



Zoning Board of Adjustment

November 20, 2013

Meeting
(Minutes)

Prepared by:

Paul Demarest

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

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Steven Freesman, Esq.- Vice Chairman
Mitchell Monaco
Antranig Ouzoonian, PE
Thomas Hennessey
Heena Dhorajia, EIT
Michael Kafer, Esq.- Alternate #1
Joan Marks- Alternate #2
Phillip Kwon, Esq.- Alternate #4
Arthur Dolson- Council Liaison
Michael Kates, Esq.- Board Attorney
Paul Demarest- Board Coordinator

Absent

Theodore West, DDS- Secretary
John Galluccio, Esq.- Alternate #3
Leonard Sinowitz- Zoning Officer
Jeffrey Morris, PE- Board Engineer

◇ **CORRESPONDENCE** ◇

In Secretary West's absence, Vice Chairman Freesman read mail received by the Land Use Department into the record.

◇ **MINUTES** ◇

The Board postponed a vote on the minutes for the October 16, 2013 Meeting to the November 20, 2013 Meeting to allow for sufficient review.

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

Chairman Bianco informed that revisions pertaining to Case #Z-2013-10 (626 Closter Dock Road/Khanna) have been approved by the Board Engineer. Councilman Dolson questioned if property tax certification, as of the 4th Quarter, has been given; he stated that as of his inquiry last week, taxes were still delinquent. Mr. Demarest replied the Borough has been paid all back taxes relating to the lien placed on the property due to non-payment by the previous property owner; he noted it is not known if the lien holder has been paid. Mr. Kates informed that the Board can opt to withhold memorialization of the Resolution altogether or simply prevent its release to the applicants until taxes are current. Reading from a memo prepared by the Tax

Collector, Maria Passafaro, and dated October 21, 2013, Mr. Demarest said 626 Closter Dock Road's property taxes "will be at current status after October 31, 2013..." and the account "...was at tax title lien redemption." The Board was perplexed by the language in Ms. Passafaro's letter.

A motion was made by Mr. Hennessey and seconded by Ms. Marks, to memorialize the Resolution for Case #Z-2013-10 (626 Closter Dock Road/Khanna) but withhold its release to the applicants until property tax certification, as of the 4th Quarter, is confirmed. The motion passed (5-0-0):

YES- Marks/Dhorajia/Hennessey/Ouzoonian/Bianco;

NO- n/a;

ABSTAIN- n/a;

A motion was made by Mr. Hennessey and seconded by Ms. Marks, to have Vice Chairman Freesman co-sign said Resolution in light of Secretary West's absence. The motion passed by acclamation.

◇SUBCOMMITTEE ASSIGNMENTS◇

November 27, 2013 Work Session: ***CANCELLED***;

◇OPEN TO THE PUBLIC◇

n/a;

◇MISCELLANEOUS◇

Chairman Bianco questioned if the Board saw conflict, in terms of holidays or the annual New Jersey League of Municipalities Conference, with those dates listed in its 2014 schedule of Work Sessions and Meeting as drafted by Mr. Demarest; hearing no objection, Chairman Bianco noted the Board would continue its 3rd, 4th and 5th Wednesday of each month format to ensure its caseload is expedited.

A motion was made by Ms. Marks and seconded by Vice Chairman Freesman, to approve the Board's 2014 schedule of Work Sessions and Meetings. The motion passed (7-0-0):

YES- Marks/Kafer/Dhorajia/Hennessey/Ouzoonian/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Monaco;

◇CASELOAD◇

<p>Case #Z-2013-15 Nana Landi 596 High Street (Block 1707/Lot 2) District #2- Residential B</p>
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Case History

The applicant is seeking Bulk Variances for the construction of (2) additions, foyer and walkway at the subject property; the application was received September 24, 2013 and scheduled for the October 23, 2013 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 November 20, 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: Youngmin Woo, RA, 495 Durie Avenue, Closter, New Jersey;

Exhibits

- A-1: colorized version of pre-filed site plan prepared by Witness #1, dated May 29, 2013 and last revised October 30, 2013;
- A-2: colorized version of pre-filed architectural (page A-100 only) prepared by Witness #2, dated September 15, 2013 and last revised November 5, 2013;
- A-3: colorized version of pre-filed architectural (page A-101 only) prepared by Witness #2, dated September 15, 2013 and last revised November 5, 2013;

Relief Sought

- 1.) Bulk Variance: front yard setback (40' minimum required <52.88' average>/33.50' provided);
- 2.) Bulk Variance: side yard <right-facing> setback (15' minimum required/10' provided);
- 3.) Bulk Variance: side yard setback aggregate (30' minimum required/25.79' provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant addressed all comments by Subcommittee outlined in letter prepared by Mr. Demarest and dated October 24, 2013;

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- Marks/Kafer/Dhorajia/Hennessey/Ouzoonian/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Monaco;

Conditions

- 1.) provide hip roof style for left-facing elevation to mirror right-side elevation;
- 2.) redesign proposed storm water management system (*StormTech* chamber system has elevation lower than invert of existing drain to which it will connect) and obtain its approval from Board Engineer;

Case #Z-2013-16
Nir Dhan
32 Harvey Street
(Block 901/Lot 5)
District #2- Residential B

Case History

The applicant is seeking a Bulk Variance for the installation of an in-ground swimming pool, patio (on-grade), (3) walkways and driveway reconfiguration at the subject property; the application was received October 4, 2013 and scheduled for the October 23, 2013 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 November 20, 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;

Exhibits

- A-1: colorized version of pre-filed site plan prepared by Witness #1, dated March 22, 2012 and last revised October 30, 2013;

Relief Sought

- 1.) Bulk Variance: impervious coverage (30% maximum allowed/35.20% provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant reduced dimensions of proposed swimming pool from 32'x16' to 30'x16';
- 2.) applicant reduced area of proposed patio surrounding swimming pool from 236 sf to 224 sf;
- 3.) applicant provided 1 red maple (having 3.5" caliper measurement) at both front corners of site;

New Board Requests

- 1.) obtain Certificate of Occupancy for Uniform Construction Code Permit #10-0133 (issued by Building Department on April 30, 2010 for construction of addition, front <open> porch and side steps/landing <basement access>);
- 2.) present applicant for testimony on discrepancy between building and impervious coverage amounts approved by Zoning Officer as part of construction permit referenced above (19.90% and 28.70% respectively) and those existing amounts as presented in Board application (21.09% and 34.82% respectively);

- 3.) reevaluate argument that requested bulk variance relief is justified under NJSA 40:55D-70c (2) <substantial benefit> keeping in mind that justification under NJSA 40:55D-70c (1) (a-c) <hardship> may be undermined in light of construction permit referenced above;
- 4.) clarify if approximately 700 sf of rear yard (gore) not originally conveyed to applicant and wife on December 21, 2007 was figured into bulk calculations as part of construction permit referenced above;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Mr. Ouzoonian and seconded by Mr. Hennessey, to withdraw a pending motion (made by Mr. Ouzoonian and seconded by Mr. Hennessey) to approve the application. The motion passed by acclamation.

The case was adjourned to the December 18, 2013 Meeting.

<p>Case #Z-2013-14 Ian Birla 246 Parsells Lane (Block 2305/Lot 9) District #1- Residential A</p>

Case History

The applicant is seeking a Bulk Variance for the as-built construction of a patio (on-grade) expansion at the subject property; the application was received September 18, 2013 and scheduled for the October 23, 2013 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 November 20, 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;

Exhibits

- A-1: pre-filed site plan prepared by Witness #1, dated September 17, 2013 and last revised November 8, 2013;

Relief Sought

- 1.) Bulk Variance: impervious coverage (30% maximum allowed/34.36% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

- 1.) verify existing retaining walls are included as part of as-built impervious coverage calculation;
- 2.) provide 2 additional seepage pits to supplement 5 existing on-site as well as their maintenance to ensure recharge of storm water management system;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Mr. Ouzoonian and seconded by Mr. Monaco, to deny the application. The motion passed (4-3-0):

YES- Dhorajia/Hennessey/Ouzoonian/Monaco;

NO- Kwon/Marks/Bianco;

ABSTAIN- n/a;

RECUSED- Kafer/Freesman;

Conditions

n/a;

◆**ADJOURNMENT OF MEETING**◆

Speaking on behalf of his client, the applicant for Case #Z-2012-11 (120 High Street/Carpentieri), Mr. Watkins proffered a compromise to the Board to prevent an appeal made to the Superior Court of New Jersey- Bergen County Law Division from proceeding; he reiterated that while the Board approved the application for 2-family use ratification, several conditions set forth in the Resolution are unreasonable, specifically the removal of a detached garage and bulkhead doors which would create hardship for the site's residents. Mr. Watkins believed his client received poor legal counsel during her Board appearance and revealed she has since been appointed a guardian upon being deemed non compos mentis ("not of sound mind").

A motion was made by Ms. Marks and seconded by Secretary Freesman, to have the Board go into closed session at 9:45pm. The motion passed by acclamation.

Chairman Bianco reopened the meeting to the public at 10:01pm. Mr. Kates disclosed that the Board discussed modifying the Resolution memorialized for Case #Z-2012-11 (120 High Street/Carpentieri).

A motion was made by Ms. Marks and seconded by Mr. Ouzoonian, to eliminate the following stipulations previously conditioned within the Resolution for Case #Z-2012-11 (120 High Street/Carpentieri): 1.) demolition of detached garage; 2.) removal of concrete walkway along westerly portion of house extending from concrete patio to front steps/landing facing High Street . The motion passed (5-0-2):

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

NO- n/a;

ABSTAIN- Dhorajia/Hennessey;

EARLY DISMISSAL- Kafer/Freesman;

A motion was made by Mr. Hennessey and seconded by Mr. Monaco, to have Mr. Kates draft a letter to the Governing Body recommending the reappointment of Mr. Kwon, Ms. Marks and Chairman Bianco to the Board being their terms expire on December 31, 2013. The motion passed (5-0-2):

YES- Marks/Dhorajia/Hennessey/Ouzoonian/Monaco;

NO- n/a;

ABSTAIN- Kwon/Bianco;

EARLY DISMISSAL- Kafer/Freesman;

A motion was made by Mr. Hennessey and seconded by Ms. Marks, to have the Board adjourn at 10:06pm. The motion passed by acclamation.
