

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF CLOSTER, NEW JERSEY**

**MINUTES OF THE REORGANIZATION AND
MONTHLY MEETING**

Wednesday,
January 16, 2008
8:00 P.M.

Prepared and Submitted by:
Lynn Conway,
Land Use Clerk

**ZONING BOARD OF ADJUSTMENT
BOROUGH OF CLOSTER, NEW JERSEY**

MINUTES OF THE REORGANIZATION & REGULAR MONTHLY MEETING

Wednesday,
January 16, 2008
8:00 P. M.

Mr. Bobby Knee, Chairman, called the Reorganization and Regular Monthly Meeting of the Zoning Board of Adjustment of the Borough of Closter, New Jersey held on Wednesday, January 16, 2008 in the Council Chambers of the Borough Hall to order at 8:05 P. M. He stated that the meeting was being held in compliance with the provisions of the Open Public Meetings Act of the State of New Jersey and had been advertised in the newspaper according to law. Mr. Knee advised that the Board adheres to an eleven o'clock curfew and no new matters would be considered after 11:00 P. M.

Mr. Knee invited all persons present to join the Board members in reciting the Pledge of Allegiance.

Bobby Knee, Lorin Sonenshine, Francis Noh and Steven Iafrate took the Oath of Office.

Mr. Knee asked for nominations for Chairman. Mr. Maretic nominated Bobby Knee, seconded by Dr. West. There being no other nominations, all members present voted in favor with the exception of Mr. Knee who abstained.

Mr. Knee asked for nominations for Vice-Chairman. Mr. Bianco nominated Lorin Sonenshine, seconded by Dr. West. There being no other nominations, all members present voted in favor with the exception of Mr. Sonenshine who abstained.

Mr. Knee asked for nominations for Secretary. Mr. Sonenshine nominated Steven Freesman, seconded by Dr. West. There being no other nominations, all members present voted in favor with the exception of Mr. Freesman who abstained.

Mr. Knee asked for nominations for Board Attorney. Mr. Bianco nominated Michael Kates, Esq., seconded by Mr. Sonenshine. There being no other nominations, all members present voted in favor.

Mr. Knee asked for nominations for Board Engineer. Mr. Bianco nominated Boswell Engineering as represented by John Pacholek, P.E., seconded by Dr. West. There being no other nominations, all members present voted in favor.

Mr. Knee asked for comments on the 2008 Meeting Dates and Deadlines. Mr. Sonenshine made a motion to adopt, seconded by Mr. Maretic. All members present voted in favor.

Mr. Knee asked for comments on the 2007 Fee Schedule. Dr. West made a motion to adopt seconded by Mr. Maretic. All members present voted in favor.

Mr. Knee asked for comments on the 2008 Official Newspapers. Mr. Sonenshine made a motion to adopt, seconded by Ms. Mattes. All members present voted in favor.

The following Board members and professional persons were present at the meeting:

Bobby Knee, Chairman
Lorin Sonenshine, AIA, PP Vice Chairman
Steven Freesman, Esq. Secretary
Joseph Bianco, AIA, PP
Alan Maretic
Dr. Theodore West
Denise M. Mattes, CLA
Jennifer Rothschild, Esq., Alternate No. 1
Francis Noh, Esq., Alternate No. 2
Mitchell Monaco, Alternate No. 3
Steven Iafrate, Alternate No. 4
Councilman Thomas Hennessey
Leonard Sinowitz, Zoning Officer
Michael B. Kates, Esq., Zoning Board Attorney
John Pacholek, P.E., Boswell McClave Engineering.
Lynn Conway, Land Use Clerk

Prior to the meeting, the members received copies of the correspondence for their review and comments.

Mr. Knee asked for comments on the November 29, 2007 minutes. A motion to approve was made by Mr. Bianco and seconded by Ms. Mattes. All members present voted in favor.

Mr. Knee asked for members to attend the January 23, 2008 Work Session Meeting. Mr. Sonenshine, Dr. West and Ms. Mattes will be attending.

Open to the Public: Itzak Pearle, 43 Hickory Lane and Michael Kafer, 261 Parcels Lane were heard.

10. Block 1905, Lot 1
7 Hickory Lane
Case No. Z-2007-29

Applicant: Seth & Susan Schwinger
Attorney: David Watkins

This appeal from zoning officer decision was filed on November 5, 2007 and deemed complete on November 26, 2007. Hearing is scheduled for the December 19, 2007 Regular Monthly Meeting. Submissions were received on December 4, 2007. Applicant requests postponement to the February 20, 2008 Regular Monthly Meeting. There was lengthy discussion on accepting the postponement. A motion to dismiss the application if the applicant does not appear at the February 20, 2008 meeting was made by Mr. Bianco and seconded by Mr. Sonenshine. All members present voted in favor.

11. Block 2304, Lot 16
408 Anderson Avenue
Case No. Z-2007-30

Applicant: Diamond Engineers & Developers Inc.
Attorney: David Watkins

This variance approval application for new construction was filed on December 6, 2007 and perfected on December 19, 2007. Submissions were received on December 31, 2007 and January 3, 2008. Hearing is scheduled for the January 16, 2008 Reorganization & Regular Meeting. Rose Tubito, an associate of David M. Watkins, 285 Closter Dock Road, Closter, NJ 07624 appeared on behalf of the applicant. She stated that the applicant would like to postpone the application since his planner is unable to make the meeting. Mr. Sonenshine stated that architectural plans are a requirement and need to be submitted before the application is heard. Mr. Sinowitz stated that he needed a new application so he can make a new denial that shows that there is not a request for impervious coverage. Mr. Bianco requested that Ray Czywinski attend the next meeting to testify on the trees. Michael Kafer, 261 Parcels Lane was heard. The Board accepted postponement to the February 20, 2008 Meeting.

9. Block 1306, Lots 1 & 2
1 Ruckman Road
Case No. Z-2007-11

Applicant: Joong Kim
Attorney: David Watkins

This site plan approval application was filed on March 29, 2007 and perfected on April 25, 2007. Hearing is scheduled for the May 16, 2007 Regular Monthly Meeting. Submissions were received on June 7, 2007 and November 30, 2007. Rose Tubito, an associate of David M. Watkins, 285 Closter Dock Road, Closter, NJ 07624 appeared on behalf of the applicant. Mr. Knee and Mr. Iafrate recused. Mr. Sonenshine, Vice Chairman assumed the Chairman position. Thomas Skrable P.E., 65 Ramapo Valley Road, Mahwah NJ was sworn and accepted as a witness. A five sheet set of drawings prepared by Thomas Skrable with a revision date of November 1, 2007 was submitted into evidence. Sheet number one, the site plan was marked Exhibit A-1. Sheet two, the Grading and Utility plan was marked Exhibit A-2. Sheet three, the Landscape and Lighting plan was marked Exhibit A-3. Sheet four, the Soil Erosion and Sediment Control was marked Exhibit A-4. Sheet 5, the Detail plan was marked Exhibit A-5. Mr. Skrable reviewed the layout of the site plan. He stated that the applicant proposes to renovate the warehouse building and add a two story office building. Mr. Skrable stated that the residential site on the west side is to be removed along with the patios and walks. He stated that they are trying to keep as much parking as possible and have added one way circulation through the site. Mr. Skrable stated that they are adding landscaping and lighting which will improve the aesthetics of the site. He reviewed the Boswell letter of December 5, 2007. Mr. Skrable stated that there is three front yards and he reviewed the requested variances. Mr. Sinowitz was sworn and accepted as a witness. There was lengthy discussion on what was considered the rear yard. It was determined that there were three front yards and no side yards. The Homans Avenue side of the property in area designated tax lot 3 on Exhibit A-1 is considered the rear yard. Mr. Skrable reviewed the improvements to the property which included lowering the impervious coverage by about 1400 square feet, improving the landscaping and lighting and improving the traffic circulation. He also stated that they are not changing any of the elevations of the parking lot so that the drainage would not change. Mr. Skrable stated that there will be wall mounted lights on the building that will provide a much more uniform light in the parking lot for safety issues. He explained that the soil erosion plan will be going to the county for approval. Mr. Skrable stated that they are proposing 38 parking spaces where there are now 42 and that 60 to 67 are required. Ms. Tubito stated

that Weichert Realtors is the proposed tenant. Mr. Sonenshine stated that the tenants could come and go and that the Board needs to look at it as a basic office application. Mr. Sinowitz questioned the resolution for the original approval of the building. Mr. Bianco questioned the number of variances requested. There are 10 existing non conformities and 13 requested variances. He also questioned the sizes of the parking spaces. Mr. Bianco questioned the applicant on the letter from the Department of Environmental Protection. The letter was admitted into evidence and marked Exhibit BD-1. Ms. Tubito stated that any approval that they are seeking would be with the stipulation that they have DEP approval. Mr. Sonenshine questioned the handicap parking being so far away from the entrance. He also stated that he felt the proposed parking was a hazard and should be reviewed for other possibilities. Mr. Sinowitz questioned purchasing the adjoining contractor yard to add additional parking. Mr. Sonenshine also questioned the meaning of the triangle symbol on the plan and requested the applicant elaborate on the paving of the lot. He questioned the applicant on the garbage removal and the lighting at the exits. Ms. Mattes reviewed the proposed landscaping. There was discussion on whether the fence is to remain. Ms. Mattes stated that if the fence was to be removed, then curb stops would be needed. Mr. Bianco stated that the applicant created the hardship. He questioned what size building could be put on the lot to conform to the code. Ms. Tubito stated that although they are asking for a lot of variances, she felt that the proposed building was much better than what is existing on the lot now. Mr. Skrable stated that to conform to the code, they could put a four foot wide building on the property. Mr. Bianco questioned why the existing building could not be used without an addition. Ms. Rothschild questioned whether the applicant would be submitting a copy of the prior resolution. Ms. Tubito stated that she would submit it if she could locate it. The meeting was open to the public. There were none wishing to be heard. The application was adjourned to the March 19, 2008 Regular Monthly Meeting.

Mr. Sonenshine left at 10:25. Dr. West left at 10:30.

15. Block 1316, Lot 9
511 Durie Avenue
Case No. Z-2006-06

Applicant: Village School Condominiums, LLC
Attorney: David M. Watkins

This application for use variance and site plan approval was filed on March 9, 2006 and was perfected on May 1, 2006. Submissions were received on August 3, 2006, August 23, 2006, November 16, 2006, January 4, 2007, March 1, 2007, March 8, 2007 and October 5, 2007. Hearings were held on June 21, 2006, August 16, 2006, October 18, 2006, and November 29, 2006 at which time the Board granted use variance approval. Hearings resumed on January 17, 2007 and were adjourned to the March 21, 2007 at which time the Board granted preliminary site plan approval. Final Site Plans were submitted on July 20, 2007 and reviewed at the August 22, 2007 Work Session Meeting. Hearings began on September 19, 2007 and were adjourned to the October 17, 2007 at which time the Board granted final site plan approval. A memorialization resolution was distributed. A motion to adopt was made by Dr. West and seconded by Ms. Rothschild. All members present and able to vote, voted in favor.

16. Block 519, Lot 3
142 Demarest Avenue
Case No. Z-2007-28

Applicant: Charles Nardone
Attorney: Representing himself

This Variance Approval application for expansion was filed on August 29, 2007 and deemed complete on October 24, 2007. Submissions were received on November 9, 2007 and January 2, 2008. Hearing was held November 26, 2007 at which time the Board voted to approve. A memorialization resolution was distributed. A motion to adopt was made by Ms. Mattes and seconded by Mr. Freesman. All members present and able to vote, voted in favor.

There being no further business to come before this Board, a motion to adjourn was made by Ms. Rothschild, seconded by Mr. Freesman. The meeting adjourned at 10:43 P. M.

Land Use Clerk,
Lynn Conway