



Zoning Board of Adjustment

February 29, 2012

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

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:04pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Mitchell Monaco
Antranig Ouzoonian, PE
Thomas Hennessey
Heena Dhorajia, EIT
Andrew Shyong, DDS- Alternate #1
Evan Elias- Alternate #2
Joan Marks- Alternate #3
Arthur Dolson- Council Liaison
Leonard Sinowitz- Zoning Officer
Matthew Earle, Esq.- *in lieu of Michael Kates, Esq.- Board Attorney*
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman
Theodore West, DDS- Secretary
John Galluccio, Esq.- Alternate #4
Jeffrey Morris, PE- Board Engineer

◇ **OPEN TO THE PUBLIC** ◇

n/a;

◇ **CASELOAD** ◇

<p>Case #Z-2012-02 Lowell & Michelle Mandelblatt 42 Mc Cain Court (Block 2102/Lot 37.02) District #1- Residential Area A</p>

Case History

The applicants are seeking Bulk Variance Relief for the installation of an in-ground swimming pool (spa inclusive), patio (on-grade) and landscape wall at the subject property; the application was received January 19, 2012 and scheduled for the January 25, 2012 Work Session, at which time, it was perfected; due to the Board's heavy caseload, the applicants were granted, pending

the Board's receipt of requested items and public noticing requirements, an appearance at the February 29, 2012 (Special) Hearing.

Representation

- 1.) Lowell & Michelle Mandelblatt, 42 Mc Cain Court, Closter, New Jersey;

Witnesses

- #1: Lowell Mandelblatt, 42 Mc Cain Court, Closter, New Jersey;
- #2: Michelle Mandelblatt, 42 Mc Cain Court, Closter, New Jersey;
- #3: Mark Lupardi, Lupardi's Nursery, Inc., 75 Blanch Avenue, Closter, New Jersey;

Exhibits

- A-1: survey prepared by Jeffrey Canfora, PLS dated May 3, 2002;
- A-2: project layout prepared by Witness #3, dated December 29, 2011 and consisting of Exhibit #A-1 having superimposition of proposal;
- A-3: addendum consisting of impervious coverage calculations prepared by Witness #3 and dated January 3, 2012;
- A-4: drainage report prepared by Michael Hubschman, PE dated January 17, 2012 and last revised February 24, 2012;

Relief Sought

- 1.) Bulk Variance: impervious coverage (30% maximum allowance/38.93% provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant addressed all items requested at January 25, 2012 Work Session;

New Board Requests

- 1.) provide clarity as to type of 2' high wall on-site (landscape or retaining);

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Mr. Hennessey and seconded by Mr. Monaco, to approve the application.

The motion passed (7-0-0):

YES- Elias/Shyong/Dhorajia/Hennessey/Ouzoonian/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) 2' high wall, if deemed to be retaining, must be setback from property lines at least 2';
- 2.) compliance of improvements outlined in Exhibit #A-4;
- 3.) submission of revised site plan incorporating Board's requests prior to memorialization of Resolution;

**Case #Z-2011-02
Robert & Dolores Witko
17 Bogert Street
(Block 1710/Lot 7)
District #2- Residential Area B**

Case History

The applicants are seeking Bulk Variance Relief for an as-built parking area, which is separate from the driveway and located in the front yard of the subject property; NOTE: the application stems from action taken by the Code Enforcement Bureau, which ascertained a prior Board decision (Case #Z-1999-25) denying Bulk Variance Relief for a similar parking area at the subject property, was not adhered to; the application was received January 13, 2011 and scheduled for the February 23, 2011 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 7, 2011 (Special) Hearing; due to a scheduling conflict with the applicants' attorney, the case was postponed to the May 18, 2011 Hearing; due to a scheduling conflict with the applicants, the case was postponed to the June 15, 2011 Hearing; due to the Board's heavy caseload, the application was postponed to the July 20, 2011 Hearing; being the applicants both did not file requested items by the deadline or fulfill public noticing requirements, the application was postponed to the August 17, 2011 Hearing; the applicants and their engineer completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the September 21, 2011 Hearing; being the applicants did not file requested items by the deadline, the case was postponed to the November 22, 2011 Hearing and, again, to the December 19, 2011 Hearing; in order to avoid having the Board dismiss their case without prejudice for failure to prosecute, the applicants were required to file requested items and proceed with their case at the January 18, 2012 Hearing; due to the Board's heavy caseload, the applicants were granted an appearance at the February 29, 2012 (Special) Hearing.

Representation

- 1.) Richard Abrahamsen, Esq., Sekas & Abrahamsen, LLC, 530 Sylvan Avenue- Suite 201, Englewood Cliffs, New Jersey;

Witnesses

- #1: Dolores Witko, 17 Bogert Street, Closter, New Jersey;

Exhibits

- A-4: survey (originally prepared by Frank Oleri, PLS) dated March 24, 2011 and last revised (upgraded to site plan) February 27, 2012 by George Johns, RA (retained by applicants due to their surveyor falling ill);

Relief Sought

- 1.) Bulk Variance: front yard parking- District #'s 1 and 2 (prohibited/existing) <WITHDRAWN>;
- 2.) Bulk Variance: impervious coverage (30% maximum allowance/71.74% provided) <NOT CONSIDERED BY BOARD>;

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Mr. Monaco and seconded by Dr. Shyong, to approve the application (only to the extent relating to the proposed cure for post-1999 increases in impervious coverage both on-site and in the Borough's right-of-way). The motion passed (5-0-0):

YES- Shyong/Hennessey/Ouzoonian/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) illegal condition of Borough's right-of-way in front of site to be abated so that new full curb, curb cut (for driveway access) and sidewalk meet municipal standards for property frontage as well as give continuity to Bogert Street towards cul de sac;
- 2.) man-made obstructions (brick pavers, retaining wall, etc.) to be removed from Borough's right-of-way as depicted in Exhibit #A-4;
- 3.) brick pavers on-site in front of main house to be replaced with natural living material (grass, shrubs, trees, etc.) so to reduce impervious coverage from 71.74% to amount at time of 1999 Board denial (66.46%);
- 4.) submission of revised site plan incorporating Board's requests within 30 days of Resolution being memorialized to avoid prosecution from Code Enforcement Bureau for encroachment into Borough's right-of-way;
- 5.) all conditions to be completed within 90 days of Resolution being memorialized to avoid prosecution from Code Enforcement Bureau for encroachment into Borough's right-of-way;

◇ ADJOURNMENT OF HEARING ◇

The Board reiterated the need for design professionals, who have prepared documents for an applicant's presentation, to be present when the case is heard to provide testimony, noting that the applications for 34 Laurence Court (Case #Z-2011-20) and 66 Taillon Terrace (Case #Z-2011-12) were postponed earlier in the evening due to the engineers' absence. It announced said cases would be granted an appearance at the March 27, 2012 (Special) Hearing.

A motion was made by Dr. Shyong and seconded by Ms. Marks, to adjourn the meeting at 10:21pm. The motion passed by acclamation.
