



Zoning Board of Adjustment

February 17, 2016

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:17pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **2016 REORGANIZATION** ◇

Oaths of Office

Out of deference to the absent Mr. Wasserman, the incumbent Secretary, the Board postponed a Secretary nomination for the calendar year 2016 to the March 16, 2016 Meeting.

To correct an oversight, Mr. Steinhagen swore in Mr. Morris as Board Engineer for the calendar year 2016 retroactive to the January 20, 2016 Meeting.

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Evan Elias
Richard Daly
Antranig Ouzoonian, PE- Alternate #1
Mindy Rothbaum- Alternate #3
Jannie Chung- Council Liaison
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
Heena Dhorajia, EIT
Dharamraj Baboo
Joan Marks- Alternate #2
Phillip Kwon, Esq.- Alternate #4

A motion was made by Mr. Ouzoonian and seconded by Ms. Rothbaum, to excuse Mr. Wasserman for his absence this evening due to medical reasons. The motion passed (5-0-0):

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

NO- n/a;

ABSTAIN- n/a;

◇ **CORRESPONDENCE** ◇

In lieu of a postponed vote on the Board's Secretary for the calendar year 2016, Mr. Daly read mail received by the Land Use Department into the record.

◇ **MINUTES** ◇

A motion was made by Mr. Ouzoonian and seconded by Mr. Elias, to approve the minutes for the January 20, 2016 Meeting. The motion passed (4-0-0):
YES- Ouzoonian/Daly/Elias/Bianco;
NO- n/a;
ABSTAIN- n/a;

◇SUBCOMMITTEE ASSIGNMENTS◇

February 24, 2016 Work Session: ***CANCELLED***;

◇MISCELLANEOUS◇

Concerning Case #Z-2016-02 (158 Closter Dock Road/Costante) and referring to correspondence from the Construction Official, Gary Montroy, which caused a completeness review by the Subcommittee earlier this evening to be postponed, Chairman Bianco said a site inspection by Mr. Montroy confirmed the original construction of the subject house was as a 2-family residence, but he also discovered that the attic had been illegally converted to a 3rd dwelling unit, and the finished basement had the potential of becoming a 4th. The Board directed Mr. Steinhagen to contact the applicant's attorney about the status of the case, which involves a Use Variance to continue the 2-family use, as well as clarify what the Zoning Officer requires in terms of eliminating the illegal dwelling unit(s).

While Mr. Daly, Ms. Rothbaum and Mr. Sinowitz believed a Board dismissal of Case #Z-2015-06 (8 Wainwright Court/Yuder & Nee-Yuder) was warranted, the Board opted not to impose its By-Laws concerning 3 consecutive hearing date postponements and instead approved the applicants' request to be heard at the March 16, 2016 Meeting rather than this evening. The Board directed Mr. Steinhagen to relay its decision to the applicant's attorney with the proviso that failure to present again would result in a Board dismissal.

Mr. Demarest confirmed that Mr. Elias had been scheduled to attend a land use seminar being hosted by New Jersey Planning Officials (NJPO) on March 2, 2016 and Chairman Bianco, Ms. Rothbaum and Councilwoman Chung were scheduled to attend the NJPO-sponsored seminar on April 16, 2016. Mr. Demarest reiterated that Mr. Elias and Ms. Rothbaum must obtain their 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.

◇OPEN TO THE PUBLIC◇

n/a;

◇MEMORIALIZATION OF RESOLUTION(S)◇

A motion was made by Mr. Elias and seconded by Mr. Daly, to memorialize the Resolution for Case #Z-2015-08 (23 Naugle Street/Dykes Lumber, Inc.). The motion passed (4-0-0):
YES- Ouzoonian/Daly/Elias/Bianco;
NO- n/a;
ABSTAIN- n/a;

A motion was made by Mr. Ouzoonian and seconded by Mr. Elias, to memorialize the Resolution for Case #Z-2015-07 (15 Jane Street/Williams). The motion passed (4-0-0):
YES- Ouzoonian/Daly/Elias/Bianco;
NO- n/a;
ABSTAIN- n/a;

◇**CASELOAD**◇

<p>Case #Z-2016-01 Justin Grindley 24 Demarest Avenue (Block 205/Lot 2) District #2- Residential B</p>

Case History

The applicant is seeking a Bulk Variance for the as-built construction of an addition, 2 roof overhangs, side steps/landing, 2 retaining walls, driveway expansion, patio (on-grade), front and side walkway reconfigurations at the subject property; the application was received January 8, 2016 and scheduled for the January 20, 2016 (Special) Work Session, at which time, it was deemed complete; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the February 17, 2016 Meeting.

Representation

1.) Justin Grindley, 24 Demarest Avenue, Closter, New Jersey;

Witnesses

#1: Justin Grindley, 24 Demarest Avenue, Closter, New Jersey;
#2: John Nastasi, RA, 321 Newark Street, Hoboken, New Jersey;

Exhibits

A-1: 6 photographs depicting existing exterior conditions of subject and adjacent properties, prepared by Witness #2's firm and dated January 2016;

Relief Sought

1.) Bulk Variance: side yard <left-facing> setback (15' minimum required/14.62' provided);

Response to Prior Board and/or Subcommittee Requests

1.) applicant collaborated with Borough's Certified Tree Expert in selecting species, size and location of 1 tree and various landscaping to be planted in front yard this upcoming spring (to be situated near existing seepage pit in westerly portion of subject property);

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Mr. Ouzoonian and seconded by Mr. Elias, to approve the application without conditions. The motion passed (5-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Conditions

n/a;

◇CLOSED SESSION◇

A motion was made by Mr. Ouzoonian and seconded by Mr. Daly, to have the Board go into closed session at 9:06pm. The motion passed (5-0-0):

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

NO- n/a;

ABSTAIN- n/a;

Chairman Bianco reopened the meeting to the public at 9:45pm. He explained the recent history of cases adjudicated by the Board involving existing contractor's yard operations located in District #2 (Residential B) along John Street, specifically #'s 35, 49 and 63. Mr. Steinhagen updated the Board on *Crimmins v. Zoning Board of Adjustment (et al)*, a lawsuit filed in the Superior Court of New Jersey (Law Division) following the Board's denial of #Z-2014-14 (49 John Street/Crimmins). The Board directed Mr. Steinhagen to explore settlement options with the appellant within the following parameters: 1.) elimination of all outdoor non-residential activity on-site; 2.) payment by both appellant and owner(s) of 63 John Street of their pro rata share of costs associated with improving paper street portion of Westminster Avenue. Mr. Steinhagen emphasized the Board has the right to consider all potential settlement offers during an open public meeting.

◇ADJOURNMENT OF MEETING◇

Hoping to avoid future Board applications involving as-built construction such as Case #Z-2016-01 (24 Demarest Avenue/Grindley) heard earlier this evening, the Board asked Councilwoman Chung to have the Governing Body consider adopting an ordinance requiring a foundation location survey to be approved by the Borough prior to the start of framing for all projects whereby a building is expanded. Mr. Sinowitz noted that Mr. Grindley was not required to submit a foundation location survey for his addition/reconstruction project because the New Jersey Uniform Construction Code requires such for new construction only.

Chairman Bianco reminded that Mayor John Glidden addressed the Board at its January 20, 2016 Meeting and asked for its input on how to revitalize the downtown area in light of the ongoing redevelopment of the Closter Plaza shopping center. Chairman Bianco explained 1 avenue would be to revert the on-street parking layout to angle; he reminded that in 1997, the Borough received a federal grant to beautify the downtown area, which included the installation of wider brick paver sidewalks and light poles. He said at that time, the parking spaces along

Closter Dock Road were changed from angle to parallel. He believed a return to angle parking would nearly double the amount of parking spaces. Mr. Daly pointed out that the brick pavers are now a liability to landlords because they are lifting and creating a trip hazard. Chairman Bianco stated that 1 parking space in the downtown area would, in the past, generate \$100.00 to \$200.00 in sales for merchants, however, the change to parallel parking led to the reduction in buying power. He also believed angle parking would result in slower traffic flow to yield to vehicles reversing into oncoming traffic; he said business owners, since 1997, have counteracted the high speed traffic flow by installing unflattering/ostentatious signage to grab drivers' attention.

Chairman Bianco stated that to facilitate the return of angle parking spaces along Closter Dock Road in the downtown area, the existing sidewalks would have to be removed and narrowed to 6' wide along with the light poles being rearranged. He suggested the foundations/1st floor tenant spaces of buildings along Closter Dock Road be relocated 5' further in from the curb line to create an alcove/cantilever effect, noting any 2nd and/or 3rd floors above would remain as is; he believed such an approach would counteract the loss in sidewalk width due to the angle parking spaces and entice more pedestrian use, outdoor cafés, etc. while also providing some shelter during inclement weather. He pointed out that such a design already exists in front of 200 Closter Dock Road (Closter Medical Group) and up until recently, 273 Closter Dock Road (Closter Brick Oven Pizzeria).

Chairman Bianco believed his angle parking space proposal could be funded through tax abatements, which are often offered in blighted/underutilized urban areas to promote redevelopment; he stressed, however, that such an incentive can result in more intense uses of properties as well as larger/more dense buildings. He said the Borough is not plagued with such areas but a similar technique could rejuvenate the downtown area, opining that if a landlord were to rehabilitate its building, a 5-year freeze on property tax increases could be provided by the Borough. He said by 1 landlord improving its building, nearby properties are the beneficiaries of added value.

Mr. Sinowitz said allowing additional apartments on the 2nd and 3rd floors of buildings in the downtown area would increase foot traffic and allow for younger people to afford living in Closter while also bringing landlords the tax relief suggested by Chairman Bianco. Chairman Bianco responded that the parking problem in the downtown area must be resolved before considering Mr. Sinowitz' suggestion, otherwise, the downtown residents would cannibalize the parking spaces from shoppers, especially on Saturdays, the busiest shopping day of the week. Mr. Sinowitz reminded that the North and South parking lots should be rehabilitated to increase their usage. Chairman Bianco believed the Borough should emulate the Boroughs of Westwood and the Village of Ridgewood's downtown areas; he said both municipalities share the same layout with Closter in that all 3 have a railway dissecting them in a north-south direction with their main streets running perpendicular to the railway. He further commented that adding stories to the existing downtown buildings would deprive sunlight to the south side of Closter Dock Road for much of the day. Chairman Bianco reminded that there is no public transportation available other than an infrequent bus route. Ms. Rothbaum interjected, saying there are no desirable shopping destinations in the downtown area and that lack of parking is not the problem; she noted that the redeveloped Closter Plaza shopping center will be extremely busy and result in traffic congestion. She clarified that the Borough of Tenafly, City of Englewood and other municipalities are suffering from vacant storefronts as well. She said Closter's downtown had deteriorated in appearance so badly since she stopped operating Past & Present Designer Consignment Boutique (253 Closter Dock Road).

Mr. Demarest asked what should be the Borough's 1st step in exploring the return of angle parking to the downtown area, taking into account the ramifications of undoing the 1997 grant accepted by Closter. Mr. Steinhagen replied that the language of said grant must be reviewed for any restrictions. Chairman Bianco said an argument for angle parking as part of a new grant application is economic hardship resulting from lack of parking spaces in the downtown area. Mr. Morris explained because Closter Dock Road is a county thoroughfare, Bergen County had to approve of the 1997 grant and conditioned its awarding to Closter upon parallel parking replacing the existing angle parking because of safety design standards. He revealed the argument for seeking the grant in 1997 was to improve the vitality of the downtown businesses; he said the North and South parking lots followed, but they have since been hogged by unauthorized commuter parking. Mr. Steinhagen said there are certain grants that if awarded and the conditions are not fulfilled, the monies must be returned. Mr. Daly wondered if angle parking is less dangerous today due to the advent of backup cameras. He also pointed out that brick and mortar stores have been greatly impacted by the surge of online shopping. Chairman Bianco believed a mixture of restaurants serving different cuisines would help in making the downtown more desirable. Mr. Steinhagen reminded that the Planning Board is charged with setting the Borough's Master Plan, not the Board.

A motion was made by Mr. Elias and seconded by Ms. Rothbaum, to have the Board adjourn at 10:12pm. The motion passed by acclamation.
