



# Zoning Board of Adjustment

July 27, 2016

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

Prepared by:

**Paul Demarest**

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◇ **OPENING REMARKS** (Commenced at 8:15pm) ◇

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◇ **PLEDGE OF ALLEGIANCE** ◇

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◇ **ATTENDANCE** ◇

Present

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

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◇ **CORRESPONDENCE** ◇

n/a;

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◇ **MINUTES** ◇

n/a;

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◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

n/a;

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◇ **MISCELLANEOUS** ◇

n/a;

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◇ **OPEN TO THE PUBLIC** ◇

n/a;

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◇MEMORIALIZATION OF RESOLUTION(S)◇

n/a;

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◇CASELOAD◇

<p><b>Case #Z-2015-05</b> <b>Five Eleven Durie Avenue, LLC</b> <b>511 Durie Avenue</b> <b>(Block 1316/Lot 9)</b> <b>District #1- Residential A</b></p>
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Case History

The applicant is seeking a Use Variance and Site Plan Approval for the conversion of an abandoned public school (formerly Village Middle School) to 33 condominiums (market rate) at the subject property; the application was received October 5, 2015 and scheduled for the October 21, 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 November 18, 2015 (Special) Work Session; being the applicant's attorney, engineer, architect and planner requested additional time to prepare, the case was postponed to 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 March 16, 2016 Meeting; the applicant's architect completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the April 20, 2016 Meeting; the applicant's architect completed additional testimony and the case was adjourned, pending the Board's receipt of requested items, to the May 18, 2016 Meeting; the applicant's engineer and architect completed initial and additional testimony respectively, and the case was adjourned, with no items required beforehand, to the June 15, 2016 Meeting; due to a pending reevaluation of the applicant's financing for the proposed construction, the case was postponed to the July 20, 2016 Meeting; being a full complement of the Board could not be provided, the case was postponed to the July 27, 2016 (Special) Meeting.

A motion was made by Mr. Daly and seconded by Ms. Marks, to have the Board increase the maximum compensation (via escrow) to the Board Special Planner for Case #Z-2015-05 (511 Durie Avenue/Five Eleven Durie Avenue, LLC) from \$6,000.00 to \$9,000.00 given current and anticipated services to be rendered. The motion passed (6-0-0):

**YES-** Kwon/Marks/Ouzoonian/Daly/Baboo/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

**LATE ARRIVAL-** Dhorajia;

Representation

**1.)** David Watkins, Esq., 285 Closter Dock Road, Closter, New Jersey;

Witnesses

**#1:** Roger De Niscia, PP, 347 Upper Mountain Avenue, Montclair, New Jersey;

- #2: Michael Hakim, PP, 68 Dean Street, Harrington Park, New Jersey;  
#3: Brigitte Bogart, PP, 48 Harvey Court, Wyckoff, New Jersey;

Exhibits

- BD-13:** report prepared by Witness #3 and dated June 15, 2016;  
**C-1:** report prepared by Witness #2 and dated June 14, 2016;

Relief Sought

- 1.) Use Variance: multiple-family use is not permitted in District #1;
- 2.) Use Variance: building height exceeds maximum allowed by  $\geq 10'$  and/or 10% (28' maximum allowed/42.03' provided);
- 3.) Use Variance: floor area ratio (0.30 maximum allowed/0.62 provided);
- 4.) Use Variance: density (20% affordable housing units minimum required/12.12% provided);
- 5.) Site Plan Approval-
  - a.) Bulk Variance: number of stories (2.5 stories maximum allowed/3 stories provided);
  - b.) Bulk Variance: impervious coverage (30% maximum allowed/65.63% provided);
  - c.) Bulk Variance: front yard setback <accessory building on corner lot> (152.25' minimum required/83.37' provided) <WITHDRAWN REQUEST/ELIMINATED GAZEBO>;
  - d.) Bulk Variance: green space (70% minimum required/34.37% provided);
  - e.) Design Waiver: sidewalk width (5' minimum required/4' provided);
  - f.) Design Waiver: parking space dimension (10'x20' required/9'x18' provided);
  - g.) Design Waiver: driveway slope <within 100' of Borough's right-of-way> (6% maximum allowed/13.30% provided);
  - h.) Design Waiver: off-street loading space (required/not 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

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

Decision

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

**YES-** Kwon/Marks/Ouzoonian/Daly/Baboo/Dhorajia/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

Conditions

- 1.) comply with both New Jersey's Uniform Housing Affordability Controls (UHAC) and potential housing plan modifications approved by Superior Court of New Jersey (Law Division) in connection with declaratory judgement action;
- 2.) provide minimum of 4 affordable housing units subject to agreement between applicant and Governing Body;

#### Decision

A motion was made by Mr. Daly and seconded by Mr. Ouzoonian, to approve the Site Plan Review (PRELIMINARY only) portion of the application. The motion passed (7-0-0):

**YES-** Kwon/Marks/Ouzoonian/Daly/Baboo/Dhorajia/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

#### Conditions

- 1.) replace windows in existing openings of building with period-appropriate replacements;
- 2.) repoint/restore brick facade of building;
- 3.) collectively aggregate plumbing vents (stacks) of originally-constructed building within existing masonry chimney, bell tower and proposed faux wooden chimney and paint black those stacks of addition (constructed post-1900) at southern portion of building to enhance aesthetics;
- 4.) obtain Amendment Approval from Board if footprint of existing building is found to require modification during construction;
- 5.) comply with New Jersey Barrier Free Subcode in terms of location and design of handicap parking spaces (including 1 van accessible parking space);
- 6.) consider relocating proposed handicap parking spaces fronting on Durie Avenue to prevent vehicle headlights and emissions from impacting quality of life within nearby condominiums (windows of 1<sup>st</sup> floor units are especially low to ground);
- 7.) design all 33 housing units so they are adaptable to persons with disabilities;
- 8.) provide walkway, series of steps/landings and landscaping at eastern corner of subject property (near intersection of Durie Avenue and High Street) to both provide more direct access to/from its elevated topography and create focal point near downtown area;
- 9.) provide Fire Department (Siamese) connection near intersection of Durie Avenue and High Street to alleviate concerns of Fire Prevention Bureau about collapse zone of subject building;
- 10.) seek exemption from Bergen County for 10' road-widening easement along High Street (county road) to prevent intensified traffic flow in future;
- 11.) ensure proposed landscaping along northwestern property line shared with residential properties will thrive given limited area and presence of retaining wall;
- 12.) correct discrepancy between site plan graphic and detail for proposed fence which indicate it will consist of vinyl and wood respectively;
- 13.) replace asphalt sidewalk along both Durie Avenue and High Street with brick pavers;
- 14.) provide itemized list of proposed materials and improvements for exterior facade restoration as annotated in Exhibit #A-10;
- 15.) install all 33 heating/ventilation/air conditioning units on rooftop of addition (constructed post-1900) at southern portion of subject building with proper screening;
- 16.) obtain fire hydrant flow test from water utility to ensure adequate water pressure for proposed/required fire suppression system;
- 17.) revise proposed landscape plan so that all plantings are identified and detail is provided on irrigation system;

- 18.) correct discrepancy between site plan and architectural drawings with respect to proposed floor area ratio calculations;
- 19.) relocate proposed mailboxes mounted on 1<sup>st</sup> floor corridor wall to inside package room;
- 20.) provide indoor storage facilities to reduce occurrence of outdoor storage by residents;
- 21.) provide Certificate of Approval issued by Building Department once asbestos removal is finalized;
- 22.) coordinate inspection (prior to start of construction) of building by Construction Official (Gary Montroy) who is to furnish Board with report and photographs;
- 23.) enter into Developer's Agreement with Borough;
- 24.) obtain approvals from Bergen County Planning Board, Bergen County Soil Conservation District, Bergen County Utilities Authority and New Jersey Bureau of Housing Inspection prior to Board considering Final Site Plan Approval;
- 25.) revise turning radius at access point on High Street to accommodate 35' long box truck;
- 26.) provide root barriers for proposed tree plantings;
- 27.) provide certification of proposed retaining wall located in southern portion of subject property once constructed;
- 28.) provide analysis of storm drain/sewer located at intersection of Demarest Avenue and Durie Avenue;
- 29.) correct discrepancy between site plan graphic and detail for proposed guardrail in parking lot facing Durie Avenue so that both reflect it will consist of wood rather than metal;
- 30.) install 8" high wheel stops in parking lot facing Durie Avenue;
- 31.) provide glass doors for exercise room and library/study on 2<sup>nd</sup> and 3<sup>rd</sup> floors respectively to enhance light exposure to 200' long main corridors on both floors;
- 32.) relocate bathroom inside proposed 1<sup>st</sup> floor condominium at northern end of building (Unit #6) so that window can instead provide light and air to main corridor;
- 33.) obtain Final Site Plan Approval no later than 3 years from date of Resolution for Preliminary Site Plan Approval being memorialized by Board;

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**◇CLOSED SESSION◇**

A motion was made by Ms. Marks and seconded by Mr. Baboo, to have the Board go into closed session at 8:21pm. The motion passed by acclamation.

Chairman Bianco reopened the meeting to the public at 8:36pm.

*Due to the topic(s) discussed, the minutes for this closed session will be released upon the resolution of said matter(s).*

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

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

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