

**ZONING BOARD OF ADJUSTMENT**

**MINUTES OF THE MEETING**

**DECEMBER 12, 2012**

**CALL TO ORDER:** This is a regularly scheduled meeting of the Board of Adjustment of the Borough of Franklin Lakes. In compliance with the Open Public Meetings Law, Notification of this Meeting has been sent to our Official Newspapers and Notice has been posted on the bulletin board at the Borough Hall. I direct that this announcement be entered into the Minutes of the meeting.

**ROLL CALL:**

**Present:** Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Toronto, Mr. Badenhausen,  
Borough Attorney Davies, Board Engineer Tiberi

**Absent:** Mr. Khoury, Mr. Bavagnoli, Mr. Frankel, Ms. Schoenberg

**ORAL COMMUNICATIONS**

There were no oral communications this evening.

**OLD BUSINESS**

Cal.#2011-4 Application for T-Mobile, 805-845 Franklin Lake Road, Block 2201.08, Lot 2,  
alternate location for proposed telecommunication structure.

**PROPOSED LOCATION PLAN GIVEN TO MR. DI FLORA, BOARD WILL BE GIVEN  
PLAN APPROVED BY THE COURT.**

Mr. Davies stated that there is nothing relative to this application at the moment and the applicant will return to the Board when they are able to present a new application.

Cal.#2012-6 Application for Lombardi (Owner), The Learning Experience (Contract Purchaser),  
861 Franklin Avenue, Block 1512.01, Lot 16 which is in violation of the following  
Sections of the Ordinance:

<b><u>TYPE</u></b>	<b><u>REQUIRED</u></b>	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>VARIANCE</u></b>	<b><u>CODE</u></b>
Child Day Care Facility	Not Permitted in A22.5/LB-1 Zones		Yes	Yes	300-107.A. 300-114.B.
Side Yard Setback	25'		12'	13'	300-120.F.
Building Coverage	15%/30%		23.9%	6.1%	300-107.E.
Total Coverage	20%/65%		61.3%	41.3%	300-107.E.
Off Street Parking	53 spaces		36 spaces	17 spaces	300-120.F.
Off Street Parking Offset to Street Line	15'		3'	12'	300-121.B.(1)
Off Street Parking Offset to Side Lot Line	15'		5'	10'	300-121.B.(2)
Fence Height	5'		6'	1'	300-121.F.(1)
Opaque Fence Front Yard Setback	25'		5'	20'	300-121.F.(7)
Opaque Fence Side Yard Setback	25'		5'	20'	300-121.F.(7)
Buffer Area	35'		5'	30'	300-124.A.(1)
Planting in Buffer Area	Yes				300-124.A.(8)
Disturbance Within Steep Slope Areas					
Category 1 (15% to 19.99% Areas)	50%		50.8%	.8%	300-132.A.(1)
Category 2 (20% to 24.99% Areas)	45%		62.9%	17.9%	300-132.A.(1)
Category 3 (25% or Greater)	35%		47.4%	12.4%	300-132.A.(1)

Off Street Parking from Front Yard Lot Line	10'	3'	7'	300-71.B.(1)
Parking Prohibited from Site Triangle Off Street Parking from Residential Zone	No Parking	Parking	Yes	300-71.B.(1)
Off Street Parking Space Size	30'	5'	25'	300-71.B.(1)
Sight Distance	10' x 20'	9' x 18'	Yes	300-71.D.(2)
Driveway Offset to Intersecting Streets	325'	72'	250'	300-71>D(4)(b)[1]
Curb Return Radius (One-Way)	50'	12.3'	37.5'	300-71.D.(4)(c)
Driveway Width (Two-Way)	35'	20'	15'	300-71.D.(4)(f)[3]
Curb Return Radius (Two-Way)	30'	24'	6'	300-71.D.(4)(f)[3]
Number of Loading Spaces	35'	20'	15'	300-71.D.(4)(f)[3]
Number of Signs in LB-1 Zone	1	0	Yes	300-72.A.
Wall Not Tiered	4' Tiered	7' Not Tiered	Yes	300-121.F.(3)

Use Variance and Dimensional Variances

**DATE DEEMED COMPLETE: September 13, 2012 DETERMINATION DATE 1-11-13**

**MR. WHITAKER, THE ATTORNEY FOR THE APPLICANT HAS ASKED THAT THIS APPLICATION BE CARRIED TO 1-3-13.**

**NEW BUSINESS**

Cal.#2012-7 Application for Craig Karbekian (Owner), Hand & Stone – Franklin Lakes, LLC (Tenant), 828 Franklin Avenue. Block 1513, Lot 2, Block 1410, Lot 1, Block 1400, Lot 1.01, which is in violation of the following Section of the Ordinance:

<b><u>TYPE</u></b>	<b><u>REQUIRED</u></b>	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>VARIANCE</u></b>	<b><u>CODE</u></b>
Spa, Massage, Facial Facility	Not Permitted	No	Yes	Yes	300-113.B.(1)E.

Use Variance

**DATE DEEMED COMPLETE: November 16, 2012 DETERMINATION DATE March 16, 2012**

Joseph L. Basralian, attorney for the applicant, said that he has consulted with his client relative to the fact that there are only five Board Members present this evening to hear this use variance application. His client would prefer to be heard before seven Board Members and therefore he is asking that this application be carried to January 2013. Mr. DiFlora pointed out that absent Board Members could listen to the recording of the meeting and would be able to vote at the January meeting, however, Mr. Basralian declined and again asked that the application be carried.

Mr. Messaros made a motion to carry the application to the meeting of January 3, 2013, seconded by Mr. Toronto.

Roll Call Vote

AYES: Mr. DiFlora, Mrs. Gerber, Mr. Badenhausen, Mr. Messaros, Mr. Toronto  
NAYS: None

**RESOLUTION**

**Presbyterian Church, Block 2206, Lot 2.01, 730 Franklin Lake Road**

Mr. Messaros made a motion to memorialize the resolution, as amended, seconded by Mr. Toronto.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Messaros,  
Nays: None

**MINUTES**

The minutes of October 4, 2012 were presented for approval.

Mrs. Gerber made a motion to approve the Minutes, as presented, seconded by Mr. Messaros.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Badenhausen, Mr. Toronto  
Nays: None

**VOUCHER**

No vouchers were presented at this meeting.

The meeting was adjourned at 8:19 P.M.