



Zoning Board of Adjustment

June 19, 2013

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:04pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Theodore West, DDS- Secretary
Mitchell Monaco
Antranig Ouzoonian, PE
Heena Dhorajia, EIT
Joan Marks- Alternate #2
Phillip Kwon, Esq.- Alternate #4
Arthur Dolson- Council Liaison
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
Thomas Hennessey
VACANT- Alternate #1
John Galluccio, Esq.- Alternate #3

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

Mr. Demarest indicated minutes for the April 24, 2013 (Special) Meeting have yet to be completed.

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

June 26, 2013 Work Session: Bianco/West/Marks;

◇ **OPEN TO THE PUBLIC** ◇

Donald Schmidt, 162 Closter Dock Road, Closter, New Jersey, questioned the cause for the delay of memorializing the Resolution for Case #Z-2011-16 (170 & 176 Closter Dock Road/Desan Enterprises, Inc.), of which he was an objector; he stated it has been 90 days since the Board approved the application via voice vote, and the final draft of the Resolution continues to be

revised as a result of further submissions by the applicant. Mr. Earle indicated there to be no statutory period in which the Board must memorialize a Resolution following a vote on merit. Mr. Schmidt informed that neither he nor his attorney have been furnished with copies of the applicant's subsequent submittals. Mr. Demarest reminded that the voice vote occurred at the March 20, 2013 Meeting, and memorialization had been delayed as of the April 24, 2013 (Special) Meeting for failure by the applicant to submit revisions; he noted revisions have since been received May 28, 2013 and, again, earlier today. Mr. Earle said he would relay Mr. Schmidt's grievances to the absent Mr. Kates.

◇ MISCELLANEOUS ◇

Chairman Bianco announced that both the Board's discussion on the draft of its merged 2011 and 2012 Annual Report to the Governing Body and Planning Board as well as the soon-to-be vacationing Mr. Sinowitz' request for an Interpretation by the Board with respect to ordinance(s) relating to 2-family housing (a topic to be discussed in said Report), were postponed to an undetermined future date; Chairman Bianco informed that the Subcommittee chosen for the June 26, 2013 Work Session would further review the draft.

◇ MEMORIALIZATION OF RESOLUTION(S) ◇

Mr. Earle informed that the Resolution for Case #Z-2011-16 (170 & 176 Closter Dock Road/Desan Enterprises, Inc.) is still being finalized.

A motion was made by Ms. Marks and seconded by Secretary West, to memorialize the Resolution for Case #Z-2011-11 (247 West Street/Osso). The motion passed (3-0-0):

YES- Marks/Dhorajia/West;

NO- n/a;

ABSTAIN- n/a;

A motion was made by Mr. Ouzoonian and seconded by Mr. Monaco, to memorialize the Resolution for Case #Z-2013-04 (322 Harrington Avenue/Arcella Family Trust). The motion passed (4-0-0):

YES- Ouzoonian/Monaco/West/Bianco;

NO- n/a;

ABSTAIN- n/a;

A motion was made by Mr. Ouzoonian and seconded by Mr. Monaco, to memorialize the Resolution for Case #Z-2013-02 (24 Robinhood Avenue/Keller). The motion passed (4-0-0):

YES- Ouzoonian/Monaco/West/Bianco;

NO- n/a;

ABSTAIN- n/a;

A motion was made by Mr. Monaco and seconded by Secretary West, to memorialize the Resolution for Case #Z-2013-06 (53 Bethany Circle/Constantine). The motion passed (5-0-0):

YES- Kwon/Ouzoonian/Monaco/West/Bianco;

NO- n/a;

ABSTAIN- n/a;

A motion was made by Secretary West and seconded by Mr. Monaco, to memorialize the Resolution for Case #Z-2013-07 (57 Bethany Circle/Leyden). The motion passed (5-0-0):
YES- Kwon/Ouzoonian/Monaco/West/Bianco;
NO- n/a;
ABSTAIN- n/a;

◇ **CASELOAD** ◇

<p>Case #Z-2013-05 Birain & Bijal Parikh 74 Taylor Drive (Block 2204/Lot 9) District #1- Residential A</p>

Case History

The applicants are seeking a Bulk Variance for the installation of an outdoor barbecue station, fire pit, pergola, walkway, patio (raised) and patio (on-grade) expansion at the subject property; the application was received April 16, 2013 and scheduled for the April 24, 2013 Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the May 15, 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 May 29, 2013 (Special) Meeting; the applicants, along with their engineer and architect, completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the June 19, 2013 Meeting.

Representation

1.) Birain & Bijal Parikh, 74 Taylor Drive, Closter, New Jersey;

Witnesses

- #1: Birain Parikh, 74 Taylor Drive, Closter, New Jersey;
- #2: Bijal Parikh, 74 Taylor Drive, New Jersey;
- #3: Marios Lachanaris, RA, 1610 Center Avenue, Fort Lee, New Jersey;

Exhibits

A-5: pre-filed site plan prepared by Michael Hubschman, PE, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey dated May 10, 2013 and last revised June 6, 2013/pre-filed architectural prepared by Witness #3, both dated and last revised June 5, 2013;

Relief Sought

1.) Bulk Variance: impervious coverage (30% maximum allowed/35.72% provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicants reduced proposed impervious coverage from 38.60% to 35.72% via reduction of both driveway and proposed patio (on-grade) as well as elimination of proposed walkway;
- 2.) applicant relocated proposed barbecue station to distance of 10' from house roofline and reduced its height from 27' to 15' in lieu of clearance requirements as per New Jersey Uniform Construction Code no longer applying;

New Board Requests

- 1.) consider further reduction of proposed patios to lessen proposed impervious coverage (compromise could be to increase width of existing walkway around swimming pool from 4' to 6');
- 2.) consider elimination of proposed 55" outdoor television set out of consideration to neighboring properties;
- 3.) revise impervious coverage calculations so that existing deck is not included (348 sf being earth, not man-made surface, lies beneath it (resulting in said structure being computed as building coverage only);
- 4.) consider installation of secondary deck in place of proposed patio (raised) to further reduce proposed impervious coverage;

Public Questions

n/a;

Public Comments

n/a;

Decision

The case was adjourned to the July 17, 2013 Meeting.

RECUSED- Bianco/Marks;

<p>Case #Z-2013-09 Sear House 411 Piermont Road (Block 1903/Lot 2) District #1- Residential A</p>
--

Case History

The applicant is seeking a Use Variance and Site Plan Approval for outdoor (rooftop) restaurant dining accommodations at the subject property; the application was received May 3, 2013 and scheduled for the May 15, 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 May 29, 2013 (Special) Meeting; the applicant's architect and planner completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the June 19, 2013 Meeting.

Representation

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

Witnesses

- #1: Michael Hubschman, PE, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey;
- #2: Jose Santos, RA, Architrave Group, PC, 157 Broad Street, Suite 107, Red Bank, New Jersey;

Exhibits

A-4: colorized version of pre-filed site plan prepared by Witness #1 dated March 11, 2013 and last revised June 7, 2013;

Relief Sought

- 1.) Use Variance: modification of pre-existing/nonconforming restaurant (use is not permitted in District #1);
- 2.) Site Plan Approval-
 - a.) Design Waiver: number of parking spaces (106 spaces minimum required/92 spaces provided);
- 3.) Bulk Variance: impervious coverage (30% maximum allowed/51.25% provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant relocated proposed exterior stairway from northern to southeastern portion of building to limit travel distance to/from parking lot and increase its distance from refuse collection area;
- 2.) applicant incorporated 12 white pines (8' to 10' planted height) to serve as sound/visual buffer along shared property line with both 2 Alpine Drive and 8 Alpine Drive;
- 3.) applicant incorporated 4 callery pears (10' to 12' planted height) within Borough right-of-way along Piermont Road as well as arborvitae in front yard to screen mechanical equipment;
- 4.) applicant incorporated sidewalk along entire length of Piermont Road;
- 5.) applicant incorporated curb at eastern corner (radius) of building;
- 6.) applicant limited amount of rooftop trellis to areas facing Piermont Road and Alpine Drive only;
- 7.) applicant included guard rail on rooftop to prevent meandering and provide direct access to/from exterior stairway;
- 8.) applicant incorporated lighting fixtures along inside face of existing parapet to spill in towards rooftop dining area;
- 9.) applicant increased height of existing parapet with additional 2' of glass (total height is to be 5', 8.5");
- 10.) applicant incorporated 2 double entrance doors and 2 tinted glass windows (with curtains) at southern portion of building;
- 11.) applicant eliminated existing dumbwaiter to allow for chair lift installation (internal/handicap accessibility);

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

- 1.) Carmen Yusti, 8 Alpine Drive, Closter, New Jersey;
- 2.) Jitendra Kothari, 2 Alpine Drive, Closter, New Jersey;
- 3.) Mary Flammer, 20 Alpine Drive, Closter, New Jersey;

Decision

A motion was made by Mr. Monaco and seconded by Secretary West, to approve the Use Variance portion of the application. The motion passed (7-0-0):

YES- Kwon/Marks/Dhorajia/Ouzoonian/Monaco/West/Bianco;

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

A motion was made by Secretary West and seconded by Ms. Marks, to approve the Site Plan Review portion of the application. The motion passed (7-0-0):

YES- Kwon/Marks/Dhorajia/Ouzoonian/Monaco/West/Bianco;

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) provide 3 additional callery pears within Borough's right-of-way along Piermont Road (total of 7);
- 2.) extend curb by 6' along northern side of building to accommodate safe utilization of existing side door/steps (emergency exit);
- 3.) provide 2' high berm in side yard <right-facing> subject to verification by Mr. Morris that such would not impact drainage;
- 4.) post performance guarantee with Borough to allow for Board Engineer to conduct on-site inspections of improvements;
- 5.) prohibit artificial noise from emanating from rooftop dining area (music, television, etc.);

**Case #Z-2013-11
Vincent & Rose Tubito
63 Closter Dock Road
(Block 805/Lot 49)
District #1- Residential A**

Case History

The applicants are seeking a Use Variance (building height) for the construction of a new 1-family house at the subject property; the application was received May 14, 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 June 19, 2013 Meeting.

Representation

- 1.) Rose Tubito, Esq., 645 Westwood Avenue, Suite 301, River Vale, New Jersey;

Witnesses

- #1: Robert Zampolin, RA, 187 Fairview Avenue, Westwood, New Jersey;
- #2: Jeffrey Martell, PE, Stonefield Engineering & Design, LLC, 36 Ames Avenue, Suite 2B, Rutherford, New Jersey;
- #3: Steven Lydon, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;

Exhibits

- A-1: 6 pre-filed photographs depicting exterior conditions of subject and neighboring sites, uncredited and undated;

Relief Sought

- 1.) Use Variance: building height <excessive by $\geq 10'$ and/or 10%> (28' to midpoint maximum allowed/32.13' provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

- 1.) consider reduction of building height in way that retains character of exterior design (via adjustment of interior ceiling heights of all floors);
- 2.) alleviate concerns about both high ground water table and surface water conditions on-site by indicating to how such would affect efficiency of proposed drainage system;
- 3.) confirm which vertical control datum was utilized in project design (National Geodetic Vertical Datum of 1929 or North American Vertical Datum of 1988) to determine how much of site is located within flood hazard area as established by New Jersey Department of Environmental Protection (NJDEP);
- 4.) reevaluate type and size of storm water runoff mechanisms to be installed due to discovery of high ground water table;
- 5.) confirm type of permit(s) to be required by NJDEP;
- 6.) determine where sump pump(s) will discharge to;
- 7.) consider installation of stand-by generator for use during power outages to ensure flood water is discharged from house;
- 8.) provide landscape plan depicting means of both counteracting drainage concerns and mitigating unauthorized clear-cutting of trees on-site;
- 9.) verify weight of proposed house will not negatively impact ground water tables of neighboring parcels (surcharge);
- 10.) provide detail on ceiling height of attic;

Public Questions

- 1.) Jane Hunt, 52 Closter Dock Road, Closter, New Jersey;
- 2.) Arthur Miller, 52 Closter Dock Road, Closter, New Jersey;

Public Comments

n/a;

Decision

The case was adjourned to the July 17, 2013 Meeting.

◇ ADJOURNMENT OF MEETING ◇

A motion was made by Ms. Marks and seconded by Mr. Monaco, to have the Board adjourn at 11:23pm. The motion passed by acclamation.
