



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

Wednesday, April 15, 2009 @ 8:00pm



- A. Opening Remarks
- B. Pledge of Allegiance
- C. Attendance
- D. Correspondence: March 19 - April 9, 2009/April 10 - 15, 2009
- E. Approval of Minutes: February 18, 2009 & March 18, 2009 Hearings
- F. Work Session Subcommittee: Assignments for Wednesday, April 22, 2009
- G. Open to the Public
- H. Caseload: Items #1 - 15



Item #1

Case #Z-2008-06	Applicant:	Desan Enterprises, Inc.
170 & 176 Closter Dock Road	Representation:	David Watkins, Esq.
(Block 1301/Lots 10 & 11)		

The applicant is seeking Conditional Use Variance and Site Plan Approvals for the conversion of office space to residential apartment units; the application was received 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 heard by the Zoning Board of Adjustment; the application was reviewed on February 27, 2008 and perfected on March 26, 2008; a hearing date was scheduled for April 16, 2008, at which time it was adjourned to the May 21, 2008 Hearing; the applicant 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; written summations, prepared by counsel for both the applicant and objector, were submitted as per the Board; at the December 17, 2008

Hearing, the Board approved a request for bifurcation, following with an approval of the 1st part of a now 2-pronged application, Use Variance Relief; a revised site plan was submitted as per the Board allowing for the 2nd part of the application, Site Plan Approval, to be discussed at the January 21, 2009 Hearing; the applicant requested a postponement to the February 18, 2009 Hearing, and again, to the March 18, 2009 Hearing; testimony was adjourned to the **April 15, 2009 Hearing.**

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Item #2

Case #Z-2009-03
22 Mc Cain Court
(Block 2102/Lot 46)

Applicant: Juliya Novolt
Representation: Self

The applicant is seeking Variance Relief for the construction of an addition, along with appurtenances, to her residence; the application was received February 11, 2009 and scheduled for the February 25, 2009 Work Session; the application was perfected pending receipt of outstanding items and public noticing requirements a minimum of (10) days prior to the March 18, 2009 Hearing; due to the Board's heavy caseload, the application was carried to the **April 15, 2009 Hearing.**

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Item #3

Case #Z-2008-27
23 Storig Avenue
(Block 803/Lot 18)

Applicant: Orlando Tobia
Representation: Judith Reilly, Esq.

The applicant is seeking Use Variance Relief for 2-family use ratification; the application was received December 19, 2008 and scheduled for the January 28, 2009 Work Session, at which time, it was perfected pending receipt of outstanding items and public noticing requirements a minimum of (10) days prior to the March 18, 2009 Hearing; the applicant requested a postponement to the **April 15, 2009 Hearing.**

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Item #4

Case #Z-2008-28
249 Knickerbocker Road
(Block 908/Lot 1)

Applicant: Karen Seagaard
Representation: Victor Brown, Esq.

The applicant is appealing the determination of the Zoning Officer which denied an application for 2-family use ratification; in the alternative, the applicant would seek a Use Variance; the application was received December 19, 2008 and scheduled for the January 28, 2009 Work Session, at which time, it was perfected pending receipt of outstanding items and public noticing requirements a minimum of (10) days prior to the March 18, 2009 Hearing; the applicant requested a postponement to the **April 15, 2009 Hearing.**

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Item #5

Case #Z-2009-02
38 Fairview Avenue
(Block 704/Lot 10)

Applicant: Viray I, LLC
Representation: Edna Jordan, Esq.

The applicant is seeking Use Variance (Floor Area Ratio) and Bulk Variance Relief for the construction of an as-built single-family house; the application stems from the “Final As-Built Survey” being denied by the Zoning Officer; the application was received January 26, 2009 and scheduled for the February 25, 2009 Work Session; the application was perfected pending receipt of outstanding items and public noticing requirements a minimum of (10) days prior to the **April 15, 2009 Hearing**.

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Item #6

Case #Z-2009-05
13 Church Court
(Block 2203/Lot 2)

Applicant: Philip & Amy Cushmaro
Representation: Self

The applicant is seeking Variance Relief for the construction of an in-ground swimming pool and on-grade patio; the application was received March 11, 2009 and scheduled for the March 25, 2009 Work Session; the application was perfected pending receipt of outstanding items and public noticing requirements and scheduled for the **April 15, 2009 Hearing**.

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Item #7

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

Applicant: Terrance Allen
Representation: Alain Mulkay, 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; the application was received July 2, 2008 and scheduled for the July 23, 2008 Work Session; the 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, but due to the Board’s heavy caseload, the applicant requested a postponement to the February 18, 2009 Hearing and again, to the **May 20, 2009 Hearing**.

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Item #8

Case #Z-2009-06
14 Maplewood Road
(Block 2407/Lot 4)

Applicant:
Representation:

Augustine & Deborah Lancellotti
Self

The applicants are seeking Variance Relief for the installation of an on-grade patio; the application was received April 9, 2009 and scheduled for the **April 22, 2009 Work Session**.

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Item #9

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

Applicant:
Representation:

George Futterknecht
Gail Price, Esq.

The applicant is seeking Use Variance Relief to continue conducting a commercial enterprise (landscaping business/storage) on a property which is located in District #3 (Business) and also used for residential purposes; the application was received 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; the applicant requested a postponement to the February 18, 2009 Hearing; the applicant was referred back to the Subcommittee so an amended application, to now include Site Plan Review, can be reviewed for completeness at the **April 22, 2009 Work Session**.

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Item #10

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

Applicant:
Representation:

Dennis Wiggers
Donna Vellekamp, Esq.

The applicant is seeking Use Variance Relief to continue conducting a commercial enterprise (contractor's yard) on a residential property; the application was received 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; the applicant was referred back to the Subcommittee so that an amended application, which will now include Site Plan Review, could be perfected at a **yet-to-be-determined Work Session date**.

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Item #11

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 vehicle storage on a residential property is not permitted; in the alternative, the applicant would seek a Use Variance for said existing condition; the application was received May 20, 2008 and was scheduled for the June 25, 2008 Work Session; due to documentation not being received prior to the deadline, the 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; the applicant’s request to get direction on how to proceed via the outcome of the 63 John Street application was granted; it is possible the applicant will need to return to the Subcommittee so that an amended application, which would include Site Plan Review, could be perfected at a **yet-to-be-determined Work Session date**.



Item #12

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 vehicle storage on a residential property is not permitted; in the alternative, the applicant would seek a Use Variance for said existing condition; the application was received May 20, 2008 and scheduled for the June 25, 2008 Work Session; due to documentation not being received prior to the deadline, the 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; the applicant’s request to get direction on how to proceed via the outcome of the 63 John Street application was granted; it is possible the applicant will need to return to the Subcommittee so that an amended application, which would include Site Plan Review, could be perfected at a **yet-to-be-determined Work Session date**.



Item #13

Case #Z-2009-04
91 Ruckman Road
(Block 1501/Lot 3)

Applicant: RGAKO, LLC
Representation: Matthew Capizzi, Esq.

The applicant is seeking Use Variance Relief for its martial arts schooling business which would sublet from the fitness center establishment currently on site; the application was received February 12, 2009 and scheduled for the February 25, 2009 Work Session; the application was perfected pending receipt of outstanding items and public noticing requirements a minimum of (10) days prior to the March 18, 2009 Hearing; **the application has been withdrawn without prejudice.**

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Item #14

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

Applicant: Vantage Health System, Inc.
Representation: Matthew Capizzi, Esq.

The applicant is seeking Use Variance and Site Plan Approvals simultaneously for the development of Affordable Housing units in the form of residential apartments; the application was received on October 6, 2008 and scheduled for the October 22, 2008 Work Session; the application was perfected and scheduled for the January 21, 2009 Hearing, however, said hearing date was cancelled when it was agreed upon to have the applicant appear before the Board, pending receipt of requested items and public noticing requirements a minimum of (10) days, at the March 9, 2009 (Special) Hearing; as a courtesy to the Board and to verify completeness following numerous review comments by the Board Engineer, the applicant volunteered to return to the Subcommittee at the January 28, 2009 Work Session; the application was reaffirmed as complete and confirmed for the March 9, 2009 (Special) Hearing; testimony by 3 of the 4 witnesses was completed and, contingent upon the applicant's engineer submitting revisions (agreed upon to be received at the next Hearing date due to time constraints) for concerns discussed at said Special Hearing, the application was adjourned to the March 18, 2009 Hearing; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

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Item #15

Case #Z-2009-01
432 Homans Avenue
(Block 2306/Lot 10)

Applicant: Oded Tal
Representation: David Watkins, Esq.

The applicant is seeking approval of amendments/revisions to a plan, which was part of a prior Board-approved application (Case #Z-2007-24) to construct an addition; the application was received January 8, 2009 and scheduled for the January 28, 2009 Work Session; the application was perfected pending receipt of outstanding items and public noticing requirements a minimum of (10) days prior to the February 18, 2009 Hearing; the applicant requested a postponement to the March 18, 2009 Hearing; the 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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