

**Present in Person:** Mr. Kassis, Mr. Cleary, Mr McCord, Ms. Westerfeld, Janet Wehle  
Mr. Van Horne Esq.(Board Attorney), Ms. Bauer (recording secretary)

**Absent :** Mr. Corona

**Mr. Kassis** called the meeting to order at 7:30 pm

**Ms. Bauer** did the roll-call

The Jan. 26, 2023 minutes were approved by Mr. Cleary and seconded by Ms. Westerfeld.

## Application

**1400 Joseph Cartagena                      351 E. Madison                      B 91.05 L20**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	50'	50'	NA	
Side Yard Abutting/Lot	30'	30'	NA	
Other Side Yard	30'	30'		
Combined Side Yards	60'	64'	NA	
Min. Rear Yard	75'	167'	NA	
FAR	20.1%	<20.1%	NA	
Height of Building	32'	32'	NA	
Lot Frontage	150'	173'	NA	
Lot Depth	200'	261'	NA	
Bldg. Coverage %	12.51%	28.1%	NA	
Impervious Coverage variable	35%	10%	NA	
LotArea	40,000 sf	40,151 sf	NA	
Fence Height	4'		6'	2'
Gates	75% open		solid	

**Mr. Cartagena** has applied to the ZBOA to construct a fence with gates

**The application** was carried to the Feb. 23, 2023 ZBOA meeting at the request of **Mark D. Madaio Esq.**, the attorney representing the applicant.

**Mr. Madaio Esq.**, presented to the Board Secretary, the certified receipts for the mailings to property owners within 200' of the applicant.

**Mr. Madaio Esq.**, asked Mr. Kassis if he had a matter that he wished to be considered first ?

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**Mr. Kassis** said we are currently looking at application 1400 for 351 E. Madison.

**Mr. Madaio Esq.,** said Robert Zampolin is the architect, and Shawn McCallan is our engineer. Mr. Van Horne we can present those in any order, that's your preference, and Mr. Chairman's.

**Mr. Van Horne** said its up to you Mr. Madaio.

**Mr. Madaio Esq.,** said lets start with Mr Zampolin, perhaps he should be sworn.

**Mr. Robert Zampolin** was sworn in.

**Mr. Zampolin** said he is a licensed architect in the city of Jersey since 1985.

**Mr. Kassis** said to Mr. Zampolin to move his mike over so we can hear you better.

**Mr. Madaio Esq.,** said to Mr.Kassis: Before we begin, we sent in the affidavits of service..... Mr. Zampolin, were you commissioned to do the architectural work on the property at 351 East Madison ?

**Mr. Zampolin** said yes I was.

**Mr. Madaio Esq.,** said If I may, is that a new home construction or an existing ?

**Mr. Zampolin** said I'd say new home, its certainly less than 5 years old.

**Mr. Madaio Esq.,** said what was the scope of the services you were to render with regard to that relatively new home ?

**Mr. Zampolin** said the scope was to create a screening and fencing design, sort of modern / contemporary, what was what the client was looking for. But also getting some security and privacy aspect and that's what we labored to do.

**Mr. Madaio Esq.,** said so I could summarize that by suggesting that when you were commissioned to do an .....in gaining some security concerns and visual security concerns and just generally dress that up.

**Mr. Zampolin** said that's correct, Mark.

**Mr. Madaio Esq.,** said could you tell us what's there now in the front yard or across the front at least.....

**Mr. Zampolin** said certainly, Mark. As everyone knows the property is on the east face of East Madison and has an area of approximately 40,150 sq. ft. On East Madison, along that radius the curb is 173.27' in terms of its overall frontage. All the properties is on the east side of East Madison, have a downward slope in contour going down to the pond in the backyard of all the adjacent property owners. So on the northeast corner we have a grade elevation of 102.3, then slowly slops downhill to the south to an approximate elevation of 100, but then it keeps rolling down hill until you get to the edge of the lake, which is elevation 83 and 84 at the water's edge. So that's pretty much the nature of the property. There is some existing Arborvitae creating some screening along the southern and northern property line as is from the existing Arborvitae that were actually adding to for additional screening to create the privacy aspect, but the 2 main variances that we are seeking relief is the 6' height, which is the policy at the Board would consider. Obviously 4' is maximum permitted , so we are violating it by 2'. The gates themselves, the town, in terms of the conformity laws, has a 75% open rule. Again for

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privacy and security concerns of the clients, they are requesting something on the order of around 50%. So more screening and blockage so people can't hear into the property. So those are the 2 main variances. But to mitigate the height of the fencing, and Shawn will certainly get into it- our Civil Engineer. Probably, actually the fencing is all located a good distance from the street curve line, and because of the roll-off and the fall-off of the property, from the interior of the property, the fencing certainly will be 6' high, but if you were to take a snap-shot, a screen-shot from this.....elevation at the street, the north end of the property, the fencing will actually be slightly less than 4' in terms of visual height on the street curb. Then obviously the property slopes generally down, so that there will be a little bit over 5' on the southern side. That's immaterial because in your ordinance, undulation to the property are allowed You are allowed to have up to 80%. From 80% has to be within the 4'. Unfortunately, all of it in the 80% is more than 80% of the .....4', so we still need a variance for the height of the fence.

**Mr. Madaio Esq.,** visually what you see is that at the property line, you are 2' taller than where the fence will be placed.

**Mr. Zampolin** said correct, Mark . And, David has photos of the property, where you can see the Arborvitae are rolling down .....on the interior property side, they actually look much shorter.....but again for the security aspect it's a flat link-chain fence, that is also being proposed on the southern end.....property line as well

**Mr. Madaio Esq.,** said so, just while we are doing that. I'd like the exhibit that you are referring to the current engineering site plan. We are waving our hands in front of it. We are talking about it. I've marked it A-1.....for Mr. Van Horne, for the purposes of the record, and that shows the existing circular driveway, obviously the property line, the trapezoidal shaped *property leans*, the drainage maintenance easement in the rear, and the pond which is all the way in the back, and the fact that if we stand at the front of the property, the property starts heading down hill and then gently slopes this way

**Mr. Zampolin** said to the south.

**Mr. Madaio Esq.,** said to the south as you come down....

**Mr. Zampolin** said correct. The fencing that will comply south of the gates is being extended and wrapping around behind the Arborvitae right at the existing curb line at the existing driveway. Where the Arborvitae are not currently located, we are adding Arborvitae all over the south side, and then obviously some to the north side. The distance from the street, currently the northern entry gate is approximately a little more than 25' back. The gates at the south side are about 26' back. So, again, it complies with the ordinance, more than sufficient room for a car to have gate access control, for visitors being announced,.....entering and exiting the property as well.

**Mr. Madaio Esq.,** said the drawing which I have now marked as A-2, which is your *capture* of the design comments what we are shown is a picture of the fence, and the .....and if I may just point out is that the posts are no higher than the fence.

**Mr. Zampolin** said correct.

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**Mr. Madaio Esq.,** said there is no effort here that the posts or the peers, or whatever they are called, are not higher than the actual fencing. Nobody intends to put a wire on top of them to make them even higher. Everything is at uniform height: fence, gates.

**Mr. Zampolin** said correct.

**Mr. Madaio Esq.,** said The only question we have here is that fence is 6' instead of 4', and that the gate has an opacity greater than 75%.

**Mr. Zampolin** said correct.

**Mr. Madaio Esq.,** said very briefly if you could describe what the gate and fence design was.

**Mr. Zampolin** said it's a horizontal design, like a chevron design at the actual gates themselves. It will all be done in black tubular aluminum, heavy gauge with steroidal, very high for security. The posters for the gates themselves, obviously will be brass and black aluminum. Obviously there will be a steel high beam.....footing and foundation to counter act the cantilever forces of the weight of the gate itself, that had to be entered here, subject to approval . But again, there will be very minimal. Each gate post is only one square foot, There is 4 square feet of additional coverage. So I thought it was Shawn's area, and it worked out to be mathematically 0.0009% additional coverage. So its still far below the 35%, .....for the gate posts. Though all the other fencing won't have.....*described another design*.....we don't have any of that, its just real true black metal, and again the black metal, the only pieces that you see would be the gates themselves. The Arborvitae will hang over time, it will be just a green wall with a fencing behind it .

**Mr. Madaio Esq.,** said and so regardless of fence height 4' or 6', in all likelihood, as soon as the plantings start to grow, you are not going to see the fence.

**Mr. Zampolin** said correct.

**Mr. Madaio Esq.,** said and again I'll defer a little bit to Shawn as we get to elevations and height. Again, if I am standing at the property line on the street by the time I get to you, 25' or so away...*laughter* ...*you are visually not there*. Is there anything else about the design that the Board should be aware of ? The side fences will be a 6' black chain-link . This will be a steel fence. The only variance is that it is a bit higher than permitted, and the only other variance is that the actual gates have an opacity greater than 75%. That the entire rest of the fence has a conforming opacity.....Am I correct ?

**Mr. Zampolin** said that's correct Mark.

**Mr. Madaio Esq.,** said Mr. Chairman, I have nothing further for Mr. Zampolin.....I hope there has been no misunderstanding.

**Mr. Kassis** said OK. A couple of questions regarding the gate on the right. If I understood your testimony, the property at the curb line, which is not the actual property line, that's correct ?

**Mr. Zampolin** said that's correct.

**Mr. Kassis** said so the distance, we'll just use the curb, how much lower is the, where the fence comes on the right side south side ?.

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**Mr. Zampolin** said the elevation at the gate on the low side, we have 99.1 and the contour is at elevation 100 so it's a little less than a foot down on the south side

**Mr. Kassis** said right.

**Mr. Zampolin** said and on the north side there is more of a difference 99.9 at the entry gate and the street elevation is 102.3. So on the south side the piece of the gate that you see to be, if you look straight at it, would be 3.6' in height. And then, over here would be 5.9' in height on the south side, Sir.

**Mr. Kassis** said OK. So on the right gate you have it opening towards the street.

**Mr. Zampolin** said that's correct'

**Mr. Kassis** said And if the land is going on an incline , how are you going to deal with the

**Mr. Zampolin** said hardware mechanism actually lifts the gates up while it's in.....

contour.....so they can make them that way, where it actually lifts. Almost like a Tesla or a Corolla where they actually rise up a little bit. We thought it was better for a one-way in and one-way out as well.

**Mr. Kassis** said OK. So there is no change in height when it's at the rest position. When we talk about the design of the fence, just to be clear, the requirement is to be able to see through the fence. From the picture, it is a little hard to understand what the spacing is versus the tubular portion. Is there a gap between the tubular portion that...

**Mr. Zampolin** said correct, Mr. Chairman. The tubular portion is those thin horizontals. The space between is day light all the through. So its actually more than 75% open on the main fencing. On the fencing for the gates themselves, it's inclined to express an interest of being more closure. This drawing illustrates about 60% but they have expressed a desire to actually make it a little bit more enclosed, so we are saying 50% 50/50.

**Mr. Madaio Esq.,** said if I may just jump in a second. The Arborvitae and the plan is what assures that you can't really see through the body of the fence very well. You really can't get up to it to look through. The gates themselves, because its very easy to walk up to, on a relatively busy road. There's a desire that it be a little tougher to walk up to those gates and look through. And, the overall desire is that this a fence that is a little bit tougher to jump over for someone so inclined. And I'll get to a little bit more about who the client is as we move on. But, it is related to that.

**Mr. Kassis** said so the tubular, and forgive me for wanting an exact understanding. If you look at the right thin, and you look at the bottom left corner of that right thin.....right where your finger was, on the gate portion, that corner on the bottom that's the space, and the first L shaped bar is the actual fence tube.

**Mr. Zampolin** said correct .

**Mr. Kassis** said so the wider gap are the space

**Mr. Zampolin** said or the opening

**Mr. Kassis** said okay, they are not the aluminum.

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**Mr. Zampolin** said correct. That is the open air, but then after we pulled the client's wrap about 63%, that didn't go over too well so they wanted more closed.

**Mr. Kassis** said do you have an approximate dimension just how that tubular layout would be in the architectural.....

**Mr. Zampolin** said I didn't bring my scale Mr. Chairman.....The gaps are about 3", 3.5" sir. And the tube itself is about 1.5" aluminum tubing . So realistically, you have 1.5" and 3", and you have 5". So realistically, to satisfy the clients, it would be like almost 2.5". 2.5" to redesign to make it that 50% matrix.

**Mr. Kassis** said OK. But there is a significant ill fitting right now .

**Mr. Zampolin** said Correction. On the more visible status

**Mr. Kassis** said regular status

**Mr. Zampolin** said the regular status.....that's like 5" and 1.5". So it's a 5" gap for 1.5". So its way more than 75% open space.

**Mr. Kassis** said OK.

**Mr. McCord** said my question, basically, is, what is the rational for all this security ? I don't think that there is another house that looks anything like this.

**Mr. Madaio Esq.,** said correct. But why. The person who owns the home and the person who will reside there, is a fairly well known musical artist. They are concerned for their safety, the safety of their family but also on that avenue, the average looking *person* that might stop, block traffic, partially pull over, and try to walk up, or somebody, perhaps that might be a little more aggressive and jump over, and easily get over a 4' fence, which is actually a couple of feet further down in that .....position. Might not offer adequate security. We have a planner who will discuss how that might impact tax resources. It is, probably not, in the intent of the purposes of Zoning, to have property which is a security risk, or drains municipal resources . And we don't want that to become-back. So that is the rational. We believe that in this case, its warranted. I also suggest that this is not the same place that it was in the sixties. When I was a kid, that area, especially that busy road, might be one where people would have some security concerns on these much larger estate style homes.

**Mr. McCord** said that being said, there are other celebrities in this town that don't have a 6' high fence.

**Mr. Madaio Esq.,** said that may be.....

**Mr. McCord** said why is this particular person so conscious about security ?

**Mr. Madaio Esq.,** said I don't know the other celebrities, so forgive me.

**Mr. McCord** said Mary Blythe being one of them.

**Mr. Madaio Esq.,** said he's in the same field of work.

**Mr. McCord** said OK but she doesn't have a 6' fence.

**Mr. Madaio Esq.,** said and what street does she live on ?

**Mr. Kassis** said I'd rather not discuss the other street.

**Mr. Madaio Esq.,** said but we believe that this property, on East Madison, in a very visible location would benefit from a somewhat higher level of security. The amount we are talking

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about is essentially how easy it is to look through the gate, which I would suggest to you is probably not the most important thing in the world. And the *hybrid* fence, which again is 2' higher than permitted, but the posts are exactly the same height. And that's because of the elevation of the property, it is visually not very much different than what is fully permitted. That has to be the answer to that.

**Mr. Kassis** said on that same thought of discussion, we did hear ..... that you had 5" of space between the slack of the fence area and a smaller, but significant, amount of space on the gates. You had just made a statement that the town resources, or possibly somebody stopping to peek through the fence. I do not see how this design fends , irrespective of what the code calls for, is going to provide a level of privacy significantly different than just having a 4' fence or a 5' fence. You still can see through this fence. And if we are talking of someone driving past at 25 mph, maybe that might afford some level of shielding. But if someone does get out, they can see right through the fence and that can be used as a ladder. The fence design can be used as a ladder to just climb right over the fence.

**Mr. Madaio Esq.,** said we're hoping that less people would be prone to climb, then a 4' fence which young people would not have to climb- just roll over it. So the fact that you can see through but *behind of* the fence is wonderful. Remember that will ultimately be completely covered with Arborvitae. Nobody is going to see that fence. Not the town, not my client, not anybody even walking on the lawn. And of course our Boro is to keep us conformed, so we didn't need to make it more OK *in the event of having more metal*. The gates are something while it's my clients belief that it would benefit from having a little bit more *desjewels*. A little less *desjewels* transparency. Because of course there aren't any Arborvitae in front of the gates. And, the issue to us, probably over-all, is height. And, the fence is fixed. The fence represents a certain amount of security. If you are suggesting that 5' might be appropriate . We can certainly find out, but I will know what the issue is. There is a little that's transparent.....

**Mr. Kassis** said no, my concern, which is apparently your client's concern, as well, is having security, we all want to have security. But the current fence design makes it quite easy to climb up a foot or two, so you could look over the fence. I mean, there's plenty of space to look straight through. So the height of the fence isn't really going to give. If the height of the fence was below and the Arborvitae were there, you could still get over the fence and the Arborvitae would block your view anyway. So there really isn't a need for a six foot fence behind the Arborvitae, if its going to be covered anyway.

*Several people spoke at once*

**Mr. Kassis** said the horizontal design of the fence makes it a simple ladder for somebody to just climb right over.

**Mr. Madaio Esq.,** said that's a good suggestion and we will of course give the issue deliberation . A non-scalable design, which I think of in the .....world where kids can't climb it. That may be a really useful suggestion, and maybe we should take that back to the forum.

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**Mr. Kassis** said let me just be clear, I'm not suggesting how you construct the plans. I am just bringing in my own opinion, of creating a fence that is scalable, without any tools or hooks like in the movies. They don't need to frame a ladder to get across. And you are here asking for a height variance and the transparency at the gate. Both of which don't really seem to be achieved by the design that's in front of us. In my opinion, its hard to approve something that was designed specifically to give security and privacy, that you can see through and more readily climb .

**Mr. Madaio Esq.,** said I would suggest Mr. Chairman, that those are excellent suggestions, we'd be happy to make the gates fully opaque , so that we meet our avowed purpose of making them none see-through. We just didn't think that the Board would not like that idea very much , *so we went with a variance.* So the gates are not perfect by any means, but they are the most difficult to see through that we could design that didn't require a greater *repairment.* As far as your comments about the....,fence being scalable, I think that's a valuable suggestion, and we'd be happy to look at that design for a non-scalable fence.

**Mr. Kassis** said just again to be clear, it was an observation, it wasn't a recommendation.

**Mr. Madaio Esq.,** said I understand, We really appreciate.

**Mr. Kassis** said . I made an observation , not a recommendation, nor do I want to be in the position that I made a recommendation.

**Mr. Madaio Esq.,** said we learn a lot by listening to Boards, and so that point is well taken. I realize the mandate, its just a well taken point. And in the interest of the design, I.....

**Mr. Kassis** said alright. do we have any other questions from the Board members ?

**Mr. Kassis** said alright is there anybody here in the audience, that wants to be heard regarding this application ? Any witness in particular ?

Let the record show that that no hand was raised to be present

**Mr. Kassis** said so you want to proceed ?

**Mr. Madaio Esq.,** said yes indeed we have Shawn McClellan, his plan has been already marked as A-1. He has some other sheets to work from.

**Mr. Kassis** said was this the A-1 provided or an alternative to A-1 ?

**Mr. Madaio Esq.,** said this is the same plan that I have with me.

**Mr. Madaio Esq.,** said Shawn, I'm first going to ask you to be sworn.

**Mr. McClellan** was sworn in.

**Mr. McClellan** gave his credentials.

**Mr. Madaio Esq.,** said Shawn, your licenses are in full force and effect as you stand here today ?

**Mr. McClellan** said it is.

**Mr. Madaio Esq.,** said wonderful. I'm going to refer your working on A-1 on the table , which is the same one that is on the board. Correct ?

**Mr. McClellan** said correct.

**Mr. Madaio Esq.,** said lets talk about A-1 which is the engineering site plan that you prepared.



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Can we take just a moment to discuss a little bit a sample of your observation about the slop and composite of the property, and how that affects the visual fence.

**Mr. McClellan** gave a detailed description of A-1.

**Mr. Madaio Esq.,** said how does that impact the visual of the fence height from the curb ?

**Mr. McClellan** described the view of the fence at the curb

**Mr. Madaio Esq.,** said so if a person was standing on the curb in front of the property, that fence, which would be set back approximately 25', am I correct ?

**Mr. McClellan** said that would be from the curb, yes.

**Mr. Madaio Esq.,** said so the fence being set 25' from the curb, it would actually be 2' well worth, than if you built it at the street line. Or you built it where you are standing.

**Mr. McClellan** said that's correct.

**Mr. Madaio Esq.,** said OK. Is there anything else unique or different about the organizations on the property or the property configuration itself.

**Mr. McClellan** described 8 items that he considered 'unique or different'.

**Mr. Madaio Esq.,** said is it the height of the fence versus the height, or likely height, or finished height of the Arborvitae . Can we talk a little bit about how high the Arborvitae will be in front of that fence.

**Mr. McClellan** said based on my field dispatch today , I didn't notice that they were very high, but I do know they grow very quickly, so I'm not a landscape architect but I have to think they will be higher than the fence at some point.

**Mr. Madaio Esq.,** said and as well, in front of the gates, is there any barrier for *sump* that it stops someone from parking and walking up to the gates and attempting to look over the fence.

**Mr. McClellan** said what do you mean by barrier ?

**Mr. Madaio Esq.,** said can someone just pullover, and walk up to the gates, walk up to the fence?

**Mr. McClellan** said probably.

**Mr. Madaio Esq.,** said nothing further Mr. Chairman.

**Mr. Kassis** asked are there any questions for us.

**Ms. Westerfeld** asked how would this impact us, we discussed in the past the issues: the Fire Department, and that type of access and visualizing certain problems that they have to come to the house for.

**Mr. McClellan** said we do provide access control. I know of some commercial buildings, they have boxes that Fire Departments have key *stoops* to get in .....I don't know how this would work exactly in this situation here or not. As far as visual..... our fence, our gates are partially open, so one could slide in there. As far as the access for support, there has to be some type of 'C' code or able to go to an access gate.

**Mr. Madaio Esq.,** said the issue is, whether the gate is 4' high or 9' high ?

**Mr. McClellan** said 4' high they could see over the top maybe. If they want to see what's going on to know what they need to do.

**Mr. Madaio Esq.,** said that I thought this was about getting a fire.

**Mr. McClellan** said no, It was asking about both.

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**Mr. Madaio Esq.,** said I think, as the Chairman observed, you could see through the fence just fine. You have to go at least to the Arborvitae.

**Mr. Kassis** said if the sense key on the right hand side was to be left open. What would be the distance from the curb to the edge of the open gate ?

**Mr. McClellan** (estimated audibly from A-1) about 23 feet, 24 feet.

**Mr. Madaio Esq.,** asked does that make sense, Mr. Chairman ?

**Mr. Kassis** said yes, it does look like its set back, its just there is no dimensions. And my concern is with the gates open now, we're closer to the curb, we're even closer to the property line, There is a difference between the property line and the curb. Which versus opening in, and has no visual obstruction. Put the gates in the open position. Because the Zoning doesn't require for them to close the gates.

**Mr. Madaio Esq.,** said correct.

**Mr. Kassis** said so this gate could be open 365 days a year. Not to say, that they would go to all this trouble to build this, just to keep the gate open. However, if it was in the open position, it now be an *obstacle* that would protrude into the street area, if you want to call it that, and I do have concerns.

**Mr. Madaio Esq.,** said it doesn't reach the street, does it ?

**Mr. Kassis** said no, but its that much closer to the street, and it would be sort of a fence of sorts if it were locked in the open position.

**Mr. Madaio Esq.,** said if that would be solved by the gate opening inward

**Mr. Kassis** said I would discuss that with your.....

**Mr. Madaio Esq.,** said but I guess in the literal sense, every time I open my gate, I bring it closer to the street, and if I felt like leaving my gate open, contrary to my wife's idea of having 3 dogs, I guess I would be bringing it closer to the street. In a permanent way. In the world you wouldn't do that. But I guess it's possible.

**Mr. Kassis** said alright. I have a question for the applicant. Are you prepared ? We discussed a number of things, possibly a smaller gate, and different pavements.

**Mr. Cartagena** said I'm not interested.....

**Mr. Kassis** said I'm not done yet, forgive me.

**Mr. Madaio Esq.,** said no, no forgive us. Do we want to open to the public for this witness, if we have not done so ?

**Mr. Kassis** said nobody is here.

**Mr. Madaio Esq.,** said so the record will reflect that of course.

**Mr. Kassis** said yes.

**Mr. Madaio Esq.,** said and I also have a planner to discuss why the two variances, one being fence height and one being the opacity, I wish I had a better word for that, but I don't. Of the gates, those that are only 2 variances here. Might be a variance that the Board that could settle, grant. So I will bring up David Spatz. Thank-you sir.

Mr. Spatz, Good Evening.

**Mr. David Spatz** answered Good Evening.

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**Mr. Madaio Esq.,** said Mr. Van Horne is going to swear you in. We are going to mark these photographs as A-3.

**Mr. David Spatz** was sworn in.

**Mr. David Spatz** gave his credentials.

**Mr. Madaio Esq.,** said I'm going to start with A-3. It's true that a picture is worth a thousand words. And I'm going to ask you to describe the photographs on A-3 starting with the upper left hand corner, which, I assume, is a front view of the home.

**Mr. Spatz** said it is, yes. It gives you an idea of the slope down from the street towards the dwelling. You can see the Arborvitae that are screening the front. The fence will be located behind them.

**Mr. Madaio Esq.,** said so the fact that you see one story on this house, behind the Arborvitae, its, of course, a two story house.

**Mr. Spatz** said it's a two story house, and the fact gives you an indication of the slope down towards the house, and how the fence, although you can see 4' by 3', the front yard, the lot itself. At this point, roughly, smart fully visible, certainly as the shrubs grow, it will be less visible. The top right hand of the graph is looking down the driveway towards the home. You have a good sense of the slope . This is the area where the fence is going to be, and then continuing , there will be the original Arborvitae landscaping both front and in behind the sections of the fence, that are not on the driveway, further screening it which will continue. Blocking it.....just to get an idea of the fences in the immediate vicinity as mentioned earlier, there are no other fences in the front yard in the immediate vicinity. As mentioned earlier, there are no other fences in the front yard in the vicinity but there are some fences that, I think, sort of need what we are doing. The bottom left hand corner.....is the directly adjacent property, we're facing it. To the right, is a larger home, you can see that in the distance. It's a larger property. Their fence is in the rear yard back property but it is actually in the front yard of our property. Its across East Madison. It's a four fence and then becomes a six foot fence. A little hard to see in the shrubbery but it is a six foot high fence there. And in the bottom right, directly across the street from us, again that fence is in the rear yard, along the rear property line, but it is clearly visible from the street and it is six feet in height so.....

**Mr. McClellan** said actually what we are proposing but not as similar.....

**Mr. Madaio Esq.,** said so lets start to talk a little about some of the planning concerns that aligns with our defenses . Essentially the purposes in Zoning, what's committed, how fences are sized and scaled, and some general ideas about fencing.....

**Mr. Spatz** said Sir, fences typically are there to constrain the property, people getting on to the property, the home itself, typically in the front yard, they are limited to 4' in height, they cannot be quite as visible, as long as they are serving their function. In this case, for security reasons, that was discussed earlier, the *see thing* were just six feet in height. But, again, it is mitigated by the slopping of the property.....from the street level will appear to be approximately 4' in height, although it has a height of 6'. From the other area is the gate, where it is not as transparent as what is required in the ordinance. Again, as what was described as 'for security purposes', to prevent people from getting in, looking through. Obviously some people have a

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great desire to get over the fence. Although near the fence, will try to do so, but the idea is to make it less attractive. To do that, so that the area that is visible from the street, meaning the gates, while you could still see through for emergency purposes, to see what's going on. It is less attractive to somebody that has difficulty seeing through, and getting over. They are less likely to stop on the street, and try to look through at the client's home. One thing to note in terms of the height variance that we are seeking. The property, itself, both conforms to your ordinance both in terms of property , dimensions of property, the setbacks, the *car pitches*, there is nothing about the fence, which impacts the *car pitch* to create any additional variances. So we are really just talking about variances as a whole. They relate directly to the height, and the .....main problem for us, I think, that's ..... what we are proposing is the same as people that bought the property, as I think, as well as would the surrounding neighborhood. If the fence and gate are installed, I think people will be less likely to slow down if they can, at the house....., stop, get out. This certainly provides the benefit, I think, for the surrounding properties, in that people are less likely to be slowing down and in the area creating traffic problems as well as having people sensitized that perhaps there are other properties as well off. They'll just be passing through. This obviously has corporate benefit to municipalities in terms of services to reduce the number of traffic impacts, as well as other safety concerns for the police departments. I think there is a positive benefit to this post, obviously to the property owner, but I think also to the general public as well.

**Mr. Madaio Esq.,** said of course, are some of those public purposes set forth in the municipal Land-Use law in supportive of the idea that C-Variance for *public benefits* out-weigh the detriments.

**Mr. Spatz** said yes. Take a look at the Public Benefits, which obviously is not just the benefits to the property owner, but benefits the general public. That goes to the neighbors as well as municipal services, the purpose of Zoning. It includes a booklet that's called "Safety and General Welfare" . And I think this meets that standard. We don't need to go to the test for use variance, or Level D variance, but I think the multi- purposes are certainly there. In terms of negative impact, I don't believe there is certainly anything that rises, that are substantially negative. The fence will be screened. The property.....and the fence will have an appearance of less than 6' height than it is. The gate while certainly 6.5'. The most security would be a Bolio-paved, however to attempt to meet the ordinance, in some fashion, it is a little bit more than the fence itself. So, although the word choices are certainly in having it be fully screened. That's certainly something that would be reasonable. I don't believe there is really any negative affect other than any of the adjacent properties. It doesn't create any issues in terms of drainage. Its fully screened so the visual point of view is epitomized . There are other fences in the neighborhood that are of equal height, and so I don't think this is out of character with the surrounding properties.

**Mr. Madaio Esq.,** said let me ask a cognitive question. Which you said a word that, I think, was often lost in this process. When you were discussing the negative criteria, you made the

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point that it certainly was not substantially detrimental to the public good. The negative criteria doesn't have to be zero detrimental. It just does not have to be substantial detrimental. Am I correct ?

**Mr. Spatz** said yes, that is correct. Any variance has the inevitable of being detrimental because it doesn't follow the ordinances of the zoning plan.....but it has to be substantial detrimental.

**Mr. Madaio Esq.,** said anything about these plans that would be substantially detrimental ?

**Mr. Spatz** said I don't believe so. I've been to height that's been mitigated by the property slow, as well as the screening that exists and being enhanced. The openness of the gate, again, I think will reduce people of *lone improof*, creating other issues. That's nothing substantial, about the gate being either open or fully screened. That would have a negative impact on the adjacent properties.

*(Someone said something incomprehensible – possibly muffled by the audio system)*

**Mr. Kassis** said if I may, ask a question, while you are looking, the photos, the 4 photos that you provided.....did you take those photos ?

**Mr. Spatz** said I took them myself, yes.

**Mr. Kassis** said and when were those photos taken ?

**Mr. Spatz** said probably about a month or so ago.

**Mr. Kassis** said I'm assuming you'd go up and down that block ?

**Mr. Spatz** said I did

**Mr. Kassis** said while taking notes.....

**Mr. Spatz** said I had a library table, yes.

**Mr. Kassis** said I would believe if you found a fence similar to what is being proposed, even remotely similar, you would take a picture of it, and provided it to us .

**Mr. Spatz** said correct.

**Mr. Kassis** said are you prepared to say you did not find any fence that you could use as an example ?

**Mr. Spatz** said correct. Well, there were no other fences that were being cross yard, or folded, or gated. If I had thought of it earlier there were two Walnut photos that show fences that are six feet in height, that are adjacent to us, and visible from the street. So its not, in terms of visibility, they are not as close to the street as we are proposing, but its not as if they are totally not visible from the street. You can see them, you can see the height of them, how they differ. Obviously, not exactly, what we are proposing but not totally.....

**Mr. Kassis** said thank-you.

**Mr. McCord** said Also, just curious here, by adding a fence that is so out of character, with the entire community here. Maybe you are actually inviting people to look at this house.(55.27 One house on the entire block that has a fence to look from and it is six feet up. I think it's the reverse of providing security.

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**Mr. Spatz** argued that the fence and gate would not attract attention that would result in drivers getting out of their cars to look at the house.

**Mr. Madaio Esq.,** said this raises an interesting concept, that the idea that. We've all driven through nice neighborhoods with nice homes. I don't know if that would mean that I'd be curious about who lived there because they have a fence, or any more tempted to jump over onto their property because they have a fence, as opposed to just *admiring* that they have a very very nice house. But interesting concept that maybe offensive, to actually encourage prowling and jumping over.

**Mr. McCord** said they may have something to hide obviously. Especially on the street where there is none.

**Mr. Madaio Esq.,** said I think that's an interesting.....point

**Mr. Spatz** said I think the fence is open enough that its not hiding something

**Mr. Kassis** said we have been very repetitive on this, if we could just get to the nuts and bolts.....

**Mr. Madaio Esq.,** said I'm going to draw your attention to the key map, A-1.

**Mr. Madaio Esq.,** pointed out that the R10 zone had the same four foot high front yard fences as the R40.

**Mr. Spatz** said that the standard height for a front yard fence, both in Cresskill and most municipalities is four feet.

**Mr. Madaio Esq.,** said there is no way to get fence height based upon the size of the property, the scale of the houses. Its all the same as a 4' fence that would be in the R10.

**Mr. Spatz** said four foot high in the front yard is typically what's permitted in all .....zones as well as in almost all municipalities.

**Mr. Madaio Esq.,** said so a four foot fence is in your perception that a four foot fence is appropriate on my 50 by 100 property as it is on someone else's eight foot property. Is there some factor, the size of the property, the home, etc. that makes those two things different for fence height ?

**Mr. Spatz** said the size of the fence is not related to the size of the property, the size of the home. Its barely standard that four foot footage..... We are asking for greater than that....

**Mr. Madaio Esq.,** said thank-you Mr. Spatz. I'm sorry Mr. Chairman .

**Mr. Kassis** said the.....to me were included. If I may ask you a question .....is your client currently residing at this location ?

**Mr. Madaio Esq.,** said I believe he is currently the sole owner. He's actually not inside.....

**Mr. Kassis** said he's currently residing there, he's currently on the Internet , he's currently popular, and well-known. Are you providing any, or are you aware of any unpleasant or have any.....where.....that you subscribed could have occurred ?

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**Mr. Madaio Esq.,** said no, we are not waiting for something bad to happen before we say, we think we needed a bad lock fence. And so, yes, if it had turned wrong, but no, and by the way, if I came in here with a tragedy story of, god forbid, something happens, someone in his family, would you be more willing to approve the *facts* ? I'm not sure if that enters into the Zoning criteria but I understand, no, he has not had a tragedy yet at that home.

**Mr. Kassis** said alright, any other questions for any of the witnesses ?

**Mr. Madaio Esq.,** said this is the time which we would move forward.

**Mr. Kassis** said correct, is that your wish for us, to move forward ?

**Mr. Madaio Esq.,** said well indeed, unless the Board would consider other options, or if the Board would feel better about a re-date, a re-designed fence, void has 120 days to hear this application. So there is certainly no rush. We believe that the property is suitable for a fence, given its location, design, etc. of the property. That's a little bit different then a regular fence on a 50 by 100 property, We think that's obvious because of the scale of it etc. I would also remind the board again, although it's repetitive, we're here not for anything other than the height of the fence, which would make it the equal of the fences on their side., xxxbe the naked beaten core of the fences on their sidexxxx. Its not a new concept, the six foot fence, it will be the same fence as the fences on the side yards. And, because you can't see well enough through the gates, and I would submit that neither of those are enormous issues that are substantially detrimental to the purposes of Zoning. So, unless there are some suggestions, and we always take suggestions, perhaps the board would be comfortable with a five foot fence, that visually would appear to be a three foot fence when you account for the 2' from the property line. I would certainly go back with the recommendation, that we redesign one.

**Mr. Kassis** said well we couldn't offer recommendation. You heard a question and you responded professionally to them, and if you believe it's the appropriate time to move forward with a vote, we will do so. We will be more than willing to extend till next month. If you also want to take that option, but both options are available, and your full decision to make that.

**Mr. Madaio Esq.,** said may I have just a moment with our project architect ?

**Mr. Kassis** agreed

**Mr. Madaio Esq.,** said excuse me just a moment.

**Mr. Madaio Esq.,** said Mr. Chairman and Board members, I discussed that with *architect instructor Mr. Granowitz* .....We'd rather adjourn the matter, incorporate whatever any good ideas with 8.10 and probably return all the up-coming meeting (I may have some schedule on this complex figure) and present to you something that might feel more.....I promise to start at the beginning, with time that's not wasted, and we'll come visit you again.

**Mr. Van Horne** said so this is going to be carried at least one cycle at your request. Submit any Plans 10 days before.

**Mr. Madaio Esq.,** said correct. And if you would like to now *stymie* the evening date, just to have a control date, just so we don't have to re-notice

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(Discussion with Mr. Madaio, Mr. Van Horne and Mr. Kassis about the next hearing for application 1400)

**Mr. Madaio Esq.**, thanked the Board members and the witnesses for their time.

**Mr. Kassis** announced the next application #1401. We'll take a 2 minute break, to let the applicants set-up here.

**Application**

**1401 Yaniv & Shelly Kalish 8 Mountain View Rd. B 1.03 L 2**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	25.1'	25.1'	
Side Yard Abutting/Lot	15'	16'	16'	
Other Side Yard	20'	16'	16'	ENC
Combined Side Yards	35'	32'	32'	ENC
Min. Rear Yard	30'	34.5'	34.5'	
FAR	34.32%	32.9%	32.9%	
Height of Building	28	28	28	
Lot Frontage	100'	75'	75'	ENC
Lot Depth	100'	100'	100'	
Bldg. Coverage %	20%	20%	23.27%	3.27%
Impervious Coverage variable	32.4%	30.2%	34.04%	1.64%
LotArea	10,000 sq.ft	9677 sq.ft	9677 sq.ft	ENC

**Mr. & Mrs Kalish has applied to the ZBOA to construct an addition**

**The application was carried to the Feb. 23, 2023 ZBOA meeting at the request of Mark D. Madaio Esq., the attorney representing the applicant.**

**Mr. Madaio Esq.**, presented the certified receipts for the mailings to property owners within 200' of the applicants.



**1401 (cont.) Yaniv & Shelly Kalish      8 Mountain View Rd.      B 1.03 L 2**

**Mr. Kassiss** said we are back in session, hearing application 1401, which is 8 Mountain View Rd. B 1.03 L 2

**Mr. Madaio Esq.,** said Good Evening Board members. My name is Mark Madaio , I'm here for the applicant. My offices are located at 29 Legion Drive, Bergenfield. I'm here on behalf of the applicants at *8 Mountain View Rd.* We will get to talking about plans. Our engineer is here, Coverage is 317 sq.ft over what is permitted, if the applicant builds the mistrusted covered patio *Rael* is here. First, let me sum up a little bit at what we are looking at, and what the variances are. The variances that we need, are significantly related to Building Coverage. Building and regular patio. So that covered patio, which is, in fact open on 3 sides, even though many of us wouldn't consider it, probably, it counts in Building Coverage. Its 20 by 15 footprint counts for almost the entirety of the 317 sq.ft overage in Building Coverage. The applicant could not be in court. The applicant is not seeking *property exterior* amenities The applicant is simply stating the following, to build a patio that is partially covered and partially uncovered. The entirety of the excess building coverage is that. In addition to which, the applicant is seeking an Impervious Coverage variance. Because there are 145 sq.ft over the permitted coverage. So they are about 3 / 4 of a parking space. If you envision a parking space, took 3 / 4 of it, that's how far they *are over* on Impervious Coverage . And that is also because of the addition of the proposed patio, the covered portion and the uncovered portion. This would be their sole exterior reparation. They have 2 children. They are new residents in town. They are seeking only this. The Board can note that the property is, of course, 5 sided, its trapezoidal. The back, 20' or 30', goes past that 125' set-back line, so doesn't count for Impervious Coverage. If it did, this application would not have been required. The property is approximately 9677 feet, so the property is about 323 sq.ft short of the 10,000 sq.ft requirement. And it requires those variances which I indicated. Basically I've taken the fractions, and then broken them out, how many sq.ft to.....I hope that 145 sq.ft., which I'm looking at this table, and, although I don't have my tape roller, probably not that much different than this table. That's the entirety of the of the Impervious Coverage variance they seek. The Building Coverage variance they seek, again, is 317 sq.ft. I indicate again to you that they conform, in fact they are a percent under FAR. So, FAR, which also, by the way, counts to the 125' line. Which I've always had my statutory questions about. Mr. Van Horne and I have answered back and forth occasionally. There's a point in your FAR. That's really the indication that *you have a problem*. That's why applicants come here and request.....variances for the FAR change. So, the property conforms to the FAR requirements. Clearly not enabling, to a realistic extent, .....we lose the back portion from our calculations because of the ordinance, and all we seek is solid exterior recreation area. So that is really what we are here for. We're here for the 20' by 16' , or 320 sq.ft covered part of the patio, but which is open on 3 sides, and we're here by the 8' by 14' *sterile* patio, which I don't know how to say,.....alright ? *So I hope this opens to some questions*. Impervious Coverage, regular coverage, .....so I do have some witnesses.....and I proudly like to start with *Rael*.....if that's OK with everyone.....the house is there, you've driven by it, you've seen. I don't think anyone would suggest that it appears.....so,

**1401 (cont.) Yaniv & Shelly Kalish      8 Mountain View Rd.      B 1.03 L 2**

**Mr. Kassis** said before we get to the witnesses, the house itself before been in front of this board for a variance ?

**Mr. Mederos** said I'm not sure

**Mr. Mederos** was sworn in, and gave his credentials.

**Mr. Madaio Esq.**, described the application

**Mr. Madaio Esq.**, said first talk about what's there. What are the existing conditions and what are their prior variances and *deviations* granted when the house was built or some it was built ?

**Mr. Mederos** said looking at the site plan, it was the Planning Board proceedings for a new house. I would say everything about the application was conforming, with the exception of the combined side-yards requirement. The existing 2 car garage here did extend into the side yard and trigger the combined side-yards component. Otherwise, again, just looking at this, I would say that all other aspects of the house here is conforming.

**Mr. Madaio Esq.**, said that was for a combined side yard that should be, or a combined side-yard of 35' as required. So it was a three fold combined side yard variance and not.....

**Mr. Mederos** said the home was purchased by our client, and they approached me as the original architect to propose a covered porch. This was during the time of COVID where this sort of thing had become very popular, request in my office at least. So, we came up with a design with the *tilt* end of a designer. That was helping them with the option to delay this house, and based on this designer's input, and of course our intent to make this as moderate as we possibly could. So that the function of a covered patio and a partially uncovered patio is the result of that time.

**Mr. Madaio Esq.**, said so let's first tackle with this lot, slightly under sized, in as much as it is 9677 sq.ft rather than the required 10,000 sq.ft

**Mr. Mederos** said very slightly undersized

**Mr. Madaio Esq.**, said if one could, lets first just confirm all that stuff I said at the beginning, about what variances were required, what the square footage use was. Was I accurate in that ? or is it *messed up a lot* ?

**Mr. Mederos** said you were accurate, that doesn't mean the building under 49 for impervious is what we are seeking.

**Mr. Madaio Esq.**, said alright. Please go back to the idea of what the clients approached you for, and wanted. And that process by which you came up with these ideas.

**Mr. Mederos** said sure, being *during* COVID, a lot of vacations were turned into '*fake-ations*'. *COVID became a culprit* and more folks were having an outdoor stake that would protect them from the elements. And, I say again, that's how this is derived, the design was derived. I'd like to mention that we are proposing an outdoor grill under this covered area . So that the grill, which normally would be open to the sky, because of the flame, would process inside, so that we don't exacerbate the Impervious Coverage incurred there. And by doing so, you know, we are creating a flue in the covered porch area there. Again, to try to contain this and to reduce the amount of coverage and variance .

**1401 (cont.) Yaniv & Shelly Kalish      8 Mountain View Rd.      B 1.03 L 2**

**Mr. Madaio Esq.,** said and was I accurate when I indicated that this property because of its configuration and depth, certain number of sq.ft were lost to the calculation because we are behind the 125' line. And that not only applies to Impervious Coverage and applies to the FAR which of course we don't need now. So, lets repeat, discuss, and I'm going to take a moment to mark your *finance stat on this field* .....commenting it.....I'm going to mark your plan set as A-1 and that defines its your..... Correct ?

**Mr. Mederos** said Correct.

**Mr. Madaio Esq.,** said so lets talk a little bit or perhaps or before we even get to some of the details, why don't we show the board, as best as we can, with subsequent pages of your set, what you were thinking about, and what you propose.

**Mr. Mederos** said page A02, it was our first floor plan, and, of course, a partial back and forth plan which shows the proposed roof. On the first floor plan we are keeping a small landing except that includes currently coming out from the Patio of the house into the yard. Currently the patio that exists there is grade level, and because, with a distance between the 1<sup>st</sup> floor and the ground, they are required to have a certain number of steps. And after, because of the steps, they need to attach a landing, by code. So that landing is shown here.....by the existing landing. And again, based on the code requirement, this landing is kind of encouraging it, to the usable covered patio area. So that's kind of a measurement to the usability of this space, but, is a fact of the conditions here.

**Mr. Madaio Esq.,** asked why are you discussing that ? Why not just pass around A-2 ? Which is some photos of the existing patio.....because I don't want the point to be lost that some of our *remaining* patio is actually replacing an existing patio. So, forgive me, I have to look up the numbers. Its not 317 and 145 sq.ft of coverage, there is actually an existing patio that is already some *portion of that*

**Mr. Mederos** said the lighter shaded area under the proposed covered patio, that would be the existing patio area, the darker shade we are actually adding in terms of Impervious.

**Mr. Madaio Esq.,** said so I'm sorry,.....I lost track of what you said...

**Mr. Mederos** said I just mentioned the darker grey area is on the plan represents the Impervious Coverage, that we are proposing which is in excess of the...

**Mr. Madaio Esq.,** said OK, so what we are suggesting then, is that most of that Patio, certainly, almost all of it, the covered patio would be within the accepted Impervious Coverage.

**Mr. Mederos** said with the exception of the little extra bed.

Mr. Madaio Esq. and Mr. Mederos had a discussion about the extra bed..

**Mr. Madaio Esq.,** said to be accurate, this is not all built on, I was going to say 'warehouse' but actually was built on an area that already has an already built patio on it. And this conforming patio is the one that is shown in the pictures. Is that correct ?

**Mr. Mederos** said yes.

**Mr. Madaio Esq.,** said ..... So, lets go back.....

**Mr. Mederos** said the floor plan is pretty straight forward, I mentioned about the grill unit, under the covered area.....on the one side again, since we have the cooking device,

**1401 (cont.) Yaniv & Shelly Kalish      8 Mountain View Rd.      B 1.03 L 2**

which will have a flue, it has a back-splash, and it's partially walled on the left side of the patio, otherwise its completely opened on the main.....

**Mr. Madaio Esq.,** said and since it's open.....does it provide the same.....structure as it does in the actual house ? Three more walls in it.....

**Mr. Mederos** said more open.

**Mr. Madaio Esq.,** said..... swing back to page A-3 of the document, which I marked as A-1. We choose to show how the heck open onto each side had.....

**Mr. Mederos** said we typically like to match the existing roof angles, or slopes, but this case we are working with a house that exists. Windows that exist on the 2<sup>nd</sup> floor. The roof I proposed had to come down, but this is something that reduces the bulk of the addition.

**Mr. Madaio Esq.,** said so its not all there.

**Mr. Mederos** said its not all there

**Mr. Madaio Esq.,** said so what is the ultimate height of this addition ? I'm sure it's well within the code, but it has a natural .....that some Board members might like

**Mr. Mederos** said sure, so the height is typically taken from an average grade.....from the 2 front corners of the height of the house but in this case, obviously the height from the patio that exists there, and that is 14' in a *tweet* . And 10.5' to allow the under-side of the ceiling. And the reason for that is because we are working with an existing patio that's not really *sketched* down. So the height that may sound lavish. 10.5' is just over.....Sorry...

**Mr. Madaio Esq.,** said so, if you could, do you have any other sheets, that can show the general work, or does that satisfy the phase 3 of your elevation.....do we get the idea perhapes.....So practically, can you in 3 minutes, explain the dimensions of the covered patio.

**Mr. Mederos** said yeah, well this was again a *high-fi* input from the designer who has a *water plow* that stays.....with me for the furniture, and intends to use it for this covered area. And, again, one time before,.....*tearing and rustling of paper*

**Mr. Madaio Esq.,** said and so, the actual dimension of that covered portion, I think we have that on A-2 of your plans could you just Veracruz state that.

**Mr. Mederos** said sure. Turn to page 16, has also.....on A-1

**Mr. Madaio Esq.,** said the dimensions are the proposed regular patio, which can be dictated as paint by stuck beam, am I correct ?

**Mr. Mederos** said that's right.

**Mr. Madaio Esq.,** said and that uncovered patio is really the patio. The uncovered patio and it's a strip around the covered patio.

**Mr. Mederos** said not with the uncovered patio under that roof, only exists to the right side of .....the strip that you're saying exists... *tearing and rustling of paper*....on line drawings are standard as the dark outline represents a component that I had to start, qualifies for Building Coverage, right. The darker grey areas are Impervious Coverage that's being added. And so the covered patio, covered through, is the dark outlines, and it just so happens, that this lighter grey area here is the existing patio, and it just extends a little bit more than the current patio today.

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**Mr. Madaio Esq.,** said thank-you (1;30;57 for that clarification, and of course, the numbers which we talked about 317 and 145. Increase in Building Coverage and 145 increase in Impervious Coverage.....

**Mr. Mederos** said and so that is basically based on an As Built Survey prepared by the Project Engineer, as a qualified pre-existing conditions before what we are proposing..... *tearing and rustling of paper*... . Which, by the way, I want.. *tearing and rustling of paper*...our Engineer has not prepared any Engineering work. He has only prepared the Survey, based on which I derive all the information on my Survey here.

**Mr. Madaio Esq.,** said we don't have the.....

**Mr. Mederos** said that's right.

**Mr. Madaio Esq.,** said so, if we go also, if you don't mind, to.....were these pictures included in this.....yes, these were included.....

**Mr. Madaio Esq.,** said and from the perspective here, is it beneficial to have some outlet for recreation and stress, recovery recreation and... *tearing and rustling of paper* .....

**Mr. Mederos** said yes ... *tearing and rustling of paper* .....generally where you are.....  
*tearing and rustling of paper* .....

**Mr. Madaio Esq.,** said in your opinion, is there any detriment in any way to the neighborhood or the property or anything else ? As a result of padding the covered portion, of technically the lifting of the actual patio, and adding the additional.....of the darker portion.

**Mr. Mederos** said well the additional sq.ft of the darker portion, that is very minimally affecting the surrounding neighborhoods. .... *Searched for a document*.....but as far as the current patio goes, there is not any opinion I might have. I take with a slight.....there is plenty of room in the rear yard here. And not very close to the side-yards or anything like that .....or get too close to any neighboring properties. So I'm kind of neutral to taking position at .....professionally.....we have again.....

**Mr. Madaio Esq.,** said Thank-you Rael. Mr. Chairman I have no further questions for the first witness. A relatively simple application that is ..... understandable and we hope that we presented it with.....

**Mr. Kassis** said thank-you for doing that. The additional uncovered patio, if that were not included what would be the Impervious Coverage ? Would you need a variance for Impervious Coverage ?

**Mr. Mederos** said Impervious Coverage is only 128 sq.ft. This would reduce the Impervious Coverage from.... to about 28 sq.ft

**Mr. Madaio Esq.,** said .....

**Mr. Kassis** said OK

**Ms. Westerfeld** said I have one question. If you got rid of the walkway that is on the driveway of the garage.

**Mr. Mederos** said the walkway there counts for 116 sq.ft approximately, so it will.....almost as much as is used by the patio so.....so 149 minus 115, 33 sq.ft

**1401 (cont.) Yaniv & Shelly Kalish                      8 Mountain View Rd.                      B 1.03 L 2**

**Mr. Madaio Esq.**, said it would still leave us 33 sq.ft in excess. Again, 43 sq.ft on 9700 sq.ft of property- I agree with

**Mr. Mederos** said it doesn't seem that the walkway does anything.

**Mr. Madaio Esq.**, said it doesn't do much. So we would accept that amendment and modify the application accordingly. We prefer to continue it... *tearing and rustling of paper* ..... we prefer to not have the '2 weeks or you lose it'.....I think the patio is more important.

**Mr. Kassis** asked any other questions for this application ? None seen. I have to ask the question even though I know the answer. Is anybody here for or against this application ? Let the records show that nobody was present for it.

Mr. .... have you concluded your presentation ?

.....*Two in the audience shouted objections*.....

**Mr. Kassis** said (to the audience members) beside the order, please sit down .

*The male audience member continued talking for about 2 minutes*

**Mr. Kassis** said alright. You will have concluded your presentation.

**Mr. Madaio Esq.**, indicated yes.

**Mr. Kassis** said Okay. We have a suggestion to eliminate the walkway on the side, and reduce the Impervious Coverage. Is there a motion to approve it with that modification as amended. ? We have a motion from Mr. Cleary. Is there a second ? Mr. McCord seconded.

... *tearing and rustling of paper* .....

**The application was granted.**

**Mr. Madaio Esq.**, said just to be clear about the resolution, motion approved as amended. Most of the crew that amended. To reduce Impervious Coverage by removing the existing walkway by the house. We don't have a dimension for reducing Impervious too.

**Mr. Kassis and Mr. Van Horne** said that the resolution would be mailed to **Mr. Madaio Esq** tomorrow.

**Mr. Kassis** said OK so you know the routine. The next meeting this will be memorialized and can be picked up.

**Mr. Kassis** announced the next application #1402 (1;40;04

**1402 Adam Pitt 266 Concord St. B 14 L 60**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'			
<b>Side Yard Abutting/Lot</b>	<b>15'</b>		<b>7.9'</b>	<b>7.1'</b>
<b>Other Side Yard</b>	<b>20'</b>	<b>21.7'</b>	<b>7.9'</b>	<b>12.1'</b>
<b>Combined Side Yards</b>	<b>35'</b>	<b>27.1'</b>	<b>15.8'</b>	<b>19.2'</b>
Min. Rear Yard	30'	88.1'		
FAR	37.02%	15.28%	27.23%	
Height of Building	28'	20.2'	22.5'	
Lot Frontage	100'	60'		ENC
Lot Depth	100'	142.23'		
<b>Bldg. Coverage %</b>	<b>20%</b>		<b>25.27%</b>	<b>5.27%</b>
<b>Impervious Coverage variable</b>	<b>33.9%</b>	<b>23.70%</b>	<b>38.94%</b>	<b>5.04%</b>
LotArea	10,000 sf	8,695 sf		ENC

**Mr. Pitt has applied to construct an addition to his home.**

**Mr. Madaio Esq.**, presented the certified receipts for the mailings to property owners within 200' of the applicants

**Mr. Madaio Esq.**, said Good Evening Board members. My name is Mark Madaio , I'm here for the applicant. My offices are located at 29 Legion Drive, Bergenfield. I'm here on behalf of the applicants at 266 Concord St. B 14 L 60.

*There was much rattling of paper. The minutes for 1402 will continue as a narrative and not as a transcript. The transcript for the minutes for application 1402, will be provided next week.*

Mr. Madaio Esq described the house as an oddity.

The parking pad, used by the residents, is on a right of way on Borough property.

The applicant proposes a 14' addition to the side of the house for a garage.

The off-site parking pad, now used by the applicant, is not included in the Building Coverage.

The house will be 1170 sq.ft and under FAR.

The additions are one story.

Mr. Rael Mederos (architect) was sworn in.

**1402 (cont.) Adam Pitt 266 Concord St. B 14 L 60**

Mr. Mederos testified that the existing 1.5 story design would remain the same.  
The required front set-back is 25', the present set-back is 90', the proposed set-back is 70'  
Mr. Mederos described the proposed 1<sup>st</sup> floor, There are 3 existing bedrooms.

Mr. Kassis said the proposed house was large.  
The area is adding significantly  
What is the height of the garage ?  
How can it be scaled down ?

Mr. Mederos said that the roof could be made lower

Mr. Kassis was concerned by Bulk, Air and Light. The affect on other homes. The widows  
proposed gives a high Roof Line to the addition.

Mr. Mederos drew a line on the addition. That way has less bulk.

Mr. Madaio Esq proposed height of 22' and reduce Side-yard variance

Mr. Kassis asked if there was any one in the audience here for the application ?

Mr. Madaio Esq said to amend the application  
The owners gave a thumbs-up.  
Mr. Kassis said that won't change any variances.  
Mr. Madaio Esq said correct

Mr. Kassis made observations regarding aesthetics.  
Mr. Mederos said bring the roof down. Make the gutter in line with the 1<sup>st</sup> floor ceiling.  
Mr. Madaio Esq said that will make less mass.  
Mr. Kassis said it's an improvement.

Shawn McCallan engineer is introduced.  
Mr. Madaio Esq said the variance on the left side is not increasing. 13' by 9' are eliminated.  
Mr. McCallan said there are 2 parking spots.  
Mr. Madaio Esq said the pool is not large. The building is 474 sq.ft and the Impervious is  
447 sq.ft . parking is 170 sq.ft. Lot depth is 142' but only 125' recognized for variance  
calculations. If we used the full size lot we would not have Impervious variance.  
Mr. McCallan said drainage. Roof leaders needed to drain off property. Drainage is needed for  
the addition and the entire house.

**Mr. McCord and Mr. Cleary** made the motion to grant the application  
Application 1402 was granted with the revision that the roof line be modified.

**Mr. Kassis** announced the next application #1403



**1403 Marco Benhaim 101 Hillside Ave B 76 L 53**

Description	Required	Existing	Proposed	Variance
Front Yard Set Back	25'	50.76		
Side Yard Abutting/Lot	15'	11.81		
Other Side Yard	20'	12.15'		
Combined Side Yards	35'			
Min. Rear Yard	30'			
FAR				
Height of Building	28'			
Lot Frontage	100'	75'		
Lot Depth	100'	194'		
Bldg. Coverage %	20%			
Impervious Coverage variable	32.4%	37.86%		5.46%
LotArea	10,000sf			

**Mr Benhaim has applied to construct a patio.**

*The minutes for 1403 will continue as a narrative, and not as a transcript. The transcript for the minutes for application 1403, will be provided next week*

**Mr Benhaim** was sworn in.(2;33;33

**Mr. Benhaim** said wants to replace his wooden deck.

**Mr. Van Horne** asked if it was the same size

**Mr. Benhaim** said it was the same size.

**Mr. Van Horne** asked if the pavers were Impervious .

**Mr. Benhaim** said standard.

**Mr. Kassis** asked if it was in the rear of the property.

**Mr. Benhaim** said yes

**Mr. Kassis** said deck conforms.

**Mr. Kassis** asked there was any one in the audience here for the application ?

No one replied

**Mr. McCord and Mr. Cleary** made the motion to grant the application.

Application 1403 was granted.

Meeting adjourned at 10:39 pm.