



Zoning Board of Adjustment

October 21, 2015

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:02pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Heena Dhorajia, EIT
Richard Daly
Antranig Ouzoonian, PE- Alternate #1
Mindy Rothbaum- Alternate #3
Leonard Sinowitz- Zoning Officer
Daniel Steinhagen, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Mitchell Monaco- Vice Chairman
Kenneth Wasserman- Secretary
Dharamraj Baboo
Evan Elias
Joan Marks- Alternate #2
Phillip Kwon, Esq.- Alternate #4
Arthur Dolson- Council Liaison

◇ **CORRESPONDENCE** ◇

In light of Secretary Wasserman's absence, Mr. Daly read mail received by the Land Use Department into the record.

A motion was made by Mr. Ouzoonian and seconded by Ms. Dhorajia, to grant the applicant for Case #Z-2014-17 (59 West Street, 11 & 15 Van Sciver Street/Closter Assisted Living, LLC) an extension of time in which to present its case (avoiding a dismissal without prejudice afforded the Board in its By-Laws due to the applicant's postponement of 3 consecutive scheduled hearing dates) given a change in legal counsel contingent upon the following conditions: 1.) applicant must continue presenting its case at November 18, 2015 meeting; 2.) applicant must replenish deficient legal, engineering and planner escrow accounts; 3.) applicant must re-notice public; 4.) applicant must provide Board with copies of all hearing dates it intends to have transcribed. The motion passed (5-0-0):

YES- Rothbaum/Ouzoonian/Daly/Dhorajia/Bianco;

NO- n/a;

ABSTAIN- n/a;

◇ **MINUTES** ◇

A motion was made by Mr. Ouzoonian and seconded by Ms. Rothbaum, to approve the minutes for the September 16, 2015 Meeting. The motion passed (3-0-0):

YES- Rothbaum/Ouzoonian/Bianco;

NO- n/a;

ABSTAIN- n/a;

◇**SUBCOMMITTEE ASSIGNMENTS**◇

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

◇**MISCELLANEOUS**◇

Mr. Steinhagen said he spoke with the Borough Attorney, Edward Rogan, Esq., regarding Case #Z-2015-05 (511 Durie Avenue/Five Eleven Durie Avenue, LLC), specifically as to whether the Borough should be indicated as co-applicant as requested by the applicant's attorney. He said Mr. Rogan stated the Borough is the contract purchaser of an unspecified number of proposed condominium units on-site; Mr. Steinhagen clarified such is contingent upon both the case being approved by the Board and the Borough's fair share plan being deemed constitutionally complaint in response to the Supreme Court of New Jersey's decision in March to relinquish oversight of the state's affordable housing process from the Council on Affordable Housing (COAH). He said Mr. Rogan did not intend to appear as part of the Board application. Mr. Steinhagen said that once the Borough is indicated as a co-applicant, the question becomes whether Five Eleven Durie Avenue, LLC must comply with zoning regulations being the Borough is exempt from such. Mr. Demarest revealed that the he only listed the Borough as co-applicant on the Board agenda after receiving verbal confirmation of such from Mr. Rogan; he noted a request afterwards to confirm such in writing was not received. Chairman Bianco felt the Borough would be considered merely a tenant and have no legal standing in terms of property ownership in the event the application is approved by the Board; Mr. Ouzoonian concurred that the Borough should not be indicated as co-applicant.

Chairman Bianco reminded Mr. Demarest to keep the Board abreast of future seminars/symposiums being offered by New Jersey Planning Officials, the Bergen County Bar Association or local law firms so that Mr. Elias and Ms. Rothbaum may 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.

Chairman Bianco made a presentation highlighting several properties which were the subject of recent applications to the Board, which considered, enhanced and ultimately approved improvements requiring Use Variance and Site Plan Approvals. He displayed photographs of the following non-residential and/or mixed-use sites as examples: 1.) 170 & 176 Closter Dock Road; 2.) 318 Harrington Avenue; 3.) 24 Naugle Street; 4.) 185 Closter Dock Road; 5.) 237-241 Closter Dock Road; 6.) 1 Ruckman Road; 7.) 677 Piermont Road; 8.) 208 Piermont Road; 9.) 411 Piermont Road; 10.) 494 Durie Avenue. He also displayed photographs of the following residential sites: 1.) 31 Carlson Court; 2.) 384 Knickerbocker Road; 3.) 38 Demarest Avenue.

Chairman Bianco explained the Borough is in its 3rd stage of development (demolition and redevelopment of housing stock); he noted the 1st 2 stages were the clearing of vegetation for farmland and construction of housing onto farmland. He stressed that the Board attempts to

return landscaping into development, thereby, softening a site so it appears more suburban than urban.

Chairman Bianco mentioned that a revitalization of the downtown area is forthcoming and contrary to popular belief, angled parking spaces along Closter Dock Road can return in place of the current parallel parking using credible engineering solutions.

◇ OPEN TO THE PUBLIC ◇

n/a;

◇ MEMORIALIZATION OF RESOLUTION(S) ◇

A motion was made by Mr. Ouzoonian and seconded by Chairman Bianco, to memorialize the Resolution for Case #Z-2014-11 (265 Demarest Avenue/Gajera). The motion passed (2-0-0):
YES- Ouzoonian/Bianco;
NO- n/a;
ABSTAIN- n/a;

◇ CASELOAD ◇

<p>Case #Z-2015-04 Nami Properties, LLC 596 High Street (Block 1707/Lot 2) District #2- Residential B</p>
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Case History

The applicant is seeking Bulk Variances for the construction of a new 1-family house at the subject property; the application was received May 1, 2015 and scheduled for the May 20, 2015 (Special) Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the June 17, 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 July 15, 2015 Meeting; being the applicant did not fulfill public noticing requirements, the case was postponed to the August 19, 2015 Meeting; due to unforeseen site conditions resulting in a potential redesign, the case was postponed to the September 16, 2015 Meeting and, again, to the October 21, 2015 Meeting.

Representation

1.) Michael Song, Esq., 400 Sylvan Avenue, Suite 102, Englewood Cliffs, New Jersey;

Witnesses

#1: Michael Hubschman, PE, Hubschman Engineering, PA, 263(A) South Washington Avenue, Bergenfield, New Jersey;

#2: Jaesung Jung, RA, H Architecture Co., 307 Fifth Avenue, 11th Floor, New York, New York;

Exhibits

n/a;

Relief Sought

- 1.) Bulk Variance: side yard <right-facing> setback (15' minimum required/10' provided);
- 2.) Bulk Variance: side yard setback aggregate (30' minimum required/25' provided);

Response to Prior Board and/or Subcommittee Requests

- 1.) applicant adjusted building height of proposed house to ensure basement is approximately 1.5' above groundwater table given proposed attached garage is below grade;
- 2.) applicant proposed to install generator ensuring sump pumps could handle excessive storm water in spite of power failure;

New Board Requests

- 1.) consider both reduction in width of proposed house (1-car instead of 2-car garage) and utilization of substantive rear yard in redesign so to negate Bulk Variance requests (self-imposed hardship);
- 2.) address how to prevent collection of storm water at trench drain in driveway near proposed garage (lowest elevation on-site);

Public Questions

- 1.) Lisa Vreeland, 587 High Street, Closter, New Jersey;

Public Comments

- 1.) Linda Albelli, 353 High Street, Closter, New Jersey;
- 2.) Lisa Vreeland, 587 High Street, Closter, New Jersey;

Decision

A motion was made by Mr. Ouzoonian and seconded by Ms. Dhorajia, to deny the application. The motion passed (5-0-0):

YES- Rothbaum/Ouzoonian/Daly/Dhorajia/Bianco;

NO- n/a;

ABSTAIN- n/a;

Conditions

n/a;

◇ADJOURNMENT OF MEETING◇

With respect to 63 John Street, the subject property of Case #Z-2009-14 (63 John Street/Wiggers), in which the Board denied a request by the property owner, Dennis Wiggers, to continue a contractor's yard operation on-site, Mr. Steinhagen said a cease and desist order was issued in September to have all non-residential activity eliminated from 63 John Street and the removal of his operation from the adjacent unimproved section of Westminster Avenue (paper street) within 30 days, especially given Mr. Wiggers' legal options to appeal the zoning determination have been exhausted. Mr. Steinhagen noted that Mr. Rogan would, within 2 weeks, file an order to show cause seeking injunctive relief to enjoin the use of the properties; he

said such would result in a contempt of court and heavy fines, assuming Mr. Wiggers is still in non-compliance.

A motion was made by Ms. Dhorajia and seconded by Mr. Daly, to have the Board adjourn at 9:35pm. The motion passed by acclamation.
