



Zoning Board of Adjustment

June 18, 2014

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:11pm) ◇

◇ **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
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

Theodore West, DDS- Secretary
Michael Kafer, Esq.- Alternate #1
John Galluccio, Esq.- Alternate #3
Phillip Kwon, Esq.- Alternate #4

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

The Board delayed votes on minutes for the March 19, 2014 Meeting, April 16, 2014 Meeting and May 21, 2014 to the July 16, 2014 Meeting due to their late distribution.

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

June 25, 2014 Work Session: ***CANCELLED***;

◇ **MISCELLANEOUS** ◇

Concerning Case #Z-2014-03 (515 Piermont Road/Ben-Avraham), Chairman Bianco questioned if the Board wished to dismiss without prejudice being the applicant has postponed scheduled appearances for 3 consecutive hearing dates, a violation of its By-Laws. Mr. Kates reminded that such a measure is at the discretion of the Board. Vice Chairman Freesman

opined that both because the applicant has been in regular contact with the Board and his proposal is an ambitious project, the case should remain on the Board's agenda. Mr. Monaco stressed, however, public re-noticing should be required of the applicant in order to continue the case.

A motion was made by Mr. Monaco and seconded by Ms. Marks, to require that the applicant for Case #Z-2014-03 (515 Piermont Road/Ben-Avraham) re-notice the public in order to continue his adjourned application. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Chairman Bianco asked the Board to contemplate if the Board Engineer's review for a Use Variance application pertaining to a residential site should be mandatory regardless of whether Site Plan Review is being applied; he suggested a \$300.00 engineering escrow deposit be required for such cases. While the Board was receptive to the idea, Chairman Bianco acknowledged the Governing Body would have to adopt such a change.

◇ **OPEN TO THE PUBLIC** ◇

n/a;

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

A motion was made by Mr. Hennessey and seconded by Mr. Monaco, to memorialize the Resolution for Case #Z-2014-04 (478 High Street/Germinario) conditioned upon all stipulations being completed within 90 days of this evening. The motion passed (6-0-0):

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Ms. Marks and seconded by Mr. Monaco, authorizing Vice Chairman Freesman to sign, on behalf of the absent Secretary West, revisions received for Case #Z-2014-04 (478 High Street/Germinario). The motion passed by acclamation.

◇ **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.

Representation

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

Witnesses

- #1: Ki Lee, 332(B) Second Street, Palisades Park, New Jersey;
- #2: Steven Koestner, PE, 61 Hudson Street, Hackensack, New Jersey;
- #3: Vassilios Cocoros, RA, VCA Group Co., 467 Sylvan Avenue, Englewood Cliffs, New Jersey;
- #4: Sean Moronski, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;

Exhibits

- A-1: pre-filed site plan prepared by Witness #2, dated February 11, 2014 and last revised May 9, 2014;
- A-2: 6 photographs depicting exterior conditions of subject and surrounding properties prepared by Witness #4's firm and dated June 16, 2014;
- A-3: map of existing/nonconforming lots located within 200' radius of subject property, prepared by Witness #4's firm and dated June 13, 2014;
- BD-1: architectural for new construction of 1-family house at 67 Everett Street to demonstrate zoning compliance on 50' wide lot, prepared by Edward Easse, RA and dated May 13, 2002;
- BD-2: architectural for new construction of 1-family house at 38 Tenakill Street to demonstrate zoning compliance on 50' wide lot, prepared by Edward Easse, RA and dated May 3, 2002;

Relief Sought

- 1.) Bulk Variance: building coverage (20% maximum allowed/26.36% provided);
- 2.) Bulk Variance: impervious coverage (30% maximum allowed/39.98% 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);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

- 1.) consider reduction of both proposed building and impervious coverage via shortening length of house, reducing attached garage from 2- to 1-car, etc.;
- 2.) provide 2 seepage pits, not 1 as indicated, to comply with Borough Code based on 2" rain event;
- 3.) provide grade plane elevation to correct inconsistency between building height calculations indicated on site plan and those on architectural (lesser of existing and proposed average grades must be basis for calculations);

Public Questions

- 1.) Rafael Cheung, 30 Chestnut Avenue, Closter, New Jersey;

Public Comments

n/a;

Decision

The case was adjourned to the July 16, 2014 Meeting.

**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.

Representation

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

Witnesses

- #1: Robert Mueller, PLS, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey;
- #2: Sean Moronski, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;
- #3: Leonard Sinowtiz, Zoning Officer, 295 Closter Dock Road, Closter, New Jersey;

Exhibits

- A-1: site plan prepared by Witness #1's firm, dated July 19, 2011 and last revised June 17, 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>;
- 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 modified parking lot to enhance safety/efficiency and overcompensated with 8 parking spaces on-site (6 parking spaces required) due to absence of on-street parking in vicinity;
- 2.) applicant provided landscaping to be planted near carriage house (arborvitae and boxwood);

New Board Requests

- 1.) provide walkway to allow for safe travel between parking lot and 2-family house on-site;
- 2.) provide 8 low-lying boxwood around perimeter of carriage house in place of arborvitae;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Mr. Hennessey and seconded by Ms. Dhorajia, to uphold the determination of the Zoning Officer. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Conditions

n/a;

The case was adjourned to the July 16, 2014 Meeting to proceed with the Use Variance portion of the application.

◇ADJOURNMENT OF MEETING◇

A motion was made by Ms. Marks and seconded by Ms. Dhorajia, to have the Board adjourn at 11:01pm. The motion passed by acclamation.
