



# Zoning Board of Adjustment

## HEARING (AGENDA)

Wednesday, April 20, 2011 @ 8:00pm

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- A.) Opening Remarks
- B.) Pledge of Allegiance
- C.) Attendance
- D.) Correspondence:                      April 8 - April 13, 2011  
   April 14 - April 20, 2011
- E.) Approval of Minutes:                March 16, 2011 Hearing  
   April 7, 2011 (Special) Hearing
- F.) Subcommittee Assignments:        April 27, 2011 Work Session
- G.) Discussion & Vote on 2011 Zoning Board of Adjustment By-Laws Revision
- H.) Discussion & Vote on 2010 Annual Report to Governing Body
- I.) Review of (Special) Hearing Fee/Administrative Fee Policy
- J.) Discussion of Potential (Special) Hearing Dates
- K.) Open to the Public
- L.) Caseload:                                Item #'s 1 - 15 (see below)
- M.) Memorialization of Resolution(s):    *85-87 Chestnut Avenue*  
   *49 Colgate Street*  
   *8 Wainwright Court*  
   *90 Cedar Court*



2011 Work Session; due to the applicants' pending request for a mortgage loan modification, the case was postponed to the **April 27, 2011 Work Session**.

### Item #4

*Taxes:* 1<sup>st</sup> Quarter (2011)

*Newspaper:* 12/3/10

*200' List:* 12/2/10

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 Variance and Site Plan 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; due to the Board's heavy caseload, the application was postponed to the January 19, 2011 Hearing; due to a scheduling conflict with the applicant's engineer, the application was postponed to the February 16, 2011 Hearing; the applicant's engineer and architect completed their initial testimony and the case was adjourned to the March 16, 2011 Hearing; due to potential design changes, the applicant requested a postponement to the April 20, 2011 Hearing and, again, to the **May 18, 2011 Hearing**.

### Item #5

*Taxes:* 4<sup>th</sup> Quarter (2010)

*Newspaper:* 3/2/11

*200' List:* 2/25/11

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; due to the Board's heavy caseload, the application was postponed to the February 16, 2011 Hearing and, again, to the March 16, 2011 Hearing; the applicant completed his initial testimony and the case was adjourned to the April 20, 2011 Hearing; being the applicant did not file requested items by the deadline, the case was postponed to the **May 18, 2011 Hearing**.

### Item #6

*Taxes:* 4<sup>th</sup> Quarter (2010)

*Newspaper:* Not Received

*200' List:* Not Received

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, at which time, it was perfected; pending the Board's receipt of public noticing requirements, the application was scheduled for the February 16, 2011 Hearing; due to the Board's heavy caseload,

the application was postponed to the March 16, 2011 Hearing; being the applicant did not fulfill public noticing requirements, the application was postponed to the April 20, 2011 Hearing; due to the Board's heavy caseload, the application was postponed to the **May 18, 2011 Hearing**.

<b>Item #7</b>	<i>Taxes:</i> 3 <sup>rd</sup> Quarter (2010)	<i>Newspaper:</i> 3/25/11	<i>200' List:</i> 4/11/11
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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 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, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the April 20, 2011 Hearing; being the applicant did not fulfill public noticing requirements within the statutory deadline, the case was postponed to the **May 18, 2011 Hearing**.

<b>Item #8</b>	<i>Taxes:</i> 4 <sup>th</sup> Quarter (2010)	<i>Newspaper:</i> Not Received	<i>200' List:</i> Not Received
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Case #Z-2010-15  
24 Naugle Street  
(Block 1302/Lot 4)

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

The applicant originally sought 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; since neither the applicant nor counsel were in attendance, the Subcommittee rescheduled the case for the January 26, 2011 Work Session; the applicant subsequently filed an addendum seeking Site Plan Approval, which was received January 13, 2011 and incorporated into the original application scheduled for the January 26, 2011 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 April 20, 2011 Hearing; due to the Board's heavy caseload, the application was postponed to the **May 18, 2011 Hearing**.

<b>Item #9</b>	<i>Taxes:</i> 4 <sup>th</sup> Quarter (2010)	<i>Newspaper:</i> Not Received	<i>200' List:</i> Not Received
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Case #Z-2011-02  
17 Bogert Street  
(Block 1710/Lot 7)

Applicant(s): Robert & Dolores Witko  
Representation: Richard Abrahamsen, Esq.

The applicants are seeking Bulk Variance Relief for the as-built driveway expansion at their residence; the application was received January 13, 2011 and scheduled for the February 23, 2011 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 April 7, 2011 (Special) Hearing; due to a scheduling conflict with the applicant's attorney, the application was postponed to the **May 18, 2011 Hearing**.

<b>Item #10</b>	<i>Taxes:</i> 1 <sup>st</sup> Quarter (2011)	<i>Newspaper:</i> Not Received	<i>200' List:</i> Not Received
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Case #Z-2011-07  
551 Closter Dock Road  
(Block 1709/Lot 12)

Applicant(s): Marc Votto  
Representation: Self

The applicant is seeking Bulk Variance Relief for the as-built construction of his new single-family house; **NOTE:** the application stems from the “Final As-Built Survey” being denied by the Zoning Officer; the application was received February 11, 2011 and scheduled for the February 23, 2011 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 April 7, 2011 (Special) Hearing; being the applicant both did not file requested items by the deadline or fulfill public noticing requirements, the application was postponed to the **May 18, 2011 Hearing.**

<b>Item #11</b>	<i>Taxes:</i> 1 <sup>st</sup> Quarter (2011)	<i>Newspaper:</i> Not Received	<i>200’ List:</i> Not Received
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Case #Z-2011-08  
343 Closter Dock Road  
(Block 1704/Lot 17)

Applicant(s): John Galdi  
Representation: David Watkins, Esq.

The applicant is seeking a Use Variance for the continuation of a 2-family use at the subject property; the application was received March 2, 2011 and scheduled for the March 23, 2011 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 **May 18, 2011 Hearing.**

<b>Item #12</b>	<i>Taxes:</i> n/a	<i>Newspaper:</i> n/a	<i>200’ List:</i> n/a
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Case #Z-2010-05  
85-87 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; due to a scheduling conflict with the applicant’s engineer, the application was postponed to the January 19, 2011 Hearing; the

applicant's engineer completed his direct testimony and pending the Board's receipt of requested items and *public re-noticing* requirements (200' list only), the application was adjourned to the February 16, 2011 Hearing; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

<b>Item #13</b>	<i>Taxes:</i> n/a	<i>Newspaper:</i> n/a	<i>200' List:</i> n/a
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Case #Z-2011-01 49 Colgate Street (Block 2006/Lot 4)	Applicant(s): Representation:	Yuval & Sarit Ron Selves
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The applicants are seeking Bulk Variance Relief for the construction of an garage addition and driveway expansion at their residence; **NOTE:** a construction project, consisting of a separate addition as well as a front portico and deck, is currently underway on-site, all of which has received Building Department approval; the application was received January 4, 2011 and scheduled for the January 26, 2011 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 March 7, 2011 (Special) Hearing; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

<b>Item #14</b>	<i>Taxes:</i> n/a	<i>Newspaper:</i> n/a	<i>200' List:</i> n/a
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Case #Z-2011-04 8 Wainwright Court (Block 2208/Lot 12)	Applicant(s): Representation:	John Yuder Self
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The applicant is seeking Bulk Variance Relief for the installation of an in-ground swimming pool (spa and waterfall inclusive) at his residence; the application was received January 13, 2011 and scheduled for the January 26, 2011 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 March 7, 2011 (Special) Hearing; the applicant completed his presentation, however, the Board required that expert testimony be provided by professional(s) and, therefore, the case was adjourned to the March 16, 2011 Hearing; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

<b>Item #15</b>	<i>Taxes:</i> n/a	<i>Newspaper:</i> n/a	<i>200' List:</i> n/a
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Case #Z-2011-05 90 Cedar Court (Block 403/Lot 11)	Applicant(s): Representation:	James Byrne David Watkins, Esq.
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The applicant is seeking Bulk Variance Relief for the construction of an addition, front portico, deck, driveway expansion, patio (on-grade) and walkway at his residence; the application was received January 31, 2011 and scheduled for the February 23, 2011 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 April 7, 2011 (Special) Hearing; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**