



Zoning Board of Adjustment

October 19, 2016

Meeting
(Minutes)

Prepared by:

Paul Demarest

◇ **OPENING REMARKS** (Commenced at 8:11pm) ◇

◇ **PLEDGE OF ALLEGIANCE** ◇

◇ **ATTENDANCE** ◇

Present

Joseph Bianco, RA/PP- Chairman
Mitchell Monaco- Vice Chairman
Thomas Hennessey- Secretary
Heena Dhorajia, EIT
Dharamraj Baboo
Evan Elias
Richard Daly
Mindy Rothbaum- Alternate #3
Jannie Chung- Council Liaison
Daniel Steinhagen, Esq.- Board Attorney
Jeffrey Morris, PE- Board Engineer
Paul Demarest- Board Coordinator

Absent

Antranig Ouzoonian, PE- Alternate #1
Joan Marks- Alternate #2
Phillip Kwon, Esq.- Alternate #4
Leonard Sinowitz- Zoning Officer

◇ **CORRESPONDENCE** ◇

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

◇ **MINUTES** ◇

A motion was made by Mr. Elias and seconded by Vice Chairman Monaco, to approve the minutes for the September 21, 2016 Meeting. The motion passed (4-0-0):

YES- Elias/Hennessey/Monaco/Bianco;

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Dhorajia;

◇ **SUBCOMMITTEE ASSIGNMENTS** ◇

October 26, 2016 Work Session: ***CANCELLED***;

◇ **MISCELLANEOUS** ◇

Chairman Bianco, Vice Chairman Monaco and Ms. Dhorajia volunteered to serve on the subcommittee to assist Mr. Steinhagen in drafting the 2015 Annual Report to both the Governing Body and Planning Board. Mr. Demarest agreed to redistribute the relevant disposition lists of caseloads for reference. Mr. Steinhagen explained the Report is mandated as per the New Jersey Municipal Land Use Law and serves as a summary of the caseload for the subject year and also provides recommendations for changes to the Borough Code based on such. Chairman Bianco reminded that last year the Board adopted a merged Report for the calendar years 2013 and 2014, which provided suggestions for District #4 (Commercial), impervious coverage, etc. Mr. Steinhagen commented that the Borough's Master Plan discusses what uses are appropriate for a particular zoning district and it seems, moving forward, the Board will be considering more Use Variance applications relating to District #5 (Industrial) such as Case #Z-2016-07 (81 Ruckman Road/CrossFit Steam 2, LLC); having said that, Mr. Steinhagen said the Board may wish to request the relevant ordinance(s) being amended to permit such uses by right. Chairman Bianco countered that much of District #5 (Industrial) consists of lots with large buildings/warehouses but small parking lots, so the Board can control the influx of parking spaces required for new tenants by considering Board applications in that light. He commented the downtown area was negatively-impacted by the conversion of its parking spaces along Closter Dock Road from angled to parallel in the 1990's because the number of spaces was reduced by 50%. He explained each parking space generates income for the merchants, and not having enough results in their sales being depressed and rental values for landlords lowered. He noted the Borough has no public transportation to speak of other than 1 bus route. Referencing Case #Z-2012-04 (1 Ruckman Road/Kim), Chairman Bianco said certain uses, such as medical office, have a high parking space requirement and the Board is able to scale back a proposal to ensure adequate parking, resulting in high-quality tenants like Weichert Realtors and Hackensack University Medical Center at Pascack Valley. He asked Board members to forward to Mr. Demarest any input they may have regarding the Report.

Chairman Bianco spoke of the proposed 2017 operating and capital budgets for the Board at the request of the recently-hired Borough Administrator, Arthur Dolson. Relating to potential purchasing, Mr. Demarest reminded the Board of the recent presentation by the Construction Official, Gary Montroy, regarding the digitization of how it receives, reviews and stores applications, including providing computer tablets to Board members to eliminate copious amounts of paperwork. Both Mr. Steinhagen and Mr. Morris agreed that reviewing plans on such a device is difficult and none of the municipalities in the area have adopted such measures; Mr. Morris clarified that the Borough of Montvale accepts ledger-size (11"x17") submissions for its Board members, a 70" monitor is utilized during its hearings to accommodate the public in attendance and a few hard copies of the submittals are required as well. Mr. Steinhagen conceded the official copy of an application can be electronically filed, but that such would not likely replace the need for hard copies to each Board member.

Mr. Steinhagen indicated that the only litigation his firm is currently involved with is regarding Case #Z-2014-14 (49 John Street/Crimmins). Mr. Demarest noted that Michael Kates, Esq., is handling Case #Z-2013-13 (318 Harrington Avenue/Baquiran), an appeal which carried over when his tenure as Board Attorney ended; Mr. Steinhagen noted said appeal is the exception because it was filed by the Board following the reversal of its decision by the Superior Court of New Jersey (Law Division).

Chairman Bianco informed there are 4 voting Board members whose terms expire on December 31, 2016; he asked Mr. Monaco, Mr. Daly, Mr. Ouzoonian and Ms. Rothbaum to contact him as

to their intentions. He said he would then consult Councilwoman Chung on recommendations to the Governing Body for the 2017 Reorganization.

A motion was made by Mr. Daly and seconded by Ms. Rothbaum, to have Mr. Steinhagen transmit his memo (which was read into the record this evening as part of correspondence) concerning the lack of curb ramps and “No Parking” signage along the frontage of 81 Ruckman Road as discovered during its consideration of Case #Z-2016-07 (81 Ruckman Road/CrossFit Steam 2, LLC). The motion passed by acclamation.

◇ OPEN TO THE PUBLIC ◇

n/a;

◇ MEMORIALIZATION OF RESOLUTION(S) ◇

A motion was made by Secretary Hennessey and seconded by Mr. Elias, to memorialize the Resolution for Case #Z-2016-07 (81 Ruckman Road/CrossFit Steam 2, LLC). The motion passed (3-0-0):

YES- Elias/Hennessey/Bianco;

NO- n/a;

ABSTAIN- n/a;

LATE ARRIVAL- Baboo;

◇ CASELOAD ◇

n/a

◇ CLOSED SESSION ◇

n/a;

◇ ADJOURNMENT OF MEETING ◇

Given this evening’s postponement by the applicant for Case #Z-2016-08 (Hartford Boulevard/Squicciarini) until the November 16, 2016 Meeting, the Board discussed convening a (Special) Meeting on November 14, 2016 to avoid a conflict for the Board and applicant’s professionals, who would likely be attending the Annual New Jersey League of Municipalities Conference in Atlantic City. Mr. Steinhagen announced that said application is postponed until the November 16, 2016 Meeting assuming the applicant had noticed the public already for this evening; he promised to contact the applicant’s attorney confirming public notice was provided and if the applicant would be able to proceed at a November 14, 2016 (Special) Meeting; Mr. Demarest said he would secure a venue if the Council Chambers were not available.

A motion was made by Vice Chairman Monaco and seconded by Secretary Hennessey, to have the Board adjourn at 8:38pm. The motion passed by acclamation.