



Zoning Board of Adjustment

May 18, 2016

Meeting
(Minutes)

Prepared by:

Paul Demarest

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

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Mitchell Monaco- Vice Chairman
Kenneth Wasserman- Secretary
Heena Dhorajia, EIT
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

Leonard Sinowitz- Zoning Officer

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

A motion was made by Ms. Dhorajia and seconded by Ms. Marks, to approve the minutes for the April 20, 2016 Meeting. The motion passed (9-0-0):

YES- Kwon/Marks/Ouzoonian/Daly/Elias/Baboo/Dhorajia/Wasserman/Bianco;

NO- n/a;

ABSTAIN- n/a;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

May 25, 2016 Work Session: ***CANCELLED***;

◇ **MISCELLANEOUS** ◇

Chairman Bianco stated 5 unnamed Board members have yet to electronically file their 2016 Financial Disclosure Statements to the State of New Jersey, noting the deadline to do so was April 30, 2016.

◆ **OPEN TO THE PUBLIC** ◆

n/a;

◆ **MEMORIALIZATION OF RESOLUTION(S)** ◆

A motion was made by Ms. Dhorajia and seconded by Mr. Daly, to memorialize the Resolution for Case #Z-2016-03 (155 Cedar Lane/Iocco). The motion passed (7-0-0):

YES- Ouzoonian/Daly/Elias/Baboo/Dhorajia/Wasserman/Bianco;

NO- n/a;

ABSTAIN- n/a;

◆ **CASELOAD** ◆

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

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.

A motion was made by Mr. Daly and seconded by Vice Chairman Monaco, 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 \$3,000.00 to \$6,000.00 given current and anticipated services to be rendered. The motion passed (7-0-0):

YES- Daly/Elias/Baboo/Dhorajia/Wasserman/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

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: Conrad Roncati, RA, Architectura, Inc., 1 Executive Drive, Suite LL100, Fort Lee, New Jersey;
- #3: Brigitte Bogart, PP, 48 Harvey Court, Wyckoff, New Jersey;

Exhibits

- A-7: colorized version of pre-filed site plan, prepared by Witness #1, dated June 1, 2015 and last revised May 2, 2016;
- A-8: pre-filed architectural (page A100 only) depicting proposed basement and 1st floor plans, prepared by Witness #2, dated February 29, 2016 and last revised May 5, 2016;
- A-9: pre-filed architectural (page A101 only) depicting existing/proposed cross section of subject building as well as proposed 2nd and 3rd floor plans, prepared by Witness #2, dated February 29, 2016 and last revised May 5, 2016;
- A-10: photographic rendering depicting existing conditions of eastern facade of building (facing Durie Avenue) with superimposition and annotations of proposed enhancements/restoration, prepared by Witness #2 and undated AND photographic rendering depicting existing conditions of northern facade of building (facing High Street) with superimposition and annotations of proposed enhancements/restoration, prepared by Witness #2 and undated;
- BD-11: traffic analysis prepared by Mr. Morris and dated April 27, 2016;
- BD-12: report prepared by Witness #3 and dated April 15, 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.) 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

- 1.) applicant addressed or intends to address all comments by Board Engineer relating to site plan, drainage, utility, lighting and landscaping as well as obtain all required Bergen County agency approvals (see Exhibit #BD-2);

- 2.) applicant provided 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) <PROVIDED BY BOARD ENGINEER>;
- 3.) applicant indicated all 33 heating/ventilation/air conditioning units will be located on rooftop of addition (constructed post-1900) at southern portion of subject building with proper screening;
- 4.) applicant annotated Exhibit #'s A-1 and A-2 with detail as to how exterior of subject building is to be altered, restored or unmodified (in lieu of revised architectural elevation pages);
- 5.) applicant indicated existing masonry chimney and bell tower as well as proposed faux wooden chimney would collectively aggregate plumbing vents (stacks) within originally-constructed building so to be aesthetically pleasing and stacks within addition (constructed post-1900) at southern portion of subject building would be hidden from sight due to its flat roof;
- 6.) applicant agreed to obtain fire hydrant flow test from water utility to ensure adequate water pressure for proposed fire suppression system;
- 7.) applicant clarified 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 subject building as well as exterior stairway with platform/landing at its southwestern portion;

New Board Requests

- 1.) consider redesigning driveway/aisle of parking lot so that it circulates entire perimeter of subject building to enhance vehicular maneuverability on-site;
- 2.) consider minimal outdoor amenities (benches, etc.) in light of eliminated gazebo;
- 3.) 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;
- 4.) seek exemption from Bergen County for 10' road-widening easement along High Street (county road) to prevent intensified traffic flow in future;
- 5.) consider installing generator on-site in case of power outages;
- 6.) consider additional landscaped islands/planted berms within parking lot facing Durie Avenue to improve monotony of parking spaces;
- 7.) consider relocating proposed handicap parking spaces fronting on Durie Avenue so to prevent vehicle headlights from shining into condominiums (windows of 1st floor units are especially low to ground);
- 8.) revise proposed landscape plan so that all plantings are identified and detail is provided on irrigation system;
- 9.) consider constructing detached garages to make both indoor vehicular parking and additional storage available to residents on-site (reduction in number of proposed condominiums would reduce parking space requirements);
- 10.) verify turning radius at access point on High Street would accommodate 35' long box truck;
- 11.) provide 5'x5' rest area for every 30' of proposed ramp accessing rear portion of subject building;
- 12.) coordinate meeting between applicant's design professionals and both Board Engineer and Board Special Planner to ensure proposal complies with interior and exterior accessibility routes relating to affordable housing requirements;
- 13.) ensure proposed landscaping along northern property line shared with residential properties would thrive given limited area and presence of retaining wall;

- 14.) correct apparent discrepancy between site plan and architectural drawings with respect to proposed floor area ratio;
- 15.) relocate proposed mailboxes mounted on 1st floor corridor wall to inside package room;
- 16.) consider relocating bathroom inside proposed 1st floor condominium at northern end of subject building so that window can instead provide light and air to corridor;
- 17.) ensure proposed condominium distribution mix satisfies affordable housing requirements (additional 3-bedroom unit may be required);
- 18.) provide itemized list of proposed materials and improvements for exterior facade restoration as annotated in Exhibit #A-10;
- 19.) provide material relating to Case Z-2006-06 (511 Durie Avenue/Village School) given its frequent reference by Witness #2 during testimony as to how applicant's current proposal is in keeping with prior Board-approved project that never transpired <PRIOR REQUEST>;
- 20.) coordinate inspection of subject building by Construction Official (Gary Montroy) who is to furnish Board with report and photographs <PRIOR REQUEST>;
- 21.) clarify number and location of those condominiums to have Council on Affordable Housing (COAH) designation as per contract between applicant and Borough which secures latter's purchase of future units within subject building to help fulfill affordable housing obligation <PRIOR REQUEST>;
- 22.) provide field notes prepared by Witness #2 relating to preliminary analysis of subject building's existing structural layout and integrity <PRIOR REQUEST>;
- 23.) provide testimony by applicant's planner regarding amount of proposed interior demolition given substantial variance request for floor area ratio (pre-existing/nonconforming condition) <PRIOR REQUEST>;
- 24.) 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 <PRIOR REQUEST>;

Public Questions

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

Public Comments

n/a;

Decision

The case was adjourned to the June 15, 2016 Meeting.

◆ **CLOSED SESSION** ◆

A motion was made by Ms. Marks and seconded by Vice Chairman Monaco, to have the Board go into closed session at 11:05pm. The motion passed by acclamation.

Chairman Bianco reopened the meeting to the public at 11:21pm. 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) regarding the continuation of a contractor's yard operation in District #2 (Residential B). The Board directed Mr. Steinhagen to continue exploring 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. Chairman Bianco emphasized a sufficient buffer along 40 John Street (corner lot) facing William Street, which the appellant also owns, must be provided to shield the legally-zoned contractor's yard on-site from the residential properties on John Street west of William Street. Mr. Steinhagen emphasized the Board has the right to consider all potential settlement offers during an open public meeting.

◇ADJOURNMENT OF MEETING◇

A motion was made by Secretary Wasserman and seconded by Ms. Dhorajia, to have the Board adjourn at 11:22pm. The motion passed by acclamation.
