



Zoning Board of Adjustment

October 15, 2014

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:03pm) ◇

◇ **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
Joan Marks- Alternate #2
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

Arthur Dolson- Council Liaison

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

A motion made by Mr. Kafer approving the minutes for the September 17, 2014 Meeting with an amendment was withdrawn and a Board vote postponed to the November 19, 2014 Meeting to substantiate his recollection of certain testimony.

A motion was made by Mr. Ouzoonian and seconded by Mr. Hennessey, to approve the minutes for the September 18, 2014 (Special) Meeting. The motion passed (9-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

October 22, 2014 Work Session: ***CANCELLED***;

◇ MISCELLANEOUS ◇

n/a

◇ OPEN TO THE PUBLIC ◇

n/a;

◇ MEMORIALIZATION OF RESOLUTION(S) ◇

A motion was made by Mr. Hennessey and seconded by Mr. Ouzoonian, to memorialize the Resolution for Case #Z-2014-09 (421 & 437-439 Durie Avenue/Asfarjani & Kiarash).

The motion passed (6-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ CASELOAD ◇

<p>Case #Z-2014-08 Ian Birla 246 Parsells Lane (Block 2305/Lot 9) District #1- Residential A</p>

Case History

The applicant is seeking a Bulk Variance for the as-built installation of a patio (on-grade) at the subject property; the application was received May 28, 2014 and scheduled for the June 18, 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 July 16, 2014 Meeting; being the applicant did not fulfill public noticing requirements, the case was postponed to the September 17, 2014 Meeting and, again, to the October 15, 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

n/a;

Relief Sought

1.) Bulk Variance: impervious coverage (30% maximum allowed/33.18% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

- 1.) Beverly Mac Keen, 499 Homans Avenue, Closter, New Jersey;

Decision

A motion was made by Ms. Marks and seconded by Secretary West, to approve the application.

The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

RECUSED- Kafer/Freesman;

Conditions

- 1.) remove 192 sf from as-built patio to reduce impervious coverage from 34.36% as previously presented and denied by Board (see Case #Z-2013-14) to 33.18% no later than 60 days after memorialization of Resolution;
- 2.) revise site plan to indicate existence of 5 seepage pits to handle drainage on-site;

Case #Z-2014-12
Northern Valley Baseball Academy
51 Railroad Avenue
(Block 1206/Lot 18)
District #5- Industrial

Case History

The applicant is appealing the determination of the Zoning Officer as to the tenancy of a baseball clinic at the subject property; in the alternative, it would seek a Use Variance and Site Plan Approval; the application was received August 27, 2014 and scheduled for the September 18, 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.

Representation

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

Witnesses

- #1: Joseph Argenziano, 45 Bethany Circle, Closter, New Jersey;
- #2: Roger De Niscia, PP, 347 Upper Mountain Avenue, Montclair, New Jersey;
- #3: Paul Nyfenger, 347 High Street, Closter, New Jersey;
- #4: Joseph Cecco, RA, 14 Broad Street, Norwood, New Jersey;

Exhibits

n/a;

Relief Sought

- 1.) Appeal of Determination by Zoning Officer: baseball clinic/training facility does not meet bulk requirements for conditional use permitted in District #5 <WITHDRAWN-APPLICANT CONCEDES TO DETERMINATION BY ZONING OFFICER>;
- 2.) Use Variance: tenancy of baseball clinic/training facility (use is not permitted in District #5);
- 3.) Site Plan Approval-
 - a.) Design Waiver: number of parking spaces (39 spaces minimum required/14 to 21 spaces provided) <PROVIDED NUMBER OF SPACES IS BASED ON TESTIMONY BY WITNESS #'S 2 AND 3 ONLY>;

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant provided 2nd means of egress to atmosphere/fresh air for purposes of remoteness (as per administrative report by Building Department) via installation of exterior stairway with roof overhang (not enclosed);

New Board Requests

n/a;

Public Questions

- 1.) Michael Brown, 24 Arcadia Court, Harrington Park, New Jersey;

Public Comments

n/a;

Decision

A motion was made by Secretary West and seconded by Vice Chairman Freesman, to approve both the Use Variance and Site Plan Review portions of the application. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) revise site plan to indicate existing handicap parking space(s) and associated accessible route(s);

◇ADJOURNMENT OF MEETING◇

Mr. Sinowitz recommended that the Board communicate to the Governing Body, through both Councilman Dolson and its upcoming 2014 Annual Report, the lack of utility in District #5 (Industrial) and how it can be improved upon, specifically, by allowing in it those uses permitted in District #'s 3 (Business), 4 (Commercial), 4A (Office Area A) and 4B (Office Area B).

A motion was made by Ms. Marks and seconded by Mr. Ouzoonian, to have the Board adjourn at 9:30pm. The motion passed by acclamation.
