



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

Wednesday, January 21, 2009 @ 8:00pm



- A. Opening Remarks
- B. Pledge of Allegiance
- C. *Reorganization for 2009:*
 - 1. Oaths of Office
 - a. *Theodore West* (Full Member/4-year term)
 - b. *Mitchell Monaco* (Full Member/4-year term)
 - c. *Jennifer Rothschild* (Alternate #1/2-year term)
 - d. *Steven Iafrate* (Alternate #3/2-year term)
 - 2. Election of Officers
 - a. *Chairman*
 - b. *Vice Chairman*
 - c. *Secretary*
 - 3. Appointment of Professionals
 - a. *Attorney*
 - b. *Engineer*
 - 4. Adoption of Work Session/Hearing Schedule
 - 5. Adoption of Fee Schedule
 - 6. Adoption of Official Newspaper(s)
- D. Attendance
- E. Correspondence: December 18 - January 12/January 13 - January 21, 2009
- F. Approval of Minutes: Regular Monthly Hearings:
 - 1. April 2008
 - 2. August 2008
 - 3. September 2008
 - 4. December 2008
- G. Work Session Subcommittee: Assignments for Wednesday, January 28, 2009
- H. Open to the Public
- I. Caseload: Items #1 - 16

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Item #1

Case #Z-2007-11
1 Ruckman Road
(Block 1306/Lots 1 & 2)

Applicant: Joong Kim
Representation: David Watkins, Esq.

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 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, to the December 17, 2008; pending further discussion between Mr. Watkins and Mr. Kates on how to legally-proceed in light of the unique circumstances regarding Board members' eligible voting status, in addition to there being only (4) eligible Board members present to vote, the applicant agreed to a postponed vote by the Board to the ***January 21, 2009 Hearing***.

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Item #2

Case #Z-2008-06
170 & 176 Closter Dock Road
(Block 1301/Lots 10 & 11)

Applicant: Desan Enterprises, Inc.
Representation: David Watkins, Esq.

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 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; a 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; written summations, prepared by counsel for both the applicant and objector, were submitted as per the Board; 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***.

Item #3

Case #Z-2008-25
14 Church Court
(Block 2202/Lot 3)

Applicant: Lisa Weber
Representation: Self

The applicant is seeking Variance Relief for an as-built barbecue pit, outdoor fireplace and patio constructed prior to receiving permits; the 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 and again, to the **February 18, 2009 Hearing**.



Item #4

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; the 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 #5

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; the 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, 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**.



Item #6

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

Applicant:
Representation:

James Crimmins
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; the 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, 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**.



Item #7

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**.



Item #8

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

Applicant:
Representation:

Vantage Health System, Inc.
Matthew Capizzi, Esq.

The applicant is seeking Conditional 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**.



Item #9

Case #Z-2008-17
9 Ranch Lane

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; the application was received on 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 **public noticing requirements were not received by the deadline.**

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Item #10

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

Applicant: Edgar & Hariclea Pena
Representation: Self

The applicant is seeking Variance Relief for an as-built patio constructed prior to receiving permits; the 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; the applicant was scheduled for October 15, 2008 Hearing; the 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 scheduled for the January 21, 2009 Hearing, but **requested items and public noticing requirements were not received by the deadline.**

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Item #11

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; the application was received on August 8, 2008 and scheduled for the August 27, 2008 Work Session; the applicant requested postponements to the September 24, October 22, November 24, and December 29, 2008 Work Session; **the application has been withdrawn without prejudice.**

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Item #12

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; the application for a two-family use conversion was received on February 25, 2008 and scheduled for the April 23, 2008 Work Session; the 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; the applicant requested postponement to the August 20, 2008 Hearing and again, to the September 17, 2008 Hearing; the application was denied by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

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Item #13

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; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

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Item #14

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

Applicant: Orlando Tobia
Representation: Judith Reilly, Esq.

The applicant is seeking a Use Variance for 2-family use ratification; the application was received December 19, 2008 and scheduled for the **January 28, 2009 Work Session.**

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Item #15

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.**

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Item #16

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

Applicant:
Representation:

Oded Tal
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**.

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J. Adjournment of Hearing

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NEXT WORK SESSION

Wednesday, January 28, 2009 (*Deadline: January 15, 2009*)

NEXT HEARING

Wednesday, February 18, 2009 (*Deadline: February 5, 2009*)