



# **Zoning Board of Adjustment**

April 16, 2014

**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  
Thomas Hennessey  
Michael Kafer, Esq.- Alternate #1  
Joan Marks- Alternate #2  
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  
John Galluccio, Esq.- Alternate #3  
Phillip Kwon, Esq.- Alternate #4

---

◇ **CORRESPONDENCE** ◇

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

---

◇ **MINUTES** ◇

Mr. Demarest said the minutes for the March 19, 2014 Meeting were not yet completed.

---

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

April 23, 2014 Work Session: \*\*\*CANCELLED\*\*\*;

---

◇ **MISCELLANEOUS** ◇

Chairman Bianco inquired about those Board members who still require land use board certification from an agency/affiliate recognized by the State of New Jersey. Mr. Kates reported that a symposium hosted annually in March by a group of local law firms has yet to be organized. He reminded that both Mr. Kafer and Mr. Kwon must obtain the certification within 18 months of their initial Board appointments by the Governing Body. He promised to research other options available, noting the organization, New Jersey Planning Officials (NJPO), holds

certification sessions throughout the year, though often the venues are quite a distance from Bergen County.

---

**◇ OPEN TO THE PUBLIC ◇**

n/a;

---

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

A motion was made by Secretary West and seconded by Mr. Ouzoonian, to memorialize the Resolution for Case #Z-2014-01 (31 Storig Avenue/ NJR Investment Properties II, LLC). The motion passed (4-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Mr. Hennessey and seconded by Ms. Marks, to memorialize a revised Resolution for Case #Z-2013-13 (318 Harrington Avenue/Baquiran), as it relates to granting pre-existing/nonconforming status for 1 apartment (rear building) and removing site improvement requirements. The motion passed (2-0-0):

**YES-** Marks/Hennessey;

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Mr. Hennessey and seconded by Secretary West, to memorialize a revised Resolution for Case #Z-2011-16 (170 & 176 Closter Dock Road/Desan Enterprises, Inc.) as it relates to granting an extension of time in which outstanding stipulations are to be met. The motion passed (4-0-0):

**YES-** Hennessey/Ouzoonian/West/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Secretary West and seconded by Ms. Marks, to memorialize a revised Resolution for Case #Z-2012-11 (120 High Street/Carpentieri) as it relates to removing certain previously-agreed upon stipulations. The motion passed (6-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

Mr. Kates advised the Resolution for Case #Z-2014-02 (494 Durie Avenue/Sadhu Vaswani Center) is still being drafted.

---

**◇ CASELOAD ◇**

<p><b>Case #Z-2014-03</b> <b>Isaac Ben-Avraham</b> <b>515 Piermont Road</b> <b>(Block 1605/Lot 17)</b> <b>District #1- Residential A</b></p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------

### Case History

The applicant is seeking a Use Variance and Site Plan Approval for the construction of a new building (containing a restaurant and associated retail establishments) at the subject property; the application was received February 7, 2014 and scheduled for the February 19, 2014 Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the March 19, 2014 (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 April 16, 2014 Meeting.

### Representation

- 1.) Elliot Urdang, Esq., 19 Engle Street, Tenafly, New Jersey;
- 2.) Marc Leibman, Esq., Kaufman, Semeraro & Leibman, LLP, 2 Executive Drive, Suite 530, Fort Lee, New Jersey (FOR OBJECTOR- Dmitry Shepelsky, 283 Homans Avenue, Closter, New Jersey);

### Witnesses

- #1: Steven Napolitano, PE, SNS Architects & Planners, PC, 1 Paragon Drive, Montvale, New Jersey;
- #2: Fay Logan, RA, SNS Architects & Planners, PC, 1 Paragon Drive, Montvale, New Jersey;

### Exhibits

- A-1: colorized/miniaturized versions of pre-filed site plan and architectural, prepared by Witness #'s 1 and 2, dated January 2, 2014/January 14, 2014/January 20, 2014/January 24, 2014 and last revised March 6, 2014;

### Relief Sought

- 1.) Use Variance: modification of pre-existing/nonconforming retail food establishment (use is not permitted in District #1);
- 2.) Site Plan Approval-
  - a.) Design Waiver: number of parking spaces (115 spaces minimum required/88 spaces provided);
  - b.) Design Waiver: front yard parking setback <corner lot- facing Piermont Road> (20' minimum required/0' provided);
  - c.) Design Waiver: front yard parking setback <corner lot- facing Homans Avenue> (20' minimum required/17' provided);
  - d.) Design Waiver: parking space size (200 sf minimum required/166.30 sf provided);
  - e.) Design Waiver: aisle width (18' minimum required/14' provided);
  - f.) Design Waiver: wall sign <principal> area (36 sf maximum allowed/60 sf provided);
  - g.) Design Waiver: wall sign <ancillary/2<sup>nd</sup> and 3<sup>rd</sup>> area (18 sf maximum allowed/30 sf and 60 sf provided);
  - h.) Design Waiver: loading space size (12'x35' minimum required/12.50'x26.50' provided);
- 3.) Bulk Variance: impervious coverage (30% maximum allowed/37.38% provided);

### Response to Prior Board and/or Subcommittee Requests

n/a;

### New Board Requests

- 1.) incorporate diagrammatic examples of what engineer and traffic expert will be testifying to during proceedings (such items have yet to be provided), specifically, a.) angle of sight and level of curb looking east/west; b.) provide sight distances for 3 proposed curb cuts on-site taking into account both Hillside Elementary School (340 Homans Avenue) and extreme curve at intersection of Piermont Road and Alpine Drive; c.) provide analysis of 4 traffic movement areas, specifically, intersection of Alpine Drive and Piermont Road, intersection of Lindbergh Avenue and Piermont Road as well as 2 residential driveways immediately north of subject site;
- 2.) provide additional templates for passenger and garbage collection vehicles with respect to geometry of turning radius sufficiency;
- 3.) obtain feedback/review from Bergen County Department of Planning & Economic Development with respect to possible road-widening easement along Piermont Road and how such could affect how proposed building would be situated on subject property;
- 4.) verify grading at northeastern portion of subject site is adequate (retaining wall may be required to protect neighboring property);
- 5.) indicate how proposed storm water management system would take in account existing drainage pattern of residences along Trautwein Crescent whose rear yards drain onto subject site (bypassing or diverting/detaining are viable options);
- 6.) provide bypass piping for direct discharge from proposed roof to storm water management system;
- 7.) provide maintenance plan for proposed storm water management system;
- 8.) reevaluate design/location of proposed pipe (slope) of storm water management system that will be connecting to Bergen County's drainage system;
- 9.) provide location, elevation and depth of percolation test used to determine infiltration rate;
- 10.) provide calculations for determining seemingly high exfiltration rates;
- 11.) provide lighting detail for proposed building and soffits;
- 12.) obtain Health Department approval for proposed sanitary sewer connection and grease traps (existing connection must be properly abandoned);
- 13.) obtain Bergen County Planning Board and Bergen County Soil Conservation District approvals;
- 14.) clarify if permanent structures will be necessary on-site for storage of equipment utilized in connection with farm field or if equipment would be temporarily on-site only as needed;
- 15.) indicate who would tend farm field (owner, employee, 3<sup>rd</sup> party, etc.);
- 16.) provide testimony as to legal relevance of New Jersey's "Right to Farm Act" to proposed site;
- 17.) provide examples of sites within 10 mile radius of subject property that have similar lighting schemes to that being proposed so Board members can visit and corroborate testimony that there would be no spillage onto neighboring properties;
- 18.) provide distances from building/nearest driveway of Hillside Elementary School (340 Homans Avenue) to proposed exit from subject site onto Homans Avenue so to verify pedestrian safety (indicate in true dimension without break line using same scale)-  
\*\*\*Google Maps can be utilized with dimensions for off-site requests in lieu of surveying\*\*\*;
- 19.) provide dimensions for intersection of Homans Avenue and Trautwein Crescent (westernmost access point only)- \*\*\*Google Maps can be utilized with dimensions for off-site requests in lieu of surveying\*\*\*;
- 20.) inquire if Police Department wishes to revise its previous administrative report indicating it had no comments on proposal;

- 21.) incorporate comments made by Borough's emergency services relating to site access into forthcoming revisions;
- 22.) indicate if refuse enclosure will be equipped with compactor;
- 23.) clarify whether noise/odor shielding is anticipated on-site;
- 24.) consider having Board approval conditioned upon limitation of uses on-site (maximum of 40 seats for proposed restaurant, numerous exit doors and roof overhang cannot accommodate outdoor seating, etc.);
- 25.) provide detail on number, size and location of heating/ventilation/air conditioning units and generators to be installed;

Public Questions

- 1.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;
- 2.) Christophe Hervieu, 35 Trautwein Crescent, Closter, New Jersey;
- 3.) John Schuierer, 11 Trautwein Crescent, Closter, New Jersey;
- 4.) Steven Isaacson, 97 Columbus Avenue, Closter, New Jersey;
- 5.) Carl Olsson, 215 Irving Avenue, Closter, New Jersey;
- 6.) Rahamim Evar, 38 Trautwein Crescent, Closter, New Jersey;
- 7.) Mark Gabelman, 36 Trautwein Crescent, Closter, New Jersey;
- 8.) Michael Alter, 23 Trautwein Crescent, Closter, New Jersey;
- 9.) Stephen Chan, 29 Trautwein Crescent, Closter, New Jersey;

Public Comments

n/a;

Decision

The case was adjourned to the April 30, 2014 (Special) Meeting.

---

**◇ADJOURNMENT OF MEETING◇**

A motion was made by Mr. Kafer and seconded by Ms. Marks, to have the Board adjourn at 11:26pm. The motion passed by acclamation.

---