

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

**NOVEMBER 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, Mr. Messaros, Mr. Badenhausen, Mr. Bavagnoli, Board Attorney Davies,  
Board Engineer Tiberi

**Absent:** Mrs. Gerber, Mr. Khoury, Mr. Toronto, Mr. Frankel

**ORAL COMMUNICATIONS**

Eric and Lisa Michaels, 522 Forest Court, Wyckoff, introduced themselves. Mr. Michaels said that he and his wife operate a pediatric practice, Milestones, at the corner of Van Dien and Franklin Avenue and they are hoping to expand in order to accommodate their growing business. They are considering modifications to their present location which would include additional parking spaces and a 600 square foot expansion to the floor plan. Mr. Michaels said that they would need a parking buffer variance and a building setback variance. He added that a prior application for a second story at this location had been denied. Ms. Tiberi said that a variance for parking and coverage would be necessary. She said that it is possible that variances would be needed for building setback and buffering. Mr. Michaels was advised to hire a civil engineer to lay out the plan and define the variances that are necessary in order to get a clearer picture of the proposal.

**NEW BUSINESS**

Cal.#2014-3 Application of Kurkciyan, 928 Olentangy Road, Block 2101.10, Lot 1.01, 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>
Lot Area	130,000 s.f.	83,874 s.f.	83,874 s.f.	46,126 S.F.	300-102
Building Coverage	5%	3.94%	5.18%	.18%	300-102
Total Coverage	15%	15.21%	19.30%	4.3%	300-102
Side Yard Setback	20'	1.5'	1.5'	18.5'	300-71.(4)(j)
Driveway					
Side Yard Setback	15'	2'	2'	13'	300-121.B.(2)
Walls					
Side Yard Setback	25'	22''	22'	3.5'	300-121.E.(1)
Pool Patio					
Pool Location	Rear Yard	Side Yard	Side Yard	Needed	300-121.E.(1)
Roof Elevation	130.6		132.0	1.4	300-102

DATE DEEMED COMPLETE: Sept. 9, 2014      DETERMINATION DATE: 12-7-14

David Repetto, attorney with the firm Harwood Lloyd, introduced himself. Mr. Davies swore Thomas Donahue, engineer, 110 Warren Avenue, Ho Ho Kus, N.J. Exhibit A-1: Plans dated 8/21/14 were marked. Mr. Donahue described the lot as undersized with an elevation rising from 75 feet from the roadway to the rear property line. The house is located in the center of the property where the addition is proposed. There are a number of existing non-conformities on the lot including the driveway which has a setback of 1.5 feet to the side property line where 20 feet is required and the pool is located in the side yard setback rather than behind the house. In addition, the pool is

located 22 feet from the side property line where 25 feet is required. There are existing retaining walls adjacent to the pool located 2 to 2 1/2 feet from the property line. The walls are in disrepair and need to be replaced. The existing roof elevation has a nonconforming height. The applicant proposes to remove the existing structure down to the foundation and construct a 2 ½ story building as well as some additions surrounding the existing footprint of the building. The application calls for renovations to the existing walls and the pool and the elimination of the existing wood platform behind the existing house which would be replaced by a patio area. A number of retaining walls will be added in the rear along with various walkways. The applicants propose a front parking area which would be connected to the existing driveway as well as new retaining walls in this area. Four trees are proposed for removal and Mr. Donohue anticipates that some septic work will be necessary which could result in a slight relocation of the retaining walls. Building coverage will increase slightly to 5.18% where the maximum permitted is 5% for this zone. Total coverage would be 20.31% where the existing is at 15.2% and 15% is allowed. Steep slopes and disturbance have been calculated and the disturbed area is under the maximum allowable. The deviation in building height will be alleviated with the new plan. The existing side yard setback for the driveway will remain. The side yard setback to the walls will be replaced in kind and the pool will remain as is. Mr. Donahue stated that the reason for the front driveway area is to better accommodate the owner's elderly relatives and small children.

Mr. Donohue discussed the drainage issues and stated that the high point in the driveway area will discharge into an inlet to be constructed on the north side of the parking area. Drainage calculations have been sent to the Board Engineer for review. The Boswell letter was reviewed and removing part of the driveway was discussed. Eric Kurkciyan, homeowner, was sworn by Mr. Davies. He testified that the patio will be replaced with new pavers but will not be made bigger.

Kenneth Kaefer, architect, 344 Broad Avenue, Leonia, was sworn by Mr. Davies and described the architectural plans for a five bedroom house, three bathroom house to be constructed on the existing foundation. This includes a first floor deck and a three car garage. There will be three covered porches of 500 square feet in the rear, two small porches in the front and a balcony off the master bedroom.

The public was given the opportunity to question the engineer and the architect. No one from the public came forward and the public portion of the meeting was closed.

Board Members discussed the application and agreed that the applicant should try to reduce the building coverage to 5% and the total coverage to 18%, if possible. The meeting was open to the public for comments. No one from the public came forward and the meeting was closed to the public. The Board Engineer said that the length of the driveway is a result of the steepness and topography of the lot which means that the applicant doesn't have a lot to work with. Mr. Davies reviewed conditions of approval which include:

1. The applicant will amend the plans to remove extraneous lines.
2. Applicant will amend the plan to include setback lines.
3. Applicant will install new patio over existing patio and may not extend patio beyond what exists today
4. Plans to be signed and sealed.
5. Applicant will amend application to remove the indication that he is appealing the decision of the zoning official.

Mr. Bavagnoli made a motion to approve the application with conditions, seconded by Mr. Badenhausen.

Roll Call Vote

Yes: Mr. DiFlora, Mr. Badenhausen, Mr. Messaros, Mr. Bavagnoli  
Nays: None

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**MINUTES**

The Minutes of October 2, 2014, were presented for approval. Mr. Messaros made a motion to approve the minutes, seconded by Mr. DiFlora.

Roll Call Vote

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

Mr. Bavagnoli made a motion to adjourn the meeting at 9:20 P.M., seconded by Mr. Badenhausen, all ayes.