



Zoning Board of Adjustment

February 16, 2011

Hearing
(Minutes)

Prepared by:

Paul Demarest

Chairman Knee called to order, at 8:02pm, the Regular Monthly Hearing of the Zoning Board of Adjustment for the Borough of Closter, New Jersey, convening Wednesday, February 16, 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.

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

- Robert Knee- Chairman
- Lorin Sonenshine, RA/PP- Vice Chairman
- Joseph Bianco, RA/PP
- Theodore West, DDS
- Mitchell Monaco
- Antranig Ouzoonian, PE
- Andrew Shyong, DDS- Alternate #3
- Arthur Dolson- Council Liaison
- Leonard Sinowitz- Zoning Officer
- Alysia Smickley, Esq.- Board Attorney
- Jeffrey Morris, PE- Board Engineer
- Paul Demarest- Board Coordinator

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

- Steven Freesman, Esq.- Secretary
- Thomas Hennessey- Alternate #1
- Mark Crisafulli- Alternate #2
- Marie Hartwell- Alternate #4

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

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A motion was made by Vice Chairman Sonenshine and seconded by Mr. Monaco, to approve the minutes for the January 19, 2011 Reorganization and Hearing. All eligible members present voted in favor.

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Chairman Knee requested 3 volunteers from the Board to serve on the Subcommittee for the February 23, 2011 Work Session. The following were assigned: Vice Chairman Sonenshine, Mr. Bianco and Mr. Ouzoonian.

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Chairman Knee started a discussion on the draft proposal of the Board's revised by-laws; Ms. Smickley said the sole revision is the inclusion of a defined "stale period", which is currently drafted as requiring applicants to re-notice the public after 90 days has passed without being heard by the Board, regardless whether it is the applicant or Board's heavy caseload causing the delay. She said some Board members have expressed reservations about such a time frame, believing 6 months to be more appropriate. Vice Chairman Sonenshine thought the current draft does not include several recommendations voted on by the Board a few years ago; he noted the following sections needed correction: 1.) Section 1.2.5 should reflect how Board actually does its meetings' order of business/agenda; 2.) Section 1.3 should distinguish between work sessions and hearings when discussing quorums; 3.) Section 2.1.1.3.3 should indicate all copies of site plans and architectural, prepared by design professionals, must be signed/sealed while all copies of homeowner-drawn plans must be signed as well; 4.) Section 2.1.2 should reflect how Board actually deals with perfection of applications following work sessions. In response to Vice Chairman Sonenshine's suggestions, Mr. Bianco felt guidelines are needed for homeowner plans, specifically that ruled drawings on graph paper be required, deterring freehand submittals; the Board believed the phrase "drawn to scale", already within the existing by-laws, was self-explanatory. Mr. Demarest reminded that immediately following a work session, he mails to the applicant(s) a detailed follow-up letter summarizing both the decision (perfected or incomplete) as well as requests of the Subcommittee; Vice Chairman Sonenshine knew such a procedure was in place, however, he was concerned that the by-laws' wording ("certification of completeness") implied an official legal action was necessary following an applicant's completeness review at work session. Ms. Smickley felt the procedure in place was appropriate. Mr. Bianco asked who is responsible for ensuring the Subcommittee's requests are followed through with; Chairman Knee said most of the cases, rightfully so, perfected at work session are "subject to", so that the caseload does not back up; to avoid returning applicants back to work session, he said a case that is not prepared in time for its hearing date, will be postponed. Chairman Knee summated there is only so much the Board can do. Mr. Ouzoonian requested that professionally-prepared drawings are put on a sheet size no larger than 24" x 36"; Vice Chairman Sonenshine objected, saying his own firm uses 30" x 42" sheets, which he thought is the industry standard. Mr. Ouzoonian said while the Board Attorney's role is mentioned in the by-laws, the Board Engineer's is not; Ms. Smickley said such would be corrected.

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Ms. Smickley said that, being she has not received any comments from Board members concerning the 2010 Annual Report to the Governing Body, she forwarded the Board what has been previously discussed in prior Reports, some of which might not be applicable or a top priority this year. Chairman Knee said a subcommittee should convene to make official suggestions for the Report; Mr. Demarest suggested it gathers at 7:15pm on the night of the March 7, 2011 (Special) Hearing. He said the Report could then be voted on at the March 16, 2011 Hearing, thereby, allowing it to be discussed at the March 19, 2011 Joint Meeting; the Board agreed.

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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-2010-05
85-87 Chestnut Avenue
(Block 2401/Lot 1)

Applicant(s): Woo Kum Kang
Representation: Rose Tubito, Esq.

The applicant is seeking Bulk Variance Relief for the construction of an addition and deck to 1 of the 2 existing single-family houses situated on her property; **NOTE:** due to a decision by the Superior Court of New Jersey- Bergen County Law Division (see Docket #BER-L-7807-05) reversing a prior Board decision to uphold an Appeal of the Zoning Officer’s determination of said project, the applicant is entitled, as per the Court’s order, to pursue a new application to the Board strictly for Bulk Variance Relief (a Use Variance, the Court has determined, is not required).

Rose Tubito, Esq., 239 Old Tappan Road, Old Tappan, New Jersey, introduced herself. She reminded that at the January 19, 2011 Reorganization and Hearing, the Board requested certain changes to the site plan.

Michael Hubschman, PE, Hubschman Engineering, PA, 263A South Washington Avenue, Bergenfield, New Jersey, was sworn in as Witness #1. Exhibit #A-3, a site plan prepared by the witness and last revised February 4, 2011, was presented. He said the gas line was located and found to be to the rear of the subject house; he also said he discovered the triangular-shaped area of the driveway is not an encroachment but rather is cited in the deed and, therefore, a legal condition. Mr. Hubschman said, to alleviate the Board’s concern about emergency vehicle access to the subject site, a small, leveled gravel area is proposed to allow them to get closer to the house. He also noted the fence to the rear has been confirmed as belonging to the neighbor. The witness continued saying that there is no flood study available for Anderson Brook in the subject area; he did acknowledge, however, that since the site is located within 300’ of the brook (riparian zone), a “permit by rule” must be acquired from the New Jersey Department of Environmental Protection (NJDEP) to allow the applicant to build on lawn areas. He reiterated that with the addition of a 699 sf 2nd story to the subject house, the 1,200 sf floor area requirement for 2-story houses would be met since the existing 1-story house would increase to 1,290 sf; he said such would advance the purpose of zoning by providing appropriate population density (site is an over-sized lot) as well as aesthetic appeal. Mr. Hubschman said the project would not infringe upon the neighbors’ “light and air” since the subject house is 80’ from the nearest neighbor; also, he said the applicant’s house, with an elevation of 84’, is slightly sunken below the neighbor’s, which is at 91’. He stated the building height would increase to 24’ to the midpoint and the small footprint of the home would remain unchanged. Mr. Sinowitz said the proposed gravel area would need a design waiver from Chapter 92-2E, which requires driveways to be of bituminous material; the witness said it would be requested, but he informed that the existing driveway is gravel. Mr. Sinowitz asked if the proposed driveway expansion has been figured into the impervious coverage calculations; the witness said it has not but noted, based on the 33,000+ sf lot size, it would comply. Mr. Ouzoonian asked for the slope from the newly-added gravel area to the subject house; the witness said, overall, it slopes from a 76’ elevation to roughly 83’ over a span of 40’, amounting to approximately 15%. Mr. Ouzoonian responded that he was still concerned about emergency vehicles getting up such a slope when snow is on the ground; Ms. Tubito interjected saying the Fire Prevention Bureau’s administrative report

deemed the proposal as safe, to which Mr. Ouzoonian replied that he disagreed with such an opinion. Exhibit #A-4, a Fire Prevention Bureau administrative report, was presented. Mr. Ouzoonian believed the witness was not correct in his assertion that the slope was only 15%; Mr. Hubschman apologized for giving the average slope and stated it goes from a contour of 76' to 82' in a 10' to 12' span. Mr. Ouzoonian said, therefore, the slope is more like 60%. Vice Chairman Sonenshine asked if a retaining wall, due to the slope, was further considered; the witness said it was not being there are a lot of tree saplings in the area, thus, requiring an "individual permit" from the NJDEP. Vice Chairman Sonenshine said there are no trees noted there on the site plan; Mr. Hubschman said the site plan depicted only the large trees, but revealed that there are 2' to 4' saplings present as well. Dr. West asked why the driveway is to be kept as gravel; the witness said the applicant would pave it, if need be, but then a 2nd seepage pit would need to be installed on-site. Dr. West was still not satisfied with the proposed access for emergency vehicles, especially ambulances that do not have ladders and hoses like fire trucks. Chairman Knee questioned the necessity to have the applicant cut down trees to get even closer to the subject home; Dr. West disagreed, saying only saplings would need to be removed, and noted that the applicant decided to leave the driveway where it is rather than consider a redesign to reduce the obstacles for medical staff needed in an emergency. Vice Chairman Sonenshine said even with the newly-added parking area, a tenant would still need to walk 40' to get to the subject house; while an improvement from the existing 80' to 90', he still felt such a layout was bad planning. Mr. Bianco asked if the subject house has a garage; the witness answered no but that there is a 1 detached elsewhere on the site. Mr. Bianco asked if the added parking area could be moved westerly and parking space #3 extended towards the house and parallel to the walkway; Mr. Hubschman replied the existing 8' difference in grade would make that difficult to do. The witness noted that the dogwood depicted on the site plan is dead (stump only); Dr. West believed the walkway could be re-routed being the tree causing an issue is merely a stump and can be eliminated. Mr. Hubschman stated that he was under the impression, from the last meeting, that the Board's concern laid with fire truck access only and not a tenant's access to the home. Vice Chairman Sonenshine asked that when changing the gravel to blacktop, the transition be looked at because currently there is a paved area going slightly past the house, which changes to gravel where the parking space is; he added then there is a right-hand turn to continue onto the newly-graveled area. The witness said he would do so, saying he could run the driveway to where the small fenced-in area is and relocate parking space #'s 3 and 4 to there, allowing the pavement to go as close to the home as possible; he also said the entire driveway will be paved and the dead dogwood will be removed. Being the Board made it clear it wanted to see its suggestions included on the site plan before considering a vote, Chairman Knee asked Mr. Hubschman to contemplate a sketch to present later in the evening, following the testimony of the next witness.

Steven Lazarus, RA, Axis Architectural Studio, 16 Highwood Avenue, Englewood, New Jersey, was sworn in as Witness #2. Vice Chairman Sonenshine asked for a legal opinion before Mr. Lazarus be permitted to testify on plans he did not prepare; he stated that the architecturalals filed with the Board were drawn by Joseph Cecco, RA, 14 Broad Street, Norwood, New Jersey. Mr. Lazarus stated while he could not attend the meeting, he did review the plans with Mr. Cecco, visited the subject property and, thus, felt he has professional knowledge of the design. Ms. Smickley advised the witness' testimony would be a legally-accepted opinion, but she instructed the Board to vote on the matter. A motion was made by Mr. Bianco and seconded by Dr. Shyong, to accept Mr. Lazarus as a witness. All eligible members present voted in favor. Exhibit #A-5, architecturalals prepared by Mr. Cecco dated January 30, 2004 and last revised February 4, 2011, was presented. The witness said the 1-story residence is currently 599 sf and the proposed 2nd floor would require the existing roof to be removed but the existing foundation

walls would remain intact. He said the front door would be relocated to allow for a 10' x 30' deck to be attached to the front of the house, whereby its steps would lead to the new entrance. The witness said the 1st floor will be reconstructed to consist of a kitchen and dinette having a sliding door that leads to the deck, a "great" room (though only 12' x 26') which also has a sliding door that exits to a stoop along with 1 bathroom; he said the 2nd floor will have 2 bedrooms, 1 bathroom, a laundry room and 1 linen closet. Mr. Lazarus noted the bedroom spaces (13' x 14' each) overhang the 1st floor (cantilever) by approximately 2' on the front, back and side portions of the structure. He testified the exterior façade would be vinyl siding and fiberglass roof shingles; ultimately, he said the existing structure is extremely small and the reconfigured 1st floor would equate to 591 sf along with 699 sf 2nd story, resulting in the new house still being quite small (1,290 sf). Mr. Monaco asked what the existing walls are composed of; the witness said, though he did not open them up and regardless whether the 1-story house is of balloon or platform framing, he assumed they are made of 2 x 4's, 24" on center. He stated the wood structure had a block foundation and crawlspace. Mr. Monaco asked when the house was built; the witness guessed in the 1960's. Ms. Tubito corrected him and said tax records show it was constructed in the 1920's. Mr. Monaco expressed concern that when construction starts, the 2nd story would prove to be too much of a load for the existing foundation and the entire structure would have to be demolished. Mr. Lazarus assured that when the roof is removed, the interior sheetrock would come off to verify proper studs, plates, etc. Mr. Monaco asked, aside from termites, what else would be considered a "deal breaker" for the current design; the witness said every other issue would be fixable. He elaborated and stated finding only 1 plate below would not change anything or if the studs are found to be further apart, new studs would be inserted, anyhow, since new plates on top would be necessary after the existing roof is removed; he stated he would probably add more floor joists to increase the 1st floor's load-bearing capacity. Chairman Knee pointed out that if unfixable conditions arise, the applicant would have to return to the Board for Amendment Approval; Ms. Tubito agreed. Dr. West expressed concern that the builder of the existing 1-story house did not over-build the foundation to anticipate an additional floor in the future and also questioned its settling and cracking over time; Mr. Lazarus disagreed with the comment, saying a 10" block foundation, as this home has, will support 2 floors. Ms. Tubito and Mr. Sinowitz felt such structural concerns fall under the jurisdiction of the Building Department, not the Board. Vice Chairman Sonenshine stated that complete building height calculations have yet to be provided on the architectural's elevation page; he also said that the site plan states the building as being less than 30', which was a useless statement. Mr. Sinowitz explained the maximum building height permitted is 28' to the midpoint, and he noted the proposal clearly falls way short of that. To expedite the proceedings, he stated the architectural's show there to be 20' from the roof's midpoint to the 1st floor; he said after taking the elevations of the structure's 4 corners and 4 intermediaries, it is found, in the worse case scenario, to be 4' between the 1st floor and grade indicated. He, therefore, said at the most, the height to the peak would be 24' and the midpoint would be less; Mr. Lazarus concurred. Mr. Hubschman stated he would correct the site plan to indicate such. Mr. Bianco asked Mr. Ouzonian what factor of safety is (FoS); He replied it is the difference of a material's load capacity as designed (based on a lesser strength) versus what it can actually handle; Mr. Bianco added that, in basic engineering, FoS is usually such that materials are able to take 2x the load it is designed for and said, as an example, a material designed to handle 1,000 lbs. would not fail until 2,000 lbs. Mr. Ouzonian, while agreeing with such, noted the example given explains ultimate strength and that the design strength would be less. Mr. Bianco asked what the color of the house would be; Mr. Lazarus believed it would be gray.

Chairman Knee opened the meeting to the public for questions of Witness #2 only.

Jesse Rosenblum, 65 Knickerbocker Road, asked several questions, all of which, received objections from Ms. Tubito; Ms. Smickley sustained all based on the questions' irrelevancy.

Mr. Hubschman re-appeared for testimony as Witness #1. He explained that, over the past several minutes, he drew up a preliminary sketch to appease the Board; he stated he created 2 more parking spaces and a new set of stairs. He further stated such was made possible by having an approximately 4' difference in grade, whereby retaining walls could be built and the driveway shortened, providing those additional spaces to allow for better emergency vehicle access to the house; thus, he noted that, with this layout, a fire truck could pull out of the site rather than having to back out and the site's impervious coverage is still far below the maximum permitted. Chairman Knee praised the witness' changes, which included designated parking for each of the houses on-site; Vice Chairman Sonenshine concurred, but suggested the parking space closest to the house should be shifted to the left to allow for a vehicle to maneuver. The witness agreed to do so. Exhibit #A-6, a series of changes/sketches added to Exhibit #A-3, was presented. Mr. Morris asked that if said changes required the applicant to receive a "general permit" or "individual permit" from the NJDEP, would she do so; the witness said his client would probably need an "individual permit" for the driveway. Mr. Morris explained the different types of permits issued by the NJDEP: 1.) "permit by rule" is a courtesy to inform NJDEP of applicant's intentions (cannot be denied); 2.) "general permit" deals with a limited amount of minor activities; 3.) "individual permit" requires filing of a separate application for complete review. Vice Chairman Sonenshine asked how the proposed changes reflected in Exhibit #A-6 should be handled in terms of contemplation of a Board vote; Ms. Tubito said the site plan would be revised along with the drainage report (additional seepage pit). Vice Chairman Sonenshine asked if the retention basin was too close to Anderson Brook; the witness said it was not, being it is 50' away and in a lawn area that is level.

Chairman Knee opened the meeting to the public for questions of Witness #1 only.

Jesse Rosenblum, 65 Knickerbocker Road, asked several questions, all of which, received objections from Ms. Tubito; Ms. Smickley sustained all based on the questions' irrelevancy.

Ms. Tubito summated.

Chairman Knee opened the meeting to the public for general comments only.

Jesse Rosenblum, 65 Knickerbocker Road, was sworn in as Objector #1. All of his exhibits were objected to by Ms. Tubito; Ms. Smickley sustained all based on the exhibits' irrelevancy.

Outcome

A motion was made by Mr. Bianco and seconded by Dr. West, approve the application with the following conditions: 1.) site plan to be revised to correct both building height required and proposed; 2.) site plan to be revised to show new configuration of paved driveway/parking area; 3.) NJDEP permit must be granted for work within riparian zone; 4.) site plan to be revised to show revised impervious coverage; 5.) construction to be in compliance with all applicable building codes (retaining walls inclusive); 6.) if, during construction, greater than 50% of existing house is demolished, applicant is required to return to Board for Amendment Approval. The motion passed (**7-0: YES**- Shyong/ Ouzoonian/ Monaco/ West/ Bianco/ Sonenshine/ Knee).

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The Board recessed at 9:55pm.

The Board reconvened at 10:00pm.
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Item #2

Case #Z-2010-12
237-241 Closter Dock Road
(Block 1303/Lot 1)

Applicant(s):
Representation:

Mrs. Kubitis Realty, LLC
David Watkins, Esq.

The applicant is seeking Use Variance and Site Plan Approvals for the construction of an addition and the conversion of existing office space to (3) residential units at the subject mixed-use building.

Dr. Shyong recused himself from this case.

David Watkins, Esq., 285 Closter Dock Road, Closter, New Jersey, introduced himself. He stated, in 2005, his client received Site Plan Approval from the Planning Board to subdivide existing commercial tenant space, resulting in a total of 4 units; he noted those same bulk variances are tended to the present application before the Board, with the exception of an additional variance relating to use. He explained that the 2005 approval was conditioned on the payment of parking space waiver fees (applicant paid in full) since the applicant could not provide for a total of 69, which included 5 for the increase in retail use; he revealed that the current application reduces the prior 69 parking space requirement to 44 (the difference being 69 was based on the 2nd floor being medical office use rather than office use). Mr. Watkins believed, for that reason, his client is due a refund from the Parking Authority. He said the function of the proposal is to take the existing 2nd floor and create 3 apartments with an addition; he noted the installation of an elevator will “cut off” the total retail space on the 1st floor and so, an additional retail unit is proposed where the “ugly rumble area” (consisting of concrete blocks that serve no purpose) is currently situated. Ultimately, he felt the application further the Borough’s Master Plan edict that retail and residential uses should co-exist.

David Sudacki, PE, Lapatka Associates, Inc., 12 Route 17 North, Paramus, New Jersey, was sworn in as Witness #1. He said that his office prepared the site plan and that he is familiar with both the drawings and the site. He said the subject property is located in District #3 (Business) and is a 6,784 sf, triangular-shaped lot; he testified the lot’s widths are 88’, 154’ and 180’ abutting Closter Dock Road, Railroad Avenue and the Consolidated Rail Corp. (CONRAIL) line, respectively. He said the existing structure consists of 1st floor (retail), 2nd floor (medical office space and 2 vacant apartments) and 3rd floor (2 vacant apartments) sections; he explained the addition would be a new 2nd floor above the existing 1-story portion, with the structure’s footprint remaining unchanged. He said the building’s power is via overhead service from an electric utility pole located on Railroad Avenue; he noted the proposal calls for underground service instead. He further explained the decrease of the on-site parking space requirement from 69 to 44 (36% reduction) stems from 5,600 sf of retail space and 5 residential units on the 2nd and 3rd floors. Mr. Ouzonian asked how parking for the residents would be addressed; the

witness said there are a total of 6 existing spaces on Closter Dock Road and Railroad Avenue, along with a municipal parking lot ("North Lot") on the other side of Railroad Avenue. Mr. Ouzoonian expressed concern that residents would have to park off-site where over-night parking is prohibited; Mr. Watkins stated, regardless of the Board's approval, that the site would continue to have no on-site parking. He reminded that such are the circumstances for having a Parking Authority's fund; he also stated a planner would be testifying to such parking concerns. Mr. Bianco asked if the proposed addition would have "light and air" implications; Mr. Sudacki deferred to the applicant's architect who would be testifying later on. Mr. Bianco asked if the witness was involved in the 2005 Planning Board application; he said while his firm was, he was not personally. Mr. Bianco and Dr. West echoed Mr. Ouzoonian's concern about residential parking, or lack thereof. Vice Chairman Sonenshine inquired about the flow of drainage on-site and how the additional roof area would be dealt with; the witness said there was no storm water management system on-site and that runoff currently spills into the ground via roof leaders. The witness said the drainage patterns are proposed to remain as is, however, he would be willing to work with the Board Engineer on alternatives; Mr. Watkins said that he never received a review letter from Boswell Engineering, Inc., to which Mr. Demarest replied that the Board's file copy of said report indicates counsel was copied. Vice Chairman Sonenshine asked if the existing concrete pad and refrigerator unit that encroaches onto a neighboring property was permitted through an easement; the witness did not know; Mr. Watkins stated that an easement with CONRAIL would be provided, if need be. Mr. Monaco reiterated concerns over residents having to park off-site. Mr. Bianco asked if there were any provisions for handicap parking; the witness deferred to the planner for a response. Mr. Bianco asked if topographical conditions would hinder the creation of a parking area on-site; Mr. Sudacki answered that the site is flat.

Chairman Knee opened the meeting to the public for questions of Witness #1 only.

Jesse Rosenblum, 65 Knickerbocker Road, asked what the 3rd floor's layout would look like; the witness deferred to the architect for a response. Mr. Rosenblum asked if any reinforcement of the building would be needed due to its proximity to the CONRAIL line; the witness deferred to the architect for a response.

George Held, RA, 587 Getty Avenue, Clifton, New Jersey, was sworn in as Witness #2. Exhibit #A-1, a series of photographs depicting the subject site, was presented. He said the exhibit shows the exterior facade of the building, facing the CONRAIL line, to consist of several commercial doors, concrete block and different styles of roofing, while along Closter Dock Road, it is brick-faced with the 2nd story area having several types of siding; he pointed out the corner that fronts on the 2 thoroughfares highlights the building's disconnect in terms of original and newer construction not matching in look. He said the proposal brings some of the historic elements back into the architecture; he explained the 3-story portion would remain a brick exterior while the 2-story area (facing both Closter Dock Road and Railroad Avenue) would be refaced with a slight mansard, shingled roof, which will pick up the curve around the transom of the main entrance; he said such will bring some of the architectural elements on the 1st floor to the 2nd floor as well. Mr. Held said the applicant plans to re-storefront and re-canopy the 1st floor stores to bring uniformity to the building. The elevation, he continued, facing the CONRAIL line would maintain its brick façade, which will be cleaned, re-pointed and restored as much as possible; he said new brick installed would be matched with the existing as best as possible in terms of color and bonding agent. The witness testified that the rear of the building would comprise of stucco or cement plaster finish over the 1st floor's existing painted block work and the 2nd floor would be stucco. Mr. Held said the structure has an existing 281 sf unoccupied basement, most of which is a crawl space having less than 6' in ceiling height, that houses the

mechanicals. He indicated the current layout on the 1st floor as viewed from the street, starting from the CONRAIL line: 1.) hair salon (406 sf); 2.) insurance office (631 sf); 3.) 2nd floor entrance/foyer (142 sf); 4.) delicatessen (1,224 sf); he explained the final space, currently 3,145 sf, will see the only construction being performed on the 1st floor (proposed elevator and stair tower will separate the front and rear retail parts of the building and require this space's entrance to be on Railroad Avenue). With respect to the 2nd floor layout, the witness explained the following: 1.) existing apartment (including atrium- 747 sf); 2.) stair lobby; 3.) former medical office space to be converted to 1-bedroom unit (915 sf) and 2-bedroom unit (966 sf), both of which will be made within existing construction space; 4.) new elevator; 5.) new stair tower (including a hallway to interconnect with existing stair creating 2 means of egress and increasing "life and safety"; 6.) new 2-bedroom unit (1,168 sf). Mr. Held added that the 3rd floor has an existing 1-bedroom apartment (850 sf). The witness believed the proposal's impact of "light and shadow" toward any surrounding building to be negligible since the subject freestanding structure borders railroad tracks and public right-of-ways. Mr. Ouzoonian asked for the age(s) of the existing building, or as he put it, "2 existing buildings" (he believed the original building served as a hotel); the witness guessed it dated back 60 to 70 years. Due to its insignificant slope, Mr. Ouzoonian felt the new roof line is not mansard in style; the witness replied the reason for the minimal slope (enough to get some sort of angle on the roof shingle) was to avoid the overhang from encroaching into the Borough's right-of-way. Mr. Ouzoonian asked if mechanical equipment would be installed on the roof; Mr. Held said individually-ducted heating/venting/air-conditioning (HVAC) units would most likely be present as well as separately metered. Mr. Ouzoonian questioned the 2nd floor's high ceiling; the witness said that would remain unchanged, pointing out the false parapet that would go in front of the original gable roof to bring the façade similar to that of the building's 3rd story portion. Mr. Bianco asked if the 2nd floor addition requires a setback variance; the witness responded it did. Mr. Bianco asked for the location of the fire sprinkler control room; Mr. Held could not answer such at this juncture. Mr. Bianco asked that the Fire Subcode Official review the design for the sprinkler control room, Siamese connection, service entrance, etc., being the building would now have residents; Mr. Watkins agreed to do so. Mr. Bianco asked that the elevator's machine room be indicated on the architectural as well; the witness said the hydraulic-type device would be shown. Mr. Bianco asked if the applicant intended to install air-conditioning window units or through-wall systems that are often found in hotel rooms; the witness said the plan is to install gas-fired, split-systems where the air handlers are within the apartment and the compressors are on the roof. Mr. Bianco asked if the pre-cast elements on the building's façade (windows and lintels) could be preserved; the witness said it should be possible. Mr. Bianco noticed the window with the monolithic header is not shown on the architectural; the witness said that window is to be closed and the bathroom behind it is to be removed. Mr. Held stated the bay window facing Closter Dock Road would be saved. Mr. Bianco said there are existing windows that have plywood blocking their openings; the witness said such would be removed and refaced. Mr. Bianco asked if the proposal calls for the elimination of the fire escapes; the witness said they were needed for the 3rd floor. Mr. Bianco asked, hypothetically, how many cars could fit in the 1st floor commercial unit where construction is planned; the witness answered possibly 5. Mr. Bianco felt that, with the potential for having pregnant women, senior citizens, children, etc., as residents, the applicant should consider reserving said retail space for a mini-parking garage area; Mr. Held said studies show that it is rare for 1- and 2-bedroom apartments to be occupied by families. Mr. Bianco felt that not to be the case, especially with the current economy. Mr. Morris asked for the size of the brickwork to be placed on the Railroad Avenue side of the building; the witness said it would be 4" thick. Mr. Morris responded such would result in a 4" encroachment in the Borough's right-of-way on the north side of the site; Mr. Held said, if necessary, the block would be removed and recessed. Vice Chairman Sonenshine asked

how the commercial spaces would have their HVAC units laid out, pointing out concern for screening of the rooftop units and the ductwork affecting the overall plan; the witness said such details are still be worked on with the applicant's engineer. Vice Chairman Sonenshine asked if the intention is to make 1 of the apartments and elevator designed for handicap accessibility and if so, how would paths of travel be provided for wheelchairs, stretchers, walking canes, etc.; the witness replied in the affirmative and said such details would be indicated on the architectural; Vice Chairman Sonenshine asked if the residential units' bedroom windows would provide for egress; the witness said they would. Vice Chairman Sonenshine asked for a cross-section of the coping on the building's south elevation and detail on the mansard roof; the witness said the architectural would be revised accordingly, but noted the mansard roof shingles would be of a higher quality than asphalt. Vice Chairman Sonenshine asked if the exterior rooms would have the wall line coming in from the mansard roof; Mr. Held answered no, explaining the wall line would not change and the bottom of the mansard would "bump out" somewhat. Vice Chairman Sonenshine inquired about the gray line area depicted on the architectural's rear elevation page; the witness stated it represents the stucco band that will provide relief from a monotonous brick pattern. Vice Chairman Sonenshine stated he liked Mr. Bianco's suggestion of converting some of the retail space into parking spaces for the residents living in the building and asked if any of the apartments would be Council on Affordable Housing (COAH) units; Mr. Watkins answered the 3rd floor unit would be designated as such and said the idea of indoor parking is not functionally-plausible. Mr. Bianco reacted, saying that was a legal opinion and said his client's planner should testify on the issue. Mr. Monaco asked how the building's trash collection area would be laid out; Mr. Held said a "roll away" bin would be located in the rear yard's triangle space and enclosed with fencing. Mr. Bianco asked that the Borough's Zoning Code be researched to see if an allowance for projection is permitted so the mansard roof's angle could be increased. Mr. Bianco asked if the witness knew that the subject building's history included a fire; Mr. Held replied that he was aware of such and stated the moderate damage was abated via reinforcement in the form of shoring up the roof. Mr. Bianco asked how the number and size of the apartments came about; the witness said they are based on available space. Mr. Bianco said the proposed addition would lead to a self-imposed hardship; the witness said he would research the minimum area requirements for the apartments, but felt that the setback variance needed in the yard facing the CONRAIL line was a moot point. Mr. Bianco asked why he made a design that put the building closer to a noise-making element; Mr. Held responded that they both knew the 6' setback being requested would not make a difference in terms of a noise buffer and explained that the building's sound attenuation would be built within its wall system. Mr. Bianco still felt the residential units could be greater in number and smaller in size; he further noted that rooms labeled on the architectural as "office", as well as the atrium, could easily become bedrooms in the future. Mr. Watkins said such a statement is irrelevant.

Chairman Knee opened the meeting to the public for questions of Witness #2 only.

Jesse Rosenblum, 65 Knickerbocker Road, asked if any reinforcement of the building would be needed due to its proximity to the CONRAIL line; the witness deferred to a structural engineer for a response. Mr. Rosenblum asked if an administrative report was filed by the Historic Preservation Commission; Mr. Demarest stated it had not.

Outcome

The Board adjourned the case to the March 16, 2011 Hearing.



There being no further items to discuss, a motion to adjourn the meeting was made by Mr. Bianco and seconded by Vice Chairman Sonenshine. All members present voted in favor. The meeting adjourned at 11:09pm.