



**ZONING BOARD OF ADJUSTMENT  
HEARING  
(AGENDA)**

Wednesday, December 17<sup>th</sup>, 2008 @ 8:00pm



- A. Opening Remarks
- B. Pledge of Allegiance
- C. Attendance
- D. Correspondence: November 18<sup>th</sup> - December 10<sup>th</sup>/December 11<sup>th</sup> - December 17<sup>th</sup>
- E. Approval of Minutes: Regular Monthly Hearing (November 17<sup>th</sup>, 2008)
- F. Work Session Subcommittee: Assignments for Monday, December 29<sup>th</sup>, 2008
- G. Open to the Public
- H. Caseload: Items #1 - 14



**Item #1**

Case #Z-2007-11	Applicant:	Joong Kim
1 Ruckman Road	Representation:	David Watkins, Esq.
(Block 1306/Lots 1 & 2)		

The applicant is seeking Conditional Use Variance and Site Plan Approvals for the construction of a 2-story office building and renovation of the remaining portion of the existing warehouse/office building; The application was received on March 29, 2007 and perfected at the April 25, 2007 Work Session; The applicant was scheduled for the May 16, 2007 Hearing; Submissions were received on June 7, 2007, November 30, 2007 and March 6, 2008; Hearings were held on January 16, 2008, February, 20, 2008 and March 19, 2008 with the last being adjourned to the April 16, 2008 Hearing, at which time it was adjourned to the May 21, 2008 Hearing; Due to a revision to the development application, the applicant was referred back to the June 25, 2008 Work Session; The revised application was deemed perfect pending receipt of requested items a minimum of (10) days prior to the scheduled July 16, 2008 Hearing; Representation requested adjournment to the August 20, 2008 Hearing; The applicant's counsel requested postponement to the September 17, 2008 Hearing; Counsel requested the application be carried from said Hearing date to the September 24, 2008 Work Session due to plan changes (done as a courtesy to the Board without a need to re-notice the public following perfection); The application was

perfected and scheduled for the October 15, 2008 Hearing pending receipt of signed/sealed architectural; Submissions were received on September 30, 2008; Submissions were received on November 7, 2008 as per the Board Engineer's report; Due to the Board's heavy caseload, the application was postponed to the November 17, 2008 Hearing; All testimony was completed, however, a Board decision was postponed due to only (5) voting-eligible Board members being present; The Board asked Mr. Watkins to submit a rationale for said application being that it is a "D3" variance request; Closing statements by counsel will precede a Board decision and vote at the **December 17, 2008 Hearing**.



**Item #2**

Case #Z-2008-06 170 & 176 Closter Dock Road (Block 1301/Lots 10 & 11)	Applicant: Representation:	Desan Enterprises, Inc. David Watkins, Esq.
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The applicant is seeking Variance Relief (use) and Site Plan Approval for the conversion of office space to residential apartment units; Application was received on January 30, 2008 and reviewed by the Planning Board Minor Site Plan Subcommittee, which referred it to the full Planning Board for Site Plan Approval; The Planning Board Attorney and Engineer determined that said application should be handed over to the Zoning Board of Adjustment; The application was reviewed on February 27, 2008 and perfected on March 26, 2008; Hearing date was scheduled for April 16, 2008, at which time it was adjourned to the May 21, 2008 Hearing; Representation requested postponement to the September 17, 2008 Hearing and then asked for the application to be carried to the October 15, 2008 Hearing and again to the November 17, 2008 Hearing; All testimony and cross-examinations were completed; The Board asked counsel for both the applicant and objector to submit written summations; A Board decision and vote will take place at the **December 17, 2008 Hearing**.



**Item #3**

Case #Z-2008-20 290 Anderson Avenue (Block 2205/Lot 10)	Applicant: Representation:	Thomas Antoshak David Watkins, Esq.
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The applicant is seeking Variance Relief for a proposed addition and front porch extension to a residence; Application was received July 10, 2008 and was scheduled for the July 23, 2008 Work Session; The application was deemed perfect pending receipt of requested items a minimum of (10) days prior to the scheduled August 20, 2008 Hearing; Representation requested a postponement to the September 17, 2008 Hearing; The applicant requested the application be carried to the October 15, 2008 Hearing, and again, to the November 17, 2008 Hearing; Counsel requested the application be carried to the **December 17, 2008 Hearing**.



**Item #4**

Case #Z-2008-25 14 Church Court (Block 2202/Lot 3)	Applicant: Representation:	Lisa Weber Self
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The applicant is seeking Variance Relief for an as-built barbecue pit, outdoor fireplace and patio constructed prior to receiving permits; Application was received on September 11, 2008 and scheduled for the September 24, 2008 Work Session; The application was perfected pending receipt of requested items a minimum of (10) days prior to the scheduled October 15, 2008 Hearing; Submissions were received on

October 2, 2008; Due to the Board's heavy caseload, the application was postponed to the November 17, 2008 Hearing; The applicant requested postponement to the **January 21, 2009 Hearing**.



**Item #5**

Case #Z-2008-21  
63 John Street  
(Block 1203/Lot 2)

Applicant: Dennis Wiggers  
Representation: Donna Vellekamp, Esq.

The applicant is seeking Variance Relief (use) for the use of residential property to conduct a commercial enterprise; Application was received on July 15, 2008 and scheduled for the August 27, 2008 Work Session; The application was perfected pending receipt of requested items a minimum of (10) days prior to the scheduled September 17, 2008 Hearing; The applicant requested postponement to the October 15, 2008 Hearing; Due to the Board's heavy caseload, the applicant, having presentation in-progress, was adjourned to the December 17, 2008 Hearing; Due to a scheduling conflict with the applicant's professional planner, counsel asked to postpone the continuation of their case to the **January 21, 2009 Hearing**.



**Item #6**

Case #Z-2008-12  
35 John Street  
(Block 1203/Lot 7)

Applicant: Robert Armaniaco  
Representation: Stuart Liebman, Esq.

The applicant is appealing the determination of the Zoning Officer that the existing outdoor commercial storage on a residential property is not permitted; In the alternative, the applicant would seek Variance Relief (use) for said existing use; Application was received on May 20, 2008 and was scheduled for the June 25, 2008 Work Session; Due to documentation not being received prior to deadline, application was postponed to the July 23, 2008 Work Session and again, to the August 27, 2008 Work Session; The application was perfected pending receipt of requested items a minimum of (10) days prior to the scheduled September 17, 2008 Hearing; The applicant postponed to the October 15, 2008 Hearing, December 17, 2008 Hearing and, again, to the **January 21, 2009 Hearing**.



**Item #7**

Case #Z-2008-13  
49 John Street  
(Block 1203/Lot 5)

Applicant: James Crimmins  
Representation: Stuart Liebman, Esq.

The applicant is appealing the determination of the Zoning Officer that the existing outdoor commercial storage on a residential property is not permitted; In the alternative, the applicant would seek Variance Relief (use) for said existing use; Application was received on May 20, 2008 and scheduled for the June 25, 2008 Work Session; Due to documentation not being received prior to deadline, application was postponed to the July 23, 2008 Work Session and again, to the August 27, 2008 Work Session; The application was perfected pending receipt of requested items a minimum of (10) days prior to the scheduled September 17, 2008 Hearing; The applicant postponed to the October 15, 2008 Hearing, December 17, 2008 Hearing and, again, to the **January 21, 2009 Hearing**.

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**Item #8**

Case #Z-2008-24  
185 Closter Dock Road  
(Block 1302/Lot 28)

Applicant:  
Representation:

George Futterknecht  
Gail Price, Esq.

The applicant is seeking Variance Relief (use) for the use of a residential property to conduct a commercial enterprise; The application was received on August 22, 2008 and was scheduled for the September 24, 2008 Work Session; The application was perfected and scheduled for the October 15, 2008 Hearing; The applicant requested a postponement to the November 17, 2008 Hearing; Counsel requested the application be carried to the ***January 21, 2009 Hearing.***

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**Item #9**

Case #Z-2008-26  
( ) Railroad Avenue  
(Block 1104/Lot 18)

Applicant:  
Representation:

Vantage Health System, Inc.  
Matthew Capizzi, Esq.

The applicant is seeking Variance Relief (use) and Site Plan Approval simultaneously for the development of Affordable Housing units in the form of residential apartments; Application was received on October 6, 2008 and scheduled for the October 22, 2008 Work Session; Application was perfected and scheduled for the ***January 21, 2009 Hearing.***

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**Item #10**

Case #Z-2008-17  
9 Ranch Lane  
(Block 2402/Lot 2)

Applicant:  
Representation:

Terrance Allen  
Alain Mulkey, Esq.

The applicant is seeking Variance Relief for an as-built reflective pond and patio; **NOTE:** due to a decision by the Superior Court of New Jersey (see Docket #BER-L-6892-07) to vacate a prior Variance Approval granted by the Board for the attempted construction of a reflective pond and patio, the applicant has been compelled to re-apply for the now as-built project because the Court's decision required the matter be remanded to the Board; Application was received on July 2, 2008 and scheduled for the July 23, 2008 Work Session; Application was deemed incomplete and referred to the August 27, 2008 Work Session; Due to documentation not being received prior to deadline, application was postponed to the October 22, 2008 Work Session, at which time, it was perfected; The application was scheduled for the ***January 21, 2009 Hearing.***

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**Item #11**

Case #Z-2008-19  
21 Bergenline Avenue  
(Block 205/Lot 7)

Applicant:  
Representation:

Edgar & Hariclea Pena  
Self

The applicant is seeking Variance Relief for an as-built patio constructed prior to receiving permits; Application was received June 27, 2008 and was scheduled for the July 23, 2008 Work Session, at which

the application was deemed to be incomplete and required to return to the next Work Session on August 27, 2008; The applicant requested a postponement to the September 24, 2008 Work Session, at which the application was perfected; Applicant was scheduled for October 15, 2008 Hearing; Applicant requested postponement to the November 17, 2008 Hearing; Due to an addendum (proposal to increase roof line to accommodate an attic for storage purposes only) to the existing application, the applicant was referred back to the Subcommittee for the November 24, 2008 Work Session; The application was perfected and, pending receipt of missing information and public noticing requirements, the case was scheduled for the **January 21, 2009 Hearing**.



**Item #12**

Case #Z-2008-22  
41 Harvey Street  
(Block 801/Lot 14)

Applicant: Walter Jeffs  
Representation: David Watkins, Esq.

The applicant is appealing the determination of the Zoning Officer that the existing commercial vehicle parking on a residential is not permitted; In the alternative, the applicant would seek Variance Relief (use) for said existing use; Application was received on August 8, 2008 and scheduled for the August 27, 2008 Work Session; The applicant requested postponements to the September 24<sup>th</sup>, October 22<sup>nd</sup>, November 24<sup>th</sup> and **December 29, 2008 Work Session**.



**Item #13**

Case #Z-2008-07  
69 West Street  
(Block 1205/Lot 17)

Applicant: Bhagvanji Sangani  
Representation: Theodore Maloof, Esq.

The applicant is appealing the determination of the Zoning Officer that a proposed two-family use is not permitted for said property; In the alternative, the applicant would seek Variance Relief (use) for such a use; Application for a two-family use conversion was received on February 25, 2008 and scheduled for the April 23, 2008 Work Session; Application was perfected and scheduled for the May 21, 2008 Hearing, at which, it was adjourned to the June 18, 2008 Hearing, then to the July 16, 2008 Hearing; Applicant requested postponement to the August 20, 2008 Hearing and again, to the September 17, 2008 Hearing; Application was denied by the Board; **Awaiting prepared Resolution by Board Attorney to memorialize.**



**Item #14**

Case #Z-2008-16  
14 Piermont Road  
(Block 1806/Lot 11)

Applicant: Charanjit Ahluwalia  
Representation: David Watkins, Esq.

The applicant is seeking Variance Relief for a proposed addition to a residence; The application was received on June 18, 2008 and scheduled for the July 23, 2008 Work Session, at which time it was perfected pending receipt of requested items a minimum of (10) days prior to the scheduled August 20, 2008 Hearing; Representation requested postponement to the September 17, 2008 Hearing and again, to the October 15, 2008 Hearing; Due to the Board's heavy caseload, the application was postponed to the November 17, 2008 Hearing; Application was approved by the Board; **Awaiting prepared Resolution by Board Attorney to memorialize.**

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I. Adjournment of Hearing  
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**NEXT WORK SESSION**

Monday, December 29<sup>th</sup>, 2008 (*Deadline: December 16<sup>th</sup>, 2008*)

**NEXT HEARING**

Wednesday, January 21<sup>st</sup>, 2009 (*Deadline: January 8<sup>th</sup>, 2009*)