



# Zoning Board of Adjustment

May 16, 2012

*Hearing*  
*(Minutes)*

Prepared by:

**Paul Demarest**

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

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◇ **PLEDGE OF ALLEGIANCE** ◇

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◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman  
Steven Freesman, Esq.- Vice Chairman  
Theodore West, DDS- Secretary  
Mitchell Monaco  
Antranig Ouzoonian, PE  
Heena Dhorajia, EIT  
Andrew Shyong, DDS- Alternate #1  
Evan Elias- Alternate #2  
Joan Marks- Alternate #3  
John Galluccio, Esq.- Alternate #4  
Michael Kates, Esq.- Board Attorney  
Jeffrey Morris, PE- Board Engineer  
Paul Demarest- Board Coordinator

Absent

Thomas Hennessey  
Arthur Dolson- Council Liaison  
Leonard Sinowitz- Zoning Officer

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◇ **CORRESPONDENCE** ◇

Secretary West read mail received by the Land Use Department into the record.

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◇ **MISCELLANEOUS** ◇

Chairman Bianco announced that Councilman Dolson was recovering from recent eye surgery.

Chairman Bianco presented certificates for completion of a basic course in land use law and planning (required of all voting Board members) from the New Jersey Department of Community Affairs to Mr. Galluccio, Ms. Marks, Ms. Dhorajia and himself.

Mr. Kates informed that by the June 20, 2012 Hearing, a decision should be rendered by the Superior Court of New Jersey- Bergen County Law Division with respect to the Wiggers v. Zoning Board of Adjustment case.

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◇MINUTES◇

The Board postponed a vote on the minutes for the February 29, 2012 (Special) Hearing to the May 23, 2012 (Special) Hearing pending memorialization of the Resolution for Case #Z-2011-02 (17 Bogert Street/Witko).

A motion was made by Secretary West and seconded by Mr. Monaco, to approve the minutes for the March 28, 2012 (Special) Hearing. The motion passed (7-0-0).

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

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Secretary West and seconded by Ms. Dhorajia, to approve the minutes for the April 18, 2012 Hearing. The motion passed (7-0-0):

**YES-** Shyong/Dhorajia/Ouzoonian/Monaco/West/Freesman/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Secretary West and seconded by Ms. Marks, to approve the minutes for the April 24, 2012 (Special) Hearing. The motion passed (7-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

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◇SUBCOMMITTEE ASSIGNMENTS◇

May 23, 2012 Work Session: \*\*\*CANCELLED\*\*\*;

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◇OPEN TO THE PUBLIC◇

n/a;

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◇MEMORIALIZATION OF RESOLUTION(S)◇

A motion was made by Dr. Shyong and seconded by Mr. Monaco, to memorialize the Resolution for Case #Z-2011-02 (17 Bogert Street/Witko). The motion passed (4-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Ms. Dhorajia and seconded by Dr. Shyong, to memorialize the Resolution for Case #Z-2011-18 (47-49 Fairview Avenue/Giannotti Estate). The motion passed (4-0-0):

**YES-** Shyong/Dhorajia/Monaco/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Secretary West and seconded by Vice Chairman Freesman, to memorialize the Resolution for Case #Z-2012-03 (14 Susan Drive/Patel). The motion passed (6-

0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

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◇ **CASELOAD** ◇

**Case #Z-2010-15**  
**David & Elena Hansen**  
**24 Naugle Street**  
**(Block 1302/Lot 4)**  
**District #3- Business**

Case History

The applicants initially sought a Use Variance for the continuation of an existing contractor's yard operation at the subject property; the application was received October 18, 2010 and scheduled for the November 22, 2010 Work Session; since neither the applicants nor counsel were in attendance, the Subcommittee rescheduled the case for the January 26, 2011 Work Session; the applicants subsequently filed an addendum seeking Site Plan Approval as well, which was received January 13, 2011 and incorporated into the original application scheduled for the January 26, 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 20, 2011 Hearing; due to the Board's heavy caseload, the application was postponed to the May 18, 2011 Hearing, June 15, 2011 Hearing, July 20, 2011 Hearing and, again, to the August 17, 2011 Hearing; due to a scheduling conflict with the applicants' attorney, the case was postponed to the September 21, 2011 Hearing; being the applicants both did not file requested items by the deadline or fulfill public noticing requirements, the case was postponed to the November 22, 2011 Hearing, December 19, 2011 Hearing and, again, to the January 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Hearing; being the applicants did not fulfill public noticing requirements, the case was postponed to the March 21, 2012 Hearing and, again, to the April 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Hearing.

Representation

**1.)** Elliott Urdang, Esq., 19 Engle Street, Tenafly, New Jersey;

Witnesses

**#1:** David Hansen, 11 Haring Farm Lane, Rockleigh, New Jersey;

**#2:** David Spatz, PP, 60 Friend Terrace, Harrington Park, New Jersey;

**#3:** Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey (OBJECTOR);

Exhibits

- A-1:** series of 5 photographs depicting the exterior of the subject property and surrounding neighborhood prepared by Witness #2 and undated;
- A-2:** Zoning Board of Adjustment Resolution #Z-2008-24 approving the continuation of a contractor's yard at 185 Closter Dock Road and memorialized January 20, 2010;

#### Relief Sought

- 1.) Use Variance: contractor's yard is not permitted in District #3 (Business);
- 2.) Use Variance: more than 1 principal use on 1 lot is not permitted in any zoning district (contractor's yard and 1-family uses are existing);
- 3.) Site Plan Review: (APPLICANTS NEITHER FILED SITE PLAN PROVIDING EXISTING AND PROPOSED CONDITIONS NOR DISCUSSED SUCH DEFICIENCIES OR PROPOSED REMEDIES DURING PRESENTATION);

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

n/a;

#### New Board Requests

- 1.) consider eliminating 1 of 2 existing driveways and relocating 2 existing residential parking spaces from front yard to side yard (right-facing) of house as well as abating current layout whereby parked vehicles in front yard both obstruct sidewalk in Borough right-of-way along Naugle Street and create unsafe condition with respect to nearby intersection of Naugle Street and Railroad Avenue;
- 2.) consider landscaping portion of front yard to both provide recreation area for residential tenant and improve on-site aesthetics;

#### Public Questions

Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;

#### Public Comments

Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;

#### Decision

An initial motion was made by Mr. Ouzoonian and seconded by Ms. Dhorajia, to approve the application. The motion failed (3-4-0):

**YES-** Dhorajia/Ouzoonian/Bianco;

**NO-** Shyong/Monaco/West/Freesman;

**ABSTAIN-** n/a;

#### Conditions (1<sup>st</sup> motion)

- 1.) relocation of 2 existing residential parking spaces from front yard to rear yard;
- 2.) sidewalk installation along Naugle Street to be completed as per municipal standards (removal of existing gravel);
- 3.) all paved areas in front yard to be converted to landscaping;
- 4.) vehicle manifest to be corrected (indicating 3 dump trucks and 2 trailers on-site) and incorporated onto revised site plan;
- 5.) signature block for Board's sign-off to be incorporated onto revised site plan;
- 6.) submission of revised site plan incorporating Board's requests prior to memorialization of Resolution at June 20, 2012 Hearing;

- 7.) all conditions to be fulfilled no later than 90 days after memorialization of Resolution;
- 8.) common ownership of both contractor's yard operation and residence to be retained with all future title transfers so to prevent independent sale of either entity;

A second motion was made by Secretary Freesman and seconded by Dr. Shyong, to approve the application. The motion failed (4-3-0):

**YES-** Shyong/Monaco/West/Freesman;

**NO-** Dhorajia/Ouzoonian/Bianco;

**ABSTAIN-** n/a;

Conditions (2<sup>nd</sup> motion)

ALL CONDITIONS STIPULATED IN THE 1<sup>ST</sup> MOTION WERE REMOVED;

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**◇ADJOURNMENT OF HEARING◇**

Mr. Ouzoonian reported the Governing Body recently asked the Planning Board to re-visit its proposal that would tie the Leadership in Energy and Environmental Design (LEED) certification system to the Borough's Limiting Schedule with relation to green building elements.

A motion was made by Secretary West and seconded by Ms. Dhorajia, to adjourn the meeting at 10:47pm. The motion passed by acclamation.

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