



Zoning Board of Adjustment

June 27, 2012

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

Prepared by:

Paul Demarest

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

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Theodore West, DDS- Secretary
Mitchell Monaco
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
Matthew Earle, Esq.- *in lieu of Michael Kates, Esq.- Board Attorney*
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman
Antranig Ouzoonian, PE

◇ **OPEN TO THE PUBLIC** ◇

n/a;

◇ **CASELOAD** ◇

Case #Z-2012-01
Aurora Baquiran
318 Harrington Avenue
(Block 1312/Lot 10)
District #3- Business

Case History

The applicant is appealing the determination of the Zoning Officer as to the legality of the continuation of the following uses for the 3 detached buildings at the subject property: 1.) 3-family use (front building on-site); 2.) 2-family use (middle building on-site); 3.) 1-family use

(rear building on-site); in the alternative, she would seek a Use Variance; the application was received January 4, 2012 and scheduled for the January 25, 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 March 21, 2012 Hearing; being the applicant did not fulfill public noticing requirements, the case was postponed to the April 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Hearing; due to the Board's heavy caseload, the applicant was granted an appearance at the May 30, 2012 (Special) Hearing; due to a scheduling conflict with the applicant's attorney, she was granted an appearance at the June 27, 2012 (Special) Hearing.

Representation

- 1.) Mark Madaio, Esq., 29 Legion Place, Bergenfield, New Jersey- *in lieu of David Watkins, Esq., 285 Closter Dock Road, Closter, New Jersey;*

Witnesses

- #1: Matthew Neuls, PE, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey;

Exhibits

- A-1: deed dated October 1, 1985 conveying ownership from Phillip and Kriemhilde Vaz to Lestrino and Aurora Baquiran;
- A-2: survey prepared by Frank Koestner, PLS, dated May 5, 1972;
- A-3: inspection report prepared by New Jersey Department of Community Affairs (Bureau of Housing Inspection) and dated September 8, 2003;
- A-4: pre-filed site plan/floor plan prepared by Witness #1's firm, dated September 20, 2011 and last revised February 17, 2012;
- O-1: memo detailing prior Zoning Board of Adjustment application, prepared by Secretary Mary Starr and dated November 16, 1954;
- O-2: addendum to prior Zoning Board of Adjustment application, prepared by prior property owner, John Carpenter, and dated April 15, 1947;
- O-3: public notification to property owners within 200' radius of 318 Harrington Avenue for prior Zoning Board of Adjustment application, prepared by prior property owner, John Carpenter, and dated May 20, 1947;
- O-4: transmittal of Resolution memorialized by Mayor and Council, prepared by Borough Clerk Carol Wilson and dated July 1, 1947;

Relief Sought

- 1.) Appeal of Zoning Officer Determination: pre-existing/non-conforming status for 6 dwelling units;
- 2.) Use Variance: 6 dwelling units (front, middle and rear buildings do not meet all current bulk requirements and middle building was constructed after December 19, 1940; dwelling units are not permitted on 1st floor of buildings in District #3/Business;
- 3.) Bulk Variance: floor area- 2-story dwelling unit <rear building> (1,200 sf required/1,026 sf provided);
- 4.) Bulk Variance: rear yard setback <rear building> (50' required if considered principal building and 3' required if considered accessory building/4.60' provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

- 1.) provide inspection report(s) and Certificate(s) of Registration issued subsequent to Exhibit #A-3 by New Jersey Department of Community Affairs (Bureau of Housing Inspection);
- 2.) provide both *Sanborn Maps* and tax records on file with Bergen County Department of Planning & Economic Development and Board of Taxation, respectively, to give historical perspective on how/when uses originated on-site (with emphasis on rear building given its resemblance to barn/detached garage);
- 3.) provide reason for 8 gas meters on-site;
- 4.) provide both square footage and ceiling heights of all tenant spaces;
- 5.) provide window locations of all tenant spaces;
- 6.) provide response as to how abatement of current Fire Prevention Bureau violations and Building Department-required fire suppression system (for front building only) will be implemented;
- 7.) provide clarity on use/layout of pavilion on-site;
- 8.) provide applicant and tenants' availability to coordinate site visit by no more than 3 Board members (preventing quorum);
- 9.) provide \$100.00 payment of appearance fee for upcoming (Special) Hearing;

Public Questions

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

Public Comments

n/a;

Decision

The case was adjourned to the July 25, 2012 (Special) Hearing.

◇MEMORIALIZATION OF RESOLUTION(S)◇

A motion was made by Secretary West and seconded by Dr. Shyong, to memorialize the resolution for Case #Z-2012-04 (1 Ruckman Road/Kim). The motion passed (6-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Mr. Earle informed that the Resolution for Case #Z-2010-15 (24 Naugle Street/Hansen) would be prepared in time for the July 18, 2012 Hearing.

◇CLOSED SESSION◇

A motion was made by Dr. Shyong and seconded by Ms. Dhorajia, to have the Board go into closed session at 9:25pm. The motion passed (7-0-0):

YES- Elias/Shyong/Dhorajia/Hennessey/Monaco/West/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 said matter.

Chairman Bianco reopened the hearing to the public at 9:35pm.

◇ADJOURNMENT OF HEARING◇

A motion was made by Dr. Shyong and seconded by Mr. Elias, to adjourn the meeting at 9:36pm. The motion passed by acclamation.
