



Zoning Board of Adjustment

April 22, 2015

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

Prepared by:

Paul Demarest

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

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Mitchell Monaco- Vice Chairman
Heena Dhorajia, EIT
Evan Elias
Kenneth Wasserman
Phillip Kwon, Esq.- Alternate #4
Leonard Sinowitz- Zoning Officer
Arthur Chagaris, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Theodore West, DDS- Secretary
Dharamraj Baboo
Antranig Ouzoonian, PE- Alternate #1
Joan Marks- Alternate #2
Mindy Rothbaum- Alternate #3
Arthur Dolson- Council Liaison

◇ **MISCELLANEOUS** ◇

Chairman Bianco believed the engineering escrow deposit required (at the discretion of the Subcommittee during Work Sessions) of applicants seeking Bulk Variances for residential properties, should be increased from its current \$300.00 level to allow for the Board Engineer to conduct inspection(s) during the construction phase following the Board's memorialization of a Resolution. Mr. Morris explained when the Borough Engineer reviews and inspects projects involving new construction or an increase of an existing roof surface area by 1/3 or more, a \$600.00 escrow deposit is required. Mr. Chagaris indicated the Borough Code states that before an application is presented to the Board, it can impose or set the escrow amount; he further commented that to require more monies initially would negate seeking additional funding at a later time being the \$300.00 is often not covering the Board Engineer's plan review of drainage issues. Mr. Morris confirmed the \$300.00 deposit is usually exhausted once such an application is perfected and but not yet before the full Board. Chairman Bianco stated Mr. Demarest should confirm there are sufficient funds in an escrow account at the time a Resolution is memorialized; Mr. Chagaris reminded that all Resolutions stipulate escrow and fees must be resolved prior to a Certificate of Occupancy/Approval being issued by the Building Department. Mr. Demarest inquired if such an increase to escrow deposits must be authorized by the Governing Body, not the Board; Mr. Chagaris responded the Board has the authority to do so. Mr. Demarest questioned if such an increase would be adequate when additional site work

elements (sidewalks, berms, retaining walls, etc.) are required to be reviewed/inspected; Mr. Morris replied additional funding could be required on a case by case basis.

A motion was made by Mr. Wasserman and seconded by Ms. Dhorajia, to give the Subcommittee discretion in requesting a \$600.00 engineering escrow deposit, an increase from \$300.00, during Work Sessions for residential applications involving Bulk Variances only. The motion passed (6-0-0):

YES- Kwon/Wasserman/Elias/Dhorajia/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

Mr. Demarest stated he would regularly update the Board on upcoming land use seminars/symposiums being hosted by New Jersey Planning Officials (NJPO), the Bergen County Bar Association or local law firms; he reminded that Mr. Elias, Mr. Wasserman and Ms. Rothbaum must be certified by an agency/affiliate recognized by the State of New Jersey within 18 months of their initial appointments by the Governing Body.

◆ **OPEN TO THE PUBLIC** ◆

n/a;

◆ **CASELOAD** ◆

<p>Case #Z-2015-02 Erno & Jacqueline Grunstein 20 Brodil Court (Block 2302/Lot 6) District #1- Residential A</p>

Case History

The applicants are seeking a Bulk Variance for the construction of an addition, swimming pool (in-ground with spa), front and rear porches (open), 2 patios (on-grade), front and rear walkways, rear steps and 5 retaining walls at the subject property; the application was received February 24, 2015 and scheduled for the March 18, 2015 (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 April 22, 2015 (Special) Meeting.

Representation

1.) Jaclyn D'Arminio, Esq. for Elliot Urdang, Esq., 19 Engle Street, Tenafly, New Jersey;

Witnesses

#1: Robert Zampolin, RA, 187 Fairview Avenue, Westwood, New Jersey;

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

#3: Erno Grunstein, MD, 20 Brodil Court, Closter, New Jersey;

Exhibits

- A-1:** 14 photographs depicting exterior conditions of subject and adjacent properties, uncredited and undated;
- A-2:** pre-filed architectural (page A2 only/entitled "First Floor Plan"), prepared by Witness #1, dated January 22, 2015 and received April 9, 2015 (in lieu of revision date);
- A-3:** pre-filed architectural (page A3 only/entitled "Second Floor Plan"), prepared by Witness #1, dated January 22, 2015 and received April 9, 2015 (in lieu of revision date);
- A-4:** pre-filed architectural (page A1 only/entitled "Basement Plan"), prepared by Witness #1, dated January 22, 2015 and received April 9, 2015 (in lieu of revision date);
- A-5:** pre-filed architectural (page A4 only/entitled "Front & Right Side Elevation"), prepared by Witness #1, dated January 22, 2015 and received April 9, 2015 (in lieu of revision date);
- A-6:** pre-filed architectural (page A5 only/entitled "Rear & Left Side Elevation"), prepared by Witness #1, dated January 22, 2015 and received April 9, 2015 (in lieu of revision date);
- A-7:** colorized version of pre-filed site plan (page 2 only/entitled "Soil Erosion & Sediment Control Plan; Existing Conditions Plan; Details", prepared by Witness #2, dated February 5, 2015 and last revised April 8, 2015;
- A-8:** colorized version of pre-filed site plan (page 1 only/entitled "Site Plan", prepared by Witness #2, dated February 5, 2015 and last revised April 8, 2015;
- A-9:** colorized version of pre-filed landscape plan, prepared by Len Di Tomaso, CLA (Landscape Perceptions of Di Tomaso Design, Inc.), dated November 18, 2014 and last revised April 7, 2015;
- A-10:** aerial map of subject property and surrounding neighborhood, prepared by Witness #2 and dated April 22, 2015;

Relief Sought

- 1.)** Bulk Variance: impervious coverage (30% maximum allowed/35.83% provided);

Response to Prior Board and/or Subcommittee Requests

- 1.)** applicants differentiated depiction of new, demolished and remaining partitions/walls on architectural;
- 2.)** applicants eliminated 109 sf of existing driveway (portion utilized as basketball court area);
- 3.)** applicants agreed to save 4 pines (ranging in caliper measurements from 12" to 24") situated along rear yard property line previously slated for removal in connection with installation of 4' high retaining wall;
- 4.)** applicants agreed, in concept and without specificity, to reduce proposed impervious coverage to 34.50% from areas other than house itself;

New Board Requests

- 1.)** verify proposed bedroom in basement complies with New Jersey Uniform Construction Code in terms of light, air and ventilation (all habitable rooms shall have aggregate glazing area of not less than 8% of floor area of particular room);
- 2.)** clarify if 2 proposed porches (open/not enclosed) must be included in proposed floor area ratio calculations;
- 3.)** relocate proposed swimming pool equipment and generator from property line shared with 31 King Place so to alleviate potential noise pollution;
- 4.)** relocate proposed spa to decking at eastern portion of swimming pool to negate proposed walkway aligning northern portion of swimming pool;

- 5.) provide professionally-designed plan for proposed retaining walls given their cumulative height is 4'+;
- 6.) provide detail of swimming pool barrier (fencing);
- 7.) consider reduction of proposed addition so to further reduce proposed impervious coverage from 34.50% to 33% (means of alleviating excess impervious coverage partially caused by topographical hardship in rear yard);
- 8.) consider further reduction of existing driveway as means of reducing proposed impervious coverage;

Public Questions

- 1.) Steven Isaacson, 97 Columbus Avenue, Closter, New Jersey;
- 2.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;
- 3.) Afzaal Siddiqui, MD, 31 King Place, Closter, New Jersey;
- 4.) Shamama Siddiqui, 31 King Place, Closter, New Jersey;

Public Comments

- 1.) Shamama Siddiqui, 31 King Place, Closter, New Jersey;

Decision

A motion was made by Mr. Kwon to approve the application; being the motion was not seconded, it failed.

A motion was made by Vice Chairman Monaco and seconded by Mr. Wasserman, to deny the application. The motion passed (5-1-0):

YES- Wasserman/Elias/Dhorajia/Monaco/Bianco;

NO- Kwon;

ABSTAIN- n/a;

Conditions

n/a;

◇ADJOURNMENT OF (SPECIAL) MEETING◇

Vice Chairman Monaco inquired about the status of Wiggers v. Zoning Board of Adjustment which relates to Case #Z-2009-14 (63 John Street/Wiggers), given the appellant's failed attempts to have the Board's denial of his Use Variance and Site Plan Review application reversed, overturned or vacated by the Superior Court of New Jersey (both the Law and Appellate Divisions); specifically, he asked when the commercial enterprise on-site would be ceased. Mr. Chagaris said he has yet to be notified of a petition for certification with the Supreme Court of New Jersey being filed; he said the deadline for such was 20 days following the decision rendered by the Appellate Division.

Mr. Wasserman asked for an update on Zoning Board of Adjustment v. Baquiran regarding Case #Z-2013-13 (318 Harrington Avenue/Baquiran), which is before the Superior Court of New Jersey (Appellate Division); Mr. Chagaris reminded that former Board Attorney, Michael Kates, Esq., is handling said case.

A motion was made by Mr. Wasserman and seconded by Vice Chairman Monaco, to have the Board adjourn at 10:35pm. The motion passed by acclamation.
