



Zoning Board of Adjustment

March 27, 2013

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

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:11pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Theodore West, DDS- Secretary
Mitchell Monaco
Thomas Hennessey
Heena Dhorajia, EIT
Andrew Shyong, DDS- Alternate #1
Joan Marks- Alternate #2
John Galluccio, Esq.- Alternate #3
Phillip Kwon, Esq.- Alternate #4
Leonard Sinowitz- Zoning Officer
Michael Kates, Esq.- Board Attorney
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman
Antranig Ouzoonian, PE
Arthur Dolson- Council Liaison
Jeffrey Morris, PE- Board Engineer

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

Mr. Demarest informed that requested items as per the voice vote for Case #Z-2012-11 (120 High Street/Carpentieri) have still not been filed, thus, the Board postponed a vote to memorialize the Resolution; Mr. Kates stated the Resolutions for Case #'s Z-2013-03 (175 Herbert Avenue/De Falco) and Z-2011-16 (170 & 176 Closter Dock Road/Desan Enterprises, Inc.) were being drafted.

A motion was made by Ms. Dhorajia and seconded by Mr. Hennessey, to memorialize the Resolution for Case #Z-2012-12 (388 Anderson Avenue/Erbeli). The motion passed (6-0-0):
YES- Galluccio/Dhorajia/Hennessey/Monaco/West/Bianco;
NO- n/a;
ABSTAIN- Ouzoonian/Marks;
RECUSED- Freesman/Shyong;

A motion was made by Mr. Hennessey and seconded by Dr. Shyong, to memorialize the Resolution for Case #Z-2013-01 (551 Closter Dock Road/Votto). The motion passed (5-0-0):
YES- Shyong/Dhorajia/Hennessey/West/Bianco;
NO- n/a;
ABSTAIN- n/a;

A motion was made by Secretary West and seconded by Ms. Dhorajia, to memorialize the Resolution for Case #Z-2012-07 (441 High Street/de la Bastida). The motion passed (5-0-0):
YES- Dhorajia/Hennessey/Monaco/West/Bianco;
NO- n/a;
ABSTAIN- n/a;

◇ MISCELLANEOUS ◇

Chairman Bianco informed that the Borough will hold its bi-annual Joint Meeting, a gathering in which the public and Borough officials discuss land use matters, on April 27, 2013; he revealed that Frank Banisch, PP, a professional planner retained by the Borough, would give a preview of his recommendations for improving District #'s 3 (Business), 4 (Commercial) and 5 (Industrial) before a formal presentation to the Planning Board in the coming weeks. Chairman Bianco reminded that a land use symposium is scheduled for April 20, 2013, at which Mr. Kates will be 1 of the keynote speakers. Mr. Demarest informed that Mr. Kwon opted to attend a land use symposium offered in the future so to obtain his land use board certification, a statutory requirement for Board members to be fulfilled within 18 months of their inaugural appointment.

◇ OPEN TO THE PUBLIC ◇

n/a;

◇ CASELOAD ◇

<p>Case #Z-2011-11 Fiore Osso 247 West Street (Block 1301/Lot 22) District #2- Residential B</p>

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 May 18, 2011 and scheduled for the May 25, 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 July 20, 2011 Meeting; due to the Board's heavy caseload, the application was postponed to the 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 scheduling conflicts with all parties involved in the applicant's presentation, the case was postponed to the March 21, 2012 Meeting and, again, 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 November 28, 2012 (Special) Meeting; due to a scheduling conflict with the applicant's planner, the case was postponed to the December 19, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the January 23, 2013 (Special) Meeting and, again, to the February 20, 2013 Meeting; due to a scheduling conflict with the applicant's attorney, the case was postponed to the March 27, 2013 (Special) 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: James Whitney, Code Enforcement Officer (West Side), Borough of Closter, 295 Closter Dock Road, New Jersey;
- #3: Leonard Sinowitz, Zoning Officer, Borough of Closter, 295 Closter Dock Road, Closter, New Jersey;

Exhibits

- A-1: informational packet consisting of 10 categories of documentation pertaining to subject property, prepared by Witness #1 and undated;
- A-2: colorized version of pre-filed site plan prepared by Witness #1 dated April 8, 2011 and last revised August 2, 2011;
- A-3: page 57 of Borough's Historic Preservation Plan Element adopted April 6, 2011 and identifying subject property as "contributing";
- BD-1: Resolution for Case #Z-1982-01 outlining Board approval for construction of addition at subject property as presented by prior owner (Andrew Orlich) and memorialized April 21, 1982;

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/9,404.79 sf provided);
 - b.) Bulk Variance: lot width at building setback line (100' minimum required/50' provided);
 - c.) Bulk Variance: street frontage (75' minimum required/50' provided);
 - d.) Bulk Variance: side yard <left-facing> setback (15' minimum required/1.25' provided);
 - e.) Bulk Variance: side yard setback aggregate (30' minimum required/25.75' provided);
 - f.) Bulk Variance: impervious coverage (30% maximum allowed/46.97% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

- 1.) provide both Borough and United States Department of Housing and Urban Development requirements for minimum floor area as they relate to 2nd floor unit (809 sf);

- 2.) provide architectural proofs there is potential for demolition due to constraints (historic designation and cost factor) in retrofitting subject house to 1-family use;
- 3.) explain how historic designation of subject house relates to its use;
- 4.) provide history of property tax payments;
- 5.) provide itemization of 2- and multiple-family houses testified to being located in vicinity;
- 6.) clarify nature of chimney-like structure in rear portion of house which is depicted in submitted photograph but omitted from floor plan;

Public Questions

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

Public Comments

n/a;

Decision

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

RECUSED- Bianco/Shyong;

◇ ADJOURNMENT OF (SPECIAL) MEETING ◇

Mr. Watkins requested that the Board reconsider its recent dismissal of 2 cases, on which both he represents the applicant; the Board agreed to do so.

A motion was made by Secretary West and seconded by Mr. Hennessey, to reinstate onto the Board agenda Case #'s Z-2012-01 (318 Harrington Avenue/Baquiran) and Z-2011-15 (447 High Street/Haverilla), which were both dismissed without prejudice for lack of prosecution at the March 20, 2013 Meeting. The motion failed (3-4-0):

YES- Hennessey/Monaco/West;

NO- Galluccio/Marks/Dhorajia/Bianco;

ABSTAIN- n/a;

EARLY DEPARTURE- Shyong;

Mr. Demarest informed that the Borough Administrator, Richard Sheola, questioned the status of the Board's 2011 and 2012 Annual Reports to the Governing Body and Planning Board; Mr. Kates replied he would review how substantive the Drafting Subcommittee's progress has been to determine if it needs to reconvene to produce a final draft.

A motion was made by Mr. Hennessey and seconded by Ms. Dhorajia, to have the Board adjourn at 11:06pm. The motion passed by acclamation.
