

**BOARD OF ADJUSTMENT**  
**MINUTES OF THE MEETING**

**MARCH 6, 2014**

**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. Khoury, Mr. Bavagnoli, Mr. Frankel,  
Ms. Schoenberg, Board Attorney Davies, Board Engineer Tiberi

**Absent:** Mr. Toronto, Mr. Badenhausen

Mr. Davies administered the oath of office to Mr. Khoury as Zoning Board Member for a two year term ending on December 31, 2014.

Board Members discussed the rescheduling of the 7-3-14 meeting. Mr. Bavagnoli made a motion to convene the meeting on July 8, 2014, seconded by Ms. Schoenberg.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Khoury, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel,  
Ms. Schoenberg

Nays: None

ORAL COMMUNICATIONS

There were no comments under this Section.

NEW BUSINESS

Cal.#2013-16 Application of Karzov, 922 Hilltop Terrace, Block 1404, Lot 3, Dimensional Variances which are in violation of the following Sections of the Ordinance:

<u>TYPE</u>	<u>REQUIRED</u>	<u>EXISTING</u>	<u>PROPOSED</u>	<u>VARIANCE</u>	<u>CODE</u>
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Swimming pools shall not be located in the side yard					300-121.E.(1)
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Existing Stockade fence within the required setback is not permitted					300-121.A.(5)(f)
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DATE DEEMED COMPLETE: December 10, 2013

DETERMINATION DATE: 4-9-14

Ben Cascio, attorney for the applicant, introduced himself and explained that this is a unique variance request. The applicant proposes to place a pool in the side yard which would actually bring this lot into conformance with Borough coverage requirements. The size, shape, location and surrounding properties are also very unique. Mr. Karzov and Robert Weissman, engineer were sworn by Mr. Davies. Mr. Karzov explained that the shape of the property along with the septic field in the back yard makes it difficult to locate the pool in the back yard. There is also a 130 foot easement on one side of the property. The property is surrounded by a well wooded industrial property on one side and several other wooded lots. The closest neighbor is between 200 and 300 feet away which means the pool could not be seen by adjoining neighbors.

Mr. Weissman said that a modest sized pool is proposed on the eastern side of the house. The pool will be located at the bottom of a slope in the left rear area and setbacks are being respected. Screening is proposed along the front

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with arborvitae. Mr. Weissman added that there is an existing stockade fence along the rear and side yard which the applicant would like to repair and replace for privacy purposes and in order to somewhat obstruct the noise from the highway. The Board reviewed the Boswell Engineering letter and open issues were addressed. Necessary revisions to the plan were agreed to by Mr. Weissman.

Mr. Davies recited the following conditions for the Board to consider in order to approve the application:

1. Screening with arborvitae from as close as possible to the house all the way to the side lot line on the outside of the house.
2. Applicant is not removing any trees.
3. The plan must be revised to show the two trees that had previously been removed.
4. Applicant will plant a shade tree in the area within 10 feet of the front yard lot line.
5. Board of Heath approval is required.
6. The applicant must comply with all of the requirements of the Borough Engineer.

Mr. Bavagnoli made a motion to approve the application, seconded by Mr. Frankel.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Khoury, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel,  
Ms. Schoenberg

Nays: None

**RESOLUTIONS**

**Ruffino, Block 3207 Lot 14**

Ms. Schoenberg made a motion to memorialize the resolution, seconded by Mr. Frankel.

Roll Call Vote

Ayes: Mr. DiFlora, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel Ms. Schoenberg

Nays: None

Abstain: Mrs. Gerber

**Kulick, Block 2101.08, Lot 25**

Mr. Bavagnoli made a motion to memorialize the resolution, seconded by Ms. Schoenberg

Roll Call Vote

Ayes: Mr. DiFlora, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel, Ms. Schoenberg

Nays: None

Abstain: Mrs. Gerber

**Schaefer**

Mrs. Gerber made a motion to memorialize the resolution, as amended, seconded by Mr. Bavagnoli.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel, Ms. Schoenberg  
Nays: None

**Keshishian, Block 2101.08, Lot 20**

Mrs. Gerber made a motion to memorialize the resolution, seconded by Ms. Schoenberg.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Frankel, Ms. Schoenberg  
Nays: None

**Schwab, Block 1404, Lot 32**

Mrs. Gerber made a motion to memorialize the resolution, with revisions, seconded by Mr. Frankel.

Roll Call Vote

Ayes: Mr. DiFlora, Mrs. Gerber, Mr. Messaros, Mr. Bavagnoli, Mr. Frankel, Ms. Schoenberg  
Nays: None

**MINUTES**

The Minutes of February 6, 2014, were presented for approval. Mr. Frankel made a motion to approve the Minutes as presented, seconded by Ms. Schoenberg.

Roll Call Vote

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

The meeting was adjourned at 8:58 P.M. on a motion made by Mr. Bavagnoli, seconded by Mr. Frankel.