because of the heavy traffic that runs along the front of the house, there is ample parking as I stated. It promotes the Municipal Land Use Law purpose of encouraging the appropriate use of land to promote the general welfare.

Uses we are asking are permitted. It is just the intensity of the use that is the issue, and you can regulate that. The office has been there for years. There have never been reported problems. The applicant is not changing the outside of the structure. Being a D-variance, it is not enough to provide negative or positive criteria. We have the burden of proof of reconciling the omission of the zoning plan.

Discussion continues.....

Mr. Kantowitz makes reference to a letter, dated November 6, 2008 from Birdsall Services Group.....we want to walk our way through the comments that were made in this report.....

Mr. Bernard goes through the questions from the Engineer.....

Type of office use, parking spaces needed, amount of patrons at one time, hours of operation, deliveries???

Mr. Newman: Have you ever testified on behalf of an applicant before for a use variance, strictly for the purpose of the sale of the property?

Mr. Newman continues to explain that his testimony was vague because we don't really know what may end up on that property.

Mr. Newman & Mr. Bernard continue discussing the uses that are permitted and the intensity of the uses.

Mr. Newman reads the definition of a Home Occupancy.....

Mr. Bernard explains his understanding of the Home Occupancy Definition.....  
Uses versus intensity.....

Mr. Newman continues the discussion and different scenarios of an on site use.....  
and stipulations that can & can't be put on the use in the variance. We can't say, you  
cannot make any changes in the structures....etc....

Mr. Kantowitz interjects and states that given the particulars on this site as Mr. Bernard  
has testified to, he thinks the Board is in the position to put in provisions indicating that  
the grant of the use variance is tied explicably to non-expansion of the footprint of the  
property or of the square footage that currently exist....

Mr. Kantowitz continues with his argument.....and the justifications of these types  
of issues.

Mr. Newman questions Mr. Bernard again on his conclusion that he thinks the site is no  
longer suitable for a home occupation, and if so why?

Mr. Bernard replies; No, It is suitable for a home occupation. The proof I have to make is  
that it is more suitable for an office use than a residence because as I have stated, there is  
a lot of traffic along River Road and because of the lack of yard space.

Mr. Newman continues with the question” Would you not then make that same statement  
about every single property along River Road?”

Mr. Bernard: I don't have the dimensions of every single property along River Road. I  
only know about this property. I was listening to your concerns about a Medical Office  
use and they sounded very legitimate to me, so I asked my client if she would be willing  
to forgo the Medical Office use because of your concern and think of a less intense use or  
other uses....

Mr. Newman & Mr. Bernard continue.....

Mr. Bernard again stipulates that he is here before the Board to state that this site is  
particularly suited for a low intensity office use given the specific conditions of this site.  
and because of the lack of yard space, not suitable for a family.

Mr. Newman stops the cross examination to ask Mr. Andy Karas, attorney for  
applications waiting to be heard if he would consider carrying his applications to the next  
scheduled meeting. Mr. Karas agrees to carry to April 27, 2009.

Mr. Newman opens the Applicant up to the Board Professional, Mr. Peter Van Den  
Kooy. (Board Planner)

Mr. Newman swears in Mr. Van Den Kooy.

Mr. Van Den Kooy: My question pertains to the intensity. What is existing and what is proposed, so that I can get a baseline of the sort of intensity. What is the square footage of the dwelling at this time?

Discussion and calculations are done.....

Mr. Van Den Kooy requests a breakdown on how much of the property was used as an active office versus storage & other uses...

Mr. Kantowitz replies half of it was filing and a nurses station, x-rays.

Mr. Newman swears in Mrs. Krieger.

Mr. Newman: There were x-rays done on site?

Mrs. Krieger: Yes. I would state that it was about half & half of active use and storage use.

Through Mrs. Krieger's testimony it is determined that Physicians services, consultations services, x-rays, & blood was drawn on site....and that it was all regulated through the agencies needed.

Mr. Newman asks if the X-Ray machine is still on the site and is she prepared to remove it if need be. Mrs. Krieger replies yes.

Mr. Van Den Kooy continues and wants to note that the Home Occupation Use, 125-8(4) is limited to 750sf and based on testimony provided there is some level of uncertainty based on what is characterized as office or medical versus home, living space.

Mr. Newman: Anyone from the board have questions?

Mr. Karas: You are recommending that the entire house be used for a limited office use?

Mr. Bernard: Yes. The way the ordinance permits it to be used. The use variance would just expand it.

Mr. Karas and Mr. Bernard continue their discussion.....on uses.  
The River Road Master Plan is again discussed and the zones B-4 & B-5 are discussed.

Mr. Karas explains to Mr. Bernard that B-5 is the closest use to the Krieger property and the B-5 zone limits dwellings to two stories rather than three. One of the missions of the Broadway Improvement Corporations is that it would do no harm to other residential properties.

Mr. Bernard states he is very aware of that.

Discussions continue regarding River Road Traffic.....

Mr. Karas continues his questioning of Mr. Bernard and asks if he was inside the interior of the home? Mr. Bernard answers yes he was inside but he did not take the measurement of the square footage of the building.

Ms. Spindel: I have some observations. This is a single family home and someone will move in with kids regardless of whether it is the most appropriate place, given the traffic and lack of yard. It has been a home office for many years with no detriment to the neighborhood. Medical practices are no longer sole practices so the medical practice has been taken off the table which has already been agreed to. I have a home office practice. I work solely out of my house with no detriment to the neighborhood. They have suggested there is ample parking. We know there is a lot of traffic on River Road. It is a commercial area and they have created it to make it more viable for business.

Ms. Spindel offers her opinion that giving the D-variance tonight suggests that are on the right track with conditions. We can control it more as a home office than if as a residential.

Discussion amongst the Board continues.....

Mr. Charipper: With the comments that our Chairman has pointed out, the expert here upon cross examination by Mr. Karas did not measure the square footage of the premises and basically proposing to have a low intensity use with limitations as to types of home uses. You really don't define what low intensity can differ between each profession. Mr. Charipper disagrees.

Mr. Newman: Mr. Karas was speaking to the proximity of the B-4 zone and you have spoken to the particular suitability of the site or use as a commercial office. In the B-4 zone, our ordinance requires any business, retail service or office use 1 parking space per 200ft net floor area and twice that many for medical use. How do you say it is particularity suited for that use but we won't have the right amount of parking and we won't do all the things we would normally do and we can give all the stipulations you want, we just want to be able to sell this as an office and not a residence.

Mr. Bernard discusses his professional opinion again with Mr. Newman and the Board Members.

Requirements are discussed based on the Zoning district.....B-4 & R-1-3

Mr. Newman feels that they are being asked to jump through a number of hoops here to grant a use that in his opinion in this particular residential neighborhood would have

negative impact depending on what kind of office would run out of there and could change over the years obviously once this relief was granted.

Mr. Bernard replies that he is asking them to take a look at the positive and negative criteria that the statute requires. Take a look at the negative impact to the area and I am suggesting to you that if it is a low intensity office that Manor Ave could handle any overflow parking without any substantial detriment to the public good and to the zone plan. We are asking you to approve an office use with no more than 3 employees and can easily accommodate the parking on the street.

Mr. Karas: If someone purchased the property to reside in it and had one of the occupations listed for home occupancy, they could do so. Since the home has not been occupied for some time it is no longer a home occupied premise. If a private person bought it without the intent of using it as a home occupancy and wanted to convert it to a limited office use, they would have to come before the Board with the square footage, bulk requirements of the property, including the parking requirements. Is that not so?

Mr. Bernard: The applicant would have to make the same type of proofs as I'm making tonight.

Discussion is on the parking ordinance.....code enforcement is mentioned.

Mr. Kantowitz argues word "vague".....stating all the issues that are not "vague".... Digest Mr. Bernard's testimony of the criteria and determine if we have met the criteria, positive & negative and have we reconciled them and can you determine in the context of regulating with other conditions.

Mr. Kantowitz continues.....

Square footage again is questioned.

Mr. Kantowitz makes argument as to what would be the difference if an artist used one studio and had one big canvas or separated his work into three and had three studios with a pupil and had a room for storage.....???

If the Board analytically approaches this as a use variance to vary the conditions of home dwelling and square footage, I think you can begin to come out and see that it is far more limited in qualitatively objective in the conditions involved.

Mr. Kantowitz makes note that every time a variance is granted, there is a departure from the Law because that is the definition of what a variance is. This Board has the right subject to the applicant meeting the conditions to vary the Law and to tell the Governing Body that we do not agree with your Legislative Governing Law for this particular property.

Mr. Kantowitz continues to summarize his argument.....See this application as a use variance beyond the limitations of the home occupation. It is different because it has been existing. Allow us to vary the square footage and allow us to vary from someone living on the property.

Discussion is continued.....

Mr. Newman requests a 5 min. Recess.

RECESS:

ROLL CALL: Mr. Diner, Mr. Karas, Mr. Charipper, Ms. Spindel, Mr. Frankel,  
Mr. Sacchinelli, Mr. King, Mr. Salerno & Mr. Newman

Mr. Kantowitz begins his summary.....The Board wants certain types of certainty, what is going to be there, who is going to be there.....The applicant is faced with a difficult situation, namely no one would make a offer on the house without knowing what the uses are. We got creative, out in the hallway during our recess and I will put it out there.... A psychiatrist, therapist, or a psychologist office would be an ideal place for this site. I'm suggesting the following for your consideration that you grant us the variances we are seeking subject to our ascertaining a specific identifiable tenant. Once you know who the tenant is, we submit to condition, come back here and determine exactly what you need to know. You are asking for more specifics without knowing who the user is and we cannot give you that.

Discussion.....between Mr. Newman & Mr. Kantowitz

Mr. Kantowitz asks Mr. Newman to consider the application and grant me a use variance relief for the number of uses listed under your definition of home occupation but varied without the limitation of dwelling in the use and without the limitation of 750ft.....I m trying to bridge the gap that the Board feels is vague, not knowing who the tenant/user is or will be.

Mr. Kantowitz again reads the Ordinance for “Home Occupation” definition....

Mr. Newman opens the applicant to residents within 200ft. seeing none  
Mr. Newman closes this portion.

Mr. Newman opens the applicant to the general public, seeing none,  
Mr. Newman closes this portion.

Mr. Newman summarizes.....This application is a single family house converted into office space. There is no new use here and that the intensity of the use will not change. I find these statements incompatible with each other. It is an unknown use and we keep speaking of the home office.

Mr. Newman speaks of the Maler case.....in my opinion the home is suitable to be continued as a home occupation and to take advantage of the ordinance as it exists.

Mr. Newman asks for a motion.

Mr. Karas makes a motion to deny the application.  
He sees no justification for it to be converted for anything but residential use.

Mr. Charipper seconds the motion.

**Yes to Deny.**

**VOTE:** Mr. Karas, Ms. Spindel, Mr. Charipper, Mr.Diner, Mr.Salerno, Mr.Sacchinelli,  
Mr. Salerno & Mr.Newman. **YES.**

**Application Denied.**

**Estimates/Bills/Vouchers**

1. Birdsell Engineering in the amount of \$362.50(18-35 River Road, LLC)
2. Medina Consultants in the amount of \$2, 165.00(GFA Fencing)
3. Medina Consultants in the amount of \$870.00(18-35 River Road, LLC)
4. Medina Consultants in the amount of \$1,005.00(15-01 Pollitt)
5. Williiam Soukas in the amount of \$833.33(Board services)
6. William Soukas in the amount of \$162.00(Lentini)
7. William Soukas in the amount of \$2,511.00 (Omnipoint)
8. Karen Kocsis in the amount of \$275.00(Services rendered)
9. Karen Kocsis in the amount of \$150.00(Services rendered)

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

VOTE: All Present – AYE.

**Resolutions:**

1. Application #2009-089, Carl Lodge, 4-15 Bellair Avenue, Block 5510, Lot 27, Zone R-1-3– 6 ft. Fence- Approved.
2. Application #2009-090, Peter Denio, 311 Plaza Road, Block 3720, Lot 2, Zone R-1-3– Patio- Approved.
3. Application #2009-091, Cohen Plaza, 11-16 Plaza Road, Block 3513, Lot 1-23, Zone R-1-2– To appeal the determination of the Zoning officer’s Violation- Approved.

Mr. Charipper made a motion to accept these resolutions and Mr. Salerno seconded the motion.

VOTE: All Present – AYE.

### **Minutes**

1. November 6, 2008 meeting Mr. Charipper makes 1<sup>st</sup>. motion to approve and Mr. Diner seconded the motion.

VOTE: All Present - AYE

### **Adjourn**

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

TIME: 11:00 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk