



Zoning Board of Adjustment

May 3, 2010

*****Special***
Hearing
(Minutes)**

Prepared by:

Paul Demarest

Chairman Knee called the Special Hearing of the Zoning Board of Adjustment for the Borough of Closter, New Jersey being held on Monday, May 3, 2010 in the Council Chambers at Borough Hall to order at 8:06pm. He stated the meeting was being held in compliance with the provisions set forth in the Open Public Meetings Act of the State of New Jersey and had been advertised in the newspaper according to law. He advised that the Board adheres to an 11:00pm adjournment and no new matters would be considered after such time.

He invited all present in reciting the Pledge of Allegiance.



The following Board members and professionals were present at the meeting:

- Robert Knee- Chairman
- Steven Freesman, Esq.- Secretary
- Joseph Bianco, RA/PP
- Mitchell Monaco
- Jennifer Rothschild, Esq.
- Thomas Hennessey- Alternate #1
- Mark Crisafulli- Alteranate #2
- Arthur Dolson- Council Liaison
- Joel Ellis, Esq.- Board Attorney
- Paul Demarest- Board Coordinator

The following Board members and professionals were absent from the meeting:

- Lorin Sonenshine, RA/PP- Vice Chairman
- Theodore West, DDS
- VACANT- Alternate #3
- Marie Hartwell- Alternate #4
- Leonard Sinowitz- Zoning Officer
- Kevin Tichacek, PE- Board Engineer



To expedite the evening's proceedings, the Board did not read mail correspondence into the record.



To expedite the evening's proceedings, the Board did not approve minutes.



Chairman Knee opened the meeting to the public for anyone wishing to comment on matters not related to a case on the evening's agenda. No one wished to be heard.



Item #1

Case #Z-2010-02
31 Carlson Court
(Block 1407/Lot 8)

Applicant: Christiano & Bianca Pereira
Representation: Selves



Chairman Knee recused himself from this case.

Secretary Freesman chaired this portion of the meeting.

The applicants are seeking Bulk Variance Relief for the construction of an addition, in-ground swimming pool and other appurtenances to their residence.

Christiano Pereira, applicant and owner in fee of the subject property, continued testimony as Witness #1 after having the case adjourned at the April 21, 2010 Hearing. He indicated that a revised site plan and conceptual drawings had been filed with the Board since the last meeting. He pointed out that 2 of his initial 6 variance requests (impervious and building coverages) have become unnecessary due to a modified design to the proposed decks, patios and driveway; the other 4 variances being sought (front yard setback, side yard setback, lot size and lot width) remain. As requested by the Board, the witness stated he used a larger scale on the revised site plan and included spot elevations as well as provided more detailed area calculations and dimensions; he said a guardrail detail was added as well. He stated that his home was the 1st built in the neighborhood and with the surrounding houses being constructed afterwards, his front yard setback became deficient over time. Mr. Monaco felt the revised design made the project quite smaller in scope; the applicant concurred. Mr. Bianco, who felt the site plan, at 1st glance, showed an excessive amount of impervious surface, asked the applicant to review his impervious coverage figures. Mr. Pereira said he was proposing to add 9.0%; he went through all existing and proposed impervious items which totaled 3,562 sf and, based on the lot size (12,068 sf), he figured the proposed coverage to be 29.51%. Secretary Freesman asked where the applicant reduced his proposal with the latest revision; Mr. Pereira said the driveway and paver patio were scaled back and a set of retaining walls and stairs leading to the existing basement were eliminated. Mr. Bianco now felt satisfied with the accuracy of the submitted calculations; Secretary Freesman pointed out that the Board could condition its approval to have a "Final As-Built" survey approved by the Zoning Officer for verification. Mr. Hennessey asked if the applicant decided upon whether or not to put the electrical service underground rather than overhead; Mr. Pereira stated he was waiting on a response from Rockland Electric Co. and if such were permitted, he would entertain the implications and cost of the work. Mr. Bianco reiterated that it would be best to "bury" the service since the proposed design is especially nice. Mr. Crisafulli stated his concern over storm water runoff since the additional impervious surface would be introduced to a property which is already slightly higher than its surroundings. The witness responded that there is a 10' wide drainage easement which "ponds up" after a storm before the rainwater soaks into the ground within 24 hours. Ms. Rothschild asked if there were any plans for a new drainage system; the witness reminded the Board that he was hoping to obtain Leadership in Energy and Environmental Design (LEED) certification, and if his budget permits, one way to do so would be to use stored rainwater for irrigation via underground tanks. Mr. Bianco asked if a new curb and sidewalk was contemplated since the originals are 50+ years old dating back to before the rose plantation was subdivided into residential lots. Mr. Pereira

said that prior to him obtaining title to the property, the Building Department required the seller to repair approximately 30% of the sidewalk; he also pointed out that while they were not planning to install new curbing and a sidewalk, he is going to redo the driveway and curb cut. Secretary Freesman said while he would like to see the new installation of such, the Borough Code specifically mandates the requirement only for new construction.

Secretary Freesman opened the meeting to the public for questioning of the witness as well as general comments. No one wished to be heard.

Outcome

A motion was made by Mr. Bianco and seconded by Mr. Crisafulli, to approve the application for the previously-mentioned bulk variances on the condition that a “Final As-Built” survey to be filed and approved by the Zoning Officer prior to the issuance of a Certificate of Occupancy. The motion passed (6-o: YES- Crisafulli/ Hennessey/ Rothschild/ Monaco/ Bianco/ Freesman).



Item #2

Case #Z-2010-03
61 Crescent Street
(Block 506/Lot 9)

Applicant(s): Joon Yoo
Representation: Self

Chairman Knee returned to chairing the remainder of the meeting.

The applicant is seeking Bulk Variance Relief solely for a driveway expansion to his residence <NOTE: this proposal is in conjunction with the conversion of an existing cellar to a garage and the construction of (3) retaining walls>.

Joon Yoo, applicant and owner in fee of the subject property, was sworn in as Witness #1. He stated he wished to convert his existing single-car garage into a double-car version to allow for easier maneuvering of the family’s vehicles in and out of the driveway. Chairman Knee reminded the Board that the applicant is appearing before it strictly for the driveway. Mr. Crisafulli asked if the gist of the project was extending the driveway to slope down to the new garage, but to do so, land to the left of the house would need to be excavated due to the property’s topography and the existing retaining wall holding back said earth would be removed as well; the applicant agreed with his summary. Chairman Knee felt the existing driveway was quite wide to begin. The witness said Mr. Sinowitz required that the retaining walls and the Belgian block lining the driveway be included when calculating the proposed impervious coverage, which amounted to 40.6%. Ms. Rothschild thought that retaining walls and Belgian block should not be considered in determining impervious surface area. Mr. Bianco asked if there was any way to reduce his proposed coverage; Mr. Yoo said the only option would be to reduce the proposed 18’ curb cut. Mr. Crisafulli felt the applicant was thinking of his private driveway as a road, thereby needing a width to allow for 2 cars side by side; he was, however, concerned that there would be enough room for a car to maneuver in and out of the new garage. Mr. Bianco asked why the current 14’ wide driveway was not adequate space especially since a normal parking space is 9’ wide, a larger version is 10’ and a handicap parking space is 12’; Mr. Yoo wanted at least 1’ to 2’ more for better use of the driveway. Ms. Rothschild stated she

approved of the application as is, and being the slope of the driveway leads to the street's storm drain, she felt the expansion would only add minimal water runoff in the same direction. Mr. Bianco felt that since the driveway was being nearly doubled in size by way of the left hillside area being removed, the width of the driveway's front portion should be scaled back from 18' to 15'; Chairman Knee suggested a compromise of 16', 1/2 of what the applicant proposed. Mr. Hennessey calculated that reducing the width to 16' would only bring the impervious coverage down to 40.1% but reducing it further to 15', would put it at 39.9%; he pointed out that the proposed curb cut tapers out on the left side making it actually 20' wide, not 18'. Mr. Bianco said that the narrowest part of the existing driveway is 12' wide and so to allow for an additional 3' would be quite generous. The Board agreed that while the setback of the existing driveway did not meet the 2' requirement for District #2, the side nearest the property line was not being altered, therefore, it was not an issue.

Chairman Knee opened the meeting to the public for questioning of the witness as well as general comments. No one wished to be heard.

Outcome

A motion was made by Ms. Rothschild and seconded by Mr. Crisafulli, to approve the application for impervious coverage totaling 39.9% on the condition that, at its narrowest point, the driveway will not be expanded to a width greater than 15' (not withstanding the tapered curb cut). The motion passed (7-0: **YES**- Crisafulli/ Hennessey/ Rothschild/ Monaco/ Bianco/ Freesman/ Knee).



Item #3

Case #Z-2010-04
128 O'Shaughnessy Lane
(Block 2401/Lot 41)

Applicant(s):
Representation:

Peter & Christina Vadis
Selves

The applicants are seeking Bulk Variance Relief for the construction of an addition, side entrance roof overhang and patio expansion to their residence.

Peter Vadis, applicant and owner in fee of the subject property, was sworn in as Witness #1. Chairman Knee questioned whether or not the applicant should require a variance for 0.4% impervious coverage excess, an amount he considered de minimis. Mr. Ellis answered that the Zoning Officer had discretion over what he sends to the Board. The witness stated he was also requesting a side yard setback variance, a hardship brought upon by the home's position relative to the lot. He said the proposal was to add a 630 sf wing to the southeasterly portion of the house, which was built in 1998. Mr. Vadis, the original buyer of the home, believed that his architect and builder had put the house parallel to the front and side yard lines to allow for the possibility of future expansion in the rear yard; while conceiving the addition, he said, only then was it discovered that the house was setback only 15' to the farthest endpoint rather than 18' from the side yard line. Meanwhile, he said, the right side of the house had an excessive setback of 34+' to the property line. Thus, the witness said if the home was not offset and "pushed off" to 1 side, a variance would not be needed. He continued to say that by extending the house in the rear by a length of 35', there would be a gradual infringement of the setback at a rate of 1"

per 1' of addition. He explained that at the worst point, the deficiency would be 3' and, at best, there would be no infringement resulting in an average side yard setback deficiency of 1.5'. He also pointed out that his architect had re-calculated the impervious coverage amounts and found them to be merely 0.1% over the 30% maximum allowance. Mr. Monaco asked if there were any way to reconfigure the addition to avoid a variance; the applicant said he tried to angle it but by doing so, an accommodation of some rooms within the addition would lead to a larger variance for impervious coverage. Mr. Bianco asked how many bedrooms are currently in the home; Mr. Vadis answered there were 4 with a 5th room that he uses as his office (said room would be deemed a bedroom if it contained a closet). Mr. Bianco said that with the addition, there would be 6. Ms. Rothschild complimented the applicant on his presentation. Mr. Bianco asked if by expanding the home, would the applicant come into any topographical difficulties or if any trees would be removed; the witness answered no but stated a jungle gym would be taken down.

Chairman Knee opened the meeting to the public for questioning of the witness as well as general comments.

Robert Lawin, 116 O'Shaughnessy Lane, stated that Mr. Vadis showed him the plans and he walked through the house where it would be expanded; he stated the project would not impact his home at any way, especially since the 2 neighbors had large trees separating their lots.

Outcome

A motion was made by Mr. Bianco and seconded by Ms. Rothschild, to approve the application for an impervious coverage amount of 30.01% and a side yard setback of 18' with no conditions. The motion passed (7-0: **YES**- Crisafulli/ Hennessey/ Rothschild/ Monaco/ Bianco/ Freesman/ Knee).



There being no further items to discuss, a motion to adjourn the meeting was made by Ms. Rothschild and seconded by Mr. Crisafulli. All members present voted in favor. The hearing adjourned at 9:20pm.