



Zoning Board of Adjustment

June 15, 2016

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:12pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Mitchell Monaco- Vice Chairman
Kenneth Wasserman- Secretary
Dharamraj Baboo
Evan Elias
Richard Daly
Antranig Ouzoonian, PE- Alternate #1
Joan Marks- Alternate #2
Mindy Rothbaum- Alternate #3
Phillip Kwon, Esq.- Alternate #4
Jannie Chung- Council Liaison
Daniel Steinhagen, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Heena Dhorajia, EIT
Leonard Sinowitz- Zoning Officer

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

A motion was made by Vice Chairman Monaco and seconded by Mr. Baboo, to approve the minutes for the May 18, 2016 Meeting. The motion passed (9-0-0):

YES- Rothbaum/Marks/Ouzoonian/Daly/Elias/Baboo/Wasserman/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Kwon;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

June 22, 2016 Work Session: ***CANCELLED***;

◇ **MISCELLANEOUS** ◇

Due to several anticipated Board applications to be filed in the near future, Chairman Bianco suggested the Subcommittee convenes a Work Session at 7:30pm on both July 20, 2016 and July 27, 2016 to review residential and non-residential cases respectively; he noted the latter type of applications would require additional time to consider, and therefore the Subcommittee would not be limited in its time that evening since a Meeting of the full Board would not follow at 8:00pm. The Board concurred.

Mr. Steinhagen suggested his future attendance at Work Sessions when the Subcommittee is reviewing a large-scale and/or non-residential application; he believed such a change in procedure would allow him to highlight legal issues at the onset of a case and allow ample time for applicants to address such matters. The Board concurred.

Regarding Case #Z-2015-05 (511 Durie Avenue/Five Eleven Durie Avenue, LLC), Mr. Steinhagen informed that the applicant, scheduled to appear this evening, requested a postponement to the July 20, 2016 Meeting earlier today to reevaluate its financing for the proposed construction. Mr. Steinhagen announced the applicant's public notice would be carried to the July 20, 2016 Meeting, and the applicant extended the time in which the Board must act on the case to said hearing date.

Gary Montroy, Construction Official, 295 Closter Dock Road, Closter, New Jersey, introduced himself and spoke of how the Board can greatly improve the efficiency and transparency of how its applications are submitted, prosecuted and stored. He stated his work experience in municipal government spans 45 years, noting he previously worked for the Borough in the 1980's. He noted he holds highest attainable license (specialty in high-rise/hazardous structures aka HHS) in his technical fields of building and fire protection. As part of his hiring approximately 1 year ago, he was asked to modernize the functionality of the Building Department.

Mr. Montroy said the 1st step was to have the Department change its computer software to a vastly more capable program; he revealed such has been addressed with the purchase of the Mitchell Humphrey software. He explained it handles construction permitting, land use management, property maintenance enforcement and zoning management; he noted such would enable bond and escrow accounts to be managed, which is currently being handled poorly by the Borough. Mr. Montroy estimated it would take 1 year for the Department staff to be well versed in all 4 modules.

Mr. Montroy continued by stating the 2nd step involves digitizing all hard copies of records being held by the Building Department and both Land Use Boards. Such, he said, would allow for any scanned file to be accessed via computer within seconds. He stated he implemented such in the Township of Mahwah where he was employed as Construction Official for 30 years, a task involving 40 years of documents. He said the Borough would then be able to easily fulfill Open Public Records Act (OPRA) requests in a quick and thorough manner as intended by the statute regulating the public's access to government records in the State of New Jersey.

As for the final step, Mr. Montroy said he hoped to purchase tablet computers for not only Department inspectors but Board members as well; he also said a large-screen television and computer is essential to allow for much better presentations by applicants (who are currently reduced to presenting plans on an easel to both the Board and public in attendance). Mr. Montroy said the devices would also eliminate the need for copious amounts of paperwork. He said such would result in the Board not having to wait for items to be delivered via the post

office, which would save the Borough hundreds, if not thousands of dollars in postage; he said items would be distributed way in advance via email.

Mr. Montroy said the technological upgrades he outlined for both the Building Department and Land Use Boards have already or would be purchased utilizing fees collected by the Department. He anticipated the Borough would continue to have robust construction/development activity for the next 3 to 5 years. He projected the Department would take in \$600,000.00 to \$750,000.00 this year alone in part due to the redevelopment of the Closter Plaza shopping center; he revealed the Department has approximately \$400,000.00 in operating expenses. He emphasized his proposals would allow his staff to be more proactive. He explained he had budgeted for tablet computers to the Department inspectors this year, but the Governing Body ultimately decided against the purchase; he noted such would allow for inspection results to be communicated in real-time and the ability for information on a property, contractor, etc. to be accessed in the field. Mr. Montroy also said the status of permit applications could be tracked easily in terms of construction, zoning, engineering and health reviews.

Mr. Montroy estimated the first 2 phases of the Closter Plaza shopping center redevelopment, including the tenant fit-outs for roughly 40 establishments, should be completed in 1 year, noting construction began in June 2015 and additional phases would likely materialize. He revealed the property owner/developer (Edens, LLP) meets weekly with the Department to review progress and address any issues to avoid unnecessary delays by contractors, design professionals or tenants. Furthermore, he said the project has also spurred great interest in the development of several abandoned/vacant properties in the vicinity. He stated there are about 20 new houses currently under construction and 6 more under review; he believed such a rate would continue in the residential sector. Mr. Montroy said that does not include forthcoming obligations related to the Borough's submission of a constitutionally compliant fair share plan in response to the Supreme Court of New Jersey's decision in March 2015 to relinquish oversight of the state's affordable housing process from the Council on Affordable Housing (COAH).

Mr. Montroy stressed his Department for the most part consists of part-time employees and if efficiency is not improved upon given the existing and future level of activity, his office would not be able to keep up under current staffing levels. He said he did not see the need or desire to have a full-time staff so long as his proposals are implemented. He mentioned such administrative/personnel and purchasing matters have been the subject of ongoing discussions with the Governing Body. He stated he presented his 2016 budget for the Building Department using a zero-based methodology and his goal is to make his office 1 of the premiere Departments in New Jersey, noting he already has a highly-capable and productive staff.

In response to Mr. Daly, Mr. Montroy explained the Borough's website, which needs to be enhanced, allows the public to access local zoning and property maintenance regulations but not those pertaining to construction because such is administered through the State of New Jersey (Uniform Construction Code). He hoped the Governing Body would adopt the International Property Maintenance Code to replace the locally-written Chapter 147 of the Borough Code being the former is much more thorough. Mr. Montroy said he has had to prioritize his goals because he is limited to a maximum of 20 hours per week of employment with Closter since he is retired from Mahwah, noting he also serves on the Planning Board and the committee tasked with drafting a housing plan to comply with the Borough's COAH obligations. He mentioned he had budgeted \$30,000.00 this year to digitally archive a large portion of Building Department files, which unfortunately was not approved by the Governing Body. He stressed his filing cabinets are beyond full capacity, with files piling up in both the office and basement of Borough

Hall. He also mentioned Board members would have access to land use board applications while the public would have the ability to view such information via a “read-only” screen.

Responding to Mr. Steinhagen, Mr. Montroy said a third party vendor would digitally archive records and retain 2 microfiche copies (1 each being stored in Closter and off-site) so the hard copies can be destroyed, thereby clearing up much-needed office space. He said the digitized data would be managed through its own server and items would be indexed so that all those relating to a specific property would be contained in 1 file.

Replying to Vice Chairman Monaco, Mr. Montroy stated the public can file complaints about property maintenance, only now such must be done by hand. He said 100 complaints have been received in 2016; he noted his modernized approach would allow complaints to be submitted via email. He said the Building Department will interface with the Borough Clerk, Tax Assessor, Chief Financial Officer, Department of Public Works and Police Department to vastly improve coordination. Mr. Montroy mentioned that the Borough Engineer recently was given the authority by ordinance to be more involved in projects not involving variance relief; he explained all aspects of site work relating to new construction projects are now overseen by Boswell Mc Clave Engineering, Inc., whereas before, its jurisdiction was restricted to stormwater management systems.

Mr. Montroy suggested the Borough have a planner on retainer as it does with legal and engineering, the services of which would be paid for through escrow accounts established by applicants.

Regarding Mr. Baboo’s inquiry, Mr. Montroy said the back-up of computer data should be conducted off-site and daily (such would be confirmed with the Information Technology Coordinator). Mr. Baboo pointed out there are several companies that pay for access to non-personal/mundane construction permit data; he noted such could be a means of funding Mr. Montroy’s proposals.

Mr. Montroy informed that the Building Department has been making progress in finalizing/closing out open construction permits for substantial projects, not those involving smaller, maintenance type work such as water heaters and reroofs which are addressed at the time of the next real estate transaction for a property. Again, he said now that there is software to properly tracking such information, proper and timely tax assessment on improvements can occur.

Answering Mr. Elias, Mr. Montroy said most of the municipalities in Bergen County have more sophisticated computer software than what the Building Department had until recently: a 20 year-old program called Roadrunner.

In response to Mr. Ouzoonian, Mr. Montroy stated the Department requires, in addition to its inspectors’ review, special inspection reports relating to steel, concrete, earthwork, etc. to be prepared by third party inspectors for large-scale projects, such as those currently under construction at 19 Ver Valen Street and 50 Railroad Avenue.

Responding to Councilwoman Chung, Mr. Montroy said the Mitchell Humphrey software does not provide the public access to track applications; instead, he said the Department staff can give an update via phone or email. He estimated to purchase/implement his proposals within

the next several years would cost \$150,000.00 while stressing more than enough collected fees are available but such would eventually stabilize.

◇OPEN TO THE PUBLIC◇

n/a;

◇MEMORIALIZATION OF RESOLUTION(S)◇

n/a;

◇CASELOAD◇

n/a;

◇CLOSED SESSION◇

A motion was made by Secretary Wasserman and seconded by Vice Chairman Monaco, to have the Board go into closed session at 8:56pm. The motion passed by acclamation.

Chairman Bianco reopened the meeting to the public at 9:29pm.

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

◇ADJOURNMENT OF MEETING◇

A motion was made by Secretary Wasserman and seconded by Vice Chairman Monaco, to have the Board adjourn at 9:30pm. The motion passed by acclamation.
