



Zoning Board of Adjustment

*****SPECIAL*** HEARING (AGENDA)**

Wednesday, July 25, 2012 @ 8:00pm

- A.)** Opening Remarks;
- B.)** Pledge of Allegiance;
- C.)** Attendance;
- D.)** Correspondence: June 21, 2012 - July 13, 2012;
July 14, 2012 - July 25, 2012;
- E.)** Approval of Minutes: May 16, 2012 Hearing;
May 23, 2012 (Special) Hearing;
June 20, 2012 Hearing;
June 27, 2012 (Special) Hearing;
July 18, 2012 Hearing- *****CANCELLED*****;
- F.)** Discussion on Board's Legal Options to Expedite Caseload;
- G.)** Discussion on Amending Board's Meeting Schedule for Remainder of 2012;
- H.)** Open to the Public;
- I.)** Caseload: Item #'s 1 - 12 (see below);
- J.)** Memorialization of Resolution(s): *Case #Z-2010-15 (24 Naugle Street/Hansen);*
- K.)** Developer's Agreement (Revision): *Case #Z-2010-12 (237-241 Closter Dock Road/Mrs. Kubitis Realty, LLC);*

L.) Closed Session:

*Wiggers v. Zoning Board of Adjustment;
Case #Z-2011-17 (597 Piermont Road/TD Bank, NA);*

M.) Adjournment of (Special) Hearing;

Item #1	<i>Submissions:</i> 5/30/12 <i>Taxes:</i> Not Received	<i>Newspaper:</i> n/a <i>200' List:</i> n/a
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Case #Z-2012-07
441 High Street
(Block 1314/Lot 5)

Applicant(s):
Representation:

Jeanne de la Bastida c/o Thomas Donahue
Joseph Colella, Esq.

The applicant is seeking a Use Variance for the continuation of a 2-family use at the subject property; the application was received May 30, 2012 and scheduled for the ***July 25, 2012 Work Session.***

Item #2	<i>Submissions:</i> 7/6/12 <i>Taxes:</i> 2 nd Quarter (2012)	<i>Newspaper:</i> n/a <i>200' List:</i> n/a
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Case #Z-2012-08
144 Haring Street
(Block 605/Lot 6)

Applicant(s):
Representation:

Ramona Grbic
Self

The applicant is seeking Bulk Variance Relief for the reconstruction of an enclosed/screened-in porch (no heat/habitation) at the subject property; the application was received July 6, 2012 and scheduled for the ***July 25, 2012 Work Session.***

Item #3	<i>Submissions:</i> 7/13/12; 7/20/12 <i>Taxes:</i> 2 nd Quarter (2012)	<i>Newspaper:</i> n/a <i>200' List:</i> n/a
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Case #Z-2012-09
16 Morrison Street
(Block 902/Lot 2)

Applicant(s):
Representation:

Sean Gunderman
Melissa Vandermark

The applicant is seeking Bulk Variance Relief for the reconstruction of a deck at the subject property; the application was received July 13, 2012 and scheduled for the ***July 25, 2012 Work Session.***

Item #4	<i>Submissions:</i> 7/19/12 <i>Taxes:</i> Not Received	<i>Newspaper:</i> n/a <i>200' List:</i> n/a
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Case #Z-2012-10
24 Naugle Street
(Block 1302/Lot 4)

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

The applicants are seeking Use Variance and Site Plan Approvals for the continuation of an existing contractor's yard operation at the subject property; **NOTE:** the case is the applicants' 2nd attempt at Board approval following the denial of their previous filing (Case #Z-2010-15); the application was received July 19, 2012 and scheduled for the ***July 25, 2012 Work Session.***

Item #5

Submissions: 9/30/11; 10/11/11; 10/19/11; 1/9/12; 4/5/12; 5/3/12 **Newspaper:** 10/6/11; 2/2/12; 4/5/12
Taxes: 2nd Quarter (2012) **200' List:** 10/3/11; 2/3/12; 4/4/12

Case #Z-2011-16
170 & 176 Closter Dock Road
(Block 1301/Lots 10 & 11)

Applicant(s): Desan Enterprises, Inc.
Representation: Mark Madaio, Esq.

The applicant is seeking Site Plan Approval for the conversion of existing office space to 2 residential units, resulting in a total of 4 within a mixed-use building at the subject property; **NOTE #1:** the application stems from an order by the Superior Court of New Jersey- Bergen County Law Division (see Docket #BER-L-6731-09) remanding a prior Board decision (Case #Z-2008-06), which approved the above-mentioned proposal, for further review by the Board; **NOTE #2:** the Court order does not require that a Use Variance, again, be granted as part of the applicant's re-filing; **NOTE #3:** due to the nature of the case, perfection by the Subcommittee at a Work Session was not required; the application was received September 30, 2011 and scheduled, pending the Board's receipt of outstanding application items and public noticing requirements, for the October 19, 2011 Hearing; being the Board decided that testimony by both the Zoning Officer and the objector's witnesses (see "Item #2" on the Board agenda) should precede presentation of the remanded case, the application was postponed to the November 22, 2011 Hearing, December 19, 2011 Hearing and, again, to the January 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Hearing; the applicant's engineer completed direct, cross- and redirect examinations and the case was adjourned, pending the Board's receipt of requested items, to the March 21, 2012 Hearing; due to a scheduling conflict with the applicant's attorney, the case was postponed to the April 18, 2012 Hearing; the applicant's engineer completed subsequent testimony and the case was adjourned, with no items requested by the Board, to the May 16, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the June 20, 2012 Hearing; further direct, cross- and redirect examinations of the applicant's engineer were completed as was the direct examination of the objector's engineer (see "Item #6" on the Board agenda), and the case was adjourned, pending the Board's receipt of requested items, to the July 18, 2012 Hearing; due to scheduling conflicts with both the applicant's engineer and an intended witness from whom the applicant was conveyed title to the subject property, the case was postponed to the ***August 15, 2012 Hearing.***

Item #6

Submissions: 6/26/09; 8/18/09
Taxes: n/a

Newspaper: 10/6/11; 4/2/12
200' List: 10/5/11; 4/2/12

Case #Z-2009-10
170 & 176 Closter Dock Road
(Block 1301/Lots 10 & 11)

Applicant(s): DR Schmidt Realty, LLC
Representation: Elliot Urdang, Esq.

The applicant is appealing the determination of the Zoning Officer, in response to its inquiry, as to the legality of existing use(s) at the subject property; **NOTE #1:** the application stems from prior a Board decision (Case #Z-2008-06) granting Use Variance and Site Plan Approvals for the conversion of existing office space to 2 residential units, resulting in a total of 4 at the subject mixed-use building; **NOTE #2:** due to the nature of the case, perfection by the Subcommittee at a Work Session was not required; **NOTE #3:** given the history surrounding the subject property, the Borough Attorney's presence is required during Board proceedings; the application was received June 26, 2009 and scheduled, pending the Board's receipt of outstanding application items and public noticing requirements, for the August 19, 2009 Hearing; due to scheduling conflicts with both the applicant's attorney and Zoning Officer, the case was postponed to the October 21, 2009 Hearing; due to a scheduling conflict with the Borough Attorney, the application was postponed to the November 16, 2009 Hearing; pending the outcome of ongoing litigation in the Superior Court of New Jersey- Bergen County Law Division regarding the above-mentioned Board decision, the application was postponed indefinitely; as per the Court order, the case was scheduled, pending the Board's receipt of public *re-noticing* requirements, for the October 19, 2011 Hearing; direct, cross- and redirect examinations of the Zoning Officer were completed and the application was adjourned to the November 22, 2011 Hearing; due to the applicant's attorney being ill, the case was postponed to the December 19, 2011 Hearing; due to a scheduling conflict with the applicant's attorney, the case was postponed to the January 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Hearing; due to a scheduling conflict with the applicant, the case was postponed to the March 21, 2012 Hearing; due to a scheduling conflict with opposing counsel, the case was postponed to the April 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Hearing; due to a scheduling conflict with the Zoning Officer, the case was postponed to the June 20, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the July 18, 2012 Hearing; due to scheduling conflicts pertaining to "Item #5" on the Board agenda, the case was postponed the **August 15, 2012 Hearing.**

Item #7

Submissions: 3/2/11; 5/10/11
Taxes: 1st Quarter (2012)

Newspaper: 11/5/11
200' List: 11/18/11

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; due to the Board's heavy caseload, the application was postponed to the July 20, 2011 Hearing, August 17, 2011 Hearing, September 21, 2011 Hearing, November 22, 2011 Hearing and, again, to the December 19, 2011 Hearing; due to a scheduling conflict with all parties involved in the applicant's presentation, the case was postponed to the January 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Hearing; due to a scheduling conflict with the applicant, the

case was postponed to the March 21, 2012 Hearing; due to a scheduling conflict with the applicant's attorney, the case was postponed to the April 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Hearing, June 20, 2012 Hearing, July 18, 2012 Hearing and, again, to the **August 15, 2012 Hearing.**

Item #8

Submissions: 5/18/11; 6/27/11; 7/13/11; 8/3/11
Taxes: 2nd Quarter (2011)

Newspaper: 10/5/11
200' List: 10/7/11

Case #Z-2011-11
247 West Street
(Block 1301/Lot 22)

Applicant(s): Fiore Osso
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 May 18, 2011 and scheduled for the May 25, 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 July 20, 2011 Hearing; due to the Board's heavy caseload, the application was postponed to the August 17, 2011 Hearing, September 21, 2011 Hearing, November 22, 2011 Hearing and, again, to the December 19, 2011 Hearing; due to a scheduling conflict with all parties involved in the applicant's presentation, the case was postponed to the January 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Hearing; due to a scheduling conflict with all parties involved in the applicant's presentation, the case was postponed to the March 21, 2012 Hearing and, again, to the April 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Hearing, June 20, 2012 Hearing, July 18, 2012 Hearing and, again, to the **August 15, 2012 Hearing.**

Item #9

Submissions: 9/21/11; 9/28/11
Taxes: 3rd Quarter (2011)

Newspaper: Not Received
200' List: Not Received

Case #Z-2011-15
447 High Street
(Block 1314/Lot 4)

Applicant(s): Anna Haverilla
Representation: David Watkins, Esq.

The applicant is appealing the determination of the Zoning Officer as to the legality of the continuation of a 1-family use for a carriage house at the subject property; in the alternative, she would seek a Use Variance; NOTE: in 1958, a Use Variance (Case # was not assigned) for the 1- to 2-family use conversion of the main house on-site, was granted; the application was received September 21, 2011 and scheduled for the October 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 December 19, 2011 Hearing; due to a scheduling conflict with all parties involved in the applicant's presentation, the case was postponed to the January 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Hearing; due to a scheduling conflict with all parties involved in the applicant's presentation, the case was postponed to the March 21, 2012 Hearing and, again, to the April 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Hearing, June 20, 2012 Hearing, July 18, 2012 Hearing and, again, to the **August 15, 2012 Hearing.**

Item #10

Submissions: 1/4/12; 2/21/12
Taxes: 2nd Quarter (2012)

Newspaper: 5/11/12
200' List: 5/14/12

Case #Z-2012-01
318 Harrington Avenue
(Block 1312/Lot 10)

Applicant(s): Aurora Baquiran
Representation: David Watkins, Esq.

The applicant is appealing the determination of the Zoning Officer as to the legality of the continuation of the following uses for the 3 detached buildings at the subject property: 1.) 3-family use (front building on-site); 2.) 2-family use (middle building on-site); 3.) 1-family use (rear building on-site); in the alternative, she would seek a Use Variance; the application was received January 4, 2012 and scheduled for the January 25, 2012 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 21, 2012 Hearing; being the applicant did not fulfill public noticing requirements, the case was postponed to the April 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Hearing; due to the Board's heavy caseload, the applicant was granted an appearance at the May 30, 2012 (Special) Hearing; due to a scheduling conflict with the applicant's attorney, she was granted an appearance at the June 27, 2012 (Special) Hearing; the applicant's engineer completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the July 25, 2012 (Special) Hearing; due to a scheduling conflict with the applicant's planner, she was granted an appearance, pending the Board's receipt of requested items, at the **August 22, 2012 (Special) Hearing.**

Item #11

Submissions: 10/7/11; 11/3/11; 11/18/11; 2/10/12
Taxes: 2nd Quarter (2012)

Newspaper: 1/12/12
200' List: 1/13/12

Case #Z-2011-17
597 Piermont Road
(Block 1608/Lot 1)

Applicant(s): TD Bank, NA
Representation: Paul Conciatori, Esq.

The applicant is seeking Use Variance and Site Plan Approvals for the construction of a new commercial/retail bank (detached drive-thru canopy inclusive) at the subject property; the application was received October 7, 2011 and scheduled for the October 26, 2011 Work Session, at which time, it was perfected; due to the Board's heavy caseload, the applicant was granted, pending the Board's receipt of requested items and public noticing requirements, an appearance at the January 25, 2012 (Special) Hearing; the applicant's engineer completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the February 22, 2012 (Special) Hearing; the applicant's engineer completed subsequent testimony, its security expert completed initial testimony as did its architect and the case was adjourned, pending the Board's receipt of requested items, to the March 28, 2012 (Special) Hearing; the applicant's real estate expert completed initial testimony as did its planner (less Board and public questioning) and the case was adjourned to the May 23, 2012 (Special) Hearing; the applicant's planner completed initial testimony as did its traffic expert and the case was adjourned to the June 20, 2012 Hearing; due to a scheduling conflict with all parties involved in the applicant's presentation, it was granted an appearance at the June 25, 2012 (Special) Hearing;

due to a potential conflict of interest being investigated by the applicant's attorney, the case was ***postponed indefinitely.***

Item #12

Submissions: 10/18/10; 1/13/11; 12/22/11; 12/27/11
Taxes: 2nd Quarter (2012)

Newspaper: 4/23/12
200' List: 4/2/12

Case #Z-2010-15
24 Naugle Street
(Block 1302/Lot 4)

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

The applicants initially sought a Use Variance for the continuation of an existing contractor's yard operation at the subject property; the application was received October 18, 2010 and scheduled for the November 22, 2010 Work Session; since neither the applicants nor counsel were in attendance, the Subcommittee rescheduled the case for the January 26, 2011 Work Session; the applicants subsequently filed an addendum seeking Site Plan Approval as well, 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, June 15, 2011 Hearing, July 20, 2011 Hearing and, again, to the August 17, 2011 Hearing; due to a scheduling conflict with the applicants' attorney, the case was postponed to the September 21, 2011 Hearing; being the applicants both did not file requested items by the deadline or fulfill public noticing requirements, the case was postponed to the November 22, 2011 Hearing, December 19, 2011 Hearing and, again, to the January 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Hearing; being the applicants did not fulfill public noticing requirements, the case was postponed to the March 21, 2012 Hearing and, again, to the April 18, 2012 Hearing; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Hearing; the application was denied by the Board; ***awaiting prepared Resolution by Board Attorney to memorialize.***



**ZONING BOARD OF ADJUSTMENT
WORK SESSION
(AGENDA)**

Wednesday, July 25, 2012 @ 8:00pm

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- A. Pledge of Allegiance;
- B. Attendance;
- C. Caseload: Item #'s 1 - 4 (see below);
- D. Adjournment of Work Session;

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Item #1

Case #Z-2012-07 441 High Street (Block 1314/Lot 5)	Applicant(s): Representation:	Jeanne de la Bastida c/o Thomas Donahue Joseph Colella, Esq.
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The applicant is seeking a Use Variance for the continuation of a 2-family use at the subject property; the application was received May 30, 2012 and scheduled for the **July 25, 2012 Work Session**.

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Item #2

Case #Z-2012-08 144 Haring Street (Block 605/Lot 6)	Applicant(s): Representation:	Ramona Grbic Self
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The applicant is seeking Bulk Variance Relief for the reconstruction of an enclosed/screened-in porch (no heat/habitation) at the subject property; the application was received July 6, 2012 and scheduled for the **July 25, 2012 Work Session**.

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Item #3

Case #Z-2012-09
16 Morrison Street
(Block 902/Lot 2)

Applicant(s): Sean Gunderman
Representation: Melissa Vandermark

The applicant is seeking Bulk Variance Relief for the reconstruction of a deck at the subject property; the application was received July 13, 2012 and scheduled for the ***July 25, 2012 Work Session***.



Item #4

Case #Z-2012-10
24 Naugle Street
(Block 1302/Lot 4)

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

The applicants are seeking Use Variance and Site Plan Approvals for the continuation of an existing contractor's yard operation at the subject property; **NOTE**: the case is the applicants' 2nd attempt at Board approval following the denial of their previous filing (Case #Z-2010-15); the application was received July 19, 2012 and scheduled for the ***July 25, 2012 Work Session***.