



Zoning Board of Adjustment

January 18, 2012

Reorganization & *Hearing* (Minutes)

Prepared by:

Paul Demarest

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

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **2012 REORGANIZATION** ◇

Oaths of Office

Full Member (4-Year Term Expires December 31, 2015): Thomas Hennessey
Elevated- Replacing Robert Knee

Full Member (4-Year Term Expires December 31, 2015): Heena Dhorajia, EIT
Appointed- Replacing Lorin Sonenshine, RA/PP

Alternate #1 (2-Year Term Expires December 31, 2012): Andrew Shyong, DDS
Elevated- Replacing Thomas Hennessey

Alternate #2 (2-Year Term Expires December 31, 2013): Evan Elias
Appointed- Replacing Mark Crisafulli

Alternate #3 (2-Year Term Expires December 31, 2012): Joan Marks
Appointed- Replacing Andrew Shyong, DDS

Alternate #4 (2-Year Term Expires December 31, 2013): John Galluccio, Esq.
Appointed- Replacing Marie Hartwell

Council Liaison (1-Year Term Expires December 31, 2012): Arthur Dolson

Election of Officers

Dr. West nominated Mr. Bianco as Chairperson of the Board; there were no other nominations.

The nomination was approved (6-0-1):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco/West/Freesman;

NO- n/a;

ABSTAIN- Bianco;

Dr. West nominated Mr. Freesman as Vice Chairperson of the Board; there were no other nominations. The nomination was approved (6-0-1):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco/West/Bianco;

NO- n/a;

ABSTAIN- Freesman;

Dr. West nominated Mr. Ouzoonian as Secretary of the Board; Mr. Ouzoonian denied said nomination and, in turn, nominated Dr. West. There were no other nominations. The nomination was approved (6-0-1):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco/Freesman/Bianco;

NO- n/a;

ABSTAIN- West;

Professional Services

A motion was made by Vice Chairman Freesman and seconded by Secretary West, to nominate the law firm, Kates, Nussman, Rapone, Ellis and Farhi, LLP, (represented by Michael Kates, Esq.) as Attorney for the Board. The motion passed (7-0-0):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco/West/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

A motion was made by Mr. Ouzoonian and seconded by Secretary West, to nominate the engineering firm, Boswell Engineering, Inc., (represented by Jeffrey Morris, PE) as Engineer for the Board. All eligible members voted in favor. The motion passed (7-0-0):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco/West/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

Adoption of Calendar

The Board previously approved its 2012 schedule of meeting dates and deadlines at the December 19, 2011 Hearing.

Adoption of Fee Schedule

A motion was made by Secretary West and seconded by Mr. Hennessey, to approve the Board's 2012 application fee schedule. The motion passed (7-0-0):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco/West/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

Adoption of Escrow Deposit Schedule

A motion was made by Secretary West and seconded by Dr. Shyong, to approve the Board's 2012 legal and engineering escrow deposit schedule. The motion passed (7-0-0):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco/West/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

Adoption of Official Newspaper Designations

A motion was made by Secretary West and seconded by Dr. Shyong, to approve *The Record* and *The Star-Ledger* as its 2012 official newspapers for public noticing. The motion passed (7-0-0):

YES- Dhorajia/ Hennessey/ Ouzoonian/ Monaco/ West/ Freesman/ Bianco;

NO- n/a;

ABSTAIN- n/a;

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman

Steven Freesman, Esq.- Vice Chairman

Theodore West, DDS- Secretary

Mitchell Monaco

Antranig Ouzoonian, PE

Thomas Hennessey

Heena Dhorajia, EIT
Andrew Shyong, DDS- Alternate #1
Evan Elias- Alternate #2
Joan Marks- Alternate #3
John Galluccio, Esq.- Alternate #4
Arthur Dolson- Council Liaison
Leonard Sinowitz- Zoning Officer
Michael Kates, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

n/a;

◇ **PLAQUE PRESENTATION** ◇

Chairman Bianco presented his predecessor, Robert Knee, with a plaque for dedicated service to the Board.

◇ **CORRESPONDENCE** ◇

Secretary West read mail received by the Land Use Department into the record. The Board discussed a recent Planning Board ordinance proposal submitted to the Governing Body which would tie the Leadership in Energy and Environmental Design (LEED) certification program to the Borough's Limiting Schedule with relation to green building elements; the Board reserved its opinion until if/when it is asked by the Mayor and Council to comment on the proposal.

◇ **MINUTES** ◇

A motion was made by Mr. Ouzoonian and seconded by Dr. Shyong, to approve the minutes for the November 22, 2011 Hearing. The motion passed (6-0-0):

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Dr. Shyong and seconded by Mr. Ouzoonian, to approve the minutes for the November 28, 2011 (Special) Hearing. The motion passed (5-0-0).

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Dr. Shyong and seconded by Mr. Monaco, to approve the minutes for the December 19, 2011 Hearing. The motion passed (5-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

◆ **OPEN TO THE PUBLIC** ◆

- 1.) John Kilduff, 180 Herbert Avenue, Closter, New Jersey: He expressed frustration over the on-going litigation and his perceived disregard by the owner-in-fee of 63 John Street to adhere to a previously-denied Board application (Case #Z-2009-14) involving the operation of an existing contractor's yard in District #1/Residential Area A.
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◆ **MEMORIALIZATION OF RESOLUTION(S)** ◆

A motion was made by Mr. Hennessey and seconded by Mr. Monaco, to memorialize the resolution for 8 O'Shaughnessy Lane (Case #Z-2011-14) contingent upon the inclusion of a deadline in which the Board's stated conditions must be met. The motion passed (5-0-0):
YES- Shyong/Hennessey/Ouzoonian/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;

◆ **CASELOAD** ◆

<p>Case #Z-2011-19 Riken & Jheel Sanghvi 94 Alpine Drive (Block 2206/Lot 8) District #1- Residential Area A</p>
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Case History

The applicants are seeking Bulk Variance Relief for an as-built patio (raised) and 2 walkways at their residence; the application was received November 21, 2011 and scheduled for the November 28, 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 January 18, 2012 Hearing.

Representation

- 1.) Riken & Jheel Sanghvi, 94 Alpine Drive, Closter, New Jersey;

Witnesses

- #1: Riken Sanghvi, 94 Alpine Drive, Closter, New Jersey;
- #2: Jheel Sanghvi, 94 Alpine Drive, Closter, New Jersey;

Exhibits

n/a;

Relief Sought

- 1.) Bulk Variance: impervious coverage (30% maximum allowance/38.05% provided);

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. Hennessey and seconded by Chairman Bianco, to approve the application. The motion passed (7-0-0):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco/West/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) reduction of existing/proposed impervious coverage to 34.7% via conversion of existing gravel area and “dog run” in side/rear yards to grass;
- 2.) installation of guardrail around perimeter of raised patio;

**Case #Z-2010-16
 Lawrence Berler
 3-5 Harvey Street
 (Block 801/Lot 18)
 District #2- Residential Area B**

Case History

The applicant is appealing the determination of the Zoning Officer as to the legality of the continuation of a 2-family use at the subject property; in the alternative, he would seek a Use Variance; the application was received December 29, 2010 and scheduled for the February 23, 2011 Work Session; since neither the applicant nor counsel were in attendance, the Subcommittee rescheduled the case for the April 27, 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 June 15, 2011 Hearing; due to the Board’s heavy caseload, the application was postponed to the July 20, 2011 Hearing, August 17, 2011 Hearing and, again, to the September 21, 2011 Hearing; due to a scheduling conflict with the applicant’s attorney, the case was postponed to the November 22, 2011 Hearing; the applicant completed initial testimony and the case was adjourned, pending the Board’s receipt of requested items, to the December 19, 2011 Hearing; due to a scheduling conflict with the applicant’s engineer, the case was postponed to the January 18, 2012 Hearing.

Representation

- 1.) Michael Goodman, Esq., Goodman & Leopold, LLC, 3 University Plaza- Suite 350, Hackensack, New Jersey;

Witnesses

- #1: Michael Hubschman, PE, Hubschman Engineering, PA, 263A, South Washington Avenue, Bergenfield, New Jersey;

- #2: Anthony Gorga, 315 Closter Dock Road, Closter, New Jersey;
- #3: Leonard Sinowitz, Zoning Officer, 50 Olive Street, Closter, New Jersey;
- #4: Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey (OBJECTOR);

Exhibits

- A-9: series of photographs (labeled "P1" to "P12") prepared by Witness #1 and dated December 1, 2011;
- A-10: colorized version of pre-filed site plan prepared by Witness #1, dated November 8, 2011 and last revised December 6, 2011;
- BD-3: letter prepared by Planning Board Secretary dated December 22, 1955 indicating Minor Subdivision Approval on September 29, 1055 of parcel which included subject property;
- BD-4: subdivision map prepared by Hobelman, Argenti & Kuhn Co. (individual uncredited) dated August 1955;
- BD-5: minutes of Planning Board's October 5, 1955 Hearing;
- O-1: survey of parcel which included subject property prepared by Frank Campbell, PLS dated 1910;
- O-2: Borough Tax Map dated 1937 and last revised 1985;
- O-3: series of tax listings and deeds (labeled "P-1" to "P-7") relating to subject property;

Relief Sought

- 1.) Appeal of Zoning Officer Determination: pre-existing/non-conforming status for 2-family use;
- 2.) Use Variance (if Appeal is denied): 2-family use (subject building and property were developed after December 19, 1940 and do not meet all current bulk requirements);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant confirmed there are no references to subject property in collection of *Sanborn Maps* on file with Bergen County Department of Planning & Economic Development;
- 2.) applicant confirmed subject property has 1, not 2, sewer connections based on triangulation maps on file with Borough's Department of Public Works;
- 3.) applicant provided separate gas bills from Public Service Enterprise Group for each dwelling unit at 3-5 Harvey Street;
- 4.) applicant provided higher-quality photographs depicting interior layouts;

New Board Requests

n/a;

Public Questions

- 1.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;

Public Comments

- 1.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;

Decision

A motion was made by Secretary West and seconded by Dr. Shyong, to approve the Appeal of the Zoning Officer's determination, thereby, negating a request for a Use Variance. The motion passed (6-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Conditions

n/a;

◇ CLOSED SESSION ◇

A motion was made by Secretary West and seconded by Mr. Hennessey, to have the Board go into closed session at 11:10pm. The motion passed (7-0-0):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco/West/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

NOTE: Due to the topic of discussion, the minutes of this closed session will be released upon the resolution of pending litigation.

Chairman Bianco reopened the hearing to the public at 11:34pm.

◇ ADJOURNMENT OF HEARING ◇

A motion was made by Secretary West and seconded by Vice Chairman Freesman, to adjourn the meeting at 11:35pm. The motion passed by acclamation.
