



Zoning Board of Adjustment

October 17, 2012

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:01pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **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
Michael Kates, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

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 Vice Chairman Freesman, to approve the minutes for the September 19, 2012 Meeting. The motion passed (7-0-0).

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

NO- n/a;

ABSTAIN- n/a;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

October 24, 2012 Work Session: Bianco/Ouzoonian/Hennessey;
October 31, 2012 (Special) Work Session: Bianco/Monaco/Marks;

◆**OPEN TO THE PUBLIC**◆

Steven Isaacson, 97 Columbus Avenue, Closter, New Jersey, informed that in his capacity as both a member of the Environmental Commission and Chamber of Commerce, he has been in discussions with Rockland Coaches, Inc. to change its bus routes (#'s 20 and 84) in anticipation of the "Closter Plaza" redevelopment, a project currently being considered by the Planning Board. He explained it was recommended that the routes continue north on Piermont Road and travel west of Ver Valen Street rather than turning onto Closter Dock Road (its current path) towards the downtown area; he noted that both the Bergen County Department of Public Works and the Borough Engineer's firm, Boswell Mc Clave Engineering, Inc., agree that, in order to allow for such rerouting, a traffic light must be installed at the intersection of Piermont Road and Ver Valen Street. Mr. Isaacson hoped the Board would keep in mind the high costs for such an installation and consider monetary contribution if it were to approve an application pertaining to a parcel in the immediate area; he reiterated that the already-dangerous intersection would only worsen with increased traffic flow caused by a redeveloped "Closter Plaza". Mr. Isaacson explained the southern-bound route towards New York City would go east on Ver Valen Street and south onto Piermont Road. He further noted that New Jersey Transit Corp. supplies 5 bus stops to the Borough annually at no cost; thus, he suggested a bus shelter be placed on the southern side of Ver Valen Street adjacent to an existing Lions Club ground sign, especially since the entire area is vacant land. Mr. Isaacson revealed there is a nearby walking path hidden by the vegetation from Ver Valen Park that connects to Closter Dock Road. Mr. Ouzoonian interjected, saying the lack of a sidewalk on the south side of Ver Valen Street would cause safety concerns. Mr. Isaacson replied that a crosswalk and stop sign would be necessary; he believed a portion of Ver Valen Park should be converted to a commuter lot with metered parking.

◆**MISCELLANEOUS**◆

Chairman Bianco inquired about submission deadline requirements for Work Sessions. Mr. Kates explained a Work Session is for completeness review and the submittals on file with Mr. Demarest are not official unless they have been deemed complete; he stated the 10-day rule, as per statute, comes into play after the public has been noticed and prior to a hearing date so to allow for viewing of the file by any interested party. Thus, he informed the hearing date assigned to an applicant must be 1 month following perfection at a Work Session, at the earliest, to guarantee the 10-day clearance.

Chairman Bianco felt in order to expedite the public hearing portion of the Board's agenda, an application's minutiae should be addressed at 1 or more Work Sessions beforehand. Mr. Kates interjected, saying that such is problematic because the applicant would be delayed. Mr. Hennessey believed the intense scrutiny of an application should be conducted by both the Zoning Officer and Board Engineer; Mr. Morris concurred, but noted that Mr. Demarest is tasked with assuring administrative completeness. Ms. Marks felt the problem lies not with applicants failing to fulfill Subcommittee requests but rather additional issues being realized at the hearing when the full Board is present. The consensus of the Board was to keep current procedures in place.

In discussing its 2013 schedule, the Board decided that to allow for the possibility of having it or a Subcommittee meet on the 1st and 2nd Wednesday (in addition to the 3rd, 4th and 5th) of each month would be too burdensome on its membership. Mr. Demarest agreed to draft a proposal, which would take into account holidays and the Annual Conference of the New Jersey League of

Municipalities, to allow for a Board vote at the November 21, 2012 Meeting.

A motion was made by Secretary West and seconded by Mr. Monaco, to cancel the December 26, 2012 Work Session due to the holiday season. The motion passed by acclamation.

Chairman Bianco expressed concern that the Board's recommendations to the Governing Body with respect to the language of Ordinance #2012:1130 (amending Chapter 173-27D of the Borough with respect to Site Plan Review involving non-residential tenant space in excess of 2,000 sf) were not incorporated into the adopted version; he specifically reminded that the Board suggested the following: 1.) Chapter 3 of International Building Code (IBC)- New Jersey Edition, 2009 should be referenced in ordinance to empower prospective merchants, landlords and realtors with information needed to decide upon how to proceed in searching for tenant space; 2.) High-Hazard and Institutional (subcategory I-3 only) use groups should be prohibited within Borough altogether because they pertain to dangerous materials and detention of people under restraint. Councilman Dolson assured he would reiterate such concerns to the Mayor and Council; he suspected the culprit may have been a miscommunication between the Borough Attorney and Borough Clerk.

Continuing the discussion started at the most recent Joint Meeting, Chairman Bianco asked if those applicants seeking Board relief for 2-family use ratification could have their financial burden lessened through a "pre-screening" evaluation that determines if the full Board's consideration is warranted. Mr. Kates stated the Board is a quasi-judicial body that does not take on a case until an application has been filed; he continued saying the Board does not conduct informal review like the Planning Board. Mr. Kates believed the right of any interested party to appeal the Zoning Officer's determination is the most expeditious approach available to such applicants. Chairman Bianco asked if the Board's application fees should be reduced; Ms. Marks disagreed, saying the true expense of 2-family use applications comes from the hiring of professionals to present the case. Chairman Bianco informed that a sort of amnesty was suggested at the Joint Meeting as a means to unilaterally sanction all undetermined 2-family residences in the Borough. He said he is vehemently against such a measure because the past Borough practice of having 1 bureaucrat deciding such matters created the illegal statuses of several 2-family properties in the first place. Mr. Kates reminded that the Board does not sit as an ombudsman to hear any matter unless an application has been filed and processed. Mr. Monaco asked how many 2-family properties still have undetermined statuses; Mr. Demarest replied that of the roughly 120 known 2- or multiple-family properties being taxed as such, approximately 25% to 30% have been resolved to date, either through Zoning Officer or Board decisions. Mr. Kates expressed hope that an ordinance be adopted to relieve the Board of certain items that it grants by rote, and he revealed such will be included in the forthcoming 2011 Annual Report to the Governing Body and Planning Board; he believed such cases should be the rule, not the exception. Chairman Bianco disagreed, saying it is during a Board review that abnormalities are discovered, such as illegal dwelling units; Mr. Kates responded such is for the Code Enforcement Bureau to handle.

Chairman Bianco informed there is a forum on October 27, 2012, sponsored by the Planning Board, to receive public input on a vision for the downtown area, District #5 (Industrial) and a conservation zone.

◇ADJOURNMENT OF HEARING◇

A motion was made by Secretary West and seconded by Mr. Monaco, to adjourn the meeting at 8:52pm. The motion passed by acclamation.
