



Zoning Board of Adjustment

September 18, 2014

*****Special***
Meeting
(Minutes)**

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:09pm) ◇

◇ **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
Michael Kates, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Joan Marks- Alternate #2
Phillip Kwon, Esq.- Alternate #4
Arthur Dolson- Council Liaison
Leonard Sinowitz- Zoning Officer

◇ **CORRESPONDENCE** ◇

n/a;

◇ **MINUTES** ◇

n/a;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

n/a;

◇ **MISCELLANEOUS** ◇

Chairman Bianco reminded that both Mr. Kafer and Mr. Kwon, would be attending 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. Chairman Bianco stated he would also be in attendance.

◇ **OPEN TO THE PUBLIC** ◇

n/a;

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

n/a;

◇ **CASELOAD** ◇

<p>Case #Z-2014-09 Changiz Asfarjani & Afsaneh Kiarash 421 & 437-439 Durie Avenue (Block 1003/Lot 18 & 21) District #2- Residential B</p>
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Case History

The applicants are seeking a Use Variance and Major Subdivision Approval for the creation of 2 lots originating from each of the 2 subject properties (creating 4 lots in total); **NOTE #1:** a 1-family house (421 Durie Avenue) and a 2-family house (437-439 Durie Avenue) are currently situated on the subject properties; **NOTE #2:** the application involves 2 contiguous parcels, both owned by the applicants, which are being presented as 1 merged lot; **NOTE #3:** the applicants are proposing the donation of the existing 1-family house, known as the Harold Hess Lustron House, to the Borough as a condition of approval; the application was received June 13, 2014 and scheduled for the July 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 September 18, 2014 (Special) 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;
#2: Roger De Niscia, PP, 347 Upper Mountain Avenue, Montclair, New Jersey;

Exhibits

- A-1:** colorized version of pre-filed subdivision map prepared by Witness #1, dated January 14, 2014 and last revised September 3, 2014;
A-2: Residential Certificate of Continued Occupancy #12-31137 confirming legal 2-family use at "439" Durie Avenue, issued by Building Department and dated December 10, 2012/Certificate of Inspection confirming smoke detection compliance at "439" Durie Avenue, issued by Fire Prevention Bureau and dated December 8, 2012/Zoning Permit #5451Z granting 2-family use ratification for "439" Durie Avenue, issued by Zoning Officer and dated December 6, 2012;
SH-1: 186-page book entitled "The Lustron House", written by Thomas Fetters, published in 2002 and presented by Public Commenter #7;

Relief Sought

LOT #18.01 (NEW LOT)

- 1.) Bulk Variance: lot width at building setback line (100' minimum required/63.85' provided);
- 2.) Bulk Variance: street frontage (75' minimum required/63.85' provided);

LOT #18.02 (437-439 DURIE AVENUE)

- 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/81.43' provided);
 - b.) Bulk Variance: side yard <right-facing> setback (15' minimum required/3' provided);
 - c.) Bulk Variance: side yard setback aggregate (30' minimum required/22.28' provided);

LOT #21.01 (421 DURIE AVENUE)

- 1.) Bulk Variance: side yard setback- corner lot (15' minimum required/5' provided);

LOT #21.02 (NEW LOT)

- 1.) Bulk Variance: lot width at building setback line (100' minimum required/74.32' provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

- 1.) Spencer Leeds, 297 Durie Avenue, Closter, New Jersey;
- 2.) Marie Gonzales, 82 Legion Place, Closter, New Jersey;
- 3.) Lauren Bottieri, 69 Legion Place, Closter, New Jersey;
- 4.) George Sealy, 457 Durie Avenue, Closter, New Jersey;
- 5.) Min Yook Choi, 455 (aka 449) Durie Avenue, Closter, New Jersey;
- 6.) Roman Livson, 58 Legion Place, Closter, New Jersey;

Public Comments

- 1.) Clifton Lewis, 312 Demarest Avenue, Closter, New Jersey;
- 2.) Patricia Garbe-Morillo, 2555 Collins Avenue, Penthouse 201, Miami Beach, Florida;
- 3.) Henry Hermo, 66 Legion Place, Closter, New Jersey;
- 4.) Bobbie Bouton-Goldberg, 162 Anderson Avenue, Closter, New Jersey;
- 5.) Roman Livson, 58 Legion Place, Closter, New Jersey;
- 6.) Lauren Bottieri, 69 Legion Place, Closter, New Jersey;
- 7.) Sophie Heymann, 14 Garry Road, Closter, New Jersey;
- 8.) Sun An, 21 Norwood Place, Norwood, New Jersey;

Decision

A motion was made by Mr. Ouzoonian and seconded by Vice Chairman Freesman, to approve the application (both Use Variance and Major Subdivision Approval). The motion passed (6-1-0):

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

NO- Monaco;
ABSTAIN- n/a;

Conditions

- 1.) succeed in having Governing Body accept donation (free and clear) of 421 Durie Avenue (land and improvements) as subdivided and have it deeded to Borough for its governance;
- 2.) provide existing/proposed landscape plan depicting adequate buffers between subject and adjacent properties;
- 3.) reverse parking spaces in rear yard of 437-439 Durie Avenue so that headlights of parked vehicles will face 2-family house and not neighboring residences;
- 4.) provide distance of 20' between parking spaces and rear exterior wall of 2-family house at 437-439 Durie Avenue as well as install 2 walkways and 2 exterior doors to accommodate residents traveling in rear yard to/from both dwelling units;

◇ADJOURNMENT OF (SPECIAL) MEETING◇

A motion was made by Vice Chairman Freesman and seconded by Mr. Galluccio, to have the Board adjourn at 10:54pm. The motion passed by acclamation.
