



Zoning Board of Adjustment

November 19, 2014

Meeting
(Minutes)

Prepared by:

Paul Demarest

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

◇ **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
Michael Kafer, Esq.- Alternate #1
John Galluccio, Esq.- Alternate #3
Phillip Kwon, Esq.- Alternate #4
Leonard Sinowitz- Zoning Officer
Michael Kates, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Joan Marks- Alternate #2
Arthur Dolson- Council Liaison

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

A motion was made by Secretary West and seconded by Ms. Dhorajia, to approve the minutes for the September 17, 2014 Meeting. The motion passed (9-0-0):

YES- Kwon/Galluccio/Kafer/Dhorajia/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 October 15, 2014 Meeting. The motion passed (10-0-0):

YES-

Kwon/Galluccio/Kafer/Dhorajia/Hennessey/Ouzoonian/Monaco/West/Freesman/Bianco;

NO- n/a;

ABSTAIN- n/a;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

◇ MISCELLANEOUS ◇

A motion was made by Ms. Dhorajia and seconded by Mr. Ouzoonian, to approve the Board's 2015 schedule of Work Sessions and Meetings. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ OPEN TO THE PUBLIC ◇

n/a;

◇ MEMORIALIZATION OF RESOLUTION(S) ◇

A motion was made by Ms. Dhorajia and seconded by Mr. Ouzoonian, to memorialize the Resolution for Case #Z-2014-07 (309 Closter Dock Road/309 Closter Dock Road, LLC). The motion passed (3-0-0):

YES- Dhorajia/Ouzoonian/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-2014-08 (246 Parsells Lane/Birla). The motion passed (5-0-0):

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Secretary West and seconded by Mr. Ouzoonian, to memorialize the Resolution for Case #Z-2014-12 (51 Railroad Avenue/Northern Valley Baseball Academy). The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ CASELOAD ◇

<p>Case #Z-2014-10 Frank & Joan Marzocca 39 Primrose Lane (Block 1402/Lot 13) District #2- Residential B</p>

Case History

The applicants are seeking Bulk Variances for the as-built construction of an addition, rear porch, driveway expansion and front walkway expansion at the subject property; the application

was received June 13, 2014 and scheduled for the July 16, 2014 (Special) Work Session; being the applicants failed to obtain a denial from the Zoning Officer, the case was postponed to the September 17, 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 November 19, 2014 Meeting.

Representation

1.) David Watkins, Esq., 285 Closter Dock Road, Closter, New Jersey;

Witnesses

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

Exhibits

A-1: pre-filed site plan prepared by Witness #1 and dated May 14, 2014;

Relief Sought

- 1.) Bulk Variance: building coverage (20% maximum allowed/23.52% provided);
- 2.) Bulk Variance: impervious coverage (30% maximum allowed/35.96% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

- 1.) Michael Laudenback, 60 Blanch Avenue, Closter, New Jersey;
- 2.) Myrvette Xaka, 47 Primrose Lane, Closter, New Jersey;

Decision

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

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

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) correct elevation of proposed yard inlet grate located in westerly portion of lot that will handle drainage off driveway (stated 99.30 is higher elevation than that of driveway);
- 2.) agree that house will not be used as 2 separate dwelling units given layout of presented floor plan;
- 3.) plant 2 trees (evergreen and/or pine) along easterly rear yard line (adjacent to portion of house containing new dining room) to absorb groundwater;

**Case #Z-2014-15
SRS05, LLC
50 Harvey Street
(Block 901/Lot 8)
District #2- Residential B**

Case History

The applicant is seeking Bulk Variances for the construction of an addition, (4) cantilevers, balcony, front steps/landing and front walkway at the subject property; the application was received September 4, 2014 and scheduled for the September 17, 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 October 15, 2014 Meeting; being the applicant did not fulfill public noticing requirements, the case was postponed to the November 19, 2014 Meeting.

Representation

1.) David Russo, Esq., Russo & Russo, PC, 901 Teaneck Road, Teaneck, New Jersey;

Witnesses

#1: Howard Moradi, 10 North Summit Street, Tenafly, New Jersey;

Exhibits

n/a;

Relief Sought

- 1.) Bulk Variance: building coverage (20% maximum allowed/24.50% provided);
- 2.) Bulk Variance: impervious coverage (30% maximum allowed/47.88% provided);
- 3.) Bulk Variance: front yard setback (25' minimum required/21.70' provided);
- 4.) Bulk Variance: side yard <left-facing> setback (15' minimum required/10.70' provided);
- 5.) Bulk Variance: side yard <right-facing> setback (15' minimum required/10.40' provided);
- 6.) Bulk Variance: side yard aggregate setback (30' minimum required/21.10' provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

1.) Alfred Clark, 56 Harvey Street, Closter, New Jersey;

Public Comments

n/a;

Decision

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

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

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

Conditions

- 1.) provide documentation itemizing those entities holding at least 10% interest in limited liability company named as owner of subject property (sole entity disclosed within Affidavit of Ownership is Parviz Rovbeni);
- 2.) reduce proposed impervious coverage (means by which to do so is at discretion of applicant) to existing amount (45.95%) notwithstanding proposed construction;
- 3.) relocate condenser unit(s) for proposed central air conditioning system from side yard to rear yard where there is no setback deficiency;
- 4.) eliminate existing kitchen in basement to ensure level will not become separate dwelling unit;
- 5.) provide proposed landscape plan to soften scale of proposal on small-sized lot;
- 6.) consider installation of exterior lighting on 1st floor (front and rear) of house to supplement lone 2 lights proposed at 2nd floor balcony;
- 7.) consider reduction of proposed interior stairway/landing to allow for greater space elsewhere within floor plan;

◇ **ADJOURNMENT OF MEETING** ◇

A motion was made by Secretary West and seconded by Ms. Dhorajia, to have the Board go into closed session at 9:56pm. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Chairman Bianco reopened the meeting to the public at 10:11pm. Mr. Kates disclosed the consensus of the Board was that it would continue to litigate, not settle, with respect to Bairan v. Zoning Board of Adjustment, a lawsuit filed with the Superior Court of New Jersey- Bergen County Law Division by the applicant appealing the Board's partial denial of Case #Z-2013-13 (318 Harrington Avenue/Bairan).

Chairman Bianco announced that there allegedly had been a superficial fire recently at 63 John Street. Mr. Sinowitz revealed that upon entry, emergency personnel found the house on-site (assessed as 1-family use) to have been converted into an illegal rooming house with possibly 8 rooms. Chairman Bianco reminded that Case #Z-2009-14 (63 John Street/Wiggers) is the subject of Wiggers v. Zoning Board of Adjustment, a lawsuit currently before the Superior Court of New Jersey- Appellate Division that was filed by the applicant disputing the Board's denial. Mr. Kates reported that said court case is awaiting a date for oral argument. Chairman Bianco questioned if the Board had means by which to compel quicker decisions by the Courts. Mr. Kates replied the only way to do so is to file motions to accelerate; he noted that in spite of an appeal, the Borough's ability to enforce police and fire codes remains.

A motion was made by Vice Chairman Freesman and seconded by Mr. Monaco, to have the Board adjourn at 10:14pm. The motion passed by acclamation.