



Zoning Board of Adjustment

HEARING (AGENDA)

Monday, November 15, 2010 @ 8:00pm

- A. Opening Remarks
- B. Pledge of Allegiance
- C. Oath of Office: *Andrew Shyong, DDS (Alternate #3; 2-year term)*
Term Expires: December 31, 2010
COMPLETION OF VACATED TERM
- D. Attendance
- E. Correspondence: October 21 - November 10, 2010
November 11 - November 15, 2010
- F. Approval of Minutes: August 18, 2010 Hearing
August 30, 2010 (Special) Hearing
September 15, 2010 Hearing
- G. Subcommittee Assignments: November 22, 2010 Work Session
- H. Open to the Public
- I. Caseload: Item #'s 1 - 9 (see below)
- J. Memorialization of Resolution(s): *9 First Street/Dolan*
- K. Adjournment of Hearing

Item #1

Case #Z-2009-14
63 John Street
(Block 1203/Lot 2)

Applicant(s): Dennis Wiggers
Representation: Donna Vellekamp, Esq.

The applicant is seeking Use Variance and Site Plan (Major) Approvals for the continuation of an existing contractor's yard operation located in District #2 (Residential); the application was received August 14, 2009 and scheduled for the August 26, 2009 Work Session, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the November 16, 2009 Hearing; due to the Board's heavy caseload, the application was postponed to the December 16, 2009 Hearing, April 21, 2010 Hearing, May 19, 2010 Hearing, June 16, 2010 Hearing, July 21, 2010 Hearing and, again, to the August 18, 2010 Hearing; being the applicant did not fulfill public noticing requirements, the application was carried to the September 15, 2010 Hearing; the applicant's direct testimony was completed and the case was adjourned to the October 20, 2010 Hearing; being the applicant did not file requested items by the deadline, the case was postponed to the **November 15, 2010 Hearing.**

Item #2

Case #Z-2010-14
3 Lindemann Avenue
(Block 608/Lot 7)

Applicant(s): Inga Grossman-Savitsky
Representation: Thomas Izzard, Esq.

The applicant is seeking Amendment Approval, specifically, the removal of a deed restriction stipulated in a previously-approved Board application (Case #Z-1991-08), whereby Bulk Variance Relief was granted for the construction of an addition to her residence; the application was received October 15, 2010 and scheduled for the **November 22, 2010 Work Session.**

Item #3

Case #Z-2009-15
24 Naugle Street
(Block 1302/Lot 4)

Applicant(s): David & Elena Hansen
Representation: Elliot Urdang, Esq.

The applicant is seeking a Use Variance only for the continuation of an existing contractor's yard operation located in District #3 (Business); the application was received October 18, 2010 and scheduled for the **November 22, 2010 Work Session.**

Item #4

Case #Z-2010-05
85 Chestnut Avenue
(Block 2401/Lot 1)

Applicant(s): Woo Kum Kang
Representation: Rose Tubito, Esq.

The applicant is seeking Bulk Variance Relief for the construction of an addition and deck to 1 of the 2 existing single-family houses situated on her property; <NOTE: due to a decision by the Superior Court of New Jersey- Bergen County Law Division (see Docket #BER-L-7807-05) reversing a prior Board decision to uphold an Appeal of the Zoning Officer's determination of

said project, the applicant is entitled, as per the Court's order, to pursue a new application to the Board strictly for Bulk Variance Relief (a Use Variance, the Court has determined, is not required); the application was received March 9, 2010 and scheduled for the March 24, 2010 Work Session, at which time, it was deemed incomplete; the applicant was required to re-appear before the Subcommittee and scheduled, pending the Board's receipt of requested items, for the April 28, 2010 Work Session; being the applicant did not file requested items by the deadline, the case was postponed to the May 26, 2010 Work Session, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the July 21, 2010 Hearing; due to the Board's heavy caseload, the application was postponed to the August 18, 2010 Hearing and, again, to the September 15, 2010 Hearing; being the applicant did not file requested items by the deadline, the case was postponed to the October 20, 2010 Hearing; due to the Board's heavy caseload, the application was initially-postponed to the November 15, 2010 Hearing, but the Board later granted the applicant an appearance at the ***December 6, 2010 (Special) Hearing.***

Item #5

Case #Z-2010-07
24 Yale Place
(Block 2004/Lot 7)

Applicant(s):	Estate of Rudi & Gertrude Mitschke
Representation:	David Watkins, Esq.

The applicant is appealing the determination of the Zoning Officer as to whether or not the subject property and 25 Yale Place (known as Block 2004/Lot 6 and located on the same side of the street even though it has an odd number as its address) are either legally-merged or separate lots; **NOTE #1:** the applicant's objective is to construct a new single-family house on the subject lot; **NOTE #2:** it is the position of the Zoning Officer that, due to a lack of documentation on the merger question, the Board has jurisdiction on the application; **NOTE #3:** the applicant argues the subject property was purchased by the deceased from the Borough in 1951 as a separate/buildable lot and that a merging of the 2 adjacent parcels of land was never the intention of either the grantor or grantee; the application was received May 21, 2010 and scheduled for the June 23, 2010 Work Session; since neither the applicant nor counsel were in attendance, the Subcommittee rescheduled the case for the July 28, 2010 Work Session, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the September 15, 2010 Hearing; due to the Board's heavy caseload, the application was postponed to the October 20, 2010 Hearing, November 15, 2010 Hearing and, again, to the ***December 15, 2010 Hearing.***

Item #6

Case #Z-2010-12
237-241 Closter Dock Road
(Block 1303/Lot 1)

Applicant(s):	Mrs. Kubitis Realty, LLC
Representation:	David Watkins, Esq.

The applicant is seeking Use (Conditional) Variance and Site Plan (Major) Approvals for the construction of an addition and the conversion of existing office space to (3) residential units at the subject mixed-use building; the application was received September 8, 2010 and scheduled for the September 22, 2010 Work Session, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the ***December 15, 2010 Hearing.***

Item #7

Case #Z-2010-11
531 Durie Avenue
(Block 1312/Lot 23)

Applicant(s): Steven Panagi
Representation: Donna Vellekamp, Esq.

The applicant is seeking a Use Variance for the continuation of a 2-family use at the subject property; the application was received August 4, 2010 and scheduled for the September 22, 2010 Work Session, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the **January 19, 2011 Hearing**.

Item #8

Case #Z-2010-13
268 West Street
(Block 904/Lot 9)

Applicant(s): Rita Dalto
Representation: David Watkins, Esq.

The applicant is seeking a Use (Conditional) Variance for the continuation of a 2-family use at the subject property; the application was received October 12, 2010 and scheduled for the **January 26, 2011 Work Session**.

Item #9

Case #Z-2009-15
9 First Street
(Block 1707/Lot 1)

Applicant(s): James & Glynis Dolan
Representation: Andrew Kohut, Esq.

The applicants are seeking an Interpretation of Zoning Ordinance(s) for the continuation of a 2-family use at the subject property; in the alternative, they would seek a Use Variance; the application was received September 1, 2009 and scheduled for the September 23, 2009 Work Session, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the November 16, 2009 Hearing; due to the Board's heavy caseload, the application was postponed to the January 20, 2010 Hearing, April 21, 2010 Hearing, May 19, 2010 Hearing, June 16, 2010 Hearing, July 21, 2010 Hearing, August 18, 2010 Hearing, September 15, 2010 Hearing and, again, to the October 20, 2010 Hearing; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize**.