



Zoning Board of Adjustment

March 27, 2012

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

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:03pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Steven Freesman, Esq.- Vice Chairman
Theodore West, DDS- Secretary
Antranig Ouzoonian, PE
Thomas Hennessey
Andrew Shyong, DDS- Alternate #1
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

Mitchell Monaco
Heena Dhorajia, EIT
Evan Elias- Alternate #2
John Galluccio, Esq.- Alternate #4
Jeffrey Morris, PE- Board Engineer

◇ **MINUTES** ◇

Voting on the minutes for the January 18, 2012 Reorganization/Hearing, January 25, 2012 (Special) Hearing, February 15, 2012 Hearing, February 22, 2012 (Special) Hearing and February 29, 2012 (Special) Hearing was tabled to the April 18, 2012 Hearing to allow for absent Board members to consider Mr. Demarest's new format. While Mr. Ouzoonian expressed concern about the noticeably-less detail of the pending minutes, most of the Board members present found them to be more concise and reader-friendly; they also felt a summary of proceedings was sufficient, especially after Mr. Earle advised that the digital recording of a meeting, not minutes, is the controlling factor both in allowing a absent Board member to be eligible to vote on a case and in the event of an appeal.

◇ **OPEN TO THE PUBLIC** ◇

n/a;

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

Since the applicants had yet to file revisions with the Board, votes to memorialize the Resolutions for 17 Bogert Street (Case #Z-2011-02) and 42 Mc Cain Court (Case #Z-2012-02) were postponed to the April 18, 2012 Hearing.

◇ **CASELOAD** ◇

<p>Case #Z-2011-20 Gilad & Sima Evar 34 Laurence Court (Block 2302/Lot 54) District #1- Residential Area A</p>

Case History

The applicants are seeking Bulk Variance Relief for the installation of an in-ground swimming pool, patio (on-grade), rear steps and landscape wall at the subject property; the application was received December 14, 2011 and scheduled for the December 28, 2011 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; due to the absence of the applicants' engineer, the case was postponed to the March 27, 2012 (Special) Hearing.

Representation

- 1.) Mark Werner, Caribbean Blue Pools & Spas, Inc., 142 Main Street, Bloomingdale, New Jersey (ABSENT);

Witnesses

- #1: David Egarian, PE, DJ Egarian & Associates, Inc., 2 Sylvan Way- Suite 303, Parsippany, New Jersey;
- #2: Gilad Evar, 34 Laurence Court, Closter, New Jersey;
- #3: Joseph Bianco, RA/PP, 7 Mac Arthur Avenue, Closter, New Jersey;

Exhibits

- A-1: pre-filed site plan prepared by Witness #1, dated January 27, 2011 and last revised March 6, 2012;
- A-2: enlarged version of Exhibit #A-1;

Relief Sought

- 1.) Bulk Variance: building coverage (20% required/21% provided);
- 2.) Bulk Variance: impervious coverage (30% maximum allowance/38.90% 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 Dr. Shyong, to approve the application.

The motion passed (6-1-0):

YES- Marks/Shyong/Hennessey/West/Freesman/Bianco;

NO- Ouzoonian;

ABSTAIN- n/a;

Conditions

- 1.) provide reduction of pool’s linear dimensions from 18’x36’ to 16’x30;
- 2.) provide detail on *StormTech* subsurface storm water management system (to ensure adequate drainage around perimeter of pool);
- 3.) provide revised impervious coverage calculations incorporating pool’s reduced size;
- 4.) \$300.00 escrow deposit to allow for Board Engineer’s review;
- 5.) provide correction to site plan indicating existing rear steps (accessing laundry room) are to remain and be converted from wood to masonry;
- 6.) row of arborvitae to have 6’ height;

**Case #Z-2011-12
 Juanita Guzman
 66 Taillon Terrace
 (Block 607/Lot 3)
 District #2- Residential Area B**

Case History

The applicant is seeking Bulk Variance Relief for (2) separate projects at the subject property: 1.) as-built construction of a new single-family house (**NOTE:** this portion of the application stems from the “Final As-Built Survey” being denied by the Zoning Officer); 2.) proposed in-ground swimming pool (spa and patio inclusive); the application was received June 8, 2011 and scheduled for the June 22, 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 July 20, 2011 Hearing; due to a scheduling conflict with the applicant’s engineer, the application was postponed to the September 21, 2011 Hearing; being the applicant both did not file requested items by the deadline or fulfill public noticing requirements, the case was postponed to the November 22, 2011 Hearing; due to the Board’s heavy caseload, the applicant was granted an appearance at the November 28, 2011 (Special) Hearing; being the applicant both did not file requested items by the deadline or fulfill public noticing requirements, the case was postponed to the December 19, 2011 Hearing, January 18, 2012 Hearing and, again, to the February 29, 2012 (Special) Hearing; due to the absence of the applicant’s engineer, the case was postponed to the March 27, 2012 (Special) Hearing.

Representation

- 1.) Sandra Jaquez, 66 Taillon Terrace, Closter, New Jersey;

Witnesses

#1: William Darmstatter, PE, Darmstatter, Inc., 202 Black Oak Ridge Road, Wayne, New

- Jersey- *in lieu of John De Grace, PE, PO Box 2311, Wayne, New Jersey;*
#2: Sandra Jaquez, 66 Taillon Terrace, Closter, New Jersey;
#3: Savvas Torunidis, Fantastic Pools Co., 1 Pohatcong Drive, Washington, New Jersey;

Exhibits

- A-1: pre-filed "Final As-Built" survey prepared by John De Grace, PE, dated April 10, 2010 and last revised October 31, 2011;
A-2: pre-filed "Pool Permit Site Plan" prepared by John De Grace, PE, dated August 19, 2009;
A-3: pre-filed "Modified Pool Permit Site Plan" prepared by John De Grace, PE, dated November 1, 2011;

Relief Sought

- 1.) Bulk Variance: impervious coverage (30% maximum allowance/37.09% provided- <1.21% excess for as-built construction of new-single family house and 5.88% excess for proposed in-ground swimming pool>);

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. Ouzoonian and seconded by Mr. Hennessey, to approve the application (for as-built construction of new-single family house only). The motion passed (7-0-0):

YES- Marks/Shyong/Hennessey/Ouzoonian/West/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

A motion was made by Dr. West and seconded by Vice Chairman Freesman, to deny the application (for proposed in-ground swimming pool only). The motion passed (7-0-0):

YES- Marks/Shyong/Hennessey/Ouzoonian/West/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

Conditions

n/a;

◇ ADJOURNMENT OF HEARING ◇

The Board discussed ways to reduce the number of applications it hears regarding as-built

construction projects that exceed 1 or more bulk standards. Mr. Bianco believed a solution would be to reduce, by 3%, the maximum allowance for building coverage and impervious coverage in all zoning districts and create a 3% reserve to counteract such cases; the Board believed such not to be the optimal approach. Mr. Ouzoonian reiterated that Subcommittees should review the technicalities of an application during Work Sessions, thus allowing the full Board to expedite its caseload at Hearings; the Board believed such details must be dealt with the full Board, not the Subcommittee. The Board discussed how hired professionals (attorneys, realtors, contractors, etc.) can better provide full disclosure on zoning deficiencies/regulations when advising property owners.

A motion was made by Vice Chairman Freesman and seconded by Dr. Shyong, to adjourn the meeting at 11:05pm. The motion passed by acclamation.
