



# Zoning Board of Adjustment

February 25, 2015

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

Prepared by:

**Paul Demarest**

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◇ **OPENING REMARKS** (Commenced at 8:13pm) ◇

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◇ **PLEDGE OF ALLEGIANCE** ◇

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◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman  
Mitchell Monaco- Vice Chairman  
Heena Dhorajia, EIT  
Evan Elias  
Antranig Ouzoonian, PE- Alternate #1  
Mindy Rothbaum- Alternate #3  
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  
Kenneth Wasserman  
Joan Marks- Alternate #2  
Arthur Dolson- Council Liaison

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◇ **MISCELLANEOUS** ◇

Ms. Rothbaum confirmed she would attend a land use seminar on April 18, 2015 being hosted by the New Jersey Planning Officials, an agency/affiliate recognized by the State of New Jersey to certify Board members within 18 months of their initial appointments by the Governing Body; Mr. Demarest reiterated that she would be joining Chairman Bianco, but not Mr. Wasserman, who cannot attend. Mr. Elias said he would inform Mr. Demarest of his availability.

Chairman Bianco said a request has been made by Michael Song, Esq., 400 Sylvan Avenue, Suite 102, Englewood Cliffs, New Jersey, who represents Nami Properties, LLC of which the principal (Nana Landi) had been the applicant for Case #Z-2013-15 (596 High Street/Landi); Chairman Bianco explained she obtained Bulk Variance Approval for the construction of (2) additions, foyer and walkway at the subject property. He stated that Mr. Song, who did not represent Ms. Landi during the Board proceedings, wished to amend said application to instead request the new construction of a 1-family house utilizing the bulk variances already granted. The Board rejected Mr. Song's request, noting that with the demolition of the existing building on-site, the granted variances no longer have validity; it concluded a new Board application must be filed in order for it to consider the request. Mr. Chagaris agreed to communicate the Board's decision to Mr. Song.

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◇ **OPEN TO THE PUBLIC** ◇

n/a;

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◇**CASELOAD**◇

<p><b>Case #Z-2014-21</b> <b>Manuel &amp; Connie Borja</b> <b>59 Trautwein Crescent</b> <b>(Block 1606/Lot 5)</b> <b>District #1- Residential A</b></p>
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Case History

The applicants are seeking a Bulk Variance for the as-built conversion of a deck to a patio (raised) at the subject property; the application was received December 5, 2014 and scheduled 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 25, 2015 (Special) Meeting.

Representation

1.) Manuel & Connie Borja, 59 Trautwein Crescent, Closter, New Jersey;

Witnesses

#1: Manuel Borja, 59 Trautwein Crescent, Closter, New Jersey;

#2: Connie Borja, 59 Trautwein Crescent, Closter, New Jersey;

Exhibits

n/a;

Relief Sought

1.) Bulk Variance: impervious coverage (30% maximum allowed/37.90% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Ms. Dhorajia and seconded by Ms. Marks, to approve the application without conditions. The motion passed (7-0-0):

**YES-** Kwon/Rothbaum/Ouzoonian/Elias/Dhorajia/Monaco/Bianco;

**NO-** n/a;  
**ABSTAIN-** n/a;

Conditions  
n/a;

<p><b>Case #Z-2014-23</b> <b>Ronald Goldenberg</b> <b>38 Demarest Avenue</b> <b>(Block 513/Lot 1)</b> <b>District #2- Residential B</b></p>
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Case History

The applicant is seeking Bulk Variances and a Design Waiver for the installation of a swimming pool (in-ground) and patio (on-grade) at the subject property; the application was received December 17, 2014 and scheduled 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 25, 2015 (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;

Exhibits

- A-1:** colorized version of pre-filed site plan, prepared by Witness #1 and dated October 30, 2014;
- A-2:** aerial map depicting subject property and neighborhood prepared by Witness #1 and dated February 25, 2015;
- A-3:** pre-filed landscape plan, prepared by Witness #1 and dated February 12, 2015;
- A-4:** 8 photographs depicting exterior conditions of subject property, prepared by Witness #1 and dated September 23, 2014;

Relief Sought

- 1.)** Bulk Variance: building coverage (20% maximum allowed/20.62% provided);
- 2.)** Bulk Variance: impervious coverage (30% maximum allowed/35.82% provided);
- 3.)** Design Waiver: front yard swimming pool setback <corner lot- facing Crescent Street> (40' minimum required/25' provided);
- 4.)** Design Waiver: fence in front yard <corner lot- facing Crescent Street> (4' height maximum allowed and 50% visibility minimum required/4' height and 0% visibility provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant provided landscaping consisting of arborvitae hedge and 8 evergreens of various species (ranging in planted height from 6' to 8') to buffer swimming pool from intersection of Crescent Street and Demarest Avenue;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Vice Chairman Monaco and seconded by Ms. Rothbaum, to approve the application. The motion passed (7-0-0):

**YES-** Kwon/Rothbaum/Ouzoonian/Elias/Dhorajia/Monaco/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

Conditions

- 1.) relocate proposed equipment for swimming pool to vicinity of existing generator and air conditioning units;
- 2.) prohibit installation of diving board and/or slide;
- 3.) install portion of pool barrier (fencing) along Crescent Street so it is situated behind vegetation facing thoroughfare;
- 4.) install fencing consisting of long-lasting material;
- 5.) install grate, not solid lid, on proposed seepage pit handling drainage related to swimming pool;
- 6.) indicate removal of existing patio measuring 198 sf (such is included in impervious coverage calculations but not depicted on site plan);

**Case #Z-2014-22  
Anaslasiya Burlyuk  
45 Walker Avenue  
(Block 2206/Lot 2)  
District #1- Residential A**

Case History

The applicant is seeking a Bulk Variance for an as-built patio (on-grade) expansion and fire pit installation at the subject property; the application was received December 9, 2014 and scheduled 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 25, 2015 (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;

Exhibits

- A-1: colorized version of pre-filed site plan, prepared by Witness #1 and dated May 21, 2014;
- A-2: aerial map depicting subject property and neighborhood prepared by Witness #1 and dated February 25, 2015;

Relief Sought

- 1.) Bulk Variance: impervious coverage (30% maximum allowed/31.57% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

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

Public Comments

n/a;

Decision

A motion was made by Ms. Dhorajia and seconded by Mr. Elias, to approve the application. The motion passed (7-0-0):

**YES-** Kwon/Rothbaum/Ouzoonian/Elias/Dhorajia/Monaco/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

Conditions

- 1.) reduce existing driveway and front walkway by total of 180 sf;
- 2.) submit final as-built survey to Zoning Officer no later than 90 days after date of Resolution being memorialized;

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◆**CLOSED SESSION**◆

A motion was made by Vice Chairman Monaco and seconded by Ms. Rothbaum, to have the Board go into closed session at 9:54pm. The motion passed (7-0-0):

**YES-** Kwon/Rothbaum/Ouzoonian/Elias/Dhorajia/Monaco/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

Chairman Bianco reopened the meeting to the public at 10:17pm. He summated that the Board discussed the prospects of legal victories for both Wiggers v. Zoning Board of Adjustment relating to Case #Z-2009-14 (63 John Street/Wiggers), and the forthcoming Zoning Board of

Adjustment v. Baquiran regarding Case #Z-2013-13 (318 Harrington Avenue/Baquiran), both of which are going before the Superior Court of New Jersey (Appellate Division). He also stated the Board considered the 3 respondents to the Borough's 2<sup>nd</sup> Request for Quotations regarding the position of Board Attorney.

A motion was made by Mr. Ouzoonian and seconded by Ms. Rothbaum, to nominate Daniel Steinhagen, Esq. of Beattie Padovano, LLC as Board Attorney effective February 25, 2015 for the calendar year 2015 with the following compensation: 1.) flat rate of \$250.00 per meeting for attendance charged to Borough's treasury; 2.) hourly rate of \$200.00 for services rendered charged to applicants' escrow deposits; 3.) hourly rate of \$125.00 for litigation in defending Board charged to Borough's treasury. The motion passed (7-0-0):

**YES-** Kwon/Rothbaum/Ouzoonian/Elias/Dhorajia/Monaco/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

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**◇ADJOURNMENT OF (SPECIAL) MEETING◇**

A motion was made by Mr. Ouzoonian and seconded by Vice Chairman Monaco, to have the Board adjourn at 10:23pm. The motion passed by acclamation.

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