



# **Zoning Board of Adjustment**

August 21, 2013

**Meeting**  
*(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  
Theodore West, DDS- Secretary  
Antranig Ouzoonian, PE  
Thomas Hennessey  
Heena Dhorajia, EIT  
Joan Marks- Alternate #2  
John Galluccio, Esq.- Alternate #3  
Leonard Sinowitz- Zoning Officer  
Michael Kates, Esq.- Board Attorney  
Jeffrey Morris, PE- Board Engineer  
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman  
Mitchell Monaco  
Michael Kafer, Esq.- Alternate #1  
Phillip Kwon, Esq.- Alternate #4  
Arthur Dolson- Council Liaison

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◇ **CORRESPONDENCE** ◇

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

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◇ **MINUTES** ◇

A motion was made by Mr. Ouzoonian and seconded by Secretary West, to approve the minutes for the July 17, 2013 Meeting. The motion passed (6-0-0):

**YES-** Galluccio/Dhorajia/Hennessey/Ouzoonian/West/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Mr. Galluccio and seconded by Mr. Ouzoonian, to approve the minutes for the July 24, 2013 (Special) Meeting. The motion passed (5-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

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◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

**◇OPEN TO THE PUBLIC◇**

n/a;

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**◇MISCELLANEOUS◇**

Chairman Bianco informed of a request by an applicant to extend the time in which to act upon conditions stipulated in the Board's approval of Case #Z-2012-10 (24 Naugle Street/Hansen), which centered around site improvements of an existing contractor's yard; Chairman Bianco specified that the new deadline requested was December 31, 2013. Mr. Demarest reminded that the Resolution was memorialized on January 31, 2013, with stipulations originally required to be fulfilled no later than July 30, 2013. Mr. Sinowitz informed that an appearance in Municipal Court for an illegal operation in District #3 (Business) culminated in a guilty plea and the applicant filing a Board application. Mr. Kates stated the Board has full discretion being a court of law is no longer monitoring the situation. Chairman Bianco expressed concern that a deadline extension into the winter months could further delay completion; he noted there is significant traffic flow along Naugle Street at its intersection with Railroad Avenue, and the reworking of the site's driveway to allow for parallel parking is of utmost importance. Mr. Ouzoonian questioned if the granting of an extension would set a precedent; Mr. Kates replied such would not because it is a special circumstance that is fact-sensitive.

A motion was made by Mr. Hennessey and seconded by Ms. Dhorajia, to extend the time in which to fulfill conditions set forth in the Board's approval of said case to October 31, 2013 contingent upon the applicant's posting of a performance guarantee (amount of which was provided by Mr. Morris) with the Borough no later than August 31, 2013. The motion passed (7-0-0):

**YES-** Galluccio/Marks/Dhorajia/Hennessey/Ouzoonian/West/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

Chairman Bianco announced that the Board's discussion on the draft of its merged 2011 and 2012 Annual Report to the Governing Body and Planning Board was postponed to the September 18, 2013 Meeting to allow for review of the final draft prepared by Mr. Kates.

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

Mr. Kates informed that the Resolution for Case #Z-2013-11 (63 Closter Dock Road/Tubito) was not finalized as of yet due to revisions still being reviewed by the Board Engineer.

Regarding Case #Z-2011-16 (170 & 176 Closter Dock Road/Desan Enterprises, Inc.), Mr. Kates explained the applicant was only notified today by the Borough that there was an engineering escrow deficiency. He suggested the Board vote on memorializing the Resolution and hold its release until the escrow account is replenished. Mr. Demarest stressed that the Borough Administrator, Richard Sheola, believed the Resolution should not be considered until the escrow is paid; Mr. Kates countered that being the Board has already gone beyond its 45-day statutory obligation in which to adopt a Resolution (a voice vote occurred at the March 20, 2013

Meeting), a prompt vote on memorialization is essential. Mr. Morris clarified that, including a forthcoming invoice for additional plan review, the applicant would be required to post \$3,500.00 in additional escrow; he noted that additional escrow would be required at a future date to allow for inspections of site improvements, a prerequisite for the issuance of a certificate of occupancy.

A motion was made by Ms. Dhorajia and seconded by Secretary West, to memorialize the Resolution for Case #Z-2011-16 (170 & 176 Closter Dock Road/Desan Enterprises, Inc.). The motion passed (5-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Secretary West and seconded by Mr. Ouzoonian, to memorialize the Resolution for Case #Z-2013-05 (74 Taylor Drive/Parikh). The motion passed (2-0-0):

**YES-** Ouzoonian/West;

**NO-** n/a;

**ABSTAIN-** n/a;

**\*RECUSED\***- Marks/Bianco;

A motion was made by Mr. Hennessey and seconded by Ms. Marks, to memorialize the Resolution for Case #Z-2013-12 (93 Venus Drive/Topalian). The motion passed (5-0-0):

**YES-** Galluccio/Marks/Dhorajia/Hennessey/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

**\*RECUSED\***- Ouzoonian;

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◇**CASELOAD**◇

<p><b>Case #Z-2013-10</b> <b>Deepak &amp; Meenakshi Khanna</b> <b>626 Closter Dock Road</b> <b>(Block 2404/Lot 18)</b> <b>District #1- Residential A</b></p>
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Case History

The applicants are seeking a Use Variance (floor area ratio) and Bulk Variances for the as-built construction of an addition, front portico (archway), driveway expansion and 2 patios (on-grade) at the subject property; the application was received May 8, 2013 and scheduled for the May 29, 2013 (Special) 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 24, 2013 (Special) Meeting; due to the applicants' failure to fulfill public noticing requirements, the application was postponed to the August 21, 2013 Meeting.

Representation

1.) Michael Sprague, Esq., 21 Main Street, Suite 306, Hackensack, New Jersey;

Witnesses

- #1: Meenakshi Khanna, 373 Piermont Road, Cresskill, New Jersey;
- #2: Scott Bazzani, Esq., 4311 John F. Kennedy Boulevard, North Bergen, New Jersey;
- #3: Jose Carballo, RA, 52 1<sup>st</sup> Street, Hackensack, New Jersey;
- #4: Calisto Bertin, PE, 66 Glen Avenue, Glen Rock, New Jersey;
- #5: Leonard Sinowitz, Zoning Officer, 295 Closter Dock Road, Closter, New Jersey;

Exhibits

- A-1:** pre-filed architectural (page A101 only) depicting basement plan originally-conceived by Jose Miguel Torres (previous owner of subject property), prepared by Witness #3, dated July 16, 2013 and last revised (during proceedings) to reflect applicants' proposal;
- A-2:** pre-filed architectural (page A102 only) depicting 1<sup>st</sup> floor plan originally-conceived by Jose Miguel Torres (previous owner of subject property), prepared by Witness #3, dated July 16, 2013 and last revised (during proceedings) to reflect applicants' proposal;
- A-3:** pre-filed architectural (page A103 only) depicting 2<sup>nd</sup> floor plan originally-conceived by Jose Miguel Torres (previous owner of subject property), prepared by Witness #3, dated July 16, 2013 and last revised (during proceedings) to reflect applicants' proposal;
- BD-1:** architectural (page A1 only) depicting 1<sup>st</sup> floor plan originally-conceived by Jose Miguel Torres (previous owner of subject property), prepared by Witness #3, dated July 23, 2004 and last revised August 23, 2004;
- BD-2:** architectural (page A1 only) depicting 1<sup>st</sup> floor plan originally-conceived by Jose Miguel Torres (previous owner of subject property), prepared by Witness #3, dated July 23, 2004 and last revised July 25, 2005;

Relief Sought

- 1.) Use Variance: floor area ratio (35% maximum allowed/38.70% provided)  
<GRANDFATHERED- NONCONFORMITY DEEMED TO BE IN EXISTENCE PRIOR TO ORDINANCE #2005:953 ADOPTED DECEMBER 14, 2005>;
- 2.) Bulk Variance: building height (28' to midpoint maximum allowed/29.47' provided)  
<GRANDFATHERED- NONCONFORMITY DEEMED TO BE IN EXISTENCE PRIOR TO ORDINANCE #2005:953 ADOPTED DECEMBER 14, 2005>;
- 3.) Bulk Variance: impervious coverage (30% maximum allowed/37.24% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

- 1.) Corrine Corcoran, 604 Closter Dock Road, Closter, New Jersey;
- 2.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;

Public Comments

- 1.) Corrine Corcoran, 604 Closter Dock Road, Closter, New Jersey;
- 2.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;

Decision

A motion was made by Mr. Galluccio and seconded by Mr. Hennessey, to approve the application. The motion passed (7-0-0):

**YES-** Galluccio/Marks/Dhorajia/Hennessey/Ouzoonian/West/Bianco;

**NO-** n/a;  
**ABSTAIN-** n/a;

Conditions

- 1.) install curb along entire frontage on Closter Dock Road to alleviate drainage to/from site;
- 2.) install swale and/or berm on western portion of site to prevent drainage flowing onto 614 Closter Dock Road, 604 Closter Dock Road and other properties located downhill from site;
- 3.) enlarge both curb cuts of circular driveway as well as redirect its westerly leg away from utility pole to ensure compliance with sight triangle requirements;
- 4.) remove both shed and associated walkway that branches off patio to remain around perimeter of swimming pool;
- 5.) obtain property tax certification as of current fiscal quarter;
- 6.) incorporate Exhibit #'s A-1, A-2 and A-3 into revised site plan and architectural drawings to be submitted prior to memorialization of Resolution;

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**◇ADJOURNMENT OF MEETING◇**

A motion was made by Ms. Marks and seconded by Mr. Galluccio, to have the Board adjourn at 11:21pm. The motion passed by acclamation.

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