



Zoning Board of Adjustment

May 29, 2013

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

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:12pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Theodore West, DDS- Secretary
Mitchell Monaco
Antranig Ouzoonian, PE
Thomas Hennessey
John Galluccio, Esq.- Alternate #3
Phillip Kwon, Esq.- Alternate #4
Arthur Dolson- Council Liaison
Leonard Sinowitz- Zoning Officer
Michael Kates, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman
Heena Dhorajia, EIT
VACANT- Alternate #1
Joan Marks- Alternate #2

◇ **CORRESPONDENCE** ◇

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

Mr. Ouzoonian reacted to a letter prepared by Mr. Morris in which he consented to newly-filed architectural prepared by a design professional retained subsequent to the finalization of Case #Z-2012-13 (11 Homans Avenue/11 Homans Properties, LLC), thereby replacing the professional witness and plans made part of the record during the case proceedings. Mr. Ouzoonian believed the Board should give its approval of such plans, especially since it was not predicated on them. Mr. Morris explained that although the new plans originally deviated from those cited in the memorialized Resolution, they have since been revised to depict what the Board intended, noting the interior layout of the subject building has been somewhat reconfigured.

◇ **MINUTES** ◇

A motion was made by Secretary West and seconded by Mr. Hennessey, to approve the minutes for the March 20, 2013 Meeting. The motion passed (7-0-0):

YES- Kwon/Galluccio/Hennessey/Ouzoonian/Monaco/West/Bianco;
NO- n/a;
ABSTAIN- n/a;

A motion was made by Mr. Galluccio and seconded by Mr. Monaco, to approve the minutes for the March 27, 2013 (Special) Meeting. The motion passed (6-0-0):

YES- Kwon/Galluccio/Hennessey/Monaco/West/Bianco;
NO- n/a;
ABSTAIN- n/a;

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

YES- Kwon/Galluccio/Hennessey/Ouzoonian/West/Bianco;
NO- n/a;
ABSTAIN- n/a;

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

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

A motion was made by Secretary West and seconded by Mr. Monaco, to memorialize the Resolution for Case #Z-2012-11 (120 High Street/Carpentieri) conditioned upon the inclusion of a 90-day deadline to fulfill stipulations. The motion passed (5-0-0):

YES- Hennessey/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-2012-01 (318 Harrington Avenue/Baquiran). The motion passed (4-0-0):

YES- Hennessey/Ouzoonian/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;
EARLY DISMISSAL- West;

A motion was made by Mr. Hennessey and seconded by Mr. Monaco, to memorialize the Resolution for Case #Z-2011-15 (447 High Street/Haverilla). The motion passed (4-0-0):

YES- Hennessey/Ouzoonian/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;
EARLY DISMISSAL- West;

Mr. Kates announced that Resolutions for Case #'s Z-2011-11 (247 West Street/Osso), Z-2013-02 (24 Robinhood Avenue/Keller) and Z-2013-04 (322 Harrington Avenue/Arcella Family Trust) were being drafted; he noted that the vote on the Resolution for Case #Z-2011-16 (170 & 176 Closter Dock Road/Desan Enterprises, Inc.) has been delayed yet again due to recent submissions by the applicant.

◇ **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 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.

◇ **OPEN TO THE PUBLIC** ◇

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.

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: Michael Hubschman, PE, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey;
- #4: Marios Lachanaris, RA, 1610 Center Avenue, Fort Lee, New Jersey;

Exhibits

- A-1: colorized version of pre-filed site plan prepared by Witness #3 and dated May 10, 2013;
- A-2: colorized version of pre-filed landscape plan prepared by Witness #3 and dated May 10, 2013;
- A-3: 2 photographs depicting rear yard conditions (with emphasis on in-ground swimming pool currently under construction), prepared by Witness #3 and dated May 16, 2013;
- A-4: 2 additional photographs depicting rear yard conditions, prepared by Witness #3 and dated May 16, 2013;

BD-1: grading plan prepared by Robert Burdick, PE, 1023 Ocean Road, Point Pleasant, New Jersey, dated April 20, 2012 and received May 22, 2012 by Zoning Officer for issuance of zoning permit approving installation of in-ground swimming pool;

Relief Sought

- 1.) Bulk Variance: impervious coverage (30% maximum allowed/38.60% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

- 1.) provide fence installation along northerly property line to complete swimming pool enclosure (fence situated on 68 Taylor Drive cannot serve as part of pool barrier for subject property);
- 2.) consider reduction of proposed patios and walkway to lessen proposed impervious coverage (compromise could be to increase width of existing walkway around swimming pool from 4' to 6');
- 3.) indicate 200 sf reduction of driveway previously stipulated to by Zoning Officer upon issuance of zoning permit for installation of in-ground swimming pool (such was to ensure impervious coverage would not exceed 30%);
- 4.) consider relocation of proposed barbecue station to distance of at least 10' from house roofline to allow for its 27' height to be reduced being clearance requirements as per New Jersey Uniform Construction Code would no longer apply;

Public Questions

- 1.) Charlene Tullo, 67 Sherman Avenue, Closter, New Jersey;

Public Comments

n/a;

Decision

The case was adjourned to the June 19, 2013 Meeting.

RECUSED- Bianco/Marks;

<p>Case #Z-2013-06 Christopher & Dawn Constantine 53 Bethany Circle (Block 308/Lot 20) District #1- Residential A</p>
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Case History

The applicants are seeking a Design Waiver for the installation of a fence (privacy) 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.

Representation

1.) Christopher Constantine, 53 Bethany Circle, Closter, New Jersey;

Witnesses

#1: Christopher Constantine, 53 Bethany Circle, Closter, New Jersey;

Exhibits

A-1: 4 photographs depicting front yard (facing Schraalenburgh Road), prepared by Witness #1 and undated/colorized brochure of selected fence style;

Relief Sought

1.) Design Waiver: fence in front yard (4' height maximum allowed and 50% visibility minimum required/6' and 0% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

n/a;

Decision

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

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

NO- n/a;

ABSTAIN- n/a;

Conditions

1.) obtain encroachment approval from Bergen County Department of Public Works (Engineering Division) for installation of fence within road-widening easement located along Schraalenburgh Road;

**Case #Z-2013-07
Kevin Leyden
57 Bethany Circle
(Block 308/Lot 21)
District #1- Residential A**

Case History

The applicant is seeking a Design Waiver for the installation of a fence (privacy) 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).

Representation

1.) Kevin Leyden, 57 Bethany Circle, Closter, New Jersey;

Witnesses

#1: Kevin Leyden, 57 Bethany Circle, Closter, New Jersey;

Exhibits

A-1: 8 photographs depicting front yard (facing Schraalenburgh Road) and surrounding properties, prepared by Witness #1 and undated;

Relief Sought

1.) Design Waiver: fence in front yard (4' height maximum allowed and 50% visibility minimum required/6' and 0% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

n/a;

Decision

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

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

NO- n/a;

ABSTAIN- n/a;

Conditions

1.) obtain encroachment approval from Bergen County Department of Public Works (Engineering Division) for installation of fence within road-widening easement located along Schraalenburgh Road;

The Board recessed at 10:05pm.

The Board reconvened at 10:09pm.

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

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

Witnesses

- #1: Jose Santos, RA, Architrave Group, PC, 157 Broad Street, Suite 107, Red Bank, New Jersey;
- #2: Roger De Niscia, PP, 347 Upper Mountain Avenue, Montclair, New Jersey;

Exhibits

- A-1: architecturals (ledger paper-sized conceptualls) prepared by Witness #1, dated April 2, 2013 and last revised May 29, 2013;
- A-2: letter verifying rooftop structural stability, prepared by Alkesh Shah, PE, AGS Consulting, LLC, 8 Austin Avenue, Woodbridge Township, New Jersey and dated May 24, 2013;
- A-3: 5 photographs depicting existing exterior conditions of subject and surrounding properties, prepared by Witness #2 and undated;

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 eastern portion of building to comply with New Jersey Uniform Construction Code requirements for remote criteria of 2 means of egress as well as to prevent having occupants travel past rooftop mechanical equipment to access exterior stairway;

New Board Requests

- 1.) provide means of handicap accessibility to/from proposed rooftop dining area by converting existing dumbwaiter to compliant elevator device;
- 2.) provide door/gate at ground level entrance of exterior stairway to hinder rooftop access during overnight hours;
- 3.) provide means of buffering residences on Alpine Drive from proposed lighting scheme and anticipated increase in noise level (height increase of existing parapet, landscaping, etc.);
- 4.) provide full-scale architectural revisions (elaborating upon Exhibit #A-1) depicting exterior stairway detail and addressing comments made in administrative report by Building Department;
- 5.) research Borough's land use board history of restaurant's evolution given its pre-existing/nonconforming status potentially dating back as far as late 19th century;

Public Questions

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

Public Comments

n/a;

Decision

The case was adjourned to the June 19, 2013 Meeting.

◇ ADJOURNMENT OF (SPECIAL) MEETING ◇

A motion was made by Mr. Kwon and seconded by Mr. Monaco, to have the Board adjourn at 11:29pm. The motion passed by acclamation.
