



# BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES AUGUST 3, 2017

A meeting of the East Rutherford Zoning Board of Adjustment was held on **August 3, 2017** at 7:00pm at the Borough Hall, located at 1 Everett Place, East Rutherford. This meeting was held in compliance with the Open Public Meeting Act, N.J.S.A. 10:4-6.

## ROLL CALL

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| <input type="checkbox"/> Philip Alberta, Chairman<br><input checked="" type="checkbox"/> Carmen Polifronio, Vice-Chairman<br><input type="checkbox"/> Al Levy<br><input checked="" type="checkbox"/> John Martin<br><input checked="" type="checkbox"/> Richard Krajunus<br><input checked="" type="checkbox"/> Gary Viccaro<br><input checked="" type="checkbox"/> Thomas Banca<br><input checked="" type="checkbox"/> Derek Sands, Alternate Member | <input checked="" type="checkbox"/> John Giancaspro, Secretary<br><input checked="" type="checkbox"/> Richard Cedzidlo, Attorney<br><input checked="" type="checkbox"/> Mark Everett, Planner<br><input checked="" type="checkbox"/> Robert Nash, Engineer |
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*Denotes in Attendance*

The meeting was called to order by Vice-Chairman Polifronio, followed by the Pledge of Allegiance.

## APPROVAL OF MINUTES

<b>APPROVAL OF MINUTES OF JULY 6, 2017</b>						
MEMBER	MOVED BY	SECOND	AYE	NO	ABSTAIN	NOT PRESENT
Alberta						X
Polifronio			X			
Levy						X
Martin					X	
Krajunus	X		X			
Viccaro		X			X	
Banca					X	

Sands			X			
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## **RESOLUTIONS**

## **APPLICATIONS**

### **DOCKET #17-004**

#### **Application for Use and Bulk Variances**

#### **405 Railroad LLC**

405 Railroad Avenue

Block 47, Lot 6.01

At the request of the applicant prior to the meeting, this application has been rescheduled to the next Zoning Board meeting scheduled for September 7, 2017 at 7:30pm. A motion was made by Mr. Krajunus, seconded by Mr. Viccaro to carry the hearing to September. All were in favor.

### **DOCKET #17-005**

#### **Application for Height Variance**

#### **Garfield Iron & Metal Co.**

770-772 Paterson Avenue

Block 17, Lot 2

The Applicant was not present to be heard. The Board agreed to schedule the Applicant for the September meeting with a requirement that notice be served.

### **DOCKET #17-006**

#### **Application for Variances**

#### **Ehab Fakhoury**

84 Carlton Avenue

Block 18, Lot 8

The owner of the lot, Ehab Fakhoury, explained their application was rejected by the Building Department due to the undersized property lot and the proposed building height. The architect for the property, Ayman Sedra, whose address is 115 North Springfield, Bloomfield, NJ described the layout of the property in details before the board. The Zoning Board Attorney, Richard Cedzidlo informed the public that someone had filed an application in the past for the construction of a two (2) family house, for the exact same property, however it was denied. Mr. Sedra explained that the property owner decided to build a single family house instead, in hopes that less variances would be more acceptable to the Board.

Mr. Sedra informed the Board that the driveway size was changed from the original proposed 20 feet to 18 feet. Mr. Sedra is requesting relief for the height of the property, which is currently 32.97 feet and for the undersized lot, which calls for a minimum of 60 feet, but has an existing lot size

of 43.5 ft. Mr. Sedra further stated that the property will enhance the appearance of the community and provided renderings of the proposed house and landscaping.

Mr. Sedra further explained that the property has a garage and the application can accommodate three (3) vehicles.

Mr. Sedra described the surrounding neighborhood. The property to be built is a single family house in a two (2) family zone. Most of the current homes are old colonial or victorian style.

Mr. Martin inquired about the height of the basement. Mr. Sedra stated that the height of the basement is 8 feet. Mr. Viccaro and Mr. Cedzidlo inquired about the second guestroom and the laundry room in the basement, as the plans propose the same on the first floor as well. Mr. Fakhoury explained that his parents will be living with him, therefore requiring bedroom and laundry room in the basement. He noted that the second floor will only be used for bedrooms.

Mr. Fakhoury testified that the entire square footage of the house will be 4,885 square feet and further noted that bushes will be placed in front of the property to enhance aesthetics.

The Zoning Board Planner, Mark Everett, stated that he is concerned that the basement will be converted into a multi-family house and requested that the basement be modified to reduce the size of the bathroom, and eliminate the laundry room. Mr. Fakhoury did not object.

Mr. Everett asked whether the height of the property can be modified to meet the code. Mr. Sedra stated that it would be difficult and Mr. Fakhoury stated that the property is located in a 500 year flood zone and he would prefer that the property stay above the grade. A map of the flood zone area was submitted as Exhibit A-1 (dated August 3, 2017). Mr. Everett believed that the reasoning is sufficient to justify the height variance.

The Zoning Board's Engineer Robert Nash asked the Applicant if he planned to replace the sidewalk. Mr. Fakhoury responded that a new sidewalk and driveway would be installed.

Mr. Martin wanted to know if the basement could be lowered from 8 feet to 7 feet. Mr. Sedra explained that it may be possible, however, by lowering the height of the basement it would take away from the basement and diminish its quality. Mr. Polifronio asked whether they can make a commitment to lower the basement height, to which Mr. Sedra responded it would not be feasible.

A motion was made by Mr. Viccaro, seconded by Mr. Martin to open the hearing to the Public. All were in favor.

Larry Bongiovanni, a resident of Rose Street came forward and stated that he felt that nothing can be done to the undersized lot and the application as proposed was appropriate and would enhance the neighborhood. Additionally, he noted that the growing family of Mr. Fakhoury makes all the bedrooms in the potential house viable.

Michael Solomon, contractor for the Applicant came forward and stated that the proposed structure’s height should be kept as proposed to accommodate the flood zone.

Charles Flenner of 387 Paterson Avenue came forward and stated that he believed the property meets all the requirements necessary for approval and would be a positive addition to the Borough. He noted that lowering the height would take away from the proposed structure.

A motion was made by Mr. Viccaro and seconded by Mr. Martin to close the hearing to the Public. All were in favor.

Mr. Viccaro explained that he did not object with the height of the property but had concerns that it has a potential to be converted into a two-family home, and potentially creating a parking issue in the future.

Mr. Everett stated that the landscaping plan should be on the site plan, along with the HVAC system. Additionally, he noted that the drainage calculations and the revised site plan should be submitted to the board’s engineer for review.

Mr. Krajunus moved to approve the application, with the following stipulations:

1. The plans be revised to include the landscaping of the property, the HVAC unit location, and new sidewalk;
2. The site be designed to accommodate stormwater run-off into the grass area of the backyard;
3. The proposed basement be redesigned to eliminate the proposed laundry room and the bathroom be modified to be a half-bathroom; and,
4. Drainage calculations be provided to the Board’s Engineer for review.

The motion was seconded by Mr. Sands.

<b>ROLL CALL</b>						
<b>MEMBER</b>	<b>MOVED BY</b>	<b>SECOND</b>	<b>AYE</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>NOT PRESENT</b>
Alberta						X
Polifronio			X			
Levy						X
Martin				X		
Krajunus	X		X			
Viccaro			X			
Banca			X			
Sands		X	X			

With no further business before the Board, a motion was made by Mr. Krajunus, seconded by Mr. Viccaro to adjourn the meeting at 8:31pm. All were in favor.

Minutes By:

Tamar Lawful  
Acting Secretary

John Giancaspro  
Secretary