

## **REORGANIZATION MEETING OF THE ZONING BOARD OF ADJUSTMENT**

### **MINUTES OF THE MEETING**

**JANUARY 3, 2013**

**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.

**Mr. Davies will give Oath of Office to Mr. Bavagnoli, four year term, Mr. Khoury, Alternate #1, two year term and Mr. Frankel, four year term.**

#### **ROLL CALL:**

**Present:** Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Bavagnoli, Mr. Badenhausen,  
Mr. Frankel, Board Attorney Davies, Board Engineer Eileen Boland

**Absent:** Mr. Khoury, Mr. Toronto, Ms. Schoenberg

#### **FIRE SAFETY ANNOUNCEMENT**

#### **OATH OF OFFICE FOR REAPPOINTMENT**

Mr. Davies administered the Oath of Office reappointing Robert Bavagnoli for a four year term and Paul Frankel for a four year term.

#### **REORGANIZATIONAL MEETING**

##### **Election of Chairman, Vice Chairman and Secretary**

Mr. Davies called for nominations for Chairman of the Board of Adjustment. Mr. Messaros nominated Steve DiFlora as Chairman, seconded by Mrs. Gerber. Nominations were closed and after a roll call Mr. DiFlora is elected as Chairman for 2013.

Mr. Bavagnoli nominated Joanne Gerber as Vice Chairwoman, seconded by Mr. DiFlora. The nominations were closed and after a roll call Ms. Gerber is elected as Vice Chairwoman for 2013.

Mr. DiFlora nominated Robert Bavagnoli as Secretary, seconded by Mrs. Gerber. The nominations were closed and after a roll call Mr. Bavagnoli is elected as Secretary for 2013.

##### **Appointment of Board Counsel**

Mr. DiFlora made a motion to appoint the Davies Law Firm as Board Attorney for 2013, seconded by Mr. Messaros. The nominations were closed and the Davies Law Firm is elected as Board Attorney for 2013.

##### **Appointment of Board Engineer**

Mr. DiFlora made a motion to appoint Boswell Engineering as Board Engineer for 2013, seconded by Mr. Messaros. The nominations were closed and Boswell Engineering is elected as Board Engineers for 2013.

##### **Appointment of Board Clerk**

Mrs. Gerber nominated Maria Berardi as Board Clerk, seconded by Mr. Bavagnoli. The nominations were closed and Mrs. Berardi is elected as Board Clerk for 2013.

##### **Motion of Official Newspapers**

Mr. Messaros made a motion to name the Bergen Record and Ridgewood News as the official newspaper of the Board for 2013, seconded by Mr. Badenhausen. There was no opposition.

**Motion of 2012 Schedule of Meetings:** Meeting nights have been the first Thursday of each month, commencing at 8:00 PM. Meetings added or deleted at the discretion of the Board.

The July meeting of 7-4-13 meeting will be rescheduled to 7-10-13.

Mr. Messaros made a motion to change the meeting of July 4, 2013 to July 10, 2013, seconded by Mrs. Gerber. There was no opposition.

**BOARD OF ADJUSTMENT  
 REGULAR MEETING  
 MINUTES OF THE MEETING  
 JANUARY 3, 2013**

**OLD BUSINESS**

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	No Parking		Parking	Yes	300-71.B.(1)

Off Street Parking from Residential Zone	30'	5'	25'	300-71.B.(1)
Off Street Parking Space Size	10' x 20'	9' x 18'	Yes	300-71.D.(2)
Sight Distance	325'	72'	250'	300-71>D(4)(b)[1]
Driveway Offset to Intersecting Streets	50'	12.3'	37.5'	300-71.D.(4)(c)
Curb Return Radius (One-Way)	35'	20'	15'	300-71.D.(4)(f)[3]
Driveway Width (Two-Way)	30'	24'	6'	300-71.D.(4)(f)[3]
Curb Return Radius (Two-Way)	35'	20'	15'	300-71.D.(4)(f)[3]
Number of Loading Spaces	1	0	Yes	300-72.A.
Number of Signs in LB-1 Zone	1	2	1	300-128.C.(2)(d)[2]
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 explained that the application continues to work on revisions to the plan. Therefore, he will be asking that the application be carried to the February meeting. Mr. Whitaker advised that he had received a letter from an attorney representing a neighbor and he asked the attorney to identify himself tonight.

Ira Weiner of Beattie Padavano introduced himself and stated that he represents Mr. & Mrs. Sethi, 729 Mardinly Avenue. Mr. Sethi's property backs up to the site. He is hopeful that the applicant will be able to come up with a modification to the plan since the applicant has demonstrated a willingness to satisfy his client.

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:

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

Use Variance

**DATE DEEMED COMPLETE: November 16, 2012 DETERMINATION DATE 3-16-13**

**This application is taken off the agenda due to the fact that Raymond Dressler, Zoning Official has determined that this use is permitted in the I-1 zone.**

**MINUTES**

The Minutes of December 12, 2012 were presented for approval. Mrs. Gerber made a motion to approve the minutes as presented, seconded by Mr. Badenhausen.

Roll Call Vote

AYES: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Badenhausen

NAYS: None

The meeting was adjourned at 8:25 p.m.