



Zoning Board of Adjustment

January 21, 2015

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:09pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **2015 REORGANIZATION** ◇

Oaths of Office

Full Member (New 4-Year Term Expires December 31, 2018): Dharamraj Baboo
Appointed

Full Member (New 4-Year Term Expires December 31, 2018): Evan Elias
Appointed

Full Member (Existing 4-Year Term Expires December 31, 2015): Kenneth Wasserman
Appointed

Alternate #1 (New 2-Year Term Expires December 31, 2016): Antranig Ouzoonian
Reassigned

Alternate #3 (New 2-Year Term Expires December 31, 2016): Mindy Rothbaum
Appointed

Election of Officers

A motion was made by Mr. West and seconded by Mr. Baboo, to nominate Mr. Bianco as Chairperson of the Board; the motion passed (6-0-1):

YES- Ouzoonian/Wasserman/Elias/Baboo/Dhorajia/West;

NO- n/a;

ABSTAIN- Bianco;

LATE ARRIVAL- Monaco;

A motion was made by Mr. West and seconded by Mr. Baboo, to nominate Mr. Monaco as Vice Chairperson of the Board; the motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Vice Chairman Monaco and seconded by Mr. Wasserman to nominate Mr. West as Secretary of the Board; the motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Professional Services

A motion was made by Mr. Baboo and seconded by Ms. Dhorajia, to nominate Arthur Chagaris, Esq. of Beattie Padovano, LLC as Temporary Board Attorney effective January 1, 2015 to March 18, 2015 or until said appointment has been permanently filled, whichever occurs first; the motion passed (7-0-0):

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

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

A motion was made by Vice Chairman Monaco and seconded by Secretary West, to nominate Jeffrey Morris, PE of Boswell Engineering, Inc. as Board Engineer; the motion passed (7-0-0):
YES- Wasserman/Elias/Baboo/Dhorajia/West/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;

Adoption of Calendar

The Board previously approved its 2015 schedule at the November 19, 2014 Meeting.

Adoption of Fee Schedule

A motion was made by Mr. Baboo and seconded by Secretary West, to approve the Board's 2015 application fee schedule; the motion passed (7-0-0):
YES- Wasserman/Elias/Baboo/Dhorajia/West/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;

Adoption of Escrow Deposit Schedule

A motion was made by Mr. Baboo and seconded by Secretary West, to approve the Board's 2015 legal and engineering escrow deposit schedule; the motion passed (7-0-0):
YES- Wasserman/Elias/Baboo/Dhorajia/West/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;

Adoption of Official Newspaper Designations

A motion was made by Mr. Baboo and seconded by Secretary West, to approve both *The Record* and *The Star-Ledger* as the Board's 2015 official newspapers for public noticing; the motion passed (7-0-0):
YES- Wasserman/Elias/Baboo/Dhorajia/West/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Mitchell Monaco- Vice Chairman
Theodore West, DDS- Secretary
Heena Dhorajia, EIT
Dharamraj Baboo
Evan Elias
Kenneth Wasserman
Antranig Ouzoonian, PE- Alternate #1
Joan Marks- Alternate #2
Mindy Rothbaum- Alternate #3
Arthur Dolson- Council Liaison
Leonard Sinowitz- Zoning Officer

Arthur Chagaris, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Phillip Kwon, Esq.- Alternate #4

◇**CORRESPONDENCE**◇

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

◇**MINUTES**◇

A motion was made by Vice Chairman Monaco and seconded by Mr. Ouzoonian, to approve the minutes for the December 17, 2014 Meeting. The motion passed (3-0-0):

YES- Ouzoonian/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

◇**SUBCOMMITTEE ASSIGNMENTS**◇

January 28, 2015 Work Session: *****CANCELLED*****;

◇**MISCELLANEOUS**◇

n/a;

◇**OPEN TO THE PUBLIC**◇

n/a;

◇**MEMORIALIZATION OF RESOLUTION(S)**◇

A motion was made by Mr. Ouzoonian and seconded by Vice Chairman Monaco, to memorialize the Resolution for Case #Z-2014-13 (22 Jane Street/Bruno). The motion passed (3-0-0):

YES- Ouzoonian/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

◇**CASELOAD**◇

<p>Case #Z-2014-09 Changiz Asfarjani & Afsaneh Kiarash 421 & 437-439 Durie Avenue (Block 1003/Lot 18 & 21) District #2- Residential B</p>
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Case History

The applicants are seeking a Use Variance and Major Subdivision Approval for the creation of 2 lots originating from each of the 2 subject properties (creating 4 lots in total); **NOTE #1:** a 1-family house (421 Durie Avenue) and a 2-family house (437-439 Durie Avenue) are currently situated on the subject properties; **NOTE #2:** the application involves 2 contiguous parcels, both owned by the applicants, which are being presented as 1 merged lot; **NOTE #3:** the applicants are proposing the donation of the existing 1-family house, known as the Harold Hess Lustron House, to the Borough as a condition of approval; the application was received June 13, 2014 and scheduled for the July 16, 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 September 18, 2014 (Special) Meeting; the Use Variance and *Preliminary* Major Subdivision portions of the application were approved by the Board, and a corresponding Resolution was memorialized at the October 15, 2014 Meeting; pending the Board's receipt of requested items and public *re-noticing* requirements with respect to *Final* Major Subdivision Approval, the application was scheduled for the January 21, 2015 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

n/a;

Relief Sought

LOT #18.01 (NEW LOT)

- 1.) Bulk Variance: lot width at building setback line (100' minimum required/63.85' provided);
- 2.) Bulk Variance: street frontage (75' minimum required/63.85' provided);

LOT #18.02 (437-439 DURIE AVENUE)

- 1.) Use Variance: 2-family use (house was built prior to December 19, 1940 but does not meet all current bulk requirements)-
 - a.) Bulk Variance: lot width at building setback line (100' minimum required/81.43' provided);
 - b.) Bulk Variance: side yard <right-facing> setback (15' minimum required/3' provided);
 - c.) Bulk Variance: side yard setback aggregate (30' minimum required/22.28' provided);

LOT #21.01 (421 DURIE AVENUE)

- 1.) Bulk Variance: side yard setback- corner lot (15' minimum required/5' provided);

LOT #21.02 (NEW LOT)

- 1.) Bulk Variance: lot width at building setback line (100' minimum required/74.32' provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicants offered title for Lot #21.01 (421 Durie Avenue) to and was accepted by Borough via Governing Body;

- 2.) applicants provided existing/proposed landscape plan to satisfaction of Borough Engineer;
- 3.) applicants reversed parking spaces in rear yard of 437-439 Durie Avenue so that headlights of parked vehicles will face 2-family house and not neighboring residences;
- 4.) applicants provided 20' distance between parking spaces and rear exterior wall of 2-family house at 437-439 Durie Avenue;
- 5.) applicants provided 2 walkways and 2 exterior doors at 437-439 Durie Avenue to accommodate residents traveling to and from parking spaces in rear yard;
- 6.) applicants obtained Final Approval from Bergen County Planning Board;

New Board Requests

n/a;

Public Questions

- 1.) Marie Gonzales, 82 Legion Place, Closter, New Jersey;
- 2.) Lauren Bottieri, 69 Legion Place, Closter, New Jersey;

Public Comments

- 1.) Steven Bottieri, 69 Legion Place, Closter, New Jersey;

Decision

A motion was made by Mr. Ouzoonian and seconded by Secretary West, to approve the application (*Final Major Subdivision only*) without conditions. The motion passed (4-0-0):

YES- Ouzoonian/Dhorajia/West/Bianco;

NO- n/a;

ABSTAIN- n/a;

Conditions

n/a;

**Case #Z-2014-20
Avraam & Morella Russo
260 Parsells Lane
(Block 2305/Lot 12)
District #1- Residential A**

Case History

The applicants are seeking a Bulk Variance for the as-built installation of a patio (on-grade), landscape wall, (2) statues, water feature and front walkway enlargement at the subject property; the application was received November 12, 2014 and scheduled 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 January 21, 2015 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 July 16, 2014;

A-2: 8 photographs depicting as-built improvements in relation to adjacent properties, prepared by Witness #1 and dated March 31, 2014;

Relief Sought

1.) Bulk Variance: impervious coverage (30% maximum allowed/34.15% 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 Mr. Baboo and seconded by Mr. Elias, to approve the application. The motion passed (6-1-0):

YES- Wasserman/Elias/Baboo/West/Monaco/Bianco;

NO- Dhorajia;

ABSTAIN- n/a;

Conditions

- 1.)** plant 4 trees having 4” caliper measurements in southern portion of subject property;
- 2.)** ensure existing storm water management system is functioning properly;
- 3.)** install storm water chamber system with yard drains to supplement existing chambers;
- 4.)** fulfill conditions no later than 60 days subsequent to memorialization of Resolution;
- 5.)** submit final as-built survey to both Zoning Officer and Board Engineer to verify compliance;

<p>Case #Z-2014-16 The Corner Farm, LLC 515 Piermont Road (Block 1605/Lot 17) District #1- Residential A</p>

Case History

The applicant is seeking a Use Variance and Site Plan Approval for the construction of a new building (containing a restaurant and retail uses associated with an existing farm field on-site) at the subject property; the application was received October 2, 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 January 21, 2015 Meeting.

Representation

- 1.) Elliot Urdang, Esq., 19 Engle Street, Tenafly, New Jersey;
- 2.) Marc Leibman, Esq., Kaufman, Semeraro & Leibman, LLP, 2 Executive Drive, Suite 530, Fort Lee, New Jersey (FOR OBJECTOR- Michael & Rivka Alter, 23 Trautwein Crescent, Closter, New Jersey);

Witnesses

- #1: Steven Napolitano, PE, SNS Architects & Planners, PC, 1 Paragon Drive, Montvale, New Jersey;

Exhibits

- A-1: pre-filed site plan (page Y-1 only/entitled "Site Plan- Existing Conditions/Demo"), prepared by Witness #1, dated January 2, 2014 and last revised December 8, 2014;
- A-2: pre-filed site plan (page Y-2 only/entitled "Site Plan- Horizontal Alignment"), prepared by Witness #1, dated January 2, 2014 and last revised December 8, 2014;
- A-3: pre-filed site plan (page Y-3 only/entitled "Site Plan- Vertical Alignment"), prepared by Witness #1, dated January 2, 2014 and last revised December 8, 2014;
- A-4: pre-filed site plan (page SL-1 only/entitled "Site Plan- Lighting Plan") marked with red highlights by Witness #1 during proceedings to indicate location of houses owned by those residents in audience, prepared by Witness #1, dated January 2, 2014 and last revised December 8, 2014;
- A-5: single sheet entitled "Guide to Accessible Parking", uncredited and undated;
- A-6: miniaturized version of pre-filed site plan (page Y-2A only/entitled "Site Plan- Sight Distance/Fire Truck Turning Exhibit" and marked with red/yellow highlights to indicate intended compliance with Item #10 of January 16, 2015 report prepared by Board Engineer), prepared by Witness #1, dated January 2, 2014 and last revised December 8, 2014;
- A-7: miniaturized version of Exhibit A-3 (marked with red/yellow highlights to indicate intended compliance with Item #16 of January 16, 2015 report prepared by Board Engineer), prepared by Witness #1, dated January 2, 2014 and last revised December 8, 2014;
- A-8: miniaturized version of pre-filed site plan (page Y-5 only/entitled "Site Plan- Sections & Details" and marked with red/yellow highlights to indicate intended compliance with Item #21 of January 16, 2015 report prepared by Board Engineer), prepared by Witness #1, dated January 2, 2014 and last revised December 8, 2014;
- A-9: miniaturized version of Exhibit A-1 (marked with red/yellow highlights to indicate intended compliance with Item #22 of January 16, 2015 report prepared by Board Engineer), prepared by Witness #1, dated January 2, 2014 and last revised December 8, 2014;

Relief Sought

- 1.) Use Variance: modification of pre-existing/nonconforming retail food establishment (use is not permitted in District #1);
- 2.) Site Plan Approval-
 - a.) Design Waiver: front yard parking setback <corner lot- facing Piermont Road> (20' minimum required/o' provided);

- b.) Design Waiver: parking space size (200 sf minimum required/166.30 sf provided);
- c.) Design Waiver: aisle width (18' minimum required/16.50' provided);
- d.) Design Waiver: wall sign <principal> area (36 sf maximum allowed/60 sf provided);
- e.) Design Waiver: wall sign <ancillary/2nd and 3rd> area (18 sf maximum allowed/30 sf and 60 sf provided);
- 3.) Bulk Variance: impervious coverage (30% maximum allowed/35.29% provided);
- 4.) Bulk Variance: front yard setback <corner lot- facing Piermont Road> (50' minimum required/47.60' provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant provided deed to subject property;
- 2.) applicant researched subdivision history of subject property (findings have not been provided);
- 3.) applicant provided lacking or incomplete Site Plan Details required as per Chapter 173-45B of Borough Code, specifically, Item #'s 5, 17 and 25(e);
- 4.) applicant provided additional drainage pipes across eastern portion of subject property as well as its northern portion (near paper street section of Trautwein Crescent) to both provide detention on-site and alleviate drainage originating from neighboring properties;
- 5.) applicant provided verification from New Jersey Department of Environmental Protection of flood hazard on-site;
- 6.) applicant provided turning radius for emergency vehicle access via Homans Avenue;
- 7.) applicant indicated intention of Bergen County will be to require 35' road-widening easement from northeastern corner of subject property;
- 8.) applicant confirmed inverts indicated on storm water treatment units conform to manufacturer's specifications for head loss within units;
- 9.) applicant revised detail of proposed refuse collection enclosure so that it is composed of galvanized steel posts and cross members;

New Board Requests

- 1.) provide testimony by traffic engineer regarding 3 proposed driveways and associated sight distances/turning volumes;
- 2.) provide testimony by principal of The Corner Farm, LLC (Isaac Ben-Avraham) regarding intended schedules for vendor deliveries and garbage collection;
- 3.) provide testimony by both architect and Mr. Ben-Avraham regarding intended use(s) of proposed building and patio;
- 4.) confirm via mechanical engineer that existing gas and water utility service connections will accommodate proposed use(s) on-site;
- 5.) confirm seasonal high groundwater elevation is at least 2' below bottom of detention/retention systems prior to construction;
- 6.) obtain approval from Bergen County Planning Board for connection of subject property's drainage system to County's system located in Piermont Road;
- 7.) obtain approvals from both Bergen County Planning Board and Bergen County Soil Conservation District for overall project;
- 8.) consider means (speed bumps, etc.) by which to curtail likelihood of vehicle drivers using parking lot of subject property to circumvent traffic light at intersection of Homans Avenue and Piermont Road;

- 9.) provide testimony as to how future redevelopment of nearby Closter Plaza shopping center (19 Ver Valen Street) was taken into consideration when designing/planning proposal in terms of traffic, noise, burden on utility systems, environmental factors, etc.;

Public Questions

- 1.) Christophe Hervieu, 35 Trautwein Crescent, Closter, New Jersey;
- 2.) Dmitry Shepelsky, 283 Homans Avenue, Closter, New Jersey;
- 3.) Jesse Rosenblum, 65 Knickerbocker Road, Closter, New Jersey;
- 4.) Reginald Parsells, 252 Homans Avenue, Closter, New Jersey;

Public Comments

n/a;

Decision

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

◇ADJOURNMENT OF MEETING◇

The Board agreed to convene a (Special) Meeting on February 25, 2015 to hear residential applications involving bulk variances only.

Mr. Demarest informed that Mr. Elias, Mr. Wasserman and Ms. Rothbaum are required to obtain land use board certification from an agency/affiliate recognized by the State of New Jersey within 18 months of their initial Board appointments by the Governing Body. He promised to forward information on upcoming sessions being hosted by New Jersey Planning Officials.

A motion was made by Mr. Ouzoonian and seconded by Ms. Marks, to have the Board adjourn at 11:31pm. The motion passed by acclamation.
