



# Zoning Board of Adjustment

April 24, 2012

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

Prepared by:

**Paul Demarest**

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◇ **OPENING REMARKS** (Commenced at 8:08pm) ◇

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◇ **PLEDGE OF ALLEGIANCE** ◇

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◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman  
Theodore West, DDS- Secretary  
Mitchell Monaco  
Antranig Ouzoonian, PE  
Andrew Shyong, DDS- Alternate #1  
Evan Elias- Alternate #2  
Joan Marks- Alternate #3  
John Galluccio, Esq.- Alternate #4  
Leonard Sinowitz- Zoning Officer  
Joel Ellis, Esq.- *in lieu of Michael Kates, Esq.- Board Attorney*  
Jeffrey Morris, PE- Board Engineer  
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman  
Thomas Hennessey  
Heena Dhorajia, EIT  
Arthur Dolson- Council Liaison

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◇ **MINUTES** ◇

Voting on the minutes for the February 29, 2012 (Special) Hearing was tabled to the May 16, 2012 Hearing due to a discrepancy between them and a pending Resolution regarding 17 Bogert Street (Case #Z-2011-02).

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◇ **OPEN TO THE PUBLIC** ◇

n/a;

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◇ **MEMORIALIZATION OF RESOLUTION(S)** ◇

A motion was made by Dr. West and seconded by Dr. Shyong, to memorialize the Resolution for 66 Taillon Terrace (Case #Z-2011-12). The motion passed (5-0):

**YES-** Marks/Shyong/Ouzoonian/West/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

Because the applicants had yet to file revisions with the Board, a vote to memorialize the Resolution for 17 Bogert Street (Case #Z-2011-02) was postponed to the April 18, 2012 Hearing; Mr. Bianco asked that Mr. Kates take measures to compel said applicants to comply with the Board's stipulations in order to avoid their case being dismissed without prejudice for lack of prosecution.

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**◇ MISCELLANEOUS ◇**

The Board discussed Ordinance #2012:1122, which, if adopted by the Governing Body, would tie the Leadership in Energy and Environmental Design (LEED) certification system to the Borough's Limiting Schedule with relation to green building elements. Mr. Ouzoonian questioned why the proposal involves only District #'s 1 and 2 (Residential Areas A and B) when commercial and industrial buildings use far more energy than residences; he believed there are other ways to provide incentives for green building. He further stated that the Board's powers would be hindered if the maximum allowance for building and impervious coverage is increased, and the Borough would have difficulty enforcing such regulations. He said the proposal does not address the involvement of accredited professionals and the referenced website is difficult to navigate through. Mr. Monaco believed the LEED certification system is still in its fancy and the degree of difficulty in obtaining LEED status is unknown. Mr. Bianco indicated the LEED program would soon be superceded by passive house design (building envelope technique). Dr. Shyong concurred, saying he would be more inclined to grant variance relief for an environmentally-friendly project, but by increasing the coverage limits, any benefit gained from such a design would be lost.

A motion was made by Ms. Marks and seconded by Dr. Shyong, to forward a letter prepared by Mr. Kates, outlining the Board's opposition to said proposal, to the Mayor and Council. The motion passed (7-0):

**YES-** Marks/Elias/Shyong/Ouzoonian/Monaco/West/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Dr. Shyong and seconded by Mr. Monaco, instructing Mr. Kates to draft a letter to the Mayor and Council objecting to the passage of Ordinance #2012:1123, which would increase, by 0.50%, the maximum allowance for building and impervious coverage with respect to historic landmarks located in District #'s 1 and 2 (Residential Areas A and B). The motion passed (7-0):

**YES-** Galluccio/Marks/Shyong/Ouzoonian/Monaco/West/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

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**◇ CASELOAD ◇**

<p><b>Case #Z-2012-04</b> <b>Joong Kim</b> <b>1 Ruckman Road</b> <b>(Block 1306/Lots 1 &amp; 2)</b> <b>District #5- Industrial</b></p>
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### Case History

The applicant is seeking a 2<sup>nd</sup> Amendment Approval to a prior Board decision (Case #Z-2007-11), which granted Use Variance and Site Plan Approvals, for the following: 1.) forgo construction of an addition to the existing office building/warehouse at the subject property (rehabilitation on a lesser scale would take place); 2.) allow for professional office and medical uses at the subject property; **NOTE:** the initial Amendment Approval (Case #Z-2010-10) sanctioned the completed building to have an office use exclusively rather than a dual use as a warehouse; the application was received February 13, 2012 and scheduled for the March 28, 2012 Work Session, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the April 24, 2012 (Special) Hearing.

### Representation

1.) David Watkins, Esq., 285 Closter Dock Road, Closter, New Jersey;

### Witnesses

#1: Thomas Skrable, PE, 65 Ramapo Valley Road- Suite 13, Mahwah, New Jersey;

### Exhibits

n/a;

### Relief Sought

- 1.) Bulk Variance: front yard setback (Ruckman Road- 50' required/20.11' provided and Endres Street- 50' required/34.48' provided) <HERBERT AVENUE WILL COMPLY>;
- 2.) Bulk Variance: impervious coverage (75% maximum allowed/78.46% provided);
- 3.) Design Waiver: parking space (if 2 tenant spaces are medical use and 2 are office use- 82 spaces required and if all 4 tenant spaces are medical use- 122 spaces required/42 spaces provided);
- 4.) Site Plan Review: landscaping (25% green space required/21.54% provided);
- 5.) Site Plan Review: drainage (existing underground sanitary sewer and storm drain systems to remain with minor adjustments to pipe sizing as per Mr. Morris);

### Response to Prior Board and/or Subcommittee Requests

- 1.) applicant confirmed it would comply with all items detailed in review letter prepared by Mr. Morris dated March 14, 2012;

### New Board Requests

- 1.) provide 4,000 psi, not 3,500 psi, for concrete sidewalks/walkways to prevent flaking;
- 2.) provide correction to sidewalk detail regarding dummy joints (1 every 5') and expansion joints (1 every 10');
- 3.) provide 3' to 4' wide gate (for daily use) on side of refuse enclosure (separate from front gate used exclusively for garbage pick-up);
- 4.) provide realigned concrete layout nearby refuse enclosure to maneuver dumpster without utilizing parking space #25 (proposed tree in vicinity is to be relocated elsewhere on-site);
- 5.) provide additional landscaping to area abutting parking space #17;
- 6.) confirm light poles will be green to match those in downtown area;

- 7.) return "no parking" ground signs to sides of both Endres Street and Ruckman Road closest to site;
- 8.) provide for all utilities to be underground;
- 9.) confirm that fire department Siamese connection will be located at southeastern corner of building facing Ruckman Road;

Public Comments

n/a;

Public Questions

n/a;

Decision

A motion was made by Mr. Ouzoonian and seconded by Ms. Marks, to approve the application.

The motion passed (7-0-0):

**YES-** Marks/Elias/Shyong/Ouzoonian/Monaco/West/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

Conditions

- 1.) no more than 2 of 4 tenant spaces to have medical use;
- 2.) heating, ventilation and air conditioning equipment to be located on ground rather than roof;
- 3.) refuse enclosure to have 5' height and be located at least 10' from building;
- 4.) provide correct street address on site plan (1 Ruckman Road);
- 5.) all prior Board approvals and stipulations remain in effect (other than amended requests for front yard setback, impervious coverage and landscaping);
- 6.) submission of (6) revised copies of site plan incorporating Board's requests prior to memorialization of Resolution at May 16, 2012 Hearing;

Mr. Monaco noted the subject construction site is not secured and revealed that, during a site visit earlier in the evening, he saw that neither the elevator shaft nor the 2<sup>nd</sup> floor balcony are blocked off; he reported that tools are strewn about. Chairman Bianco and Mr. Ouzoonian informed that the applicant should retain a structural engineer to inspect the building's beams, columns, trusses, etc. since many are not welded, but rather held together by mere friction.

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**◇ ADJOURNMENT OF HEARING ◇**

The Board determined it was unnecessary for Mr. Demarest to contact its members via phone on a hearing date to confirm attendance.

The Board reiterated its wish for Resolutions to be emailed by Mr. Kates to the Board at least 5 days prior to the intended date of memorialization.

A motion was made by Dr. West and seconded by Mr. Monaco, to adjourn the meeting at 9:44pm. The motion passed by acclamation.

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