



Zoning Board of Adjustment

July 16, 2014

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:05pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Theodore West, DDS- Secretary
Mitchell Monaco
Antranig Ouzoonian, PE
Thomas Hennessey
Heena Dhorajia, EIT
Joan Marks- Alternate #2
John Galluccio, Esq.- Alternate #3
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
Michael Kafer, Esq.- Alternate #1
Phillip Kwon, Esq.- Alternate #4

◇ **CORRESPONDENCE** ◇

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

Elliot Urdang, Esq., 19 Engle Street, Tenafly, New Jersey, elaborated on his client's request to postpone Case #Z-2014-03 (515 Piermont Road/Ben-Avraham) from this evening to the September 17, 2014 Meeting. He said that forthcoming revisions will address several concerns brought forth by both the Board and public during the case's initial presentation at the April 16, 2014 Meeting. He stated the amendments will be substantial, thus the need for additional time to have the design professionals prepare them. He noted the proposed parking spaces in the rear of the site, abutting several rear yards of residential properties located on Trautwein Crescent, will be rearranged as will the site's ingress/egress; he further commented the proposed building will be reduced in size and the revisions will take into account the request by the Bergen County Department of Planning and Economic Development to have a larger road-widening easement along Piermont Road. Mr. Urdang also mentioned the number of uses on-site will be reduced to 2 and both will be located on the 1st floor. He confirmed public re-noticing would be necessary.

Chairman Bianco felt because the changes to the proposal would be significant, a new application filing, together with it being perfected at a Work Session, is warranted. Mr. Kates countered that the applicant is entitled to amend his filing so long as the changes are received by

the Board a minimum of 10 days prior to the hearing date. Chairman Bianco reminded that the applicant has postponed a Board appearance 4 consecutive dates, which is grounds for dismissal by the Board as per its By-Laws. Mr. Urdang stated the reason for the initial postponements was due to contractual issues, specifically, the dates imposed by the seller of the subject site by which his client, the contract purchaser, must obtain Board approval for his project; he said the outcome of the delay is that the contract was rewritten so those dates are not applicable. Chairman Bianco expressed concern that more than 120 days have elapsed since the application was perfected.

A motion was made by Secretary West and seconded by Mr. Ouzoonian, to dismiss Case #Z-2014-03 (515 Piermont Road/Ben-Avraham) without prejudice for lack of prosecution. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Mr. Urdang indicated that he hoped to have a new application filed in time for the August 20, 2014 (Special) Work Session.

◇**MINUTES**◇

A motion was made by Mr. Ouzoonian and seconded by Secretary West, to approve the minutes for the March 19, 2014 Meeting. The motion passed (6-0-0):

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

NO- n/a;

ABSTAIN- n/a;

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

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Secretary West and seconded by Ms. Dhorajia, to approve the minutes for the May 21, 2014 Meeting. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Ms. Dhorajia and seconded by Mr. Ouzoonian, to approve the minutes for the June 18, 2014 Meeting. The motion passed (6-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇**SUBCOMMITTEE ASSIGNMENTS**◇

July 23, 2014 Work Session: ***CANCELLED***;

◇ **MISCELLANEOUS** ◇

Concerning Case #Z-2014-09 (421 & 437-439 Durie Avenue /Asfarjani & Kiarash), the Board determined it could muster a quorum for a (Special) Meeting to hear the application on either September 16, 2014 or September 18, 2014; Mr. Demarest said he would coordinate the scheduling with the applicant contingent upon payment of the \$1,000.00 (Special) Meeting appearance fee.

◇ **OPEN TO THE PUBLIC** ◇

n/a;

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

n/a;

◇ **CASELOAD** ◇

<p>Case #Z-2014-05 Ki Lee 36 Chestnut Avenue (Block 1708/Lot 7) District #2- Residential B</p>

Case History

The applicant is seeking Bulk Variances and a Design Waiver for the construction of a new 1-family house at the subject property; the application was received March 31, 2014 and scheduled for the April 16, 2014 (Special) Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the May 21, 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 June 18, 2014 Meeting; the applicant's engineer, architect and planner completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the July 16, 2014 Meeting.

Representation

1.) Allen Bell, Esq., Jacobs & Bell, PA, 26 Franklin Street, Tenafly, New Jersey;

Witnesses

#1: Vassilios Cocoros, RA, VCA Group Co., 467 Sylvan Avenue, Englewood Cliffs, New Jersey;
#2: Sean Moronski, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;

Exhibits

- A-4:** pre-filed site plan prepared by Steven Koestner, PE, highlighted in green by Witness #1 during proceedings to indicate locations of green space in front yard of subject property, dated February 11, 2014 and last revised July 3, 2014;

Relief Sought

- 1.) Bulk Variance: building coverage (20% maximum allowed/21.98% provided);
- 2.) Bulk Variance: impervious coverage (30% maximum allowed/31.62% provided);
- 3.) Bulk Variance: side yard <left-facing> setback (15' minimum required/10.05' provided);
- 4.) Bulk Variance: side yard <right-facing> setback (15' minimum required/10.05' provided);
- 5.) Bulk Variance: side yard setback aggregate (30' minimum required/20.10' provided);
- 6.) Design Waiver: width of driveway curb cut (21' maximum allowed/25' provided) <WITHDRAWN- CURB CUT WILL NOT EXCEED 21' WIDTH>;

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant reduced proposed building and impervious coverages from 26.36% to 21.98% and 39.98% to 31.62% respectively via lessening length of house by 10+' (including elimination of formal dining room) as well as scaling back size of driveway and walkway;
- 2.) applicant provided 2nd seepage pit;

New Board Requests

n/a;

Public Questions

- 1.) Kevin Morrow, 40 Chestnut Avenue, Closter, New Jersey;

Public Comments

n/a;

Decision

A motion was made by Mr. Ouzoonian and seconded by Ms. Marks, to approve the application.

The motion passed (6-1-0):

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

NO- Monaco;

ABSTAIN- n/a;

Conditions

- 1.) extend horizontal treatment (cultured stone) to both side elevations of house from top of foundation wall to grade;
- 2.) reduce curb cut of driveway to at least maximum allowance (21' width) while keeping width of driveway on-site at 19', 8";
- 3.) fulfill mitigation requirements, if any, for proposed tree removal as per Chapter 181 of Borough Code;
- 4.) correct architectural details so that depth of garage between its interior walls is 20' thereby providing sufficient space for automobile (eliminate 1 of 3 risers to steps leading to/from main portion of house);

**Case #Z-2014-06
Anna Haverilla
447 High Street
(Block 1314/Lot 4)
District #2- Residential B**

Case History

The applicant is appealing the determination of the Zoning Officer as to the legality of the continuation of an accessory building (carriage house) as a 1-family use at the subject property; in the alternative, she would seek a Use Variance; NOTE: in 1958, a Use Variance (Case # was not assigned) for the 1- to 2-family use conversion of the principal building (main house), was granted; the application was received April 17, 2014 and scheduled for the May 21, 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 June 18, 2014 Meeting; the determination of the Zoning Officer (Appeal portion) was upheld by the Board, and the application (Use Variance portion) was adjourned, pending the Board's receipt of requested items, to the July 16, 2014 Meeting.

Representation

1.) Matthew Capizzi, Esq., 11 Hillside Avenue, Tenafly, New Jersey;

Witnesses

- #1: Michael Hubschman, PE, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey;
- #2: Anna Haverilla, 23 Irving Street, Old Tappan, New Jersey;
- #3: Sean Moronski, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;

Exhibits

- A-2: pre-filed site plan prepared by Witness #1, dated July 19, 2011 and last revised July 1, 2014;
- A-3: Sanborn map depicting 2 non-descript buildings on subject property and dated 1930;
- A-4: floor plans of 2-family house on-site prepared by Randy Haverilla, PE and undated;
- A-5: electric utility bill issued to Mauricio Espana (prior tenant of cottage house indicated on invoice as "447 High Street Apt. A/Cottage/Rear House"), undated and prepared by Rockland Electric Co.;
- A-6: 6-page Uniform Construction Code Permit #01-0349 for installation of sewer connection to cottage house issued by Building Department and dated September 25, 2001;
- A-7: deed conveying ownership of subject property from Helen Krantz to Phillip and Carole Lynch/Gary and Denise Stewart and dated November 3, 1980;
- A-8: map of existing land uses located within 200' of subject property, prepared by Witness #3's firm and dated June 13, 2014;

Relief Sought

- 1.) Appeal of Zoning Officer Determination: pre-existing/nonconforming status for 2 principal buildings on 1 lot (existing condition prior to Ordinance #1980:372 adopted April 21, 1980 <Chapter 200-69E of Borough Code>; <REQUEST DENIED AT JUNE 18, 2014 MEETING>;

- 2.) Use Variance: 2 principal buildings on 1 lot;
 - a.) Bulk Variance: floor area of 1-family used/2-storied house (1,200 sf minimum required/770 sf provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant provided walkway to allow for safe travel between parking lot and 2-family house on-site;
- 2.) applicant provided low-lying boxwood around perimeter of carriage house instead of arborvitae;

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):

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

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) revise site plan to indicate all existing exterior lighting on-site;
- 2.) revise site plan to label 3 unmarked circles located at southeastern corner of cottage as arborvitae;

◇ADJOURNMENT OF MEETING◇

A motion was made by Ms. Marks and seconded by Ms. Dhorajia, to have the Board adjourn at 10:24pm. The motion passed by acclamation.
