

**BOROUGH OF FAIR LAWN  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting  
Of August 17, 2009**

Following are the minutes of the Fair Lawn Zoning Board of Adjustment's regular meeting held on August 17, 2009.

Acting Chairman Joe Meer 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, Mr. Sacchinelli,  
Mr. Blecher, Mr. Meer (Ms. Spindel arrived 7:10)

Absent: Mr. Newman, Mr. Salerno & Mr. Frankel (Vacation)

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

Mr. Meer announces an Amended Agenda. All following Commercial Applications have been carried to September 21, 2009 and will not be heard this evening.

1. Application#2009-013, Tribal Iron Choppers
2. Application#2009-033, Garden State Orthopaedic Associates, P.A.
3. Application#2009-034, Mark & Gina Reyn

Mr. Meer has stated that the first application involves a Board Member so let the record show Mr. Blecher has recused himself & has stepped out of the courtroom and his wife will be testifying in his place.

1. Application#2009-027, Brian & Heather Blecher  
38-54 Van Riper Place, Block 2505, Lot 88, Zone R-1-2  
Proposed new front porch would reduce the existing front yard setback from 25.1' to 21.1' where 30' is required as per Section 125-12 Schedule of area yard and building requirements.

Mr. Soukas, (Board Attorney) swears in Ms. Heather Blecher, (Applicant)  
38-54 Van Riper Place,  
Fair Lawn, N.J.

Fees have been paid and there is proof of service.

Mr. Meer asks Ms. Blecher what she is proposing to do.

Ms. Blecher explains to the Board that she would like to build a new front porch and wants to make a correction on the front yard setback. It would 22'ft. back, not 21.1' as stated on the application.

Ms. Blecher continues. Most of the houses don't have a front porch but the area is a very eclectic group of houses and the front porch would not only enhance the look of the house but also add character, add value to the house and also to the neighborhood.

Mr. Karas clarifies the 22.1' front yard correction.

Mr. Meer asks the Board member if they have any further questions, seeing none.

Mr. Meer opens the applicant to residents within 200ft.

Mr. Soukas swears in:

Mr. Donald Zackim, 38-55 Van Riper Avenue, Fair Lawn, N.J.

Mr. Zackim is here to support the application. He feels it would enhance the neighborhood, enhance the home.

Mr. Soukas swears in:

Mr. Paul Furlow, 38-48 Van Riper Place, Fair Lawn, N.J.

Mr. Furlow is also here to support the application. The front porch would enhance the curb appeal. Give the house character.

Mr. Meer closes this portion.

Mr. Meer opens the applicant to the general public. Seeing none.

Mr. Meer closes this portion.

Mr. Charipper makes 1<sup>st</sup>. motion to approve the application.

Mr. Sacchinelli seconds the motion.

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

**Application Approved.**

2. Application#2009-028, Matthew Krimsky & Aviva Diamond  
17-08 Greenwood Drive, Block 3816, Lot 21, Zone R-1-3  
Proposed addition would have an 11.33' side yard setback where 12' is required  
As per Section 125-12 Schedule of area yard and building requirements.

Let it be noted: (Mr. Blecher has returned and is taking his place with the Board)

Mr. Soukas swears in Mr. Matthew Krimsky.

Fees have been paid and there is proof of service.

Mr. Meer asks Mr. Krimsky to explain what he is proposing.

Mr. Krimsky explains to the Board that he would like to do a two story expansion/addition to allow more space for a growing family. I also feel it would improve the curb appeal as well and fit into the character of the existing homes on our street.

Mr. Meer states that looking at the lot, he does have an undersized lot and as far as the expansion goes, you would be o.k. in the front but towards the rear the property narrows and you would be less than a foot on the rear side.....

Mr. Meer opens the applicant to residents within 200ft. Seeing none.  
Mr. Meer closes this portion.

Mr. Meer opens the applicant to the general public. Seeing none.  
Mr. Meer closes this portion.

Ms. Spindel makes 1<sup>st</sup>. motion to approve the application.  
Mr. Diner seconds the motion.

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

**Application Approved.**

3. Application#2009-029, Robert Robles  
12-02 Sumner Place, Block 3603, Lot 15, Zone R-1-2  
Proposed 4'x9' front platform would reduce the front yard setback from 21.25' to 17.25' where 3'x5' is permitted to encroach into the front yard setback as per Section as per Section 125-39.A.(5)

Mr. Soukas swears in Mr. Robert Robles, (Applicant)

Fees have been paid and there is proof of service.

Mr. Meer asks Mr. Robles to explain what it is they would like to do.

Mr. Robles explains they would like to have relief in terms of building a platform for the front steps. House was build 10years ago and the original entranceway was left alone and never converted from the cape that it originally was. It has no curb appeal in addition to a safety issue. Explains this.....

Mr. Meer states that the front of the house is very close to the street and smaller than a usual lot and somewhat of a hardship.

Mr. Meer asks the Board Members if they have any questions. Seeing none,

Mr. Meer opens the applicant to residents within 200ft. Seeing none,  
Mr. Meer closes this portion.

Mr. Meer opens the applicant to the General public. Seeing none,  
Mr. Meer closes this portion.

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

**Application Approved.**

4. Application#2009-030, Jacob Hoshia  
23-17 Morlot Avenue, Block 3521, Lot 19, Zone R-1-3  
Proposed 6ft. fence in the front yard setback where only 3ft.is permitted  
as per Section 125-38.A.Fence.

Mr. Soukas swears in Mr. Jacob Hoshia.(Applicant)

Fees have been paid and there is proof of service.

Mr. Meer asks Mr. Hoshia why he is here this evening.

Mr. Hoshia explains that he lives right behind the Gulf Station on Morlot & Plaza road and he would like to put a 6ft. fence between the two properties because it is a very populated area for traffic, all kinds of trucks, landscaping trucks, construction trucks... It is a hazard to my children who are very young. All hours of the day & night there is traffic movement, rush hour, etc....

The fence behind his house is a 6ft. high fence belonging to the Engineering office.

Mr. Hoshia would like to continue this fence line along the sides.  
Discussion continues....

Mr. Hoshia states that he has discussed this with the owner of the station and he is in agreement with whatever he chooses to do.

Mr. Sacchinelli suggests that Mr. Hoshia put some sort of concrete blocks to prevent the trucks from backing into the fence and causing damage to the fence.

Mr. Hoshia agrees.

Mr. Karas questions the location of the fence to clarify exactly what Mr. Hoshia wants.

Mr. Karas suggests to Mr. Hoshia if he would consider Lattice work of 1ft. to be used on top of the fence.

Mr. Hoshia agrees.

Discussion continues.

Location of fence and visual issues are mentioned.

Mr. Meer opens the applicant to residents within 200ft. Seeing none,  
Mr. Meer closes this portion.

Mr. Meer opens the applicant to the general public. Seeing none,  
Mr. Meer closes this portion.

Mr. Karas makes 1<sup>st</sup>. motion to approve the application with 1ft.lattice work on top.  
Mr. Diner seconds the motion.

**VOTE:** Mr. Diner, Mr. Karas, Mr. Charipper, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher  
Mr. Meer, YES.

**Application Approved.**

5. Application#2009-031, Shapovalov, Andrey & Golod, Olga  
7 Addison Place, Block 3724, Lot 10, Zone R-1-3  
Proposed 2<sup>nd</sup> floor addition and rear two story addition would require a D-1 expansion of a non-conforming. Would decrease the impervious coverage from 37.6% to 36% where 35% is permitted. Would maintain existing front yard setback of 24.76' where 25' is required. Would maintain existing side yard setback of 6.34' where 8' is required. Far of 42% where 40% is permitted. Requires a D-4 variance as per Section 125-12, Schedule of area yard and building requirements. Section 125-57.D.(1)(d) use variances.

Mr. Soukas swears in Ms. Olga Golod, (Applicant)

Fees have been paid and there is proof of service.

Mr. Meer asks Ms. Golod why she is here this evening.

Ms. Golod explains that she would like to build a two story addition and add on top of the garage.

Mr. Meer asks if there are any two story homes existing in the area there now and if the character of the neighborhood would stay similar with this addition.

Ms. Golod explains that they all are two stories. There are 10 houses on her block alone that are two stories. We really are the only house that hasn't done anything. The house would be more in character of the neighborhood with this proposal.

Radburn has also approved this because we are keeping in character of Radburn.

Mr. Meer states that in Radburn their lots are smaller than the normal lots and the FAR is minimal.

Open discussion.....

Mr. Soukas questions the non-conforming structure and notes it would be a D-2, not a D-1 and asks the Board that whoever makes the motion to note it as a D-2 variance.

FAR is decreasing.

Discussion of the application regarding the D-1 variance which the Board Attorney believes should be D-2/D-4 variances amongst the Board Members.

Mr. Meer opens the applicant to residents within 200ft. Seeing none,  
Mr. Meer closes this portion.

Mr. Meer opens the applicant to the general public. Seeing none,  
Mr. Meer closes this portion,

Mr. Karas makes 1<sup>st</sup> motion to approve the application which would require a change to a D-2 variance.

**VOTE:** Mr. Diner, Mr. Karas, Mr. Charipper, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher  
Mr. Meer, **YES.**

**Application Approved.**

7. Application#2009-032, Mr. & Mrs. Steinberg  
31-08 Heywood Avenue, Block 2803, Lot 8, Zone R-1-2  
Proposed expansion of a non conforming requires a D-2 use variance as per Section 125-57.D.(1)(d) existing side yard 4.33' where Section 125-32.C. Provides that a non conforming side yard cannot be less than 50% of the required without a variance. Non conforming.

Mr. Soukas swears in Larry Steinberg (Applicant)

Mr. Karas questions 125-32.C. and states there were changes made with the Ordinance and questions why this application is under a D-variance?

Fees have been paid and there is proof of service.

Mr. Soukas & Mr. Karas discuss this... It is determined to proceed with the application and change if needed.

Mr. Meer asks Mr. Steinberg to proceed.

Mr. Steinberg explains that he would like to add an addition to his existing single family resident which is on an existing non-conforming lot. The addition would consist of a front covered porch on the existing front landing, a front bay and a second floor addition. The rear sunroom would be reconstructed to provide proper footings.

Mr. Steinberg continues.....

Mr. Meer asks if it would stay in character of the neighborhood.

Mr. Steinberg states it will stay in character.

Ms. Spindel mentions it would be a nice addition to the neighborhood.

Mr. Meer opens the applicant to residents within 200ft. Seeing none,  
Mr. Meer closes this portion.

Mr. Meer opens the applicant to the general public. Seeing none,  
Mr. Meer closes this portion.

Mr. Karas makes 1<sup>st</sup>. motion to approve the application.(Noting it might require a D-2 variance)

Ms. Spindel seconds the motion.

VOTE: Mr. Diner, Mr. Karas, Mr. Charipper, Ms. Spindel, Mr. Sacchinelli, Mr. Blecher  
Mr. Meer, **YES.**

**Application Approved.**

**Bills:**

1. Bill Soukas (Board Attorney) amount of \$833.33 for Professional Legal services.
2. Bill Soukas-825.00 Professional services regarding the Fair Lawn Fire Co.#1
3. Bill Soukas-\$962.50-Professional services regarding the Broadway Medical Group, LLC
4. Bill Soukas-\$252.00- Professional services regarding the Lentini Litigation.
5. Bill Soukas-\$ 15.73-Ominipoint Litigation.
6. Bill Soukas-\$162.00-Non-Litigation request.
7. Birdsall Engineering-\$3,481.25 for Professional Services rendered for Fair Lawn Fire Company#1
8. Birdsall Engineering-\$450.00 for Professional Services rendered for Eurocars.
9. Azzolina & Feury Engineering-\$765.00 for Professional Services rendered For Fair Lawn Fire Company#1
10. Azzolina & Feury Engineering-\$480.00 for Professional services rendered for Eurocars, Inc.
11. Karen Koscis in the amount of \$275.00 for Professional services on July 20, 2009
12. Karen Koscis in the amount of \$225.00 for overtime on July 20, 2009
13. Karen Koscis in the amount of \$275.00 for Professional services on August 17, 2009.

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

Open for Public:

Mr. Soukas swears in: Mr. Harvey Rubenstein,  
Chandler Drive, Fair Lawn, N.J.

Mr. Rubenstein refers to the agenda for the evening. He arrived late and questions the Commercial Applications not heard.

Mr. Meer explains that the applications were announced & carried by the request of the applicants.

**Vouchers:**

1. Estimate submitted by Birdsall Engineering in the amount of \$3,000.regarding Garden State Orthopaedic,
2. Estimate submitted by Azzolini & Feury in the amount of \$2,500 regarding Garden State Orthopaedic
3. Estimate submitted by Medina Consultants in the amount of \$1,800 regarding Garden State Orthopaedic.
4. Estimate submitted by Medina Consultants in the amount of \$1,155.00 for Fair Lawn Fire Company#1
5. Estimate submitted by Medina Consultants in the amount of \$1,345.00 for Eurocars, Inc.

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

VOTE: All Present – AYE.

**Memorialized Resolutions:**

1. Application #2009- 022, Fair Lawn Fire Company#1, 12-34 George Street, Block 5611, Lots 19-24(24.01), Zone R-1-3–Amended site plan - Approved.
2. Application #2009-023, Mr.& Mrs. Kevin Sakow, 0-96 Blue Hill Ave, Block 1100, Lot 1, Zone R-1-3– In ground Pool with amendments- Approved.
3. Application #2009-026, Broadway Medical Group, 22-60 Broadway, Block 3226.01, Lot 27&28, Zone B-2–Height variance- Approved.

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

VOTE: All Present – AYE.

**Minutes:**

Mr. Charipper made a motion to approve the minutes for the June 15, 2009 meeting and Mr. Sacchinelli seconded the motion.

VOTE: All Present – AYE

**Adjourn**

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

TIME: 9:15 P.M.

VOTE: All Present - AYE.

Respectfully submitted,

Cathy Bozza  
Zoning Board Clerk