



# **Zoning Board of Adjustment**

March 19, 2014

**Meeting**  
*(Minutes)*

Prepared by:

**Paul Demarest**

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◇ **OPENING REMARKS** (Commenced at 8:16pm) ◇

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◇ **PLEDGE OF ALLEGIANCE** ◇

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◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- 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

Steven Freesman, Esq.- Vice Chairman  
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 Mr. Kafer and seconded by Secretary West, to approve the minutes for the January 15, 2014 Meeting. The motion passed (7-0-0):

**YES-** Kwon/Galluccio/Kafer/Dhorajia/Ouzoonian/West/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

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

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

**NO-** n/a;

**ABSTAIN-** n/a;

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◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

March 26, 2014 Work Session: \*\*\*CANCELLED\*\*\*;

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◇ **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 appointments to the Board 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.

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◇ **OPEN TO THE PUBLIC** ◇

n/a;

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

A motion was made by Mr. Galluccio and seconded by Mr. Kafer, to memorialize the Resolution for Case #Z-2013-13 (318 Harrington Avenue/Baquiran) as it relates to granting pre-existing/nonconforming status for 2 apartments (front building/2<sup>nd</sup> floor) and upholding the determination of the Zoning Officer for 1 apartment (front building/1<sup>st</sup> floor). The motion passed (4-0-0):

**YES-** Kwon/Galluccio/Kafer/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Mr. Galluccio and seconded by Mr. Kwon, to memorialize the Resolution for Case #Z-2013-13 (318 Harrington Avenue/Baquiran) as it relates to granting pre-existing/nonconforming status for 2 apartments (middle building). The motion passed (4-0-0):

**YES-** Kwon/Galluccio/Kafer/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Mr. Kafer and seconded by Ms. Dhorajia, to memorialize the Resolution for Case #Z-2013-13 (318 Harrington Avenue/Baquiran) as it relates to denying a Use Variance for 1 apartment (front building/1<sup>st</sup> floor). The motion passed (3-0-0):

**YES-** Kafer/Dhorajia/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Ms. Dhorajia and seconded by Secretary West, to memorialize the Resolution for Case #Z-2013-16 (32 Harvey Street/Dahn) conditioned upon the inclusion of a final as-built survey requirement. The motion passed (5-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

A motion was made by Secretary West and seconded by Ms. Dhorajia, to memorialize the Resolution for Case #Z-2013-19 (51 Mc Cain Court/Makleff). The motion passed (5-0-0):  
**YES-** Kafer/Dhorajia/Ouzoonian/West/Bianco;  
**NO-** n/a;  
**ABSTAIN-** n/a;

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◇**CASELOAD**◇

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| <p><b>Case #Z-2014-01</b><br/><b>NJR Investment Properties II, LLC c/o Leonard Nason</b><br/><b>31 Storig Avenue</b><br/><b>(Block 803/Lot 16)</b><br/><b>District #2- Residential B</b></p> |
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Case History

The applicant is seeking Bulk Variances for the construction of (2) additions, (2) roof overhangs, front walkway, rear steps/landing and driveway at the subject property; the application was received January 14, 2014 and scheduled for the January 22, 2014 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 February 19, 2014 Meeting; the applicant completed initial testimony and the case was adjourned, without requested items, to the March 19, 2014 Meeting.

Representation

**1.)** Marc Weissman, Esq., 623 Eagle Rock Avenue, West Orange, New Jersey;

Witnesses

- #1:** Leonard Nason, 480 West Saddle River Road, Upper Saddle River, New Jersey;
- #2:** Andrew Podberezniak, RA, 11 High Point Drive, Springfield, New Jersey;
- #3:** Thomas Skrable, PE, 65 Ramapo Valley Road, Mahwah, New Jersey;
- #4:** Nicole Idler, Friedberg Properties & Associates Co., 20 West Clinton Avenue, Tenafly, New Jersey;

Exhibits

- A-1:** online report for 35 Storig Avenue prepared by New Jersey Multiple Listing Service, Inc. and undated;
- A-2:** online report for 14 Storig Avenue prepared by New Jersey Multiple Listing Service, Inc. and undated;
- A-3:** online report for 69 Storig Avenue prepared by New Jersey Multiple Listing Service, Inc. and undated;

Relief Sought

- 1.)** Bulk Variance: side yard <left-facing> setback (15' minimum required/10.90' provided);
- 2.)** Bulk Variance: side yard <right-facing> setback (15' minimum required/12.20' provided);
- 3.)** Bulk Variance: side yard setback aggregate (30' minimum required/23.10' provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Mr. Ouzoonian and seconded by Ms. Dhorajia, to approve the application. The motion passed (6-1-0):

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

**NO-** Kafer;

**ABSTAIN-** n/a;

Conditions

- 1.) revise proposed rear elevation to indicate hip roof line rather than gable roof line to alleviate concerns about insufficient light and air (shadow line will be less on neighboring properties and subject house will not appear to be as tall);
- 2.) comply with Mr. Morris' report dated February 14, 2014;
- 3.) provide revisions prior to memorialization of Resolution slated for April 16, 2014;

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| <p><b>Case #Z-2014-02</b><br/><b>Sadhu Vaswani Center</b><br/><b>494 Durie Avenue</b><br/><b>(Block 1317/Lot 20)</b><br/><b>District #2- Residential B</b></p> |
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Case History

The applicant is seeking a Bulk Variance for the construction of an addition (containing an elevator and machine room only) 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 perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the March 19, 2014 Meeting.

Representation

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

Witnesses

- #1: Sunil Ahuja, 27 Rio Vista Drive, Alpine, New Jersey;
- #2: Robert Zaccone, RA, 212 White Avenue, Old Tappan, New Jersey;
- #3: Thomas Skrable, PE, 65 Ramapo Valley Road, Mahwah, New Jersey;
- #4: Nicole Idler, Friedberg Properties & Associates Co., 20 West Clinton Avenue, Tenafly, New Jersey;

### Exhibits

- A-1:** colorized version of pre-filed architectural drawings (page A-4 only) depicting front and side (left-facing) elevations, prepared by Witness #2 and March 12, 2014;
- A-2:** letter to Zoning Officer regarding 3<sup>rd</sup> party conversation between Witness #2 and Fire Marshal regarding proposed reduction of fire lane at northerly side of subject building to 14' width to accommodate proposed addition, prepared by Witness #2 and dated January 22, 2014;

### Relief Sought

- 1.)** Bulk Variance: impervious coverage (30% maximum allowed/94.60% provided);
- 2.)** Design Waiver: fire lane width (18' minimum required/14' provided);

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

- 1.)** applicant provided both curbing at existing fire escape and 4 bollards surrounding proposed addition to prevent vehicular impact;
- 2.)** applicant provided shrubbery along front of existing building and behind proposed addition to buffer visual impact;
- 3.)** applicant provided handicap-accessible ramp as replacement for existing 1 step at main entrance;

### New Board Requests

n/a;

### Public Questions

n/a;

### Public Comments

- 1.)** Phyllis Hirsch, 422 High Street, Closter, New Jersey;

### Decision

A motion was made by Secretary West and seconded by Mr. Ouzoonian, to approve the application. The motion passed (7-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

### Conditions

- 1.)** provide 1 handicap parking space for total of 2 on-site or as otherwise provided by applicable code(s);
- 2.)** ensure construction is done as depicted in Exhibit #A-1 so that parapet and arch reveal pattern matches existing façade and massiveness of structure is broken up;
- 3.)** obtain administrative report prepared by Fire Marshal confirming approval of proposed width reduction of existing fire lane from 18' to 14';

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### **◇ADJOURNMENT OF MEETING◇**

Mr. Sinowitz informed that on February 26, 2014, he issued Municipal Court summonses to the property owners who were the subjects of Case #'s Z-2008-13 (49 John Street/Crimmins) and Z-2009-14 (63 John Street/Wiggers), the former being approved by the Board (a decision later

overturned by the Superior Court of New Jersey- Appellate Division) and the latter being denied by the Board; he explained that both applicants have exhausted the appeal process and, thus, he ordered both properties be vacated of all non-residential activities, equipment and material within 60 days.

Councilman Dolson inquired about the status of enforcement regarding the subject property of Case #Z-2011-02 (17 Bogert Street/Witko), an application to sanction as-built front yard improvements and encroachments onto the Borough's right-of-way, which was denied by the Board. He stated the applicants are seeking the release of legal escrow they posted, which is being held by the Borough to ensure conditions of the Resolution are met. Mr. Sinowitz replied the matter is before the Municipal Court; he clarified the delay and lack of communication may arise from the recent resignation of Youngmin Woo, a Code Enforcement Officer who had been handling enforcement at 17 Bogert Street on behalf of his colleague, James Whitney, who cited a conflict of interest being he resides nearby at 31 Bogert Street. Mr. Sinowitz further stated that both Mr. Woo and Mr. Whitney's superior, Michael Sartori (Construction Official) recently announced his resignation.

A motion was made by Secretary West and seconded by Mr. Monaco, to have the Board adjourn at 9:15pm. The motion passed by acclamation.

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