

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

**MINUTES OF THE REGULAR MONTHLY
MEETING**

Wednesday,
March 19, 2008
8:00 P.M.

Prepared and Submitted by:
Lynn Conway,
Land Use Clerk

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Mr. Bobby Knee, Chairman, called the Regular Monthly Meeting of the Zoning Board of Adjustment of the Borough of Closter, New Jersey held on Wednesday, March 19, 2008 in the Council Chambers of the Borough Hall to order at 8:00 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.

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

Bobby Knee, Chairman
Lorin Sonenshine, AIA, PP Vice Chairman
Joseph Bianco, AIA, PP
Alan Maretic
Dr. Theodore West
Denise M. Mattes, CLA
Jennifer Rothschild, Esq., Alternate No. 1
Mitchell Monaco, Alternate No. 3
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

The following Board members and professional persons were absent from the meeting:

Steven Freesman, Esq. Secretary
Francis Noh, Esq., Alternate No. 2
Steven Iafrate, Alternate No. 4

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

Mr. Knee asked for comments on the February 20, 2008 minutes. A motion to approve was made by Mr. Bianco and seconded by Ms. Mattes. All members present voted in favor except Ms. Rothschild who abstained.

SUB COMMITTEE- Mr. Knee discussed the members to attend the March 26, 2008 Work Session Meeting. Mr. Bianco, Ms. Mattes and Mr. Monaco will be attending.

7. Open to the Public: Janet Flotard Lukach, 290 Durie Avenue and Michael Kafer, 261 Parcels Lane were heard.

11. Block 1407, Lot 8
31 Carlson Court
Case No. Z-2008-03

Applicant: Christiano & Biana Pereira
Attorney: Representing themselves

This variance approval application for an addition was filed on January 10, 2008 and deemed complete on January 23, 2008. Submissions were received on February 6, 2008. Hearing is scheduled for the February 20, 2008 Regular Monthly Meeting and was adjourned to the March 19, 2008 Regular Monthly Meeting. The Board

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

Applicant: Jung 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, November 30, 2007 and March 6, 2008. Hearings began on January 16, 2008 and were adjourned to the February 20, 2008 Regular Monthly Meeting. Applicant requests postponement to the March 19, 2008 Regular Monthly Meeting. Mr. Knee recused himself and Mr. Sonenshine assumed the Chair at 8:31p.m. Rose Tubito, an associate of David M. Watkins, 285 Closter Dock Road, Closter, NJ 07624 appeared on behalf of the applicant. Thomas Skrable P.E., 65 Ramapo Valley Road, Mahwah NJ who was previously sworn appeared. A four sheet set of drawings prepared by Thomas Skrable with a revision date of March 03, 2008 was submitted into evidence and marked Exhibit A-6. Mr. Skrable described the existing conditions on the site. He stated that the zoning legend has been revised, the handicap spaces have been moved to the center of the site, the parking has been revised the angle parking, the fence along Endres Street has been removed and a curbed has been added. Mr. Skrable stated that an enclosure for the garbage has been added along with lighting at the entrances and at the rear of the building. He stated that the landscaping has also been enhanced. Mr. Kates questioned whether the revisions have diminished any of the variances. Mr. Skrable stated that they were not diminished yet they were also not increased. He reviewed all of the variances requested for District 4A. Mr. Bianco stated that the building height requirement for district 4A was not thirty feet, that it was twenty five feet. He stated that the applicant needed a use variance and would need a super majority. Mr. Skrable then reviewed the variance requirements for District 5. A Boswell Engineering letter dated March 11, 2007 was submitted into evidence and marked Exhibit A-7. Mr. Skrable reviewed the letter beginning with page four. John Pacholek of Boswell Engineering was sworn and accepted as a witness. Dr. West questioned whether there would be curbs or stops in front of the parking spaces. Mr. Skrable stated that cars would not overhang into the street at all. Mr. Bianco questioned sidewalks being required and the requirements for substandard

streets. Ms. Tubito stated that the applicant will address the issues. There was discussion on the utilities and whether they are required to be underground. Mr. Bianco questioned if the monitoring wells were shown on the site. A monitoring well report was submitted into evidence and marked Exhibit BD-2. Ms. Tubito requested time to review the document and then to comment at the next meeting. Mr. Bianco reviewed the proposed parking. Mr. Sonenshine stated that the applicant is going to have to show the hardship of the property. He stated that one of his biggest concerns was the shortage in parking. Ms. Mattes reviewed the landscaping. The meeting was open to the public. There were none wishing to be heard. The application was adjourned to the April 16, 2008 Regular Monthly Meeting.

Mr. Knee resumed the Chair at 9:34 p.m.

9. 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 for a fence 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 and January 23, 2008. David M. Watkins Esq., 285 Closter Dock Road, Closter, NJ 07624 appeared. Dr. West and Ms. Rothschild recused themselves. Mr. Watkins stated that there were some accusations that the applicant put up the fence when they were not allowed to. A Zoning Notice of Violation dated September 20, 2007 was submitted into evidence and marked Exhibit BD-1. Leonard Sinowitz, Closter Zoning Officer was sworn and accepted as a witness. The memorialized resolution dated November 13, 2006 for appeal no. Z-2006-14 was submitted into evidence and marked Exhibit BD-2. Mr. Watkins stated that the problem was basically confusion. He stated that at the meeting on October 18, 2006 Mr. Sinowitz stated that they could apply for a fence at any time without a variance and then after the fence was put in, Mr. Sinowitz said they could not have it without site plan approval. Seth Schwinger, 7 Hickory Lane, Closter, NJ was sworn. Mr. Schwinger stated that at the meeting of October 18, 2006 he remembers Mr. Sinowitz stating that if they wanted the six foot high stockade fence, they only had to come to the Building Department and apply and that it had nothing to do with the application they were discussing for the tennis court. Mr. Schwinger stated that he had a tape of the meeting with him where it is discussed. Mr. Schwinger played the recording of the meeting. Mr. Schwinger stated that he was advised by Mr. Sinowitz to do the fence the same time the tennis court was being done. He stated that he had Mr. Hubschmann put the fence on the same plan with tennis court which was submitted by his contractor Mr. Rosen. A Borough of Closter Zoning Permit dated July 25, 2006 for a fence and tennis court was submitted into evidence and marked Exhibit A-1. Mr. Watkins questioned Mr. Schwinger if it was his understanding that the permit allowed him to continue the stockade fence along his property. Mr. Schwinger said it was. Mr. Kates questioned whether the permit was accompanied by a drawing. A survey of the property with the proposed fence added in color was submitted into evidence and marked Exhibit A-2. Mr. Schwinger stated that the company that put up the fence would not have done the work without a permit. A two sheet tennis court plan prepared by Michael J. Hubschman, P.E., P.P., of Hubschman Engineering, P.A., of 263 S. Washington Avenue, Bergenfield, NJ 07621 with a revision date of January 26, 2007 was submitted into evidence and marked Exhibit A-3. Mr. Bianco stated that in the

last hearing for the tennis court, it was his understanding that the landscaping was in place of a fence and that the applicant would have legalized the fence instead of trying to overrule the Zoning Officer. Mr. Watkins stated that everyone knew that a fence was going to go up and they should have said they did not want one at the time of the last meeting. Mr. Kates questioned whether it was in the realm of possibility that the Board thought that all of the required landscaping was in place of a fence. Mr. Watkins stated that it was not. Mr. Schwinger played another portion of the recording of the meeting of October 18, 2006. Mr. Sonenshine stated that he would not have required the amount of landscaping that they did if they thought a fence was going up. He also stated that he felt that if the applicant wants to put up a fence that complies then the Board cannot stop them but he doesn't agree with the way it was done procedurally. Ms. Mattes agreed and stated that the fence should have been done as a separate item. Mr. Sonenshine stated that he wanted to make sure that the correct landscaping was placed as was required by the Board. The meeting was open to the public. There were none wishing to be heard. Mr. Sinowitz stated that he does not agree with the applicants or Mr. Watkins statements of fact. He stated that Mr. Schwinger received a notice of violation because he placed a solid wood fence around the property including the front yard and was told to either take down the fence, come to the Zoning Board for variance approval or amend the site plan. Mr. Sinowitz stated his history of the tennis court and fence. The meeting was open to the public. Christopher Erd, Esq. of Williams, Caliri, Miller & Otley, P.C., 1428 Route 23, Wayne, NJ 07470 and Robert Rosen, 275 Piermont Road were heard. Ms. Mattes stated that Mr. Watkins said that the Board knew that the Schwingers planned on putting up a six foot fence and that she felt that on the tape of the meeting, Mr. Watkins states that the Schwingers have no intention of putting up a fence. The tape of the meeting was played again in an effort to find the statement. The meeting was open to the public. Christine Albericci, 30 Hickory Lane, Jennifer Rothschild, 32 Hickory Lane, Moshe Maimi, 26 Buzzoni Drive, Robert Rosen, 275 Piermont Road and Myra Maker, 299 Piermont Road were heard. Mr. Watkins stated that if the Board did not want the stockade fence, then it should have been decided at the hearing in October. He stated that the Board knew that the Schwingers were going to put up a fence and for Mr. Sinowitz . A motion to approve the application was made by Mr. Sonenshine and seconded by Mr. Maretic. All members present voted in favor except Mr. Bianco who voted against and Ms Rothschild and Dr. West who recused.

10. 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, January 3, 2008, February 5, 2008 and February 26, 2008. Hearing was scheduled for the January 16, 2008. Applicant requests postponement to the March 19, 2008 Regular Monthly Meeting. Mr. Knee announced that this application will be carried to the April 16, 2008 Regular Monthly Meeting with no further notice.

12. Block 2004, Lot 38
22 Garry Road
Case No. Z-2008-04

Applicant: Richard Hochron
Attorney: Representing himself

This variance approval application for an addition was filed on January 22, 2008 and deemed complete on February 27, 2008. Hearing is scheduled for the March 19, 2008 Regular Monthly Meeting. Applicant requests adjournment to the April 16, 2008 Regular Monthly Meeting.

13. Block 2302, Lot 52
30 Laurence Court
Case No. Z-2008-05

Applicant: Vincent & Theresa Russo
Attorney: Representing themselves

This variance application for an as built was filed on February 5, 2008, and deemed complete on February 27, 2008. Submissions were received on March 6, 2008. Hearing is scheduled for the March 19, 2008 Regular Monthly Meeting. Applicant requests postponement to the April 16, 2008 Regular Monthly Meeting.

17. Block 601, Lot 24
187 Crescent Street
Case No. Z-2008-01

Applicant: Joseph Higgins
Attorney: Representing Himself

This variance approval application for an addition was filed on January 3, 2008 and deemed complete on January 23, 2008. Submissions were received on January 24, 2008. Hearing was held on February 20, 2008 at which time the Board voted to approve. A memorialization resolution was distributed. A motion to adopt the resolution was made by Ms. Rothschild and seconded by Mr. Monaco. All members present and able to vote, voted in favor.

18. Block 2205, Lot 4
240 Anderson Avenue
Case No. Z-2008-02

Applicant: Makoto & Makiko Sato
Attorney: Representing themselves

This variance approval application for a portico was filed on January 8, 2008 and deemed complete on January 23, 2008. Submissions were received on January 30, 2008. Hearing was held on February 20, 2008 at which time the Board voted to approve. A memorialization resolution was distributed. A motion to adopt the resolution was made by Ms. Mattes and seconded by Ms. Rothschild. 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 Mr. Bianco, seconded by Mr. Sonenshine. The meeting adjourned at 11:55 P. M.

Land Use Clerk,
Lynn Conway