



Zoning Board of Adjustment

April 7, 2011

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

Prepared by:

Paul Demarest

Mr. Bianco called to order, at 8:01pm, a (Special) Hearing of the Zoning Board of Adjustment for the Borough of Closter, New Jersey, convening Thursday, April 7, 2011 in the Council Chambers of the Borough Hall. He stated the meeting was being held in compliance with the provisions set forth in the New Jersey Open Public Meetings Act and had been advertised in the Borough's officially-designated newspaper. He advised that the Board adheres to an 11:00pm adjournment and no new matters would be considered after such time.

He invited all persons present to join the Board in reciting the Pledge of Allegiance.



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

- Joseph Bianco, RA/PP
- Mitchell Monaco
- Antranig Ouzoonian, PE
- Thomas Hennessey- Alternate #1
- Andrew Shyong, DDS- Alternate #3
- Marie Hartwell- Alternate #4
- Arthur Dolson- Council Liaison
- Alysia Smickley, Esq.- Board Attorney
- Paul Demarest- Board Coordinator

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

- Robert Knee- Chairman
- Lorin Sonenshine, RA/PP- Vice Chairman
- Steven Freesman, Esq.- Secretary
- Theodore West, DDS
- Mark Crisafulli- Alternate #2
- Leonard Sinowitz- Zoning Officer
- Jeffrey Morris, PE- Board Engineer



Due to the absence of Chairman Knee, Vice Chairman Sonenshine and Secretary Freesman, Mr. Bianco chaired the meeting.



Prior to the meeting, the Board obtained mail correspondence received by the Land Use Department on its behalf. With the absence of Secretary Freesman, Mr. Bianco read said mailings into the record.



Mr. Bianco 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-2011-05
90 Cedar Court
(Block 403/Lot 11)

Applicant(s): James Byrne
Representation: David Watkins, Esq.

The applicant is seeking Bulk Variance Relief for the construction of an addition, front portico, deck, driveway expansion, patio (on-grade) and walkway at his residence.

David Watkins, Esq., 285 Closter Dock Road, Closter, New Jersey, introduced himself. He said the applicant is seeking a variance for front yard setback only; he noted that the architectural drawings filed with the Board were for illustrative purposes only. He stated the application centered on an existing set of front steps, currently not supporting a roof above it that will become a portico once the site's renovation is complete. He pointed out that when measuring the front yard setback using existing conditions on-site, the calculation is based on the distance between the home's foundation wall (not the front steps) to the property line, which is 37.4'; he said a variance would now become necessary because once the front steps become a portico, the measurement must be taken from the portico's roof, not the foundation. Ultimately, Mr. Watkins said his client is wishing to move 3" closer into the front yard as part of his renovation.

Patrick Mc Clellan, PE, MCB Engineering Associates, 11 Furler Street, Totowa, New Jersey, was sworn in as Witness #1. He stated he prepared the site plan filed with the Board. He testified that the lot, approximately 0.84 acres, has an existing 1 1/2 story, framed dwelling situated on it, which will be subject to an extensive renovation, including 2 additions. He said that while the pre-existing, average front yard setback is 37.4' from the home's foundation, the setback is 35.0' when taken from the existing front steps. He stated the additional 3" encroachment would equate to a new front yard setback of 34.8'. Mr. Mc Clellan noted that he visited the site and reported that several of the contiguous properties have front porticos, thus the applicant's proposal would pose no negative impact on the zoning scheme, plan or intent of the Borough; to the contrary, he said the rehabilitation of the site would have a positive effect on the community. Mr. Ouzoonian asked for the front yard setback of each property contiguous to the site. The witness stated the following: 1.) 106 Cedar Court (39.0'); 2.) 114 Cedar Court (39.0'); 3.) 82 Cedar Court (31.2'); 74 Cedar Court (36.0'). Ms. Hartwell asked for the lot size in square footage; Mr. Mc Clellan said it is 36,540 sf. Mr. Bianco asked what the required front yard setback is based on current Borough code; the witness replied that, based on the average analysis, the requirement is 42.5', with the existing and proposed being 35.0' and 34.8', respectively. Mr. Bianco asked if the existing front steps are to be demolished completely; Mr. Mc Clellan responded that the existing 3'x7' stoop will increase to 3.5'x9', the primary reason being to house the structure for the new overhang.

Mr. Bianco opened the meeting to the public for both questions of Witness #1 and general comments. No one wished to be heard.

Mr. Watkins waived his summation.

Outcome

Mr. Monaco noted it was a shame that the applicant had to go through the entire Board process for a mere 3" setback deficiency. Mr. Bianco interjected commenting that such could only be

said if the existing front steps are to remain and only be rehabilitated; he noted that if they are to be removed and replaced, then the application becomes something substantial. Ms. Smickley reminded that the testimony presented did indicate that the front stoop would be rehabilitated. Mr. Monaco and Ms. Hartwell questioned how the existing steps could be renovated without the need for their complete demolition. Mr. Watkins clarified saying the existing front steps would be removed in order to allow for the installation of a new front portico. Mr. Bianco and Councilman Dolson commended the applicant on the look of his project. Ms. Smickley advised the Board that when reviewing the "C (1)" and "C (2)" variance for hardship and substantial benefit, it should consider that the applicant is maintaining the original footprint, which puts him at a disadvantage because of both the odd-shaped lot's size and placement of the footprint. A motion was made by Mr. Hennessey and seconded by Ms. Hartwell, to approve the application with no conditions. As findings of facts, Mr. Bianco stated the proposal poses no negative impact and it would be an aesthetic improvement to the neighborhood. The motion passed (**6-0: YES-** Hartwell/ Shyong/ Hennessey/ Ouzoonian/ Monaco/ Bianco).



Councilman Dolson asked if Mr. Demarest could incorporate into the agenda the date(s) that applicants' documents were distributed/mailed out to the Board members; he felt that would help to keep track of the paperwork he receives from the Board and other Borough agencies. Mr. Bianco said such would be looked into by the Board.

Mr. Ouzoonian asked the Board to consider convening a (Special) Hearing on the night of a Hearing at, say, 7:00pm to hear non-use variance, residential applications such as the 1 heard this evening. Mr. Bianco said he has always preferred to set up (Special) Hearings before a Work Session being there are already 3 Board members attending as part of the Subcommittee; he noted only a 4th would be needed to have a quorum. Mr. Bianco asked that such be discussed at the April 20, 2011 Hearing; Mr. Demarest agreed to place the topic on the agenda.



There being no further items to discuss, a motion to adjourn the meeting was made by Dr. Shyong and seconded by Mr. Monaco. All members present voted in favor. The meeting adjourned at 8:23pm.