



Zoning Board of Adjustment

May 21, 2014

Meeting
(Minutes)

Prepared by:

Paul Demarest

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

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Steven Freesman, Esq.- Vice Chairman
Theodore West, DDS- Secretary
Mitchell Monaco
Antranig Ouzoonian, PE
Thomas Hennessey
Heena Dhorajia, EIT
John Galluccio, Esq.- Alternate #3
Phillip Kwon, Esq.- Alternate #4
Arthur Dolson- Council Liaison
Leonard Sinowitz- Zoning Officer
Kathryn Walsh, Esq.- *in lieu of Michael Kates, Esq.- Board Attorney*
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Michael Kafer, Esq.- Alternate #1
Joan Marks- Alternate #2

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

Mr. Demarest said the minutes for both the March 19, 2014 Meeting and April 16, 2014 Meeting were not yet completed.

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

May 28, 2014 Work Session: ***CANCELLED***;

◇ **MISCELLANEOUS** ◇

A motion was made by Mr. Monaco and seconded by Mr. Ouzoonian, to dismiss without prejudice as per the Board's By-Laws, Case #Z-2013-20 (45 Walker Avenue/Burlyuk) for lack of prosecution being the applicant postponed 3 consecutive Board appearances. The motion passed (7-0-0):

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

NO- n/a;
ABSTAIN- n/a;

Mr. Demarest reported that in order to ensure Mr. Kafer and Mr. Kwon will have obtained their land use board certification within 18 months of their initial Board appointments by the Governing Body, Mr. Kates has been authorized by Rutgers University to give an accreditation course with a professional planner (Jessica Palmer, PP) so long as he has at least 4 to 5 people attending from the Borough and/or other municipalities. Mr. Demarest stated the 5-hour session would take place on a weekday in June, July or August. He noted the organization, New Jersey Planning Officials (NJPO), an affiliate recognized by the State of New Jersey, will not have its next local session until Fall 2014, which would be beyond Mr. Kwon's 18-month initial Board membership. Also, he said another option, the Bergen County Bar Association, is not offering courses this year. Mr. Demarest revealed that the absent Mr. Kafer informed he would be able to attend the session being offered by Mr. Kates; Mr. Kwon replied he could not confirm his attendance at this time.

With the possibility of (Special) Meeting requests being made by applicants in the near future regarding large, non-residential projects, the Board reiterated that a \$1,000.00 fee must be paid for it to convene on a date other than its regularly-scheduled monthly meeting.

Vice Chairman Freesman and Mr. Kwon mentioned they had difficulty listening to the compact disc recording of the April 16, 2014 Meeting, from which they were absent; Vice Chairman Freesman suspected the problem stemmed from the file format chosen. Councilman Dolson confirmed that a new audio system for the Council Chambers is forthcoming to address complaints about the quality of the recorded proceedings; Mr. Demarest said he would ask the Borough's Information Technology (IT) Manager if other formats are available for the disc recordings in the future.

◇ 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-2014-02 (494 Durie Avenue/Sadhu Vaswani Center). The motion passed (6-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ CASELOAD ◇

<p>Case #Z-2014-04 Anthony Germinario 478 High Street (Block 1007/Lot 4) District #2- Residential B</p>
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Case History

The applicant is seeking a Use Variance for the continuation of a 2-family use at the subject property; the application was received March 25, 2014 and scheduled for the April 16, 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 May 21, 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: Anthony Germinario, 310 Hardenburgh Avenue, Demarest, New Jersey;
- #3: Sean Moronski, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;
- #4: Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;

Exhibits

- A-1: colorized version of pre-filed site plan prepared by Witness #1, dated February 26, 2014 and last revised April 23, 2014;
- A-2: Sanborn map depicting subject property dated 1913;
- A-3: survey of subject property depicting existing conditions at time of title transfer to applicant, prepared by Robert Mueller, PLS (employed at Witness #1's firm) and dated August 7, 1997;
- A-4: property record card of subject property indicating 2-family use ("Conversion +1"), provided by Tax Assessor and dated 1991;
- A-5: property record card of subject property indicating 2-family use, provided by Tax Assessor and dated 2009;
- A-6: property record card of subject property indicating 2-family use, provided by Tax Assessor and dated 2000;
- A-7: land use map depicting existing conditions of subject and neighboring properties, prepared by Joseph Burgis, PP (principal of Witness #3's firm) and dated May 20, 2014;
- JR-1: tax list indicating subject property as "Fr. Dwelling", uncredited and dated 1942;
- JR-2: 3 voter registration lists having subject property as entries, uncredited and dated August 16, 2010, July 30, 2012 and July 29, 2013;

Relief Sought

- 1.) Use Variance: 2-family use (house was built prior to December 19, 1940 but does not meet all current bulk requirements)-
 - a.) Bulk Variance: lot width at building setback line (100' minimum required/76.57' provided);
 - b.) Bulk Variance: street frontage <corner lot- facing High Street> (75' minimum required/64.53' provided);
 - c.) Bulk Variance: front yard setback <corner lot- facing High Street> (28.70' minimum required/28.25' provided);
 - d.) Bulk Variance: front yard setback <corner lot- facing Closter Dock Road> (26.10' minimum required/19.58' provided);
 - e.) Bulk Variance: impervious coverage (30% maximum allowed/42.79% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

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

Public Comments

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

Decision

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

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

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) remove existing tree stump located in easternmost portion of site (tree replacement is optional);
- 2.) provide landscape buffer around driveway so not to impact sight triangle exiting onto Closter Dock Road;
- 3.) replace deteriorating railroad ties bordering portion of driveway near curb cut;

◇ADJOURNMENT OF MEETING◇

A motion was made by Ms. Dhorajia and seconded by Vice Chairman Freesman, to have the Board adjourn at 9:46pm. The motion passed by acclamation.
