



Zoning Board of Adjustment

September 17, 2014

Meeting
(Minutes)

Prepared by:

Paul Demarest

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

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- 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
Michael Kates, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Steven Freesman, Esq.- Vice Chairman
Joan Marks- Alternate #2
Arthur Dolson- Council Liaison
Leonard Sinowitz- Zoning Officer

◇ **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 August 20, 2014 Meeting. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

September 18, 2014 (Special) Work Session: Bianco/Kafer/Galluccio;
September 24, 2014 (Special) Work Session: ***CANCELLED***;

◇ **MISCELLANEOUS** ◇

Mr. Kafer emphasized the Board should review its By-Laws in the near future so that any agreed upon changes can be adopted at the Reorganization in January 2015. He specified that they should be amended to state the hour at which Meetings adjourn (11:00pm); he also believed Board applications, both paperwork and plans, should be submitted electronically in portable document format (PDF) to save on paper usage and, more importantly, to allow for easier access to public records. He hoped that the Borough could eventually provide a monitor/screening system to enable applicants to present their applications electronically during Board proceedings rather than via a hard copy mounted on an easel. Mr. Ouzoonian reminded that the Board amended its By-Laws in 2012 to require the filing of professionally-designed plans on at least 24"x36" and preferably, 36"x42" pages for better viewing. Mr. Kafer replied items, at least those documents on letter-size paper, should be filed electronically instead of by hard copy. Mr. Kates said the PDF filing could be in addition to, not a replacement for the hard copy version; he encouraged other suggestions by the Board so he can draft a revised set of By-Laws in the coming months.

Mr. Demarest reminded that both Mr. Kafer and Mr. Kwon, agreed to attend a land use board certification course being offered by New Jersey Planning Officials (NJPO), an affiliate recognized by the State of New Jersey, on September 21, 2014; he stated that, as a result, both will have fulfilled the requirement of being certified within 18 months of their initial Board appointment. He noted that previously-certified Chairman Bianco would be in attendance as well.

◆ **OPEN TO THE PUBLIC** ◆

n/a;

◆ **MEMORIALIZATION OF RESOLUTION(S)** ◆

n/a;

◆ **CASELOAD** ◆

<p>Case #Z-2014-07 309 Closter Dock Road, LLC 309 Closter Dock Road (Block 1701/Lot 1) District #2- Residential B</p>
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Case History

The applicant is seeking a Use Variance and Site Plan Approval for the construction of a new building (containing a delicatessen and 2 apartments) at the subject property; the application was received May 22, 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; due to the Board's heavy caseload, the application was postponed to the August 20, 2014 Meeting; the applicant's engineer and architect completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the September 17, 2014 Meeting.

Representation

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

Witnesses

- #1: Michael Hubschman, PE, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey;
- #2: Raul Mederos, RA, Imagen Architecture, LLC, 24 West Railroad Avenue, Tenafly, New Jersey;
- #3: Massimo Grieco, 69 Marion Avenue, Dumont, New Jersey;
- #4: Sean Moronski, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;
- #5: Anthony Gorga, CPA, 315 Closter Dock Road, Closter, New Jersey;
- #6: Michael Brown, 24 Arcadia Court, Harrington Park, New Jersey;
- #7: Paul Nyfenger, 347 High Street, Closter, New Jersey;
- #8: Mario Pascarella, 67 6th Street, Cresskill, New Jersey;

Exhibits

- A-5: colorized version of pre-filed site plan prepared by Witness #1, dated April 28, 2014 and last revised August 26, 2014;
- A-6: pre-filed architectural prepared by Witness #2, dated April 30, 2014 and last revised August 26, 2014;
- A-7: pre-filed (via email) architectural with cover letter regarding change of use group classification (as per New Jersey Uniform Construction Code) for proposed 1st floor tenancy (delicatessen) from "A-2/Assembly" to "M/Mercantile", prepared by Witness #2 and dated September 9, 2014;
- A-8: series of 6 photographs depicting exterior conditions of subject and surrounding properties, prepared by Witness #4's firm and dated July 16, 2014;

Relief Sought

- 1.) Use Variance: delicatessen and 2-family housing (not being created via conversion of existing 1-family house) are not permitted in District #2;
- 2.) Site Plan Approval-
 - a.) Design Waiver: number of parking spaces (14 spaces minimum required/12 spaces provided);
 - b.) Design Waiver: parking space dimensions (10'x20' minimum required/9'x18' provided);
 - c.) Design Waiver: parking space area (180 sf minimum required/162 sf provided);
 - d.) Design Waiver: front yard parking setback <corner lot- facing Closter Dock Road> (20' minimum required/1.17' provided);
 - e.) Design Waiver: front yard parking setback <corner lot- facing Ver Valen Street> (20' minimum required/6' provided);
 - f.) Design Waiver: side yard parking setback- corner lot (5' minimum required/3' provided);
 - g.) Design Waiver: rear yard parking setback (5' minimum required/2' provided);
 - h.) Design Waiver: signage (marquee and <6> awnings) is not permitted in District #2;
- 3.) Bulk Variance: impervious coverage (30% maximum allowed/81.11% provided);
- 4.) Bulk Variance: side yard setback- corner lot (15' minimum required/6' provided);
- 5.) Bulk Variance: rear yard setback (20' minimum required/6' provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant reduced footprint of proposed building from 42'x44' to 40'x42' and overall area from 1,836 sf to 1,674 sf;
- 2.) applicant reduced width of westerly driveway aisle from 27' to 24';
- 3.) applicant reduced width of driveway entrance at Ver Valen Street from 20' to 15' to accommodate additional greenery between curb and sidewalk (proposed wheel stops were eliminated);
- 4.) applicant relocated proposed handicap parking space and incorporated its access aisle into walkway adjacent to building to gain more greenery along Closter Dock Road;
- 5.) applicant eliminated portion of walkway around southern corner of proposed building;
- 6.) applicant reduced proposed building and impervious coverages from 18.36% to 16.62% and 90.21% to 81.11% respectively;
- 7.) applicant provided service doorway at eastern side of proposed building near refuse collection area;
- 8.) applicant depicted proposed display and equipment layout on floor plan to evaluate feasibility of further reduction to building footprint without compromising operation of delicatessen;
- 9.) applicant relocated those parking spaces that previously were to encroach into Bergen County road-widening easement along Closter Dock Road (despite having already obtained its approval for encroachment);

New Board Requests

- 1.) provide radius (curvature) instead of right angle for driveway entrance at Ver Valen Street;
- 2.) revise site plan to reflect correct labeling of parking space #2 (currently shown to be within greenery);
- 3.) increase width of proposed greenery between parking lot curb and sidewalk along Ver Valen Street;
- 4.) relocate proposed catch basin/inlet out of parking space #6 or integrate it into parking lot curb to prevent future damage to vehicles;
- 5.) reevaluate placement of grease trap based on basement floor elevation potentially being too low for installation of sanitary sewer into slab;
- 6.) consider further reduction of proposed building size and/or number of proposed apartments from 2 to 1 to lessen potential need and/or actual requirement for parking spaces;

Public Questions

- 1.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;
- 2.) Anthony Gorga, CPA, 315 Closter Dock Road, Closter, New Jersey;

Public Comments

- 1.) Anthony Gorga, CPA, 315 Closter Dock Road, Closter, New Jersey;
- 2.) Michael Brown, 24 Arcadia Court, Harrington Park, New Jersey;
- 3.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;
- 4.) Paul Nyfenger, 347 High Street, Closter, New Jersey;
- 5.) Mario Pascarella, 67 6th Street, Cresskill, New Jersey;

Decision

A motion was made by Mr. Kafer and seconded by Mr. Hennessey, to approve the Use Variance portion of the application. The motion failed (4-3-0) negating a vote on Site Plan Approval:

YES- Kafer/Hennessey/Monaco/West;
NO- Dhorajia/Ouzoonian/Bianco;
ABSTAIN- n/a;

Conditions
n/a;

◇ADJOURNMENT OF MEETING◇

A motion was made by Mr. Ouzoonian and seconded by Mr. Kafer, to have the Board adjourn at 11:39pm. The motion passed by acclamation.
