



Zoning Board of Adjustment

February 18, 2015

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:04pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Mitchell Monaco- Vice Chairman
Heena Dhorajia, EIT
Dharamraj Baboo
Evan Elias
Kenneth Wasserman
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
Antranig Ouzoonian, PE- Alternate #1
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. Baboo and seconded by Mr. Wasserman, to approve the minutes for the January 21, 2015 Meeting. The motion passed (5-0-0):

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

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Marks/Monaco;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

February 25, 2015 Work Session: ***CANCELLED***;

◇ **MISCELLANEOUS** ◇

With respect to those Board members 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. Demarest informed that New Jersey Planning Officials would be hosting a seminar on April 18, 2015. Mr. Wasserman said he could not attend on that date while Chairman Bianco stated he would be attending despite being previously certified. Mr. Elias said he did not know as of yet if he is available that date, and Mr. Demarest said he would pose the question to the absent Ms. Rothbaum.

◇OPEN TO THE PUBLIC◇

Robert Ludwig, 73 West Street, Closter, New Jersey, inquired about property maintenance concerns at 10 Railroad Avenue, specifically relating to “Capital Hardware Supply, Inc.”; he stated the establishment was recently granted Site Plan Approval by the Board for the reconstruction of a portion of the warehouse on-site, which had been damaged by a fire when it was being occupied by “Weyerhaeuser Co.” Chairman Bianco corrected Mr. Ludwig and said relief had been granted by the Planning Board. Mr. Ludwig informed that the Board Approval called for all operations to occur inside the building on-site but, instead, semi-trailers are being utilized for storage purposes; he also complained pallets and other items are strewn throughout the grounds, thereby, causing an unsightly and hazardous condition. He further commented that a pallet incinerator (outdoor furnace) was installed to assist in heating the warehouse, but the resulting smoke emanating from the unit impacts his neighborhood’s air quality. Mr. Sinowitz informed that he issued a Municipal Court summons to the property owner this week for the semi-trailers; he noted the pallets are a property maintenance issue that should be addressed by the Code Enforcement Bureau. Mr. Steinhagen reminded that the Board is not an enforcement agency and any such complaints should be filed with the Zoning Officer and Building Department. Chairman Bianco said Mr. Ludwig could reiterate his concerns to the Governing Body at its next meeting on February 25, 2015.

◇MEMORIALIZATION OF RESOLUTION(S)◇

A motion was made by Ms. Dhorajia and seconded by Chairman Bianco, to memorialize the Resolution for Case #Z-2014-09 (421 & 437-439 Durie Avenue/Asfarjani & Kiarash). The motion passed (2-0-0):

YES- Dhorajia/Bianco;

NO- n/a;

ABSTAIN- n/a;

A motion was made by Mr. Baboo and seconded by Mr. Elias, to memorialize the Resolution for Case #Z-2014-20 (260 Parsells Lane/Russo). The motion passed (4-0-0):

YES- Wasserman/Elias/Baboo/Bianco;

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Monaco;

◇CASELOAD◇

**Case #Z-2014-19
309 Closter Dock Road, LLC
309 Closter Dock Road
(Block 1701/Lot 1)
District #2- Residential B**

Case History

The applicant is seeking a Use Variance and Site Plan Approval for the construction of a new building (containing a delicatessen) at the subject property; the application was received October 23, 2014 and scheduled for the November 19, 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 December 17, 2014 Meeting; due to both unforeseen site conditions resulting in a redesign and a change in the applicant's legal counsel, the case was rescheduled, so to be perfected again, for the January 21, 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 February 18, 2015 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: Sean Moronski, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;

Exhibits

- A-1: Zoning Board of Adjustment Resolution detailing Board denial of Case #Z-2014-07 (309 Closter Dock Road/309 Closter Dock Road, LLC) and memorialized November 19, 2014;
- A-2: 6 photographs depicting exterior conditions of subject and surrounding properties, prepared by Witness #3's firm and dated July 16, 2014;

Relief Sought

- 1.) Use Variance: delicatessen and 1 apartment are not permitted in District #2;
- 2.) Site Plan Approval-
 - a.) Design Waiver: number of parking spaces (13 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/5.92' provided);
 - e.) Design Waiver: front yard parking setback <corner lot- facing Ver Valen Street (20' minimum required/6' provided);
 - f.) Design Waiver: rear yard parking setback (5' minimum required/1' provided);

- g.) Design Waiver: signage (marquee and <6> awnings) is not permitted in District #2;
- 3.) Bulk Variance: impervious coverage (30% maximum allowed/81.39% 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

n/a;

New Board Requests

- 1.) consider alternate means by which to vent components of walk-in box so to allow for reduction of 1st floor ceiling height;
- 2.) consider means by which to separate storage area from path of travel (common area) leading to apartment on 2nd floor in event building is no longer owner-occupied;
- 3.) consider providing direct interior access between delicatessen and storage area negating 28' distance from outside of building to travel between 1st and 2nd floors;
- 4.) consider rearrangement/elimination of those 2nd floor windows relating to storage area to discourage illegal conversion to 2nd dwelling unit;
- 5.) provide separate bedrooms for male and female minors to comply with unspecified health codes referred to in administrative report prepared by Construction Official; (principal of 309 Closter Dock Road, LLC <Massimo Grieco> has 1 son and 1 daughter);
- 6.) clarify parking space requirement given calculations for such do not take into account occupancy load for storage area (3) as per architectural;

Public Questions

- 1.) Steven Isaacson, 97 Columbus Avenue, Closter, New Jersey;
- 2.) Michael Brown, 24 Arcadia Court, Harrington Park, New Jersey;
- 3.) Anthony Gorga, 315 Closter Dock Road, Closter, New Jersey;

Public Comments

n/a;

Decision

The case was adjourned to the March 18, 2015 Meeting.

**Case #Z-2014-17
 Closter Assisted Living, LLC
 59 West Street, 11 & 15 Van Sciver Street
 (Block 1104/Lots 15.02, 15.03 & 15.04)
 District #6- Affordable Housing**

Case History

The applicant is seeking a Use Variance and Site Plan Approval for the construction of a new building (containing an assisted living facility) at the subject properties; the application was received October 9, 2014 and scheduled for the November 19, 2014 (Special) Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the December 17, 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 February 18, 2015 Meeting.

Representation

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

Witnesses

#1: Amit Shah, 14 Skyline Drive, Englewood Cliffs, New Jersey;

Exhibits

n/a;

Relief Sought

- 1.) Use Variance: assisted living facility is not permitted in District #6;
- 2.) Use Variance: building height exceeds maximum allowed by $\geq 10'$ and/or 10% (30' maximum allowed/43.20' provided);
- 3.) Site Plan Approval-
 - a.) Design Waiver: number of parking spaces (72 spaces minimum required/28 spaces provided);
 - b.) Design Waiver: parking space area (200 sf minimum required/135 sf provided);
 - c.) Design Waiver: aisle width (18' minimum required/12' provided);
 - d.) Design Waiver: front yard parking setback <corner lot- facing Van Sciver Street> (20' minimum required/17' provided);
- 4.) Bulk Variance: number of stories (2.5 stories maximum allowed/3 stories provided);
- 5.) Bulk Variance: impervious coverage (50% maximum allowed/68% provided);
- 6.) Bulk Variance: side yard setback- corner lot (10' minimum required/3.40' provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

- 1.) provide Resolution memorialized by Planning Board in Borough of Tenafly approving construction of new assisted living facility at 55 Hudson Avenue so to review how ambulance accommodations are addressed (Mr. Urdang represented Brightview Senior Living, LLC);
- 2.) correct occupancy load calculations on architectural (indicate 84 single-bed units and 10 double-bed units totals 95 units and 104 beds);
- 3.) provide analysis detailing how similar assisted living facilities situated in residential neighborhoods have affected real estate values <AS PER PUBLIC QUESTION>;

Public Questions

- 1.) Martin Semar, 342 Brookside Avenue, Cresskill, New Jersey;
- 2.) Karine Airapetian, MD, 45 West Street, Closter, New Jersey;
- 3.) Antonia Semar, 342 Brookside Avenue, Cresskill, New Jersey;
- 4.) Marie Hartwell, 1 Bradley Place, Closter, New Jersey;
- 5.) Robert Ludwig, 73 West Street, Closter, New Jersey;
- 6.) John Finan, 55 Mac Arthur Avenue, Closter, New Jersey;
- 7.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;
- 8.) Yeon Woong Chung, 14 Michaels Lane, Closter, New Jersey;
- 9.) Bhagvanji Sangani, 69 West Street, Closter, New Jersey;

Public Comments

n/a;

Decision

The case was adjourned to the March 25, 2015 (Special) Meeting.

◇CLOSED SESSION◇

A motion was made by Mr. Baboo and seconded by Mr. Wasserman, to have the Board go into closed session at 11:40pm. The motion passed by acclamation.

Chairman Bianco reopened the meeting to the public at 11:59pm. Mr. Steinhagen summated that the Board decided to appeal a recent decision handed down by the Superior Court of New Jersey (Law Division) regarding Case #Z-2013-13 (318 Harrington Avenue/Baquiran), a mixed decision by the Board whereby it deemed 5 existing dwelling units on-site as pre-existing/nonconforming and rejected the validity of a 6th by denying a Use Variance; he explained the Board's rejection of the 6th unit was overturned. Mr. Steinhagen noted that former Board Attorney, Michael Kates, Esq., would be asked to pursue the appeal at the Superior Court of New Jersey (Appellate Division), subject to the same hourly rate he previously charged the Borough for litigation, being he presided over the case and authored the memorialized Resolution.

◇ADJOURNMENT OF MEETING◇

Chairman Bianco apologized for the late hour but stressed that the Board must handle its heavy caseload in a timely manner. Mr. Kwon asked that at future meetings, the public be instructed that it will have an opportunity to make comments at the end, not during, the testimony of all witnesses.

A motion was made by Ms. Marks and seconded by Ms. Wasserman, to have the Board adjourn at 12:01am. The motion passed by acclamation.
