



Zoning Board of Adjustment

November 28, 2011

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

Prepared by:

Paul Demarest

Mr. Bianco called to order, at 8:40pm, a (Special) Hearing of the Zoning Board of Adjustment for the Borough of Closter, New Jersey, convening Monday, November 28, 2011 in the Borough's Senior Citizens' Center. 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
- Leonard Sinowitz- Zoning Officer
- Michael Kates, Esq.- Board Attorney
- Paul Demarest- Board Coordinator

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

- VACANT*- Chairperson
- Lorin Sonenshine, RA/PP- Vice Chairman
- Steven Freesman, Esq.- Secretary
- Theodore West, DDS
- Mark Crisafulli- Alternate #2
- Marie Hartwell- Alternate #4
- Arthur Dolson- Council Liaison
- Jeffrey Morris, PE- Board Engineer



Due to both the vacancy left by former Chairman Robert Knee, as well as the absences of Vice Chairman Sonenshine and Secretary Freesman, Mr. Bianco chaired the meeting.



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-2011-14
8 O'Shaughnessy Lane
(Block 2401/Lot 18)

Applicant(s): Norman & Mimi Ng
Representation: Andrew Podberezniak, RA

The applicants are seeking Bulk Variance Relief for the construction of 2 additions and the relocation of an existing solarium with respect to their residence as well as an addition to their detached garage.

Andrew Podberezniak, RA, 11 High Point Drive, Springfield, New Jersey, was sworn in as Witness #1. Exhibit #A-1, a site plan and architectural drawings prepared by the witness, pre-filed with the Board, dated April 20, 2011 and last revised November 9, 2011, was presented. The witness said an addition, comprising of a reconfigured kitchen/breakfast area and enlarged dining room, would be constructed where there is a currently a deck situated in the rear courtyard; he testified a 2nd addition is to be built off the existing exercise room, which would consist of a master bedroom suite/guest room having its own bathroom. He noted the laundry room and portions of the mechanical systems would be relocated. Mr. Podberezniak further stated that an existing solarium would be relocated, in its entirety, to allow for an enlargement of the existing master bedroom suite. The architect stated the proposal requires variances for building coverage (1.79% in excess of the 20% maximum allowance) and impervious coverage (9.22% in excess of the 30% maximum allowance). He pointed out the existing 2-car detached garage (having 1, 16' wide garage door) would be expanded into a 3-car with 3 separate garage doors; he explained, however, said portion of the project would not increase the impervious coverage because the expansion is to be built where there is presently a paved area. The witness noted the reason for the additions and substantial interior alterations is to better accommodate how the owners-in-fee and their extended family operate; he stated his clients regularly entertain guests, often from overseas for long periods of time. Mr. Bianco asked if there is an existing layout of the interior; Mr. Podberezniak explained the proposed floor plans (indicated as solid, black lines) are superimposed over what is existing (dotted lines). The witness testified that the existing master bedroom suite, which is to be reconfigured and gain a bathroom, is currently 12'x13', 4" and would enlarge to 26'x15', 3", including the relocated solarium which would continue to abut the renovated master bedroom suite. Mr. Bianco pointed out that said suite's proposed bathroom does not indicate there to be a bathtub. The witness said the exhibit would be corrected; he said an adjacent bedroom, having similar dimensions, will be furnished with a bathroom. He stated the kitchen/breakfast area will be enlarged to 23', 8"x13', 4"; he testified that the exercise room is 12', 11"x13', 4" and where there is now an outdoor *Jacuzzi*, would become a 19'x16', 6" master bedroom suite/guest room and bathroom. Mr. Podberezniak testified that the renovated dining room would be 28'x15' while the existing 15', 8"x24' living room and 19'x25' family room would remain as is. The architect further stated that the existing foyer would become grander and a powder room and guest closet would be created as would a pantry near the kitchen/breakfast area. Mr. Bianco stated the applicants have created their need for variance relief and asked if there are any suggestions on how to reduce the scale of the proposed room sizes. The witness reiterated that his clients require additional living space and pointed out that they employ a full-time housekeeper who resides in an existing guest room suite that has a separate entrance. Mr. Bianco asked for the number of guest room suites the renovated house will contain; the witness replied that 1 is existing and another will be created.

Amy Lau-Ng, 220 Mohegan Way, Fort Lee, New Jersey, was sworn in as Witness #2. She identified herself as the daughter-in-law of the applicants and noted that while her family of 6 do not reside at the subject property, they visit weekly especially following the recent birth of her twins. She explained her husband's brother has 2 children as well who visit regularly. The

witness revealed that her father-in-law welcomes extended visits from business associates and their families. Ms. Lau-Ng stated her father-in-law will be having his elderly mother, currently in China (Hong Kong), move permanently into the subject house, specifically the newly-created master bedroom suite/guest room. Mr. Kates asked how many kitchens would be in the renovated house; Mr. Podberezniak responded there is 1 kitchen as well as a kitchenette located in the housekeeper's living quarters. Ms. Lau-Ng informed that the housekeeper, who resides on-site 6 days per week and pays no rent, does not use the kitchenette but does utilize the suite's laundry area and bathroom. Mr. Bianco inquired about the need for an enlarged detached garage; the architect replied the applicants wish not to have their numerous automobiles exposed to harsh winter seasons. Mr. Bianco asked what approaches were explored to avoid the need for variance relief; Mr. Podberezniak stated the existing 1-story residence has had several expansions to it and the proposal would square off the existing structure rather than create a new wing to the footprint. Mr. Bianco asked for the maximum number of people that would be residing at the subject property during a given period of time; Ms. Lau-Ng answered the average would be 10 adults and 8 children. Mr. Bianco questioned where the guests would sleep if the renovated house is to have 4 bedrooms; she replied the adults would be coupled, the infants would be using cribs and the remaining children would take up a bedroom as well. The architect mentioned that constructing a 2nd story was decided against since a staircase would be a hindrance for the applicants. Mr. Bianco asked what percentage of the existing interior is being demolished/renovated; Mr. Podberezniak responded it to be 50%. Mr. Ouzoonian asked if the existing keystone and slate walls throughout the grounds were included in the impervious coverage calculations; the architect said they were, though they are not itemized on the site plan. Mr. Ouzoonian asked if the proposed 39.22% impervious coverage could be reduced; the architect believed an existing shed and a portion of some walkways could be eliminated. Mr. Kates informed that a variance runs with the land regardless of who is occupying the structure on it. Recognizing the oversized property was purchased by the applicants in 2000 for nearly \$1,000,000.00, he stated the project could, nevertheless, be confined better; Mr. Kates continued saying that it is not the personal circumstances of the current occupants which matters because a variance relates to any future occupants and their use of the property. Mr. Hennessey stated the proposal appeared to increase the impervious coverage by approximately 750 sf. Mr. Kates inquired about the distance between the subject house and the residence at 14 O'Shaughnessy Lane; the architect said the subject house has a 24.4' setback to its right-facing property line and estimated the 14 O'Shaughnessy Lane setback to be 20' to 25', noting there is a substantial drop in elevation from 8 O'Shaughnessy Lane to 14 O'Shaughnessy Lane. Mr. Kates also asked about the distance between the subject house and the left-facing residence at 587 Closter Dock Road; Mr. Podberezniak estimated the neighboring house to be 15' from the shared boundary line which has a 20' high hedge row and fencing running along it, the latter of which he does not know who has ownership. Based on the topographical map pre-filed with the Board, Mr. Hennessey estimated that both 587 Closter Dock Road and 599 Closter Dock Road are even further away from the subject house than is 14 O'Shaughnessy Lane. Mr. Kates asked about the logistics of relocating the solarium; the architect replied it would be disassembled being it is, in essence, a greenhouse with curved glass and put back together in its new location on a foundation. Mr. Kates asked if the relocated solarium could be situated where there is a pervious surface already existing; the architect notified that his clients want to have it remain a part of their renovated master bedroom suite. The Board agreed that, to avoid confusion, the labeling of the bedrooms should be more distinguishable, possibly using numbers; the architect agreed to correct the architectural drawings. Mr. Kates asked for the size of the solarium; Mr. Podberezniak answered it to be roughly 100 sf and its relocation would add approximately 0.33% to the proposed building coverage. Mr. Bianco took issue that the housekeeper's living quarters are as elaborate as the Ngs; the architect replied that the housekeeper's guest room

suite is isolated at 1 end of the structure due to the mechanical systems' location, resulting in the area being accessible via an exterior door only. Mr. Bianco believed the housekeeper's living quarters could be converted into an illegal, separate dwelling unit with ease. Mr. Kates questioned if there was a kitchenette existing in the residence when the applicants obtained title; Ms. Lau-Ng replied she did not know but revealed her brother-in-law resided in the housekeeper's living quarters while he attended college several years ago. Mr. Podberezniak felt his clients would be willing to remove the kitchenette to appease the Board. Dr. Shyong asked for the average age of the adult guests who would be frequenting the subject house; Ms. Lau-Ng estimated said age range would be 30's to 40's. Dr. Shyong suggested constructing a 2nd story addition for the more youthful guests to utilize and the elderly could retain use of the entire 1st floor; Ms. Lau-Ng reminded that a staircase would create a potential hazard to infants visiting the house. Mr. Bianco interjected, saying there are 2 proposed steps leading into the newly-created master bedroom suite/guest room as well as 4 existing steps leading into the living room. Mr. Kates reminded that hardship reasoning for seeking variance relief must be based on topographical/structural matters, not personal. Dr. Shyong inquired if the existing house could structurally withstand a 2nd story; the architect replied there is always a possibility for problems to arise in such a project. Mr. Ouzoonian reiterated his concern over the impervious coverage being requested, especially since it would increase the drainage towards lower-lying properties. Mr. Sinowitz informed that because the proposal would not increase the existing roof surface area by 1/3 or more, the filing of a Zero Increase in Storm Water Runoff application with the Borough Engineer is not mandatory; the architect stated such increase is approximately 20%. Mr. Monaco questioned if the subject house is equipped with a sump pump; Mr. Podberezniak answered it is not being the structure is built slab on-grade. Mr. Sinowitz pointed out that the detached garage (accessory building) cannot exceed 30% the area of the house (principal building); the architect informed said calculation is 16.87%. Mr. Bianco stated that the proposed fence extending in the front yard is 6', whereby a maximum of 4' is permitted; the architect stated such would be corrected. Mr. Hennessey pointed out a portion of curbing for the driveway (at its radius) appears to be encroaching onto 599 Closter Dock Road and Mr. Bianco stated the 2 driveway piers are located in the Borough's right-of-way; the architect replied both items are existing conditions.

Mr. Bianco opened the meeting to the public for both questioning of Witness #'s 1 and 2 as well as general comments. No one wished to be heard.

Outcome

Mr. Kates asked about the usage of the existing brick paver area adjacent to the detached garage; the architect replied it is a walkway, not part of the driveway. Mr. Hennessey asked if the grounds' numerous landscape/retaining walls are existing; Mr. Podberezniak informed they are as is the patio having a roof overhang. Mr. Monaco questioned how much the proposed impervious coverage could be reduced if several paved areas are eliminated and the proposed door sequence for the detached garage is adjusted; the witness did not believe such would reduce site's existing, non-conforming 36.22%. Mr. Bianco reiterated the proposed rooms are quite generous in size. Mr. Kates, referring to the key map on the site plan, inquired if there is an easement of some type running along shared property lines with 585 Closter Dock Road and 585(A) Closter Dock Road; Mr. Bianco revealed there is not but that such demarcations refer to flag lots and shared driveways. Mr. Bianco asked for the proposed ground floor area for the residence and detached garage; the architect replied them to be 4,777.5 sf and 806.5 sf

respectively. Dr. Shyong believed the proposed paved area going in the direction of detached garage's addition could be removed; Mr. Hennessey calculated the total reduction of impervious coverage proposed during the proceedings to be approximately 2%. Mr. Bianco felt the projection of the relocated solarium could be reduced from 6' to 3'. Mr. Bianco questioned the meaning of dotted lines in the foyer labeled as "131" and "140.5" on the floor plan; the architect stated they refer to a soffit/underside of the ceiling. Mr. Kates asked for the dimensions of the existing master bedroom suite without including the solarium; Mr. Podberezniak said it is 21'x15'. Mr. Bianco asked for the occupancy of the 2 smaller bedrooms in the northwest sections of the house; the architect replied they are both 13'x12' and could accommodate a husband and wife along with a child. Mr. Kates stated the renovated house would have 5 bedrooms; he also suggested the applicant consider providing for storm water management to alleviate the Board's concern about drainage due to excessive impervious coverage; he pointed out the applicants could justify the proposed impervious coverage increase if they could cure the existing overage. Dr. Shyong asked if recent storms have brought about flooding in the site's vicinity; Ms. Lau-Ng replied she was unaware of anything other than tree damage. The Board adjourned the application to the December 19, 2011 pending its receipt revisions addressing its concerns.



There being no further items to discuss, a motion to adjourn the meeting was made by Mr. Ouzoonian and seconded by Mr. Monaco. All members present voted in favor. The meeting adjourned at 9:55pm.