



Zoning Board of Adjustment

December 16, 2015

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:05pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Kenneth Wasserman- Secretary
Heena Dhorajia, EIT
Dharamraj Baboo
Evan Elias
Richard Daly
Antranig Ouzoonian, PE- Alternate #1
Phillip Kwon, Esq.- Alternate #4
Leonard Sinowitz- Zoning Officer
Daniel Steinhagen, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Mitchell Monaco- Vice Chairman
Joan Marks- Alternate #2
Mindy Rothbaum- Alternate #3
Arthur Dolson- Council Liaison

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

Being Mr. Demarest had yet to distribute the minutes for the November 18, 2015 Meeting, the Board postponed a vote on their approval to the January 20, 2016 Meeting.

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

December 23, 2015 Work Session: ***CANCELLED***;

◇ **MISCELLANEOUS** ◇

Chairman Bianco stated that the merged 2013/2014 Annual Report to the Governing Body and Planning Board, written by Mr. Steinhagen with the assistance of the Subcommittee consisting of himself, Vice Chairman Monaco and Ms. Rothbaum, was previously distributed. He summated its main captions: 1.) modernizing uses permitted in District #3 (Business); 2.) land

use approval for change of use/mirroring use group classification of Zoning Code to that of New Jersey Uniform Construction Code; 3.) curtailing overdevelopment of new construction; 4.) clarifying definition of impervious surface; 5.) strengthening escrow deposits; 6.) compiling site improvement specification standards (lighting, refuse enclosures, fencing, curbing, sidewalks, catch basins, sewer connections, etc.).

In referencing the disposition lists for the Board's 2013 and 2014 caseloads prepared by Mr. Demarest, Chairman Bianco noted that while its approval rate is very high, applications are always improved upon once the Board has critiqued and given its input.

In response to Vice Chairman Monaco, Chairman Bianco said he did not know if a past Board recommendation made in an Annual Report had been adopted by the Governing Body; he explained it dealt with incorporating triangulation when determining if a foundation is appropriately situated on a parcel.

Mr. Demarest suggested an amendment be considered for the 2015 Annual Report with respect to the Borough's definition of "soil" being it includes gravel; he explained soil is considered pervious by the Borough while gravel is seen as impervious.

A motion was made by Vice Chairman Monaco and seconded by Ms. Dhorajia, to approve the merged 2013/2014 Annual Report to the Governing Body and Planning Board. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ OPEN TO THE PUBLIC ◇

n/a;

◇ MEMORIALIZATION OF RESOLUTION(S) ◇

The Board postponed a vote on the Resolution for Case #Z-2014-17 (59 West Street, 11 & 15 Van Sciver Street/Closter Assisted Living, LLC), which is still being drafted, to the January 20, 2016 Meeting.

◇ CASELOAD ◇

n/a;

◇ CLOSED SESSION ◇

A motion was made by Mr. Daly and seconded by Vice Chairman Monaco, to have the Board go into closed session at 8:38pm. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Chairman Bianco reopened the meeting to the public at 8:52pm. The following votes pertaining to the appeal recently filed by the applicant concerning the Board's denial of Case #Z-2014-14 (49 John Street/Crimmins) were taken in closed session:

A motion was made by Mr. Elias and seconded by Ms. Dhorajia, to have the law firm, Beattie & Padovano, LLC defend the Board with respect to Crimmins v. Zoning Board of Adjustment (et al), currently before the Superior Court of New Jersey (Law Division). The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Mr. Baboo and seconded by Mr. Daly, to authorize the law firm, Beattie & Padovano, LLC to file a notice of frivolous litigation to have both said appeal dismissed by the Court, and all associated legal fees accrued by the Board paid for/reimbursed by the appellant. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ADJOURNMENT OF MEETING◇

A motion was made by Secretary Wasserman and seconded by Vice Chairman Monaco, to have the Board adjourn at 8:53pm. The motion passed by acclamation.
