



Zoning Board of Adjustment

March 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
Kenneth Wasserman
Antranig Ouzoonian, PE- Alternate #1
Joan Marks- Alternate #2
Mindy Rothbaum- Alternate #3
Phillip Kwon, Esq.- Alternate #4
Leonard Sinowitz- Zoning Officer
Daniel Steinhagen, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Theodore West, DDS- Secretary
Evan Elias
Arthur Dolson- Council Liaison

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

A motion was made by Mr. Wasserman and seconded by Ms. Dhorajia, to approve the minutes for the February 18, 2015 Meeting. The motion passed (5-0-0):

YES- Kwon/Wasserman/Dhorajia/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Marks/Baboo;

A motion was made by Ms. Dhorajia and seconded by Ms. Rothbaum, to approve the minutes for the February 25, 2015 (Special) Meeting. The motion passed (6-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

◇ **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 updated that Chairman Bianco and Ms. Rothbaum indicated they would be attending a seminar that New Jersey Planning Officials is hosting on April 18, 2015. Mr. Wasserman reiterated he could not attend on that date. Mr. Demarest said he would again question the absent Mr. Elias about his availability.

◇ **OPEN TO THE PUBLIC** ◇

n/a;

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

A motion was made by Ms. Dhorajia and seconded by Vice Chairman Monaco, to memorialize the Resolution for Case #Z-2014-21 (59 Trautwein Crescent/Borja). The motion passed (6-0-0):
YES- Kwon/Rothbaum/Ouzoonian/Dhorajia/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;

A motion was made by Mr. Ouzoonian and seconded by Ms. Dhorajia, to memorialize the Resolution for Case #Z-2014-22 (45 Walker Avenue/Burlyuk). The motion passed (6-0-0):
YES- Kwon/Rothbaum/Ouzoonian/Dhorajia/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;

A motion was made by Vice Chairman Monaco and seconded by Ms. Dhorajia, to memorialize the Resolution for Case #Z-2014-23 (38 Demarest Avenue/Goldenberg). The motion passed (6-0-0):
YES- Kwon/Rothbaum/Ouzoonian/Dhorajia/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;

A motion was made by Mr. Ouzoonian and seconded by Ms. Rothbaum, to memorialize the Resolution appointing Daniel Steinhagen, Esq. of Beattie Padovano, LLC as the permanent Board Attorney for the calendar year 2015 effective February 25, 2015. The motion passed (6-0-0):
YES- Kwon/Rothbaum/Ouzoonian/Dhorajia/Monaco/Bianco;
NO- n/a;
ABSTAIN- n/a;

◇ **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; the applicant's engineer, architect and planner completed initial testimony and the case was adjourned, with no items required, to the March 18, 2015 Meeting.

Representation

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

Witnesses

#1: Christopher Neuffer, LSRP, Envirotactics, Inc., 1625 Highway 71, Wall, New Jersey;
#2: Massimo Grieco, 69 Marion Avenue, Dumont, New Jersey;

Exhibits

n/a;

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

n/a;

Public Questions

- 1.) Anthony Gorga, 315 Closter Dock Road, Closter, New Jersey;
- 2.) Steven Isaacson, 97 Columbus Avenue, Closter, New Jersey;

Public Comments

- 1.) Paul Nyfenger, 347 High Street, Closter, New Jersey;
- 2.) Anthony Gorga, 315 Closter Dock Road, Closter, New Jersey;
- 3.) Steven Isaacson, 97 Columbus Avenue, Closter, New Jersey;

Decision

A motion was made by Mr. Baboo and seconded by Ms. Marks, to approve the Use Variance portion of the application. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

A motion was made by Ms. Dhorajia and seconded by Vice Chairman Monaco, to approve the Site Plan Review portion of the application. The motion passed (7-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Conditions

- 1.) redesign proposed building so it is 1 1/2 stories with delicatessen on 1st floor and storage area, having maximum ceiling height of 6', in attic (eliminate proposed apartment);
- 2.) submit revisions prior to memorialization of Resolution;

<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; the applicant's engineer completed direct and cross-examinations and the case was adjourned, with no items required, to the February 18, 2015 Meeting; due to the Board's heavy caseload, the application was postponed to the March 18, 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: Joseph Burgis, PP, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, New Jersey;

Exhibits

n/a;

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/0' 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

n/a;

New Board Requests

- 1.) investigate example within Borough of reverse frontage layout on Bethany Circle whereby subdivision created arrangement of residences that partially front on Schraalenburgh Road;

Public Questions

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

Public Comments

n/a;

Decision

The case was adjourned, pending the Board's receipt of public *re-noticing* requirements, to the April 22, 2015 (Special) Meeting.

◆ADJOURNMENT OF MEETING◆

A motion was made by Ms. Rothbaum and seconded by Ms. Dhorajia, to have the Board adjourn at 11:09pm. The motion passed by acclamation.
