



Zoning Board of Adjustment

January 30, 2013

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

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:03pm) ◇

◇ **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*
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman
Evan Elias- Alternate #2
Arthur Dolson- Council Liaison
Jeffrey Morris, PE- Board Engineer

◇ **CORRESPONDENCE** ◇

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

◇ **OPEN TO THE PUBLIC** ◇

n/a;

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

A motion was made by Secretary West and seconded by Mr. Hennessey, to memorialize the resolution for Case #Z-2012-10 (24 Naugle Street/Hansen). The motion passed (6-0-0):
YES- Shyong/Dhorajia/Hennessey/Ouzoonian/West/Bianco;
NO- n/a;
ABSTAIN- n/a;

◇ **MISCELLANEOUS** ◇

Chairman Bianco reminded that the annual symposium sponsored by several local law firms for purposes of certifying newly-appointed land use board members with the State of New Jersey will take place in April; Mr. Demarest reiterated that the current Board roster, less Mr. Elias (who must receive certification by June 30, 2013), is certified, a requirement which must be completed no later than 18 months following a Board member's inaugural appointment from the Governing Body. Mr. Demarest stated he would forward the Board more details on the event once they become available.

◇ **CASELOAD** ◇

<p>Case #Z-2012-11 Audrey Carpentieri 120 High Street (Block 510/Lot 6) District #2- Residential B</p>

Case History

The applicant is appealing the determination of the Zoning Officer as to the legality of the continuation of a 2-family use at the subject property; in the alternative, she would seek a Use Variance; the application was received October 11, 2012 and scheduled for the October 24, 2012 Work Session; due to the necessity for further administrative review, the application was rescheduled for the October 31, 2012 (Special) Work Session and, again, for the November 28, 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 January 16, 2013 Meeting; the applicant completed initial testimony and, to allow for both the Board Attorney and applicant's attorney to discuss the merits of the application as it relates to estoppel, the case was adjourned to the January 30, 2013 (Special) Meeting.

Representation

1.) Ronald Groseibl, Esq., 17-10 River Road, Suite 3C, Fair Lawn, New Jersey;

Witnesses

#1: Vassilios Cocoros, RA, VCA Group, LLC, 467 Sylvan Avenue, Englewood Cliffs, New Jersey;

Exhibits

- A-2a:** pre-filed architectural prepared by Witness #1, dated December 31, 2012 and last revised January 2, 2013;
- A-2b:** pre-filed site plan prepared by Thomas Stearns, PE (GB Engineering, LLC), dated October 1, 2012 and last revised January 2, 2013;
- A-3:** 12 photographs depicting exterior of subject and surrounding sites, uncredited and undated;
- R-1:** Borough tax list dated 1942 and describing subject building as "Fr. Dwelling";
- R-2:** signature block of subdivision map for unknown site dated June 15, 1955 and indicating Earl Marryott (prior owner-in-fee of subject property) as Chairman of Borough's Planning Board;

Relief Sought

- 1.) Appeal of Zoning Officer Determination: pre-existing/non-conforming status for 2-family use;
- 2.) Use Variance: 2-family use (house was built prior to December 19, 1940 but does not meet all current bulk requirements)-
 - a.) Bulk Variance: lot size (12,500 sf minimum required/5,516.72 sf provided);
 - b.) Bulk Variance: lot width at building setback line (100' minimum required/57.36' provided);
 - c.) Bulk Variance: street frontage (75' minimum required/61.20' provided);
 - d.) Bulk Variance: front yard setback <facing High Street> (40' minimum required/30.96' provided);
 - e.) Bulk Variance: front yard setback <facing Haring Street> (20' minimum required/15.75' provided);
 - f.) Bulk Variance: side yard setback (15' minimum required/5.56' provided);
 - g.) Bulk Variance: side yard setback aggregate (30' minimum required/21.38' provided);
 - h.) Bulk Variance: building coverage (20% maximum allowed/22.20% provided);
 - i.) Bulk Variance: impervious coverage (30% maximum allowed/55.03% provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant provided improved parking layout that converts 2 illegitimate parking areas perpendicular to Haring Street into 1 parking space parallel to Haring Street, removes bulkhead doors and relocates side yard steps to front yard facing Haring Street allowing for 1 parking space as well as retains 1 parking space each in front of and within detached garage (providing 4 parking spaces in total);
- 2.) applicant verbally-proposed 2nd improved parking layout option whereby macadam pad in front yard facing Haring Street would be eliminated and replaced with landscaping, concrete patio would be converted to 1 parking space, bulkhead doors would still be eliminated as would relocation of side yard steps to front yard facing Haring Street to allow for 2 parking spaces together with 1 parking within detached garage, resulting in 4 parking spaces being clustered in southernmost portion of site.

New Board Requests

n/a;

Public Questions

- 1.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;
- 2.) David Van Houten, 45 Dana Place, Closter, New Jersey;
- 3.) Anthony Giulini, 28 Haring Street, Closter, New Jersey;

Public Comments

- 1.) Anthony Giulini, 28 Haring Street, Closter, New Jersey;
- 2.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;
- 3.) David Van Houten, 45 Dana Place, Closter, New Jersey;
- 4.) Serina Lancia, 4 Rickland Road, Old Tappan, New Jersey;

Decision

A motion was made by Secretary West and seconded by Mr. Hennessey, to uphold the Zoning Officer's determination, thereby, requiring a Use Variance to be sought. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

RECUSED- Dhorajia;

A motion was made by Secretary West and seconded by Mr. Ouzoonian, to approve the Use Variance portion of the application. The motion passed (6-1-0):

YES- Marks/Shyong/Ouzoonian/Monaco/West/Bianco;

NO- Hennessey;

ABSTAIN- n/a;

RECUSED- Dhorajia;

Conditions

- 1.) demolish detached garage, remove bulkhead doors, relocate side yard steps to front yard facing Haring Street and eliminate concrete patio to allow for enlarged driveway that will accommodate 4 parking spaces being stacked in southernmost portion of site;
- 2.) install concrete curb (including proper curb cut for reconfigured driveway) along entire length of Haring Street to point of its intersection with High Street;
- 3.) convert macadam pad along Haring Street to landscaped area (lawn and shrubs) to prohibit such from being recaptured as parking space;
- 4.) remove concrete walkway along western side of house that stretches from concrete patio to front steps/landing facing High Street;
- 5.) revisions incorporating said conditions, along with revised calculations for bulk items and landscaping plan for area made available from eliminated macadam pad, are to be submitted prior to memorialization of Resolution;

<p>Case #Z-2011-08 John Galdi 343 Closter Dock Road (Block 1704/Lot 7) District #2- Residential B</p>
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Case History

The applicant is seeking a Use Variance for the continuation of a 2-family use at the subject property; the application was received March 2, 2011 and scheduled for the March 23, 2011 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 May 18, 2011 Meeting; due to the Board's heavy caseload, the application was postponed to the July 20, 2011 Meeting, August 17, 2011 Meeting, September 21, 2011 Meeting, November 22, 2011 Meeting and, again, to the December 19, 2011 Meeting; due to scheduling conflicts with all parties involved in the applicant's presentation, the case was postponed to the January 18, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Meeting; due to a scheduling conflict with the applicant, the case was postponed 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; due to the Board's heavy caseload, the application was postponed to the May 16,

2012 Meeting, June 20, 2012 Meeting, July 18, 2012 Meeting and, again, to the August 15, 2012 Meeting; due to scheduling conflicts with all parties involved in the applicant's presentation, the case was postponed to the September 19, 2012 Meeting; being the applicant did not fulfill public noticing requirements, the application was postponed to the September 26, 2012 (Special)

Meeting; being the Board could not establish a quorum, the application was rescheduled for the October 31, 2012 (Special) Meeting; due to Hurricane Sandy and its aftermath, the application was rescheduled for the December 19, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the January 30, 2013 (Special) Meeting.

Representation

1.) David Watkins, Esq., 285 Closter Dock Road, Closter, New Jersey;

Witnesses

#1: Douglas Doolittle, PE/PP, Mc Nally Engineering, LLC, 169 Ramapo Valley Road, Oakland, New Jersey;

Exhibits

A-1: informational packet consisting of 13 categories of documentation pertaining to subject property, prepared by applicant and dated October 4, 2012;

R-1: Borough tax list dated 1942 and describing subject building as "Fr. Dwelling";

Relief Sought

1.) Use Variance: 2-family use (house was built prior to December 19, 1940 but does not meet all current bulk requirements)-

a.) Bulk Variance: lot size (12,500 sf minimum required/8,846 sf provided);

b.) Bulk Variance: lot width at building setback line (100' minimum required/81.08' provided);

c.) Bulk Variance: side yard <right-facing> setback (15' minimum required/6.50' provided);

d.) Bulk Variance: side yard setback aggregate (30' minimum required/24.10' provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

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

Public Comments

1.) Adrienne Isacoff, 227 Demarest Avenue, Closter, New Jersey;

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

Decision

A motion was made by Secretary West and seconded by Dr. Shyong, to approve 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 Limiting Schedule on floor plan to include existing, proposed and required number of parking spaces for residence containing 2, 1-bedroom apartments;

◇ADJOURNMENT OF (SPECIAL) MEETING◇

Secretary West pleaded that the Board convene fewer (Special) Meetings to ease the burden of its members; Chairman Bianco replied that he understands if Board members cannot attend all Meetings and reminded that the purpose of the increased number of alternates (from 2 to 4) a municipality can appoint to its Board, an action taken by the New Jersey Legislature several years ago, was designed to place less responsibility on volunteers serving their communities. He further stated that the Board is always willing to explore other methods of expediting its caseload through enforcement.

A motion was made by Mr. Ouzoonian and seconded by Ms. Dhorajia, to have the Board adjourn at 10:36pm. The motion passed by acclamation.
