



# Zoning Board of Adjustment

January 23, 2013

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

Prepared by:

**Paul Demarest**

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◇ **OPENING REMARKS** (Commenced at 8:02pm) ◇

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◇ **PLEDGE OF ALLEGIANCE** ◇

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◇ **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  
Evan Elias- Alternate #2  
Joan Marks- Alternate #3  
John Galluccio, Esq.- Alternate #4  
Leonard Sinowitz- Zoning Officer  
Michael Kates, Esq.- Board Attorney  
Jeffrey Morris, PE- Board Engineer  
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman  
Arthur Dolson- Council Liaison

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◇ **MINUTES** ◇

A motion was made by Ms. Dhorajia and seconded by Dr. Shyong, to approve the minutes for the December 19, 2012 Meeting. The motion passed (4-0-0).

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

**NO-** n/a;

**ABSTAIN-** n/a;

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◇ **MISCELLANEOUS** ◇

Chairman Bianco questioned what further action the Board may take to compel those applicants failing to prosecute their cases to the Board in a timely fashion, specifically inquiring about the approach of rescinding Certificates of Occupancy issued to those buildings associated with such applications. Mr. Kates reiterated that the Board is not an enforcement agency but stressed if an applicant is postponing the enforcement of Notice of Violations issued by the Zoning Officer and/or Municipal Court orders by not acting in good faith towards the Board, then the Board may request of those entities that further enforcement should commence in the interim. He stressed that the Board must establish a protocol and review its caseload followed by him

preparing notices indicating the Board's ultimatum to those applicants considered extreme offenders of delay tactics.

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◆ **OPEN TO THE PUBLIC** ◆

n/a;

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◆ **MEMORIALIZATION OF RESOLUTION(S)** ◆

Mr. Kates announced he would attempt to have the Resolutions for Case #'s Z-2012-10 (24 Naugle Street/Hansen), Z-2012-12 (388 Anderson Avenue/Erbeli) and Z-2012-14 (10 Jane Street/Marinaccio) prepared to allow for a vote on their memorialization at the January 30, 2013 (Special) Meeting.

Chairman Bianco, referring to Case #Z-2012-12 (388 Anderson Avenue/Erbeli), stated he confirmed that of the approximately 30 residences abutting the west side of Anderson Avenue between Homans Avenue and Hickory Lane, 3 currently do not have curbs/sidewalks along their street frontage; he praised the Board's decision to reduce that number to 2 by approving said case contingent upon curbing and a sidewalk being installed in front of 388 Anderson Avenue, especially due to the existence of both high traffic flow and a road-widening easement in the area.

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◆ **CASELOAD** ◆

<p><b>Case #Z-2012-13</b> <b>11 Homans Properties, LLC</b> <b>11 Homans Avenue</b> <b>(Block 1306/Lot 3)</b> <b>District #5- Industrial</b></p>
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Case History

The applicant is seeking Use Variance and Site Plan Approvals for the tenant separation of a non-residential building at the subject property; NOTE: the 3 tenant spaces to be created would be occupied by the following establishments: 1.) "Tiger Kim's Taekwondo Center"; 2.) undetermined retail use; 3.) undetermined office use; the application was received October 19, 2012 and scheduled for the October 24, 2012 Work Session, at which time, it was deemed incomplete; pending the Board's receipt of requested items, the application was rescheduled for the November 21, 2012 (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 December 19, 2012 Meeting; being the applicant did not fulfill public noticing requirements, the case was postponed to the January 16, 2013 Meeting; due to the Board's heavy caseload, the application was postponed to the January 23, 2013 (Special) Meeting.

Representation

- 1.) Nylema Nabbie, Esq., Gittleman, Muhlstock & Chewcaskie, LLP, 2200 Fletcher Avenue, 9W Office Center, Fort Lee, New Jersey;

Witnesses

- #1: Christina Kwon, 62 Collins Avenue, Closter, New Jersey;
  
- #2: Michael Hubschman, PE, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey;
- #3: Conrad Roncati, RA, Architectura Co., 2 Executive Drive, Suite 600, Fort Lee, New Jersey;
- #4: David Spatz, PP, 60 Friend Terrace, Harrington Avenue, New Jersey;
- #5: Steven Kwon, 62 Collins Avenue, Closter, New Jersey;

Exhibits

- A-1: colorized version of pre-filed site plan prepared by Witness #2 and dated November 29, 2012;
- A-2: colorized/minimized version of 12 pre-filed photographs depicting existing exterior conditions of subject site, prepared by Witness #3 and dated October 9, 2012;
- A-3: alternate on-site traffic pattern proposal (in response to eliminated curb cut previously proposed for exiting site onto Herbert Avenue) prepared by Witness #2 and dated January 18, 2013;

Relief Sought

- 1.) Use Variance: martial arts/fitness center (use is not permitted in District #5);
- 2.) Site Plan Approval-
  - a.) Design Waiver: number of parking spaces (38 spaces minimum required/28 spaces provided);
- 3.) Bulk Variance: front yard setback <facing Homans Avenue>: (50' minimum required/45' provided);
- 4.) Bulk Variance: impervious coverage (75% maximum allowed/85.14% provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant eliminated proposed curb cut <exit onto Herbert Avenue> (AS PER INTERESTED PARTY);

New Board Requests

n/a;

Public Questions

- 1.) Mildred Iafrate, 288 Herbert Avenue, Closter, New Jersey;

Public Comments

- 1.) Bernard Iafrate, 288 Herbert Avenue, Closter, New Jersey;

Decision

A motion was made by Mr. Hennessey and seconded by Secretary West, 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. Monaco, 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.) reroute existing sidewalk around stop and “Do Not Enter” signs at intersection of Homans Avenue and Ruckman Road to ensure pedestrian safety;
- 2.) remove fence surrounding existing heating/ventilation/air conditioning equipment and provide new refuse collection area consisting of 5’ high split-face block enclosure having metal gate and posts as well as extension of concrete pad further east into lawn area to allow for maneuverability;
- 3.) continue low planting vegetation along Herbert Avenue to fill voids especially since proposed curb cut (exit onto Herbert Avenue) has been eliminated;
- 4.) proposed barrier-free entrance (vestibule containing chairlift) is to be enlarged by 50 sf both to allow for protection of alcove from weather elements (with conditioned air) and prevent area from becoming attractive nuisance;
- 5.) coordinate site plan and architectural depictions to reflect correct barrier-free entrance (vestibule containing chairlift) whereby entrance and walkway elevations are flush;
- 6.) indicate width (4’) of existing and proposed walkways surrounding perimeter of building;
- 7.) group 2 handicap parking spaces together with 1, 8’ wide hashed area in between to allow for van accessibility and place such at eastern portion of site to minimize distance to barrier-free entrance (vestibule containing chairlift);
- 8.) sufficiency of existing on-site lighting conditions is to be verified by Board Engineer;
- 9.) 3 proposed wall signs shall comply with provisions of Sign Ordinance;
- 10.) 2-story portion of building shall be occupied by 1 tenant only;
- 11.) time lapse between start and finish of classes associated with “Tiger Kim’s Taekwondo Center” shall be 15 minutes and customers are to be informed of dedicated drop-off area(s) for students;
- 12.) vehicles belonging to employees of “Tiger Kim’s Taekwondo Center” shall be parked off-site and Board is to be notified of such locations once established;
- 13.) payment for 2 parking space deficiencies shall be made to Borough’s Parking Authority (total of \$3,300.00 based on current rate per parking space);
- 14.) all items in Mr. Morris’ report dated December 19, 2012 are to be addressed;
- 15.) applicant shall consider petitioning Governing Body to allow for its “Tiger Kim’s Taekwondo Center” customers, awaiting entry to site, to form vehicular stacking area along uninterrupted curb line of Ruckman Road and take advantage of underused spur (22’ wide, 1-way only section of Ruckman Road located north of traffic island);
- 16.) revisions incorporating said conditions are to be approved by Board Engineer prior to their submission to Board and Resolution being memorialized;

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### ◇ADJOURNMENT OF (SPECIAL) MEETING◇

A motion was made by Mr. Elias and seconded by Ms. Marks, to have the Board adjourn at 10:48pm. The motion passed by acclamation.

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