



Zoning Board of Adjustment

November 21, 2012

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:11pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Theodore West, DDS- Secretary
Mitchell Monaco
Antranig Ouzoonian, PE
Thomas Hennessey
Heena Dhorajia, EIT
Andrew Shyong, DDS- Alternate #1
Michael Kates, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman
Evan Elias- Alternate #2
Joan Marks- Alternate #3
John Galluccio, Esq.- Alternate #4
Arthur Dolson- Council Liaison
Leonard Sinowitz- Zoning Officer

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

A motion was made by Secretary West and seconded by Mr. Monaco, to approve the minutes for the October 17, 2012 Meeting. The motion passed (7-0-0).

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Mr. Monaco and seconded by Ms. Dhorajia, to approve the minutes for the October 24, 2012 (Special) Meeting. The motion passed (7-0-0).

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

NO- n/a;

ABSTAIN- n/a;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

◇OPEN TO THE PUBLIC◇

n/a;

◇2013 CALENDAR◇

Chairman Bianco reminded that the Board's proposed 2013 schedule/deadlines for Work Sessions and Meetings has been circulated; he noted that all Work Sessions and Meetings, both Regular Monthly and (Special), would convene at 7:30pm and 8:00pm, respectively, on the 3rd, 4th and 5th Wednesday of each month in hopes of accommodating applicants in the event of a heavy Board agenda. Chairman Bianco questioned if the Board wished to make all 52 Wednesdays of the year available for convening Work Sessions only; Mr. Ouzoonian, while believing such would be too taxing on the Board, felt additional dates should be considered only on a case by case basis. Chairman Bianco questioned if the following Jewish holidays should be considered by the Board: 1.) April 24th (Pesach Sheni); 2.) September 25th (Sukkot); 3.) November 27th (eve of 1st day of Hanukkah). Mr. Kates replied it is acceptable for the Board to convene on those dates if need be.

A motion was made by Mr. Ouzoonian and seconded by Ms. Dhorajia, to adopt the proposed 2012 Board schedule/deadlines for Work Sessions and Meetings. The motion passed (7-0-0).
YES- Shyong/Dhorajia/Hennessey/Ouzoonian/Monaco/West/Bianco;
NO- n/a;
ABSTAIN- n/a;

◇MISCELLANEOUS◇

Mr. Monaco inquired about the time remaining for the Board to decide upon those cases on its agenda for approximately 2 years; Mr. Demarest explained that because the Board is statutorily obligated to render a decision on an application no later 120 days following perfection, applicants must consent to an extension of time for the Board to act each time a postponement is requested. He noted that the postponements relating to the October 31, 2012 (Special) Meeting were not considered the fault of the applicants due to the aftermath of Hurricane Sandy.

Mr. Ouzoonian spoke of the Governing Body's consideration to amend the Borough's outdoor café regulations (Chapter 141 of the Borough Code), the proposal of which was read into the record as part of the Board's correspondence; he expressed concern that the draft states a 4' wide sidewalk would be required in spite of the current specifications within the Borough Code calling for a 5' width; Mr. Morris replied the 4' dimension may correlate to the clearance needed from the outdoor café but agreed to confirm such with the Borough Engineer.

◇CASELOAD◇

**Case #Z-2012-10
David & Elena Hansen
24 Naugle Street
(Block 1302/Lot 4)
District #3- Business Area**

Case History

The applicants are seeking Use Variance and Site Plan Approvals for the continuation of an existing contractor's yard operation at the subject property; NOTE: the case is the applicants' 2nd attempt at Board approval following the denial of their previous filing (Case #Z-2010-15); the application was received July 19, 2012 and scheduled for the July 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 October 17, 2012 Meeting; to accommodate the Board's agenda, the case was rescheduled for the November 21, 2012 Meeting.

Representation

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

Witnesses

n/a;

Exhibits

A-1: pre-filed site plan prepared by John Bezuyen, PLS (Brooker Engineering, LLC), dated February 25, 2011 and last revised November 13, 2012;

BD-1: Board Engineer's review letter prepared by Mr. Morris dated November 5, 2012;

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.) Design Waiver: parking space area (180 sf required/108 sf provided);
- 4.) Design Waiver: parking in *required* front yard (prohibited/provided);

Response to Prior Board and/or Subcommittee Requests (REQUESTS VIA CASE #Z-2010-15)

- 1.) applicants redesigned front yard parking layout to include circular driveway with access points at extreme opposites of site and allow for more maneuverability with respect to both residential parking spaces;
- 2.) applicants provided curbing for front yard parking area along with enhanced landscaping (planting list supplied);
- 3.) applicants provided delineation of rear yard parking area (commercial vehicle manifest supplied);
- 4.) applicants provided signature blocks on Exhibit #A-1;
- 5.) applicants relocated fence/gate separating residential and commercial parking areas on-site to accommodate for larger residential parking area in front yard;
- 6.) applicants provided concrete sidewalk as well as buffer strip between it and curb to match existing layout east and west of site;
- 7.) applicants addressed all comments in Exhibit #BD-1;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Secretary West and seconded by Mr. Hennessey, to approve the Use Variance portion of the application. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Secretary West and seconded by Mr. Hennessey, to approve the Site Plan Review portion of the application. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) revise planting list to reflect proposed landscaping with caliper measurements in inches instead of root ball size measured in gallons;
- 2.) convert existing drain curb inlet at western driveway apron to flat grate;
- 3.) revise impervious coverage calculations to include vast gravel area on-site;
- 4.) redesign 2-way easterly curb cut so that it is flared (not right-angled) and 15' wide at street line (inside dimension on-site should remain 12.9' wide);
- 5.) provide 1 to 2 trees having 2.5" caliper measurement within Borough right-of-way along Naugle Street to have uniform streetscape with 171 Closter Dock Road (Saint Paul's Church) and 150 Railroad Avenue (Elks Club)- if planting cannot take place between curb and sidewalk because of manhole locations, alternate location should be between sidewalk and site's property line;
- 6.) provide revised site plan prior to memorialization of Resolution;
- 7.) implement all on-site improvements within 6 months of December 19, 2012 (presumed date of Resolution being memorialized);
- 8.) post performance guarantee (amount of which will be determined by Mr. Morris) with Borough to ensure conditions are seen to fruition;

Case #Z-2011-16
Desan Enterprises, Inc.
170 & 176 Closter Dock Road
(Block 1301/Lots 10 & 11)
District #3- Business Area

Case History

The applicant is seeking Site Plan Approval for the conversion of existing office space to 2

residential units, resulting in a total of 4 within a mixed-use building at the subject property; **NOTE #1:** the application stems from an order by the Superior Court of New Jersey- Bergen County Law Division (see Docket #BER-L-6731-09) remanding a prior Board decision (Case #Z-2008-06), which approved the above-mentioned proposal, for further review by the Board; **NOTE #2:** the Court order does not require that a Use Variance, again, be granted as part of the applicant's re-filing; **NOTE #3:** due to the nature of the case, perfection by the Subcommittee at a Work Session was not required; the application was received September 30, 2011 and scheduled, pending the Board's receipt of outstanding application items and public noticing requirements, for the October 19, 2011 Meeting; being the Board decided that testimony by both the Zoning Officer and witnesses for the objector (see "Item #5" on the Board agenda) should precede presentation of the remanded case, the application was postponed to the November 22, 2011 Meeting, December 19, 2011 Meeting and, again, to the January 18, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Meeting; the applicant's engineer completed direct, cross- and redirect examinations and the case was adjourned, pending the Board's receipt of requested items, to the March 21, 2012 Meeting; due to a scheduling conflict with the applicant's attorney, the case was postponed to the April 18, 2012 Meeting; the applicant's engineer completed subsequent testimony and the case was adjourned, with no items requested by the Board, to the May 16, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the June 20, 2012 Meeting; further direct, cross- and redirect examinations of the applicant's engineer were completed as was the direct examination of the objector's engineer, and the case was adjourned, pending the Board's receipt of requested items, to the July 18, 2012 Meeting; due to scheduling conflicts with both the applicant's engineer and an intended witness (previous owner-in-fee of the subject property), the case was postponed to the August 15, 2012 Meeting; further direct, cross- and redirect examinations of the objector's engineer were completed and the case was adjourned, with no items requested by the Board, to the October 24, 2012 (Special) Meeting; further direct, cross- and redirect examinations of the applicant's engineer were completed as was the direct examination of the previous owner-in-fee of the subject property, and the case was adjourned, with no items requested by the Board, to the November 21, 2012 Meeting.

Representation

- 1.) Mark Madaio, Esq., 29 Legion Place, Bergenfield, New Jersey;
- 2.) Elliot Urdang, Esq., 19 Engle Street, Tenafly, New Jersey (FOR OBJECTOR);

Witnesses

- #1: Charles Estelle, 234 Main Street, New Milford, New Jersey;
- #2: Gaetano De Santis, 752 Leclerc Avenue, River Vale, New Jersey;

Exhibits

- BD-6:** Board Engineer's review letter prepared by Mr. Morris dated November 19, 2012;
- S-20:** photograph depicting exterior of retail sales operation located in front building on 170 Closter Dock Road, prepared by Donald Schmidt (OBJECTOR- principal) and dated May 15, 2012;

Relief Sought

(DISCUSSED AT FEBRUARY 15, 2012 HEARING, APRIL 18, 2012 HEARING AND OCTOBER 24, 2012 <SPECIAL> HEARING);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant conceded to removal of all storage items from 176 Closter Dock Road (including landscaping trailers and box truck) and 170 Closter Dock Road (less storage container adjacent rear building);

New Board Requests

n/a;

Public Questions

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

Public Comments

n/a;

Decision

The case was adjourned to the December 19, 2012 Meeting.

◇ADJOURNMENT OF HEARING◇

A motion was made by Ms. Dhorajia and seconded by Mr. Hennessey, to convene the December 19, 2012 Meeting at 7:30pm to hear Case #Z-2012-12 (388 Anderson Avenue/Erbeli) and expedite the anticipated caseload. The motion passed (6-0-1):

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

NO- n/a;

ABSTAIN- Shyong;

A motion was made by Ms. Dhorajia and seconded by Dr. Shyong, to adjourn the meeting at 10:01pm. The motion passed by acclamation.
