

DUMONT ZONING BOARD OF ADJUSTMENT MINUTES FOR FEBRUARY 11, 2008 MEETING

Flag Salute

SESSION: This is a regular meeting of the Zoning Board of Adjustment, of the Borough of Dumont, held in the Council Chambers.

**February 11, 2008
7:30 PM**

SUNSHINE LAW: This meeting is a regularly scheduled meeting of the Zoning Board of Adjustment, of The Borough of Dumont, held in the Council Chambers on February 11, 2008. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to The Leader, the official newspaper of the Borough of Dumont, filed with the Borough Clerk and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meeting Law have been fulfilled.

ROLL CALL:

Ron Burkert- P	Ken Melamed- P	Rafael Riquelme- P
Bob Huth- P	Teri Riva- P	Michael Brown- P
Chairman Timothy Hickey- P		

Others: Board Attorney - Marc Leibman- P
Liaison to the Board - Councilman Eric Abrahamsen- P
Board Secretary - Rosalia Bob- P
Borough Engineer – T&M Associates - Antonios Panagopoulos- P
Borough Planners – Neglia Engineering - Dan Kauffman- P

BUSINESS: Approval of January 2008 minutes
Motion to Approve: Michael Brown
2nd by: Teri Riva

ROLL CALL:

Ron Burkert- Y	Ken Melamed- Y	Rafael Riquelme- Y
Bob Huth- Y	Teri Riva- Y	Michael Brown- Y
Chairman Timothy Hickey- Y		

Motion Approved 7 – 0

BUSINESS: Approval of all Business Professional RFQ's

Chairman Timothy Hickey stated that he had given Michael Brown and Ron Burkert copies of the professional RFQ's. They need further time for the review of all the documentation thusly Chairman Timothy Hickey tabled this item to next months meeting on March 10th.

BUSINESS: Approval / Adoption of new Zoning Board By-Laws

Chairman Timothy Hickey stated that Kaufman, Bern & Deutsch still needs time to procure the By-Laws and revise them before the board can adopt them thusly Chairman Timothy Hickey is giving the board lawyer additional time and tabling this item to next months meeting on March 10th.

BUSINESS: Swearing in of reappointed Board Members

Ken Melamed, Teri Riva & Michael Brown were all reappointed as Members of the Zoning Board. Teri Riva & Michael Brown will no longer be alternates to the board and are now regular members. All three were sworn in and notarized by the board lawyer, Marc Leibman.

RESOLUTION: 07-10 Rashat Cami 179 Howard St.

Motion to Approve: Ron Burkert

2nd by: Teri Riva

ROLL CALL:

Ron Burkert- Y

Ken Melamed- Y

Rafael Riquelme- Y

Bob Huth- Y

Teri Riva- Y

Michael Brown- N

Chairman Timothy Hickey- Y

Motion Approved 6 – 1

COMPLETENESS / CONTINUATION: 07-11 Dan-Rich Corp 221 – 229 W. Madison

Block – 1109, Lot – 10

Variances for 6 undersized apartments

Attorney Richard Kelly opens the hearing with a brief explanation of the building itself, the variances being sought for the construction of 6 new apartments within and a description of the particular type of disabled individuals screened as tenants for these units.

Richard Kelly presents the first witness who is Michael Hubschman the engineer for the project from 263 S. Washington Avenue Bergenfield. He presents into evidence a revised site plan and architectural plans for the renovations. The site plan consisted of key maps and property info per site plan ordinance and shows the current foot print of the

building and the interior renovations. He explains that the owner is looking to realign the space within the building to accommodate 6 more single apartment units for a total of 17 units, assuring that the outside structure of the building will not be altered except cosmetically. Mr. Hubschman explains that the driveway and street access are accessible for emergency vehicles; sewage on the property is adequate; and the garbage will be pails along the back wall of the building. They argued the point that the renovations would advance the public good because of its proposed use. Board Attorney, Marc Leibman, questions if the property will only be limited to mentally challenged patients. Richard Kelly gives a brief overview about the particular patient's referred to this building and which healthcare facilities place them. He also explains to the board that they are willing to conditionally put a deed restriction on this property, which the apartments can not be rented by anyone having a vehicle.

Richard Kelly recalls his next witness who is the property owner Mr. Haggerty. He explains that there are 4 cars max right now and that it would be in each lease that the tenant can not own a vehicle and if they purchase one their lease would not be continued. Bob Huth questions what would happen if they were to sell property. Mr. Haggerty explains that he has no plans on selling. Marc Leibman explains that there can be trouble making these types of conditions and a developer's agreement would be needed to protect the borough. Chairman Timothy Hickey raises questions about the status of the current garages and their uses. Richard Kelly explains that 1 tenant uses them for storage but is moving and that the garages can be emptied.

Chairman Timothy Hickey opens and closes the meeting to the public.

Richard Kelly calls his next witness who is Christopher Blake the project architect at 130 County Road Tenafly. He went over the new floor plan of the building, showing all the changes to the first floor and second floor. Mr. Blake explains that they need a variance for the new apartments because the apartments are undersized per town ordinance. He states that the basement will be 6 foot ceilings and will be left as open space with no storage. Mr. Blake goes into detail about the comedic changes to the front façade. The roof and brick will not change but the stucco parts will be updated to a stone face look. The sidewalks and the stoops by the front doors will be repaired as well. Bob Huth raised questions on smoke alarms in the apartments and Mr. Blake stated that the alarm system will be hardwired and fully up to code. Marc Leibman questioned the utilities if they were new or existing in the basement, Mr. Blake stated that there are both new utilities to be added and existing. The board engineer, Antonios Panagopoulos, questioned the lighting on the property. Mr. Blake stated that no changes are being made to the lighting on the property and that there are lights under the doors in the front and rear of building as well as spotlights. Marc Leibman suggested that a lighting plan be drawn up for the board engineer to review. Ken Melamed & Teri Riva both brought up concerns about the laundry room and if there are enough of washer and dryers for the tenants. Mr. Haggerty assured that if the need increased he will add more machines. Chairman Timothy Hickey raises concerns about the smaller apartments on the second floor, Mr. Blake states that they are smaller units because of the stairwell from the laundry room.

Chairman Timothy Hickey opens and closes the meeting to the public.

Board Attorney, Marc Leibman, states that if application is passed they would need several items from the applicant including: developers agreement; deed restriction for apartments not to rent to individuals with a car; need an approved lighting plan for the board engineer; applicant will give preference to rent only to disabled tenants.

Motion to Approve with appropriate conditions discussed– Ron Burkert
2nd by: Bob Huth

ROLL CALL:

Ron Burkert- Y	Ken Melamed- N	Rafael Riquelme- N
Bob Huth- Y	Teri Riva- Y	Michael Brown- Y
Chairman Timothy Hickey- NA		

Motion Approved 4 – 2

* BUT Application is a failure to approve since variance sought needs 5 affirmative votes in order to pass.

Attorney, Richard Kelly, asks the board to please reconsider application and he asks for a motion to be made to hear the application again at the next meeting. Possibly reducing the number of units on the project. Marc Leibman calls for another roll call vote

ROLL CALL:

Ron Burkert- Y	Ken Melamed- Y	Rafael Riquelme- Y
Bob Huth- Y	Teri Riva- Y	Michael Brown- Y
Chairman Timothy Hickey- Y		

Hearing will be carried to the next meeting, March 10th 2008 without further notice needed.

COMPLETENESS / CONTINUATION: 07-12 Michael Hubschman 105 W Shore Ave
Block – 904, Lots – 41 & 42
25 unit residence apartments

Attorney, Allen Bell, addresses the board to the new changes made to the plans and asks if they can proceed with hearing but hold off for the vote till next months meeting. Allen Bell presents the first witness, Michael Hubshman the engineer of the project. Mr. Hubshman explains that they lowered the building a foot and ½ into the ground and the new calculated height is 31.9 feet. The number of apartments was reduced by taking out the first floor apartments and some 2 bedroom units were reduced to singles so more parking was added thusly they no longer need the parking variance. Back balconies were removed and they've enclosed the backyard in evergreens for the privacy of the neighbors. The rear yard is now 20 feet rather than 15 feet and the evergreens will cover

the first floor windows. Mr. Hubshman went over every change in detail: application was originally 25 units and was reduced by 3 units; parking was increased from 37 to 46 parking spots thusly no need for parking variance; elevation was reduced from 87 ½ to 86 due to the building being lowered; no more rear or side balconies which lessened the variance sought by 20%. The board engineer, Antonios Panagopoulos, raised several issues such as: screening for the transformer pad; how will parking be delineated; retaining wall needs details; drainage in the area how is it currently and how it will be improved. Mr. Hubschman explains that they will provide screening for the transformers if approved; they will assign spots and put signs up to designate smaller spaces; they will give retaining wall details if approved before permits; the seepage pits in the front will reduce the run off by 30% and this will greatly improve the drainage issues on the property.

Chairman Timothy Hickey opens the hearing to the public. Few residents came up for questions and were sworn in for testimony: Tom Powers at 120 Park Avenue; Frank Fennel at 132 Park Avenue. They gave testimony on the flooding issues in that area and asked questions concerning the privacy in the back if it can be increased; can we get taller trees; did environmental tests come back; what is the distance from the back of the building to the property line. Mr. Hubschman explains that they tried to lower building as much as they could; trees are at 8-10 feet for planting height; test results about the soil are still not in; and the back yard distance is 20 feet now after reducing the variance. Hearing is closed to the public.

Allen Bell presents his next witness, Sean Moronski the planner on the project from Burgis Associates at 25 Westwood Avenue Westwood. He prepared the planning analysis for the project in accordance to the master plan and zoning ordinances of the borough. Mr. Moronski presents into evidence aerial photographs which were pictures from the DEP back in 1992, to show the existing buildings. He explains that the current property only has 5% green space where the new proposed project will have 37% green area; this shows an example of how the developer will significantly improve the proposed site. Mr. Moronski then presented into evidence a map showing all the surrounding land uses and their zoning delineation. He explains that this project fits into four sections of the borough's master plan. The apartments are more fitting with residential use area and encourage new residents into town. Mr. Moronski goes into further detail about a study done in Northern NJ showing the comparison to the number of units per building and the ratio of school age children within it and when you compare that study to the proposed building it would yield five possible school age children. Teri Riva and Ken Melamed both brought up question about this particular school study. They asked if any other apartments within town had similar ratios because large complexes do yield several school aged children; does the study take into account economic time; and could they make the units more opulent to prey away from families with children. Mr. Moronski explained that the study does go by the number of units per building and does not take into consideration financial status of families but in accordance to their project did show a minimal amount of children. He also stated that the master plan encourages new families.

Chairman Timothy Hickey opens the hearing to the public. Several residents came up for questions and were sworn in for testimony: Kelly Powers at 120 Park Avenue; William Bocchichio at 94 Hillcrest Drive; Kim Tolotti at 102 Park Avenue; Tom Powers at 120 Park Avenue. They asked such questions as: why didn't you do comparisons with other complexes in town in regards to the school age children issue; what school would they go to; why do you feel that the multifamily unit complies with master plan; what is the total acreage; how does this project go along with the master plan decreasing density; was any thought given to the traffic in that area; will units be low income housing. Mr. Moronski responds: only did child study with this project and can not gain information from schools because of the privacy act; master plan calls for more apartment and apartments are modest housing as described in master plan; the lot is .56 acres; traffic study was not done but business areas have more traffic than residential; municipality does not have an ordinance pertaining to the pricing of apartments so they will be fair market value. Hearing was closed to the public.

Allen Bell requested to make his closing argument at the next meeting.

Chairman Timothy Hickey opens the hearing for final comments. Several residents came up for comments and all were sworn in. Tom Powers at 120 Park Avenue: Area floods very badly and you're putting a block of people in one building and there will be more floods and concerned that sewers will fail due to population increase; need to pesticide area for vermin; there will probably be more than 4-5 kids there. George DeConstanza at 70 Dulles Drive: Master plan does state that more modest housing should come in the form of apartments but this was not carried over into new master plan; multifamily dwelling does not fit in with residential zone with new master plan so this project does not fit in with the newly updated master plan; more single family houses rather than multifamily units. William Bocchichio at 94 Hillcrest Drive: No benefit and no need for this project; we don't talk about educating our kids with dollar amounts; hate that zoning board did not receive nor know new master plan; does not want community increased; applicant would not hear anything from him if this was business on bottom with apartments on top; if your going to build something comply with the rules. Kelly Powers at 120 Park Avenue: Bergen County is over developed and Dumont is a community that we don't need to over develop. John Roka at 116 Park Avenue: Moved here from Paramus, they found a community and they don't want this in there community. Hearing was closed to public.

Board Attorney, Marc Leibman, states that this hearing will be carried to next months meeting, March 10th. There will be no questions or comments at the time of the hearing. Attorney, Allen Bell, will give closing statements only and then there will be a vote on the application. No further notice will be necessary.

COMPLETENESS / CONTINUATION: 07-08 John McGowan 75 Essex Place
Block – 212, Lot – 11
Fence: corner property front yard setback

Board Attorney, Marc Leibman, reviews Mr. McGowan's current as built land survey. He informs the applicant that his fence is not on his property. The fence is partially on his neighbor's property and the other part is on the borough's property. The fence is 3 feet onto the borough's property and the zoning board can not give the applicant permission to put a fence on borough property or even grant you permission to keep the current fence where it is. Only the mayor and council can grant permission for town property to be used such as this. John McGowan states that he wants to keep the fence as is. Marc Leibman advises him to go to the next mayor and town council meeting to be heard on this issue.

Motion to Deny- Michael Brown
2nd by: Rafael Riquelme

ROLL CALL:

Ron Burkert- Y	Ken Melamed- Y	Rafael Riquelme- Y
Bob Huth- Y	Teri Riva- Y	Michael Brown- Y
Chairman Timothy Hickey- Y		

Motion Denied 7 – 0

Motion to Adjourn: Bob Huth
2nd by: Teri Riva

Minutes respectfully submitted by:
Rosalia Bob
Zoning Board Clerk