



Zoning Board of Adjustment

October 24, 2012

*****Special*****
Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:51pm) ◇

◇ **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
Joan Marks- Alternate #3
John Galluccio, Esq.- Alternate #4
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
Evan Elias- Alternate #2
Arthur Dolson- Council Liaison

◇ **OPEN TO THE PUBLIC** ◇

n/a;

◇ **MISCELLANEOUS** ◇

Mr. Demarest said the evening's meeting would be the 1st in which a newly purchased laptop computer and recording system would be utilized; he said such equipment has replaced a battery-operated digital recorder as a more reliable means of producing the record for Board meetings conducted outside of the Council Chambers of Borough Hall, which houses the Borough's permanent computer and recording systems.

Chairman Bianco stated the Board's proposed meeting schedule for 2013 has been distributed and would be voted on at the November 21, 2012 Meeting.

Chairman Bianco questioned if, as part of the administrative report process required for Use Variance and Site Plan Review applications, additional Building Department officials should

conduct initial plan review, specifically the Electrical, Plumbing, Mechanical and Elevator Subcode Officials; he noted that, currently, Construction Official, Building and Fire Protection

Subcode Officials partake. He hoped such would make applicants aware of any issues sooner rather than later that may arise in the approval process, especially those creating a zoning deficiency that would require a return to the Board for Amendment Approval. Mr. Sinowitz interjected, saying the detail Chairman Bianco is suggesting from the Building Department prior to zoning approval being finalized could present problems. Chairman Bianco replied he is merely attempting to respond to the constant complaints that the Borough is not merchant-and/or developer-friendly in terms of its review procedures. Mr. Hennessey felt the degree of plan review being proposed is not relative to zoning; he believed that, for example, an applicant would not likely pull a project if, for example, the Building Department informed of a requirement to install a bathroom following the Board's handling of the application. The Board decided to table the matter pending consultation with the Building Department.

◇**CASELOAD**◇

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 #2" 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.

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: Michael Hubschman, PE, Hubschman Engineering, PA, 263(A), South Washington Avenue, Bergenfield, New Jersey;
- #2: Charles Estelle, 234 Main Street, New Milford, New Jersey;

Exhibits

- A-4: pre-filed engineering plans prepared by Witness #1, dated September 27, 2011 and last revised October 12, 2012;
- S-18: series of photographs depicting underground drainage pipe traveling along property line shared by 162 Closter Dock Road and 170 Closter Dock Road, uncredited and undated;
- S-19: photograph depicting underground perforated drainage pipe traveling perpendicular to 170 Closter Dock Road and emptying onto 162 Closter Dock Road, uncredited and dated October 23, 2005;

Relief Sought

- 1.) Design Waiver: parking space (29 spaces required/18 spaces provided);
- 2.) Design Waiver: parking in sight triangle (25' minimum clearance required/3 parking spaces < #'s 8, 9 and 21 > within sight triangle provided) < WITHDRAWN- PARKING SPACES REMOVED FROM SIGHT TRIANGLE >;
- 3.) Design Waiver: parking in front yard (20' setback required/10' setback provided);
- 4.) Design Waiver: parking/driveway curbing (required/none provided) < WITHDRAWN- PROVIDED PARKING/DRIVEWAY CURBING >;
- 5.) Design Waiver: refuse collection/storage (reasonable access required/none provided) < WITHDRAWN- PARKING SPACE #'S 15, 16 AND 17 RELOCATED TO PROVIDE ACCESS >;
- 6.) Site Plan Review: lighting < WITHDRAWN- LIGHT POLES PROVIDED TO SUPPLEMENT BUILDING-MOUNTED AND UNDERCANOPY LIGHTS >;

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant narrowed southerly driveway to parking lot (176 Closter Dock Road) and provided trench drain at its mouth that connects to storm drain in order to alleviate sheet flow onto thoroughfare (AS PER OBJECTOR);
- 2.) applicant verified water originating from 313 Harrington Avenue is not becoming trapped on 176 Closter Dock Road but rather being channeled by curbing into seepage pit(s) on-site;
- 3.) applicant redesigned non-compliant sidewalk, sidewalk ramp and access area to building in northeastern corner of 170 Closter Dock Road so to comply with Americans with Disabilities Act of 1990 as well as extended concrete apron and sidewalk (replacing brick pavers) to detract vehicle parking in vicinity (AS PER OBJECTOR);

- 4.) applicant provided steps at front building's entrance (having 3 risers with railings) to both guide residents and accommodate lowered elevations of pedestrian areas indicated in Response #3 (AS PER OBJECTOR);
- 5.) applicant reconfigured front building's rear stairway in westerly direction to abate blind spot caused by southerly traffic flow along drive aisle beneath front building's under canopy (AS PER OBJECTOR);
- 6.) applicant provided off-set dimensions of rear building to confirm adjacent 320 sf container meets 3' accessory building setback requirement (AS PER OBJECTOR);
- 7.) applicant eliminated parking space #6 (located below front building's 2nd story overhang) which would block travel along drive aisle beneath under canopy (AS PER OBJECTOR);

New Board Requests

- 1.) provide revised calculations for total parking spaces provided that omit 2 parking spaces in front of rear building's service station bays (AS PER OBJECTOR- PREVIOUSLY REQUESTED);
- 2.) correct Exhibit A-4 so that number of employees indicated under "Parking Spaces Required" and "Zoning Notes" captions are not in conflict (AS PER OBJECTOR);
- 3.) determine connection and destination of trench drain located in front of rear building (AS PER OBJECTOR);
- 4.) consider having proposed concrete sidewalk and sidewalk ramp along 170 Closter Dock Road instead match both remainder of site frontage and downtown area's brick paver scheme;
- 5.) redesign refuse enclosure so that it consists of durable steel frame (horizontal top and bottom bars connecting vertical metal posts with U-bolts) rather than flimsy wood paneling attached directly to steel;

Public Questions

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

Public Comments

n/a;

Decision

The case was adjourned to the November 21, 2012 Meeting.

◇ADJOURNMENT OF HEARING◇

A motion was made by Ms. Marks and seconded by Mr. Hennessey, to convene all remaining Work Sessions for 2012 at 7:30pm rather than 8:00pm to ensure any (Special) Meetings scheduled on the same date would begin promptly afterwards. The motion passed by acclamation.

A motion was made by Secretary West and seconded by Ms. Dhorajia, to adjourn the meeting at 10:48pm. The motion passed by acclamation.