



Zoning Board of Adjustment

May 18, 2011

Hearing
(Minutes)

Prepared by:

Paul Demarest

Chairman Knee called to order, at 8:08pm, the Regular Monthly Hearing of the Zoning Board of Adjustment for the Borough of Closter, New Jersey, convening Wednesday, May 18, 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:

- Robert Knee- Chairman
- Lorin Sonenshine, RA/PP- Vice Chairman
- Steven Freesman, Esq.- Secretary
- Joseph Bianco, RA/PP
- Theodore West, DDS
- Mitchell Monaco
- Thomas Hennessey- Alternate #1
- Mark Crisafulli- Alternate #2
- 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:

- Antranig Ouzoonian, PE
- Marie Hartwell- Alternate #4



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



A motion was made by Mr. Bianco and seconded by Vice Chairman Sonenshine, to approve the minutes for the April 20, 2011 Hearing. All eligible members present voted in favor.



Chairman Knee requested 3 volunteers from the Board to serve on the Subcommittee for the May 25, 2011 Work Session. The following were assigned: Mr. Bianco, Mr. Hennessey and Mr. Crisafulli. Since 1 of the applications to be reviewed involves Site Plan Review, Mr. Morris agreed to attend as well.

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The Board decided that as of June 22, 2011, the venue for all future Work Sessions would switch from the Senior Citizens' Center to the newly renovated conference on the 2nd floor of Borough Hall.

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A motion was made by Mr. Bianco and seconded by Vice Chairman Sonenshine, to approve the 2010 Annual Report to the Governing Body. All eligible members present voted in favor.

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Chairman Knee said Jennifer Rothschild, Esq., Chairwoman of the Historic Preservation Commission (HPC), has asked that the Board's application packet include questioning as to whether or not a subject property has historic landmark status; he explained that if an applicant were to answer in the affirmative, Mr. Demarest would ask the HPC to prepare an administrative report for the Board. Vice Chairman Sonenshine felt that anyone visiting a subject site could easily know if a property is deemed historic by the existence of a blue and silver marker posted in the ground; Mr. Demarest explained that such markers are overseen by the Bergen County Historical Society and the historic status in question is a local designation only. He further stated that while there are currently only 40 historic landmark sites that have been designated by the HPC (some of which that have state and national status as well), including the subject property of a case currently on the Board agenda (268 West Street), there are also several hundred sites that are mentioned in registries and surveys compiled over several years. A motion was made by Mr. Bianco and seconded by Mr. Monaco to have the Board application packet revised accordingly. All eligible members present voted in favor.

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A motion was made by Mr. Bianco and seconded by Mr. Monaco, to memorialize the Resolution for 90 Cedar Court (Case #Z-2011-05). All eligible members present voted in favor. A motion was made by Mr. Bianco and seconded by Vice Chairman Sonenshine, to memorialize the Resolution for 24 Yale Place (Case #Z-2010-07). All eligible members present voted in favor.

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To all sufficient time for comment and corrections, the Board asked that it be Ms. Smickley's practice to forward to Board members, via email, all drafts of pending Resolutions 5 days prior to the hearing date at which they will be voted on; she agreed to do so.

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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.

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Item #1

Case #Z-2010-14
3 Lindemann Avenue
(Block 608/Lot 7)

Applicant(s): Inga Grossman-Savitsky
Representation: Thomas Izzard, Esq.

The applicant is seeking Amendment Approval for the removal of a deed restriction, specifically a “living fence” consisting of evergreens, that was stipulated in a previously-approved Board application (Case #Z-1991-08), whereby Bulk Variance Relief was granted for the construction of an addition to her residence.

Thomas Izzard, Esq., Fierro, Fierro & Izzard, PC, 230 Main Street, Fort Lee, New Jersey, introduced himself. He announced that he was requesting a postponement to the June 15, 2011 Hearing due to last-minute developments; he explained that 2 of his 3 witnesses, a landscaper and the Borough’s Certified Tree Expert, informed him that they could not attend this evening’s proceedings. Mr. Izzard felt that said witnesses’ testimony was not only to lay a historical predicate to the case but to rebut any objection from the owner of the property adjacent to the subject lot (61 Taillon Terrace), whom he believed would be producing his own witness. Mr. Demarest pointed out that the Code Enforcement Officer assigned to the west side of the Borough, James Whitney, was in attendance and available for questioning; so not to worsen the Board’s already heavy caseload with further delays, it required the applicant began her testimony.

Inga Grossman-Savitsky, applicant and owner-in-fee of the subject property, was sworn in as Witness #1. She testified to living at the subject residence, a single-family built in 1937, since August 1985. She stated that in the early 1990’s, she and her ex-husband wished to improve their property via the construction of an addition over the existing garage. She informed that a construction permit was issued by then Zoning Officer/Construction Official, Harold Benel, which was later rescinded by the Borough; the witness said she was then advised by the Borough to seek variance relief from the Board, which granted such in 1991 contingent upon the following conditions: 1.) planting of 10’ high evergreens along northern boundary line (shared with 61 Taillon Terrace) for entire length of subject house with adequate spacing between each; 2.) “living fence” requirement to be made as deed restriction in perpetuity. The witness said the landscaping company she hired at the time, Lupardi’s Nursery, Inc., advised that very few types of vegetation, if any, would survive along the subject property line; she further stated that, at her urging, it was decided that 4 to 5 rhododendrons be planted, only 1 of which is still alive today, albeit barely, despite a concerted effort to maintain them. The applicant said she received a summons, in 2006, from the Borough following the demise of the 1st “living fence” and responded by having the same landscaper plant evergreens, which died as well, along with several white pine near her patio that have survived to present day. Ms. Grossman-Savitsky testified that later on that year, her landscaper planted 2 Serbian Spruce, the 3rd attempt at a “living fence”; she said those ended up dying too. The witness stated during the summer of 2010, the Borough ordered her to install plantings again and then she considered installing a fence, at which time, the owner of 61 Taillon Terrace had a 6’ high stockade/4’ high, 50% open, fence erected on his property. Exhibit #A-1, a series of photographs (taken in the autumn of 2010) pre-filed with the Board and showing the property line area in question, was presented. The applicant said that George Heise, owner-in-fee of 61 Taillon Terrace, has 3 pines, 1 dogwood and copious amounts of bamboo, the latter of which is very invasive and seems to not have any shield to prevent it from spreading onto her land; she felt, however, Mr. Heise’s foliage does provide much screening between their properties. The witness said her side yard setback is 5.0’ to the subject property line, a condition that pre-existed in 1991 when her proposed addition above the existing garage was approved by the Board. She informed that if Mr. Heise’s fence

were to be removed for any reason, she would agree to install a similar fence on her lot to provide buffering. Ms. Grossman-Savitsky explained the reason for her current application to the Board is that, for 2 decades, she felt she has, in good faith, attempted to secure a “living fence”, but now the deed restriction has become an unnecessary burden on her. She estimated that Mr. Heise’s relevant side yard setback is 15’, which is the Borough’s present-day side yard setback minimum requirement; she informed that his only view of her garage is from a kitchen window while his others face her land and no structure since his home extends beyond hers. Vice Chairman Sonenshine pointed out that the applicant’s side yard setback is 4.66’, not 5.0’ as testified to; the applicant clarified, saying that her original survey stated it to be 5.1’ while a more recent survey showed it as 4.66’. Mr. Izzard said the later survey could be provided and he noted that the 5.0’ dimension is stated in the Board’s memorialized Resolution of 1991. Mr. Bianco felt the witness’ laughter, during testimony, implied she was not taking the matter at hand seriously; she disagreed and explained she was nervous. Chairman Knee instructed Mr. Bianco not to badger the witness. Mr. Bianco asked how high her house was in 1985; she replied she did not know but stated the Dutch-colonial was 1 1/2 stories before the existing garage roof was flattened to accommodate a bedroom above it, which made the structure taller. Mr. Bianco asked if, because of the addition built, sunlight was being prevented from reaching the property line area in question; she responded such was possible. Mr. Crisafulli asked why she felt no plant life grows in the subject area; the applicant replied her hired professionals indicated light, space, air are obviously required but also that the encroaching bamboo’s root system must be controlled to allow for a “living fence” to thrive. Vice Chairman Sonenshine asked why a lawsuit was filed in 2003 by a Borough resident, Jesse Rosenblum (65 Knickerbocker Road); Mr. Izzard, though he did not represent his client at the time, believed the suit was brought because a deed restriction for the “living fence” was never recorded with the Bergen County Clerk’s Office and, thus, the court order required Ms. Grossman-Savitsky to do so by October 31, 2003, which she did. Vice Chairman Sonenshine asked if the 2003 suit was filed after the applicant’s 1st attempt at a “living fence” but before her 2nd; she said it was possible. Mr. Monaco asked if Mr. Heise received a zoning permit for his installed fence; she replied he did. Chairman Knee asked why a deed restriction was not recorded initially; the witness said she assumed her attorney at the time, David Watkins, Esq., had done so. Mr. Sinowitz asked if there were any attempts by the applicant to appease Mr. Heise subsequent to the 2003 lawsuit; she answered no. Ms. Grossman-Savitsky explained that only when her residence was in a demolished state did Mr. Benel issue a Stop Work Order and “freeze” the construction permit he had issued; she noted that she and her family had to endure living in an unfinished house for a long time due to unforeseen legal expenses. Vice Chairman Sonenshine said there was no proofs filed with the Board regarding a construction permit being issued, then rescinded; the witness explained that the Borough did not want to spend money on a lawsuit and so it rescinded her construction permit and forced her to seek variance relief rather than “stand behind” the permit it gave her originally. Ms. Smickley asked if she had any reason to believe the deed restriction could not be fulfilled at the time it was put into the 1991 Resolution; the applicant replied in the negative. Mr. Bianco asked both if the 2003 court order is still in effect and who has jurisdiction over its enforcement; Ms. Smickley answered that the order is based on and follows the Board’s 1991 decision and, therefore, said order would not prevent any change to the original condition by the Board now.

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

Richard Jones, 46 Route 23, Montague, New Jersey, said he was the son-in-law of Mr. Heise and asked when the initial plantings were done and if they were consistent with the Board’s decision; the witness replied rhododendrons, not evergreens as per the Board approval, were planted,

most likely, in 1992. Mr. Jones asked when evergreens were planted on-site; she responded an invoice from her landscaper for installation of 2 evergreens is dated December 11, 2006.

Jesse Rosenblum, 65 Knickerbocker Road, asked if 3 Lindemann Avenue's elevation is above or below that of 61 Taillon Terrace; she said she did not know. Mr. Rosenblum asked which way storm water flows on-site; the witness replied she did not know. Mr. Rosenblum asked if there is ponding on either hers or Mr. Heise's property; Ms. Grossman-Savitsky replied that she is only certain there is none on hers. Mr. Rosenblum asked if she uses a lawn maintenance service; the witness said aside from hiring a contractor this year for purposes of spring clean-up, her children usually mow the grass. Mr. Rosenblum asked if the witness knew what the Borough's side yard setback requirement was in 1937; she said she did not.

Outcome

Mr. Jones asked at what point in the proceedings would his father-in-law be able to present his witness, an arborist, to the Board; Ms. Smickley answered such could take place during the general comments portion, which follows the applicant's witness testimony and fielding of questions. The Board adjourned the case to the June 2, 2011 (Special) Hearing, conditioned upon the applicant paying the \$100.00 administrative fee for such.



Item #2

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

Applicant(s): Mrs. Kubitis Realty, LLC
Representation: 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.

Mark Madeo, Esq., 29 Legion Drive, Bergenfield, New Jersey, appearing on behalf of the absent David Watkins, Esq., 285 Closter Dock Road, Closter, New Jersey, introduced himself.

George Held, RA, 587 Getty Avenue, Clifton, New Jersey, was sworn in as Witness #1. He stated the original architectural drawings have been revised as per the Board's comments at the February 16, 2011 Hearing. Due to the lapse of time between appearances, the witness recapped Exhibit #A-1 (photographs depicting existing exterior conditions and proposed floor plans and elevations). Vice Chairman Sonenshine interjected saying that said exhibit has since been superseded by revisions; Mr. Held concurred. Exhibit #A-2, a 4-page set of architectural drawings prepared by the witness dated August 2, 2010 and last revised April 11, 2011, was presented. He said the proposed 1st floor would still have 4 retail spaces, an elevator lobby and a secondary stairway at the rear of the building; he noted the exhibit indicates both the elevator machine and fire sprinkler rooms. Mr. Held revealed that the 1,420 sf, 1-story, concrete block portion of the existing building, which was previously slated to house additional retail space, would now be

demolished and replaced with open space. In terms of the proposed 2nd floor, he said there are still to be 3 apartments but they have been reduced in size: 1.) Unit #1: 550 sf studio (previously 1,168 sf 2-bedroom); Unit #2: 811 sf 1-bedroom (previously 966 sf 2-bedroom); 3.) Unit #3: 654 sf 1-bedroom (previously 915 sf 1-bedroom); he said the floor plan has been made more compact via a reduction in apartment space by slightly over 1,000 sf. He noted the 2 existing apartments, 1 on each the 2nd and 3rd floors, would remain as is. The witness stated the floor plan still makes use of the exterior walls with the apartments facing the street view and benefiting from natural light and air. Mr. Held testified that the building's south elevation (facing Closter Dock Road) would remain, but the west elevation (facing Railroad Avenue) would be dramatically smaller due to the removal of the 1-story section. He said the north and east elevations would remain relatively the same except now the mansard roof is to be carried almost to the rear of the building to provide continuity despite the absence of the 1-story section. He stated the 2nd floor would now have 1 common laundry room rather than individual rooms in each unit; he noted such a change enables facility access for the 2 existing apartments. The witness said a common utility room has been added to compact the mechanical systems. Chairman Knee asked if the laundry facilities would be coin-operated; the witness said they probably would and that a combination lock would ensure their use is for tenants only. Chairman Knee asked for the number of machines; Mr. Held replied there would be 2 washing machines and 2 dryers. Vice Chairman Sonenshine said he assumed the building's size had been reduced to allow for off-street parking; Mr. Madeo replied he was correct. Vice Chairman Sonenshine asked if any apartment would be a Council on Affordable Housing (COAH)-obligated unit; Mr. Madeo said 1 would but which has not been determined. Vice Chairman Sonenshine asked if all of the units' bathrooms would be handicap-accessible; Mr. Held said they would be handicap-ready, meaning they could be out-fitted at any time. Mr. Bianco asked if the building would have fire suppression and hard-wired smoke detector systems; the witness said it would. Mr. Bianco asked how the entrances/exits would be secured for tenants' use only; the witness believed there would be electronic call boxes installed with speakers in each unit. Mr. Bianco asked how mail delivery would be handled; Mr. Held replied mailboxes would be set up in the proposed lobby, not the existing smaller 1. Mr. Bianco asked if fire separation would be installed between the commercial and residential units; the witness answered in the affirmative. Mr. Bianco asked how the building's service/facility maintenance would be handled; the witness deferred to the property owner, but assumed the management company currently on-site that handles maintenance would now have additional general housekeeping to do in the common areas. Mr. Bianco inquired about having several equipment closets rather than 1 large, common utility room so to deter from having other items (vacuums, snow tires, Christmas trees, etc.) stored within it; the witness understood his concern. Mr. Bianco asked if there was a way to reconstruct the wall, to be demolished on the north elevation, so to keep its structural integrity and allow for Unit #3 to be 750 sf to 800 sf rather its proposed 654 sf; the witness said he would revisit such. Mr. Bianco inquired about the building's exterior finishes; Mr. Held said the existing brick façade would be cleaned, the existing vinyl siding would be replaced by a mansard roof (fiberglass shingles with projected window wells and stucco highlights), along with composite trim and a stucco outline around the building. Mr. Hennessey asked if, by stucco, he meant Exterior Insulation and Finishing System (EIFS); the witness said it would not and that the base application would be a drainable, hard coat stucco system (to pick up certain features of the existing building) with AZEK being the predominant trim. Mr. Bianco asked it be noted on the architectural that all the existing storefronts on the 1st floor will be replaced, not repainted, and the bay window on the 2nd floor will be saved; Mr. Held agreed to do so. Mr. Bianco asked if the main entrance, a remainder of the building's prior use as a hotel, could be salvaged; the witness said he would see if such was possible. Mr. Held said the small amount of brick façade to be installed will be real, not face. Mr. Bianco asked if any of the existing fire escapes would be

removed; the witness replied they would not because they are needed for the 2nd and 3rd floors. Mr. Hennessey asked if cellular repeaters were going to be installed on the roof; the witness said not to his knowledge. Dr. West expressed concern that the laundry room had no counter space and asked what the swinging door behind the proposed dryers was for; Mr. Held responded it was for an old telephone equipment closet which will be removed. Dr. West asked if the room sizes for the utility (large) and laundry (small) spaces could be switched; the witness said he would reevaluate their layouts. Mr. Bianco asked if there will be a custodial closet; Mr. Held said 1 would probably be located in the utility room. Vice Chairman Sonenshine asked how the proposed small flat roof would be drained; the witness said there would be a slight pitch to the roof along with scuppers and downspouts. Dr. West asked if the air handlers could be installed in the ceiling rather than on the floor; the witness replied that usually in an apartment complex setting, vertical units, not horizontal, are utilized and, thus, the air handlers would go on the floor while the compressors will be on the roof. Mr. Bianco asked if the air handlers would be noisy; Mr. Held said they could and that is why they should go in a sound-insulated room. Mr. Bianco asked if the walls separating each unit would be of staggered stud construction; the witness said they would as well as be sound-insulated to prevent any continuity of vibration transmission. Mr. Crisafulli asked if the air handlers and hot water heaters would be electric-powered or gas-fired; the witness said they would most likely be gas-fired and, if so, venting (fresh air makeup) would be simple due to the flat roof. Dr. West asked if the air handlers could be placed in each of the apartments; Mr. Held said such a possibility would be looked at again. Mr. Bianco asked about access to the roof; the witness replied the existing access, via the fire escape, would remain. Vice Chairman Sonenshine felt such was not advisable and suggested a scuttle or ladder in the utility room be considered; the witness said he would revisit such.

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

Jesse Rosenblum, 65 Knickerbocker Road, asked about the location of an antenna for central television; the witness said the building would be wired for cable television. Mr. Rosenblum asked if the installation of a central vacuuming system and a tenant storage room was being considered; the witness stated neither was. Mr. Rosenblum asked if the proposed elevator would travel to the 3rd floor; Mr. Held replied it would reach the 2nd floor only.

Andrew Missey, PE, Lapatka Associates, Inc., 12 Route 17 North, Paramus, New Jersey, was sworn in as Witness #2. Exhibit #A-3, a colorized version of the pre-filed site plan by the witness' firm dated July 13, 2010 and last revised April 29, 2011, was presented. He testified that the demolition of the building's 1-story, garage-like section would permit on-site parking to be introduced. The witness reviewed the proposed and existing bulk items for District #3 (Business): 1.) lot size: 6,784 sf/6,784 sf existing (7,500 sf required); 2.) off-street parking: 4 spaces/0 spaces existing (32 spaces required); 3.) building coverage: 62%/82.3% existing (35% maximum allowed); 4.) impervious coverage: 85.5%/89% existing (80% maximum allowed); 5.) off-street parking front yard setback: 0'/0' existing (20' required); 6.) off-street parking side yard setback: 0'/0' existing (5' required); 7.) side yard setback: 0.20'/0' existing (6' required). He said the proposed flat roof and reduction in impervious coverage will result in less storm water runoff conditions; the witness explained the scuppers would be directed to the storm drain (manhole) that runs under the sidewalk along Railroad Avenue. He stated that, other than parking, no site plan elements (water, sewer, sight triangle, etc.) would be significantly altered with the proposal; he noted that an application would need to be filed with the Bergen County Utilities Authority for a sewer connection to the 3 additional apartments. Mr. Missey said 3 of the new parking spaces on-site would be 9'x20', with the 4th being barrier-free (handicap); he

said assignment to the spaces has not be determined as of yet. Referring to the Board Engineer's report dated May 13, 2011, he said Mr. Morris expressed concern about possible improvements straying onto the property of Consolidated Rail Corp. (CONRAIL); the witness believed there to be an existing understanding between the applicant and CONRAIL. The witness addressed the following items in Mr. Morris' letter: 1.) #11- applicant agrees to install concrete apron between proposed drop curb and parking spaces extending past refuse container; 2.) #12- being garage-like portion of building is to be demolished, method of storing construction material on-site is irrelevant; 3.) #13- applicant agrees to file Zero Increase In Storm Water Runoff application with Borough Engineer; 4.) #14- applicant agrees to having proposed roof drains connected to existing drainage system; 5.) #15- applicant feels that by re-striping 2 on-street parking spaces, only 1 would be lost due to proposed creation of head-in parking on-site; 6.) #17- applicant agrees to install 2, 14' high light posts near proposed parking area on-site; 7.) #18- applicant agrees to plant shrubbery and 1 shade tree in area that is now very non-descript. Secretary Freesman felt that the 4 new off-street parking spaces should be reserved for the residential tenants, and Dr. West reminded that while overnight parking is permitted in the Borough's municipal lots, it is not allowed in its streets. Mr. Bianco asked how many off-street parking spaces are required for the 5 apartments as per the Residential Site Improvement Standards (RSIS); the witness answered it is 6 to 7 spaces. Mr. Missey noted that if the Board approved the application as having provided for only 4 on-site parking spaces, the applicant would have to submit a letter saying the Board endorsed a de minimis exception from the RSIS requirement. Mr. Bianco reiterated that he wished to have the applicant get an agreement, in writing, with CONRAIL regarding use of its right-of-way for potential, additional parking; Mr. Madeo replied that his client would do so, but warned that such could "open up a can of worms" because having vehicles parked on its land would be very different from what takes place now (the applicant accesses his loading pads through the CONRAIL property). Mr. Bianco requested that the witness enlarge the site plan using a different scale and all empty space on the page; Mr. Madeo said such would be done. Mr. Bianco asked that the following items be indicated on the site plan: 1.) dimensions of setback facing CONRAIL line in relation to 2nd floor addition; 2.) proposed addition (elevator and stairway inclusive) rather than merely referring to architectural; Mr. Madeo agreed to such. Mr. Bianco asked if the proposed electrical service would be increased in power and installed overhead or underground, the latter of which is required by the Borough for new utilities; the witness said the existing service is overhead and Mr. Held said power would probably not need to be increased because the building's prior medical office use is more than adequate to handle 3 more apartments. However, he said the proposed elevator may require an increase. Mr. Missey said a riser pole could be necessary to transition from overhead to underground cables. Mr. Bianco asked if a water pressure test had been conducted to ensure both adequacy for the new fire sprinkler system and no need for a fire pump; the witness said he did not know but that United Water Co. could provide a flow test. Mr. Bianco stated that the Board has previously approved 9'x18' parking spaces and asked if more on-site spaces could be generated by way of tandem parking; the witness replied that tandem parking still would not make for more spaces because the dimension needed in the east-west direction of the building's north face could not be gained. Mr. Bianco asked if any compact car-type parking spaces could be installed; the witness said it was doubtful but that he would research such. Mr. Bianco asked that the refuse container be located closer to the building to thwart its use by those other than occupants; the witness said he would explore such. Mr. Bianco explained that the dumpster enclosure would, as per ordinance, need to be of the same material as the building it serves (consisting of masonry/split-faced block walls with metal gates on a concrete slab). Mr. Bianco asked that the 1-story portion be demolished at the onset of construction and the resulting open space be used for staging equipment and material; Mr. Madeo and Vice Chairman Sonenshine disagreed saying the contractors should determine how

they want to store items, especially if shelter is needed due to inclement weather, so long as Borough property is not used. Mr. Bianco asked if the new parking area in front would be in the following sequence: concrete curb, concrete apron, concrete sidewalk and macadam driveway; Mr. Missey confirmed it would. Vice Chairman Sonenshine asked that dimensions for the dumpster be given; he also said that he visited the site earlier in the day and noticed 3 to 4 vehicles parking on-site upon gravel and overlapping onto Borough's land. He asked the following be addressed: 1.) necessity of a van-accessible parking space, as indicated, rather than simply a handicap space; 2.) indication of utility connections (oil fills are shown on site plan even though such fuel type would not be supplied to proposed building) and changes in pipe size; 3.) revision to geometry of sidewalk near handicap curb ramp so that it works with clearances required by code; the witness agreed to do so. Vice Chairman Sonenshine asked if the existing concrete pad in proximity to the new parking area on-site would be removed; the witness said it would. Vice Chairman Sonenshine, saying it is the Board's duty to correct encroachment onto another's property, reiterated that an official agreement with CONRAIL should be reached; Mr. Madeo stated that to approach CONRAIL now to get permission for a long-standing condition runs the risk that it would no longer allow such, which would also affect those adjacent properties north and south of the subject site that partake in the same practice. Ms. Smickley suggested an easier way to handle the Board's concern is to state in any Resolution that if CONRAIL were to cease permission of its land's use by the applicant, the Board would have no liability; Mr. Madeo concurred. Vice Chairman Sonenshine asked how the matter of waiver fees to the Parking Authority, for a 23 space deficiency, would be handled being the requirement on-site is 32, 5 have been paid for by the applicant (based on its Planning Board approval in 2005 that was never implemented) and 4 are to be installed; Mr. Madeo deferred to Mr. Watkins on the issue. Mr. Sinowitz, a member of the Authority, advised that \$1,650.00 fee per space is only a recommended amount and the Board has the power to waive or negotiate; Mr. Bianco asked Ms. Smickley to prepare a legal opinion as to the Board's discretion in determining parking waiver fees. Vice Chairman Sonenshine said he witnessed significant ponding on-site near the existing 1-story section earlier in the day and asked that the grading be checked (potential need for a catch basin); Mr. Madeo agreed to such. Mr. Monaco asked that dimensions of the on-street parking spaces' hash marks be checked because he felt they do not reflect reality on the ground; he also asked if said measurements were based on the witness' own calculations or an existing survey; Mr. Missey said he used an existing survey and thought the hash marks may have been repainted since being surveyed. Mr. Bianco asked that the total number of on-street parking spaces contiguous to the subject property (corner lot) be provided.

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

Donald Schmidt, 134 Stonegate Trail, Cresskill, New Jersey said there was no site plan measurement given for Railroad Avenue, a 1-way street, and he expressed concern about both pedestrian and driver safety at its intersection with Closter Dock Road (sight triangle) due to the following: 1.) commercial trucks regularly "jump" the curb when traveling to Borough's industrial area; 2.) on-site parking being introduced would result in vehicles exiting onto narrow thoroughfare; Mr. Madeo said dimensions would be provided.

Jesse Rosenblum, 65 Knickerbocker Road, asked if the existing basement has a sump pump and, if so, where it discharges to; the witness replied he did not know of 1. Mr. Rosenblum asked if a design to have the building situated on piers (allowing for underneath parking) had been considered; the witness answered in the negative.

Outcome

The Board adjourned the case to the June 15, 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 11:13pm.