



# **Zoning Board of Adjustment**

August 20, 2014

**Meeting**  
*(Minutes)*

Prepared by:

**Paul Demarest**

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

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◇ **PLEDGE OF ALLEGIANCE** ◇

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◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman  
Steven Freesman, Esq.- Vice Chairman  
Theodore West, DDS- Secretary  
Mitchell Monaco  
Antranig Ouzoonian, PE  
Heena Dhorajia, EIT  
Michael Kafer, Esq.- Alternate #1  
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

Thomas Hennessey  
Joan Marks- Alternate #2

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◇ **CORRESPONDENCE** ◇

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

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◇ **MINUTES** ◇

A motion was made by Secretary West and seconded by Mr. Ouzoonian, to approve the minutes for the July 16, 2014 Meeting. The motion passed (6-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

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◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

September 17, 2014 (Special) Work Session: Bianco/Monaco/Kafer;

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◇ **MISCELLANEOUS** ◇

Mr. Demarest informed that both Mr. Kafer and Mr. Kwon agreed to attend a land use board certification course being offered by New Jersey Planning Officials (NJPO), an affiliate

recognized by the State of New Jersey, on September 21, 2014; he stated that, as a result, both will have fulfilled the requirement of being certified within 18 months of their initial Board appointment.

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◆ **OPEN TO THE PUBLIC** ◆

n/a;

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

A motion was made by Mr. Ouzoonian and seconded by Secretary West, to memorialize the Resolution for Case #Z-2014-05 (36 Chestnut Avenue/Lee). The motion passed (4-0-0):

**YES-** Dhorajia/Ouzoonian/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-2014-06 (447 High Street/Haverilla) conditioned upon all stipulations being completed within 120 days of this evening as requested by the applicant. The motion passed (5-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

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◆ **CASELOAD** ◆

<p><b>Case #Z-2014-07</b> <b>309 Closter Dock Road, LLC</b> <b>309 Closter Dock Road</b> <b>(Block 1701/Lot 1)</b> <b>District #2- Residential B</b></p>
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Case History

The applicant is seeking a Use Variance and Site Plan Approval for the construction of a new building (containing a delicatessen and 2 apartments) at the subject property; the application was received May 22, 2014 and scheduled for the June 18, 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 July 16, 2014 Meeting; due to the Board's heavy caseload, the application was postponed to the August 20, 2014 Meeting.

Representation

1.) Elliot Urdang, Esq., 19 Engle Street, Tenafly, New Jersey;

Witnesses

#1: Michael Hubschman, PE, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey;

- #2:** Raul Mederos, RA, Imagen Architecture, LLC, 24 West Railroad Avenue, Tenafly, New Jersey;

Exhibits

- A-1:** colorized version of pre-filed site plan prepared by Witness #1, dated April 28, 2014 and last revised July 30, 2014;
- A-2:** floor area analysis of current location (272 Closter Dock Road) occupied by “Nonna Clementina’s Gourmet Deli” (anticipated 1<sup>st</sup> floor occupant of proposed building), prepared by Witness #2 and dated August 20, 2014;
- A-3:** pre-filed architectural prepared by Witness #2, dated April 30, 2014 and last revised July 3, 2014;
- A-4:** architectural prepared by Witness #2, dated April 30, 2014 and last revised August 18, 2014;

Relief Sought

- 1.)** Use Variance: delicatessen and 2-family housing (not being created via conversion of existing 1-family house) are not permitted in District #2;
- 2.)** Site Plan Approval-
  - a.)** Design Waiver: number of parking spaces (16 spaces minimum required/12 spaces provided);
  - b.)** Design Waiver: parking space dimensions (10’x20’ minimum required/9’x18’ provided);
  - c.)** Design Waiver: parking space area (180 sf minimum required/162 sf provided);
  - d.)** Design Waiver: front yard parking setback <corner lot- facing Closter Dock Road> (20’ minimum required/1.17’ provided);
  - e.)** Design Waiver: front yard parking setback <corner lot- facing Ver Valen Street (20’ minimum required/6’ provided);
  - f.)** Design Waiver: side yard parking setback- corner lot (5’ minimum required/3’ provided);
  - g.)** Design Waiver: rear yard parking setback (5’ minimum required/2’ provided);
- 3.)** Bulk Variance: impervious coverage (30% maximum allowed/90.21% provided);
- 4.)** Bulk Variance: side yard setback- corner lot (15’ minimum required/6’ provided);
- 5.)** Bulk Variance: rear yard setback (20’ minimum required/6’ provided);

Response to Prior Board and/or Subcommittee Requests

- 1.)** applicant provided documentation on 4 monitoring wells relating to 7 underground fuel storage tanks (in connection with abandoned service station on-site) removed in 1991 and subsequent discovery and remediation of contamination requiring certification every 2 years as of 2011 until 2019;
- 2.)** applicant obtained both initial response from Bergen County Department of Planning and Economic Development regarding road-widening easement along Closter Dock Road and tentative approval for 2 proposed parking spaces (labeled #'s 2 and 3 on Exhibit #A-1) to encroach into said easement;
- 3.)** applicant addressed Mr. Morris’ 2 reports dated June 12, 2014 and July 16, 2014, specifically, that seepage pit installation would not be required (despite excessive impervious coverage) so to avoid aggravating contaminated soil on-site and more substantial enclosure for refuse collection area was provided;
- 4.)** applicant provided 55’ distance between site entrance on Ver Valen Street and intersection with Closter Dock Road but only 30’ between site exit on Closter Dock Road and intersection with Ver Valen Street (50’ minimum required);

- 5.) applicant addressed 2 administrative reports prepared by Building Department dated May 24, 2014 and August 14, 2014;

New Board Requests

- 1.) provide curbing along both Closter Dock Road and Ver Valen Street that is uniform in width (8") as per Bergen County specifications;
- 2.) indicate lighting attached to proposed building that will handle area on-site not illuminated by foot-candles of 3 proposed light poles;
- 3.) consider reducing proposed 20' width of driveway at site ingress to alleviate Board's concern about right angle turn from Ver Valen Street;
- 4.) consider realignment of parking spaces labeled #'s 2 and 3 on Exhibit #A-1 so they would not encroach into road-widening easement along Closter Dock Road;
- 5.) explore how to install proposed sidewalk along Ver Valen Street so that it is entirely within Borough's right-of-way and not encroaching onto subject site;
- 6.) explore how to prevent safety hazard to pedestrians caused by automobiles parked in spaces abutting Ver Valen Street that could obstruct sidewalk clearance;
- 7.) consider area reduction of proposed building to both increase off-street parking, greenery, sight distance, etc. as well as lower occupancy load permitted under New Jersey Uniform Construction Code;
- 8.) determine ground water table to ensure proposed depth of basement is feasible given history of contamination on-site;
- 9.) consider installing both green buffer area between proposed curb and sidewalk along Ver Valen Street as well as sidewalk constructed of brick pavers instead of concrete to match downtown area and make pedestrian travel more appealing;

Public Questions

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

Public Comments

n/a;

Decision

The case was adjourned to the September 17, 2014 Meeting.

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**◇ ADJOURNMENT OF MEETING ◇**

A motion was made by Ms. Dhorajia and seconded by Vice Chairman Freesman, to have the Board adjourn at 11:03pm. The motion passed by acclamation.

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