



# **Zoning Board of Adjustment**

March 16, 2016

**Meeting**  
*(Minutes)*

Prepared by:

**Paul Demarest**

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◇ **OPENING REMARKS** (Commenced at 8:07pm) ◇

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◇ **PLEDGE OF ALLEGIANCE** ◇

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◇ **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 April 20, 2016 Meeting.

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◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman  
Mitchell Monaco- Vice Chairman  
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  
Leonard Sinowitz- Zoning Officer  
Daniel Steinhagen, Esq.- Board Attorney  
Jeffrey Morris, PE- Board Engineer  
Paul Demarest- Board Coordinator

Absent

Kenneth Wasserman  
Heena Dhorajia, EIT  
Dharamraj Baboo

A motion was made by Ms. Marks and seconded by Mr. Daly, to excuse Mr. Wasserman for his absence this evening due to medical reasons. The motion passed (7-0-0):

**YES-** Rothbaum/Marks/Ouzoonian/Daly/Elias/Monaco/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

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◇ **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.

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◇ **MINUTES** ◇

A motion was made by Mr. Ouzoonian and seconded by Ms. Rothbaum, to approve the minutes for the February 17, 2016 Meeting. The motion passed (5-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

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**◇SUBCOMMITTEE ASSIGNMENTS◇**

March 23, 2016 Work Session: \*\*\*CANCELLED\*\*\*;

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**◇MISCELLANEOUS◇**

Mr. Demarest confirmed that Chairman Bianco, Ms. Rothbaum and Councilwoman Chung were registered to attend a land use seminar hosted by New Jersey Planning Officials (NJPO) on April 16, 2016. He reiterated that Ms. Rothbaum must obtain her land use board certification from an agency/affiliate recognized by the State of New Jersey within 18 months of her initial Board appointment by the Governing Body. In the event there were scheduling conflicts, Mr. Steinhagen informed there would also be a seminar sponsored by the Bergen County Bar Association on May 7, 2016; he promised to forward details to the Board.

Concerning Case #Z-2014-24 (265 Demarest Avenue/Gajera), the Board deferred to Mr. Steinhagen with respect to the proper language for the proposed deed restriction (relating to a Use Variance approved by the Board for 2-family use ratification) required of the applicant as a condition of approval. After reviewing drafts accepted by the prior Board Attorney, Mr. Steinhagen said the submitted deed restriction would be accepted and, ultimately, recorded with the Bergen County Clerk.

A motion was made by Mr. Ouzoonian and seconded by Ms. Marks, to dismiss Case #Z-2015-06 (8 Wainwright Court/Yuder & Nee-Yuder) without prejudice for lack of prosecution. The motion passed (7-0-0):

**YES-** Rothbaum/Marks/Ouzoonian/Daly/Elias/Monaco/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

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**◇OPEN TO THE PUBLIC◇**

n/a;

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

A motion was made by Mr. Ouzoonian and seconded by Mr. Daly, to memorialize the Resolution for Case #Z-2016-01 (24 Demarest Avenue/Grindley). The motion passed (5-0-0):

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

**NO-** n/a;

**ABSTAIN-** n/a;

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**◇CASELOAD◇**

**Case #Z-2014-18  
Hye Kyoung Ro  
147 Closter Dock Road  
(Block 1201/Lot 19)  
District #2- Residential B**

Case History

The applicant is seeking a Use Variance for the continuation of a 2-family use at the subject property; the application was received October 28, 2014 and scheduled for the December 17, 2014 (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 18, 2015 Meeting; due to the Board's heavy caseload, the application was postponed to the April 15, 2015 Meeting; due to reasons not specified by the applicant's attorney, the case was postponed to the May 27, 2015 (Special) Meeting; due to the unavailability of the applicant's attorney, the case was postponed, pending the Board's receipt of public *re-noticing* requirements, to the July 15, 2015 Meeting; due to the Board's heavy caseload, the application was postponed, pending the Board's receipt of public *re-noticing* requirements, to the August 19, 2015 Meeting and, again, to the September 16, 2015 Meeting; being the applicant's attorney requested additional time to adjust legal strategies, the case was postponed to the November 18, 2015 Meeting; due to a scheduling conflict with the applicant's planner, the case was postponed to the December 16, 2015 Meeting; being the applicant did not fulfill public *re-noticing* requirements, the case was postponed to the January 20, 2016 Meeting; due to a scheduling conflict with the applicant's planner, the case was postponed to the March 16, 2016 Meeting.

Representation

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

Witnesses

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

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

Exhibits

**A-1:** colorized version of pre-filed site plan, prepared by Witness #1 and dated October 10, 2014;

**A-2:** 12 photographs depicting existing exterior conditions of subject property, prepared by Witness #1 and dated July 28, 2014;

Relief Sought

**1.)** Use Variance: 2-family use (house was built prior to December 19, 1940 but does not meet all current bulk requirements):

**a.)** Bulk Variance: lot size (12,500 sf minimum required/7,500 sf provided);

**b.)** Bulk Variance: lot width at building setback line (100' minimum required/50' provided);

**c.)** Bulk Variance: street frontage (75' minimum required/50' provided);

**d.)** Bulk Variance: side yard <left-facing> setback (15' minimum required/9.20' provided);

**e.)** Bulk Variance: side yard <right-facing> setback (15' minimum required/13.20' provided);

- f.) Bulk Variance: side yard setback aggregate (30' minimum required/22.40' provided);
- g.) Bulk Variance: building coverage (20% maximum allowed/26.53% provided);
- h.) Bulk Variance: impervious coverage (30% maximum allowed/61.68% provided);

Response to Prior Board and/or Subcommittee Requests

n/a;

New Board Requests

n/a;

Public Questions

n/a;

Public Comments

n/a;

Decision

A motion was made by Mr. Ouzoonian and seconded by Ms. Rothbaum, to approve the application. The motion passed (7-0-0):

**YES-** Rothbaum/Marks/Ouzoonian/Daly/Elias/Monaco/Bianco;

**NO-** n/a;

**ABSTAIN-** n/a;

Conditions

- 1.) convert concrete area located between front walkway and driveway into green space with curbing along its right side to prevent vehicular parking that would impede access to and from front entrance;
- 2.) remove roof overhang on left side of detached garage while maintaining concrete area below to gain 1 parking space lost relating to Item #1;
- 3.) perform exterior cosmetic upgrade to both house and detached garage (installation of siding);
- 4.) record deed with Bergen County Clerk indicating restriction that there be maximum of 2 residential units permitted on subject property;
- 5.) submit revised site plan prior to memorialization of Resolution;

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

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.

Under the advisement of Mr. Steinhagen, the Board considered retaining a planner for the subject application. He suggested the Board's choice should not have previously been hired by the Borough nor should he/she be part of the declaratory judgement action with respect to its pending 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. Steinhagen believed such services were especially important because the applicant and Borough are negotiating on having up to 7 of the proposal's 33 condominiums being COAH-designated.

A motion was made by Mr. Daly and seconded by Ms. Marks, to have the Board retain Brigette Bogart, PP, 366 Harvey Court, Wyckoff, New Jersey, for planning services (preparation and meeting attendance) in connection with Case #Z-2015-05 (511 Durie Avenue/Five Eleven Durie Avenue, LLC) as per her contract proposal dated March 14, 2016. The motion passed (7-0-0):  
**YES-** Rothbaum/Marks/Ouzoonian/Daly/Elias/Monaco/Bianco;  
**NO-** n/a;  
**ABSTAIN-** n/a;

#### Representation

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

#### Witnesses

**#1:** Conrad Roncati, RA (Architectura, Inc.), 1 Executive Drive, Suite LL100, Fort Lee, New Jersey;

#### Exhibits

- A-1:** photographic rendering depicting existing conditions of eastern facade of building (facing Durie Avenue) with superimposition of proposed enhancements/restoration, prepared by Witness #1 and undated;
- A-2:** photographic rendering depicting existing conditions of northern facade of building (facing High Street) with superimposition of proposed enhancements/restoration, prepared by Witness #1 and undated;
- A-3:** pre-filed architectural (page A100 only) depicting proposed floor plans of 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors, prepared by Witness #1 and dated February 29, 2016;
- BD-1:** report prepared by Board Engineer and dated February 25, 2016;
- BD-2:** report prepared by Board Engineer and dated March 14, 2016;
- BD-3:** administrative report prepared by Historic Preservation Commission (Timothy Adriance) and dated October 26, 2015;
- BD-4:** administrative report prepared by Environmental Commission and dated October 20, 2015;
- BD-5:** memo suggesting subject application is considered separate and unrelated to prior Board-approved Case #Z-2006-06 (511 Durie Avenue/Village School Condominiums, LLC) whereby Use Variance and Site Plan Approvals were granted for age-restricted housing (minimum age of unit owners being 55 years-old and minimum age of occupants

being 18 years-old), prepared by Construction Official (Gary Montroy) and dated October 21, 2015;

**BD-6:** administrative report prepared by Fire Prevention Bureau (Kevin Whitney) and dated October 17, 2015;

**BD-7:** administrative report prepared by Building Department (Gary Montroy/Joseph Zavarino) and dated October 10, 2015;

**BD-8:** administrative report prepared by Health Department (Jin Park) and dated October 13, 2015;

#### 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.) 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: floor area ratio (0.30 maximum allowed/0.62 provided);
  - d.) Bulk Variance: front yard setback <accessory building on corner lot> (152.25' minimum required/83.37' provided);
  - e.) Bulk Variance: green space (70% minimum required/34.37% provided);
  - f.) Design Waiver: sidewalk width (5' minimum required/4' 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

- 1.) applicant provided photographs of existing exterior conditions;
- 2.) applicant provided conceptual renderings of proposed building exterior facing both Durie Avenue and High Street (corner lot);
- 3.) applicant provided more detailed architectural floor plans indicating layout of each dwelling unit;

#### New Board Requests

- 1.) provide \$3,000.00 escrow deposit to compensate Board-retained planner for services to be rendered;
- 2.) provide differential analysis of traffic impact (trip generation inclusive) between subject application and that of Case Z-2006-06 (511 Durie Avenue/Village School Condominiums, LLC) <TO BE PROVIDED BY BOARD ENGINEER>;
- 3.) clarify discrepancies between site plan and architectural drawings with respect to depiction of 1-story section and exterior stairway with platform/landing at southeastern portion of building as well as exterior stairway with platform/landing at its southwestern portion;
- 4.) provide existing/proposed floor plans of area below-grade located in addition (constructed post-1900) at southern portion of building (prior location of indoor swimming pool and later gymnasium is proposed to be mechanical/utility room);
- 5.) provide typical height dimension between interior floor and window sill for 1<sup>st</sup> floor units given their proposed ceiling heights are 7', 8" (located in original building) and 7', 10" (located in post-1900 addition);

- 6.) provide testimony by applicant's planner regarding amount of proposed interior demolition given substantial variance request for floor area ratio (pre-existing/nonconforming condition);
- 7.) provide action plan/report for proposed asbestos removal;
- 8.) provide architectural cross section of existing/proposed building;

Public Questions

- 1.) Phyllis Hirsch, 422 High Street, Closter, New Jersey;

Public Comments

n/a;

Decision

The case was adjourned to the April 20, 2016 Meeting.

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**◇ADJOURNMENT OF MEETING◇**

A motion was made by Mr. Daly and seconded by Ms. Rothbaum, to have the Board adjourn at 10:56pm. The motion passed by acclamation.

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