

BOROUGH OF FAIR LAWN

Agenda for Regular Meeting of the Zoning Board of Adjustment

August 28, 2023

1. Call meeting to order at **7:00 p.m.**
2. Declaration by Chairman that meeting is in accordance with Open Public Meeting Law.
3. Roll Call.
4. Declare a Quorum
5. Flag Salute

6. Carried Residential Applications:

**1. Application #23-013, Vincent Polisi,
12-72 6th Street, Block 5615, Lot 5, Zone R-2**

Property received a variance in 2006 for addition and alterations. 2006 variance granted building coverage 26.96%, impervious coverage 34.94%, increase the north side yard from 5' to 6.9'. FAR was not added to the ordinance until 2007 Lot is 4998 sq. ft. where 6500 sq. ft. is required. Proposal is to convert the attic area to living space, add a shed, patio, walkways and widen the driveway. Building coverage increases from 26.96% to 27.1% where 25% is permitted. Impervious coverage increase from 34.9% to 46.9% where 35% is permitted. Side yard on the north side would be reduced to 4.10' where 6.9' and 5' was approved with prior variance and on the south side 9.4' where 10' is required as per Borough Ordinance section 125-12 schedule of area yard and building requirements. FAR would increase from 50.2% to 58.7% where 40% is permitted. Requires a D-4 variance as per Borough Ordinance 125-57D(1)(d)(1) Other variances and waivers may be required for this application.

**2. Application #23-015, Roman & Yelena Lipovetsky Litvak
19-36 Hunter Place, Block 2807, Lot 26, Zone R-1-2**

Proposed Garage expansion would decrease the side yard setback from 11.69' to 6.61' where 12' is required as per Borough Ordinance 125-12 Schedule of area yard and building requirements. Other variances and waivers may be required for this application.

7. New Residential Applications:

**1. Application #23-019, Anthony Barton & Ludalmis Pena,
33-14 Raphael Street, Block 2311, Lot 1, Zone R-1-3**

Corner property. Proposed semi above ground pool would have a side yard setback of 5' where 8' is required. Front yard setback on Raphael Street would be 33' where 35' is required as per Borough Ordinance 125-33A-2 Accessory buildings, structures and uses. Proposed 4' walkway on 2 sides of the pool would increase the impervious coverage from 36% to 38% where 35% is permitted as per Borough Ordinance 125-12 Schedule of area yard and building requirements. Proposed 6 ft. fence would be 1.3' setback from Raphael Street where 25' is required. Only 3 ft. fences are permitted within the front yard setback as per Borough Ordinance 125-38 Fences and walls. Other variances and waivers may be required for this application.

**2. Application#23-020, Mr. & Mrs. Feinberg,
2 Ashburn Place, Block 3714, Lot 1, Zone R-1-3**

Corner lot. Proposed front vestibule maintain the 16.75' front yard setback on Ashburn Place but would reduce the 21' front yard setback on Howard Avenue 15.67' where 25' is required as per Borough Ordinance 125-12 Schedule of area yard and building requirements. Would increase FAR from 40.6% to \$2.2% where 40% is permitted D-4 variance required as per Borough Ordinance 125.57D.(1)(d)[1]. Other variances and waivers may be required for this application

8. Carried Commercial Application:

**1. Application #23-018, Shannon Holdings LLC/The Craftsman Restaurant
16-09 Maple Ave, Block 5834, Lot 2, Zone B-1**

Sit down restaurants and outdoor café' are permitted uses in the B-1 Zone. Proposal is to permit the beer garden and enclosed patio area to be used year round. Outdoor Café are only permitted to operate from March 1 to November 15 and on any other day that avoids inclement weather and allows for comfortable and safe use of the facilities C-2 variance is required as per Borough Ordinance 125-57D(1)(c)(2) Patio enclosure would require a front yard setback of 10' where 20' is required. Proposal is to relocate the dumpster which requires an amendment to the prior approved site plan as per Borough Ordinance 125-65 C. Accessory uses.[Amended 2-21-2017 by Ord. No. 2419-2017] (1)_Uses customary and incidental to principal permitted or conditional uses provided the accessory use is limited to 25% of the overall property square footage and to 25% of the principal building's area. Parking variance required. 141 spaces provided where 218 spaces are required. Other variances and waivers may be required for this application. **Carried to Special Meeting of September 7, 2023.**

2. **Application #23-009, Chelsea Independent Senior Living, 16-00 River Road, Block 5724, Lots 1.02, 4 & 4.01, Zone B-4.** Proposed Monument sign. Proposed sign setback of 10' from the property line on River Road requires a setback variance. Proposed monument sign would be 47 sq. ft. where maximum area is limited to 8 sq. ft. per side as per Borough Ordinance 125-42. B.7(b) Proposed combined lettering is 27" where combined height of 16' is permitted as per Borough Ordinance 125-41. B.4. (b). Other variances and waivers may be required for this application.

3. **Application #23-002, 13-13 River Road, LLC. 13-13 River Road, Block 5610, Lot 29&39, Zone B-4.** Proposed new mixed use building with 6 residential units above. Proposed six (6) residential units exceed the permitted density in the B-4 River Road Affordable Housing Overlay District as per Borough Ordinance 49-12C (3) Borough Ordinance 125-57D(1)(d)[1] D-5 density variance required. No off street parking spaces shall be situated beneath or within the footprint of a building located within the B-4 zone as per Borough Ordinance 125-25 C(6)(d) and the ground level foot print of any building may not be exceeded in its rear by more than two feet by any higher story of the building as per Borough Ordinance 125-25C (4) Site plan required as per Borough ordinance 125-65 B (4) Parking variance required for 22 spaces required where only 15 spaces are provided as per Borough Ordinance 125-48A. Waivers required for one (1) loading space where zero (0) is proposed 125-48. B and no buffer proposed in the rear where a buffer of no less than 5' at the rear lot shall be provided and a fence shall be provided at the rear lot line 125-25. C. (1). Other variances and waivers may be required for this Application.

9. Memorialized Resolutions:

1. **Application #23-014, Gabriel & Pamela Pollack
40-02 Paterson Street, Block 1410, Lot 15, Zone R-1-2**
Corner property Proposed 6ft fence located on John Street would exceed the permitted 3' height as per Section 125-38, Fences and walls- Approved w/conditions.

2. **Application # 23-016, Joel Yavelberg,
7-14 Park Ave, Block 5502, Lot 19, Zone R-1-3**
Proposed deck and side covered porch patio would have a side yard setback of 6.3' where 8' is required as per Borough Ordinance 125-34 A (5) and 125-34 A (4) Existing Impervious coverage would decrease the impervious coverage from 38% to 37% where 35% is permitted as per Borough Ordinance 125-12 Schedule of area yard and building requirements. Other variances and waivers may be required for this application. – Approved.

**3. *Application #23-017, Reuven & Rachel Levy,
41-14 Erli Road, Block 1514, Lot 17, Zone R-1-2***

Proposal is to convert the existing 2 car garage to a handicap bedroom suite and provide an entrance and ramp in the side yard.

Based on the plans provided the proposed renovations to the dwelling unit will create a second unit creating a two family dwelling. Two family dwellings are not permitted in the R-1-2 zone as per Borough Ordinance 125-17 A. (1) D-1 Use variance is required as per Borough Ordinance 125-57 D(1)(d)(1). The current FAR of 43% existed prior to the ordinance change in 2007 creating a FAR requirement. Proposal would maintain the pre-existing FAR of 43% where 37% is permitted would require a D-4 Variance as per Borough Ordinance 125-57D(1)(d)(1). Would maintain the existing building coverage of 25.7% where 25% is permitted. Would increase impervious coverage from 44% to 44.3% where 35% is permitted as per Borough ordinance 125-12 Schedule of area yard and building requirements. Other variances and waivers may be required for this application. - Approved with conditions.

10. Minutes to be Approved: July 24, 2023

11. Adjourn.