



Zoning Board of Adjustment

August 19, 2015

Meeting
(Minutes)

Prepared by:

Paul Demarest

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

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Mitchell Monaco- Vice Chairman
Dharamraj Baboo
Evan Elias
Kenneth Wasserman
Antranig Ouzoonian, PE- Alternate #1
Joan Marks- Alternate #2
Phillip Kwon, Esq.- Alternate #4
Arthur Dolson- Council Liaison
Leonard Sinowitz- Zoning Officer
Daniel Steinhagen, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Theodore West, DDS- Secretary
Heena Dhorajia, EIT
Mindy Rothbaum- Alternate #3

◇ **CORRESPONDENCE** ◇

In light of Secretary West's absence, Mr. Wasserman read mail received by the Land Use Department into the record.

◇ **MINUTES** ◇

A motion was made by Mr. Ouzoonian and seconded by Mr. Wasserman, to approve the minutes for the June 17, 2015 Meeting. The motion passed (5-0-0):

YES- Kwon/Ouzoonian/Wasserman/Baboo/Bianco;

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Marks/Monaco;

A motion was made by Mr. Elias and seconded by Mr. Baboo, to approve the minutes for the July 15, 2015 Meeting. The motion passed (6-0-0):

YES- Kwon/Ouzoonian/Wasserman/Elias/Baboo/Bianco;

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Marks;

◇ SUBCOMMITTEE ASSIGNMENTS ◇

August 26, 2015 Work Session: ***CANCELLED***;

◇ MISCELLANEOUS ◇

The Board discussed the potential of convening a (Special) Meeting on September 30, 2015, not September 23, 2015 which is Yom Kippur, given the anticipated heavy caseload for its September 16, 2015 Meeting.

With respect to those Board members (Elias/Wasserman/Rothbaum) who have yet to obtain land use board certification from an agency/affiliate recognized by the State of New Jersey within 18 months of their initial appointments by the Governing Body, Mr. Elias and Mr. Wasserman indicated they would attend a land use symposium on September 27, 2015 being hosted by New Jersey Planning Officials (NJPO); Mr. Demarest said he would confirm the absent Ms. Rothbaum's attendance, and Chairman Bianco stated he would attending as well. Mr. Demarest said he would register them with NJPO.

◇ OPEN TO THE PUBLIC ◇

n/a;

◇ MEMORIALIZATION OF RESOLUTION(S) ◇

n/a;

◇ CASELOAD ◇

<p>Case #Z-2014-14 James Crimmins 49 John Street (Block 1203/Lot 5) District #2- Residential</p>

Case History

The applicant is seeking a Use Variance and Site Plan Approval for the continuation of a contractor's yard operation at the subject property; NOTE #1: the applicant's initial attempt at ratification (Case #Z-2008-13) was approved by the Board, a decision upheld by the Superior Court of New Jersey (Law Division), but subsequently overturned by its Appellate Division; NOTE #2: the applicant's petition for certification by the Supreme Court of New Jersey was denied, resulting in a new Board application having distinction from the original; the application was received September 3, 2014 and scheduled for the October 15, 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 January 21, 2015 Meeting; due to the Board's heavy caseload, the application was postponed to the February 18,

2015 Meeting, March 18, 2015 Meeting and, again, to the April 15, 2015 Meeting; the applicant's planner completed initial testimony and the case was adjourned, with no items required, to the May 20, 2015 Meeting; due to a scheduling conflict with the applicant's attorney, the case was postponed to the June 17, 2015 Meeting; due to recent feedback from the Governing Body to the applicant that it would consider re-zoning the area in which the subject property lies, the application was postponed (so to evaluate the ramifications of such action), pending the Board's receipt of public *re-noticing* requirements, to the July 15, 2015 Meeting; due to the Board's heavy caseload, the application was postponed to the August 19, 2015 Meeting.

Representation

- 1.) Stuart Liebman, Esq., Wells, Jaworski & Liebman, LLP, 12 Route 17 North, Paramus, New Jersey;

Witnesses

- #1: Steven Lydon, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;
- #2: Stephen Eid, PE/PLS, Eid & Lapatka, LLC, 795 Susquehanna Avenue, Franklin Lakes, New Jersey;
- #3: Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;

Exhibits

- A-7: memo to applicant's counsel indicating sitting Governing Body would not consider zone change with respect to area in which subject property lies, prepared by Jonathan De Joseph (Borough Administrator) and dated July 7, 2015;
- A-8: pre-filed site plan, prepared by Witness #2, dated March 15, 2010 and last revised March 20, 2015;

Relief Sought

- 1.) Use Variance: contractor's yard (involving storage of non-organic construction material only) is not permitted in District #2;
- 2.) Site Plan Approval-
 - a.) Design Waiver: fence in front yard <through lot facing Westminster Avenue> (4' height maximum allowed and 50% visibility minimum required/6' height and 50% visibility provided);
 - b.) Design Waiver: driveway/parking lot curbing (required/none provided);
 - c.) Design Waiver: driveway/parking lot surface material (asphalt, bituminous or cement-binder pavement/partially gravel);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant indicated that 11 commercial vehicles (depicted in Exhibit #A-1), which are prohibited from being parked on subject property during overnight hours as per decision by Superior Court of New Jersey (Appellate Division), will instead be parked at 40 John Street (owned by James Crimmins Land, LLC) which is located in District #4 (Commercial) where contractor's yard is permitted use;
- 2.) applicant indicated that average amounts and heights of non-organic construction material to be stored on-site would not exceed 8 cubic yards and 4' respectively and such would be dispersed at no more than 3 locations;
- 3.) applicant indicated existing surfaces of driveway/parking lot would remain as gravel or pavement and no new installation of either is being proposed;
- 4.) applicant indicated certain conditions stipulated to in memorialized Resolution for Case #Z-2008-13 (49 John Street/Crimmins) <a.) upgrading façade of 1-family house on-site;

b.) improving driveway/parking lot with brick pavers; c.) planting 12' to 15' of vegetation in each direction along John Street and William Street to shield residential neighborhood located west of William Street from commercial activities at 40 John Street> would not be accepted again as conditions of another Board approval;

New Board Requests

n/a;

Public Questions

- 1.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;
- 2.) Judy Parker, 55 Susan Drive, Closter, New Jersey;

Public Comments

- 1.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;

Decision

A motion was made by Mr. Ouzoonian and seconded by Vice Chairman Monaco, to deny the Use Variance portion of the application. The motion passed (7-0-0) negating a vote on Site Plan Approval:

YES- Marks/Ouzoonian/Wasserman/Elias/Baboo/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

Conditions

n/a;

◇ CLOSED SESSION ◇

A motion was made by Ms. Marks and seconded by Mr. Baboo, to have the Board go into closed session at 10:42pm. The motion passed by acclamation.

Chairman Bianco reopened the meeting to the public at 10:54pm. Mr. Steinhagen summated that the Board discussed the retention of its own planner solely for review and advice with respect to Case #Z-2014-17 (59 West Street, 11 & 15 Van Sciver Street/Closter Assisted Living, LLC); he revealed that Kathryn Gregory, PP, of Gregory Associates, LLC, was selected by the Board. Mr. Steinhagen noted that her hourly rate is \$170.00, which is to be paid for by the applicant through an escrow account.

◇ ADJOURNMENT OF MEETING ◇

A motion was made by Vice Chairman Monaco and seconded by Ms. Marks, to have the Board adjourn at 10:57pm. The motion passed by acclamation.
