

L.) Closed Session (Litigation): *Wiggers v. Zoning Board of Adjustment*

M.) Adjournment of Hearing

Item #1	<i>Submissions:</i> 10/28/11; 1/6/12; 3/9/12 <i>Taxes:</i> 4 th Quarter (2011)	<i>Newspaper:</i> 12/21/11 <i>200' List:</i> 12/19/11
----------------	----------------------------------------------------------------------------------------------	----------------------------------------------------------

Case #Z-2011-18 Applicant(s): Estate of Alexander & Mary Giannotti
47-49 Fairview Avenue Representation: Rose Tubito, Esq.
(Block 705/Lot 11)

The applicant is appealing the determination of the Zoning Officer as to the legality of the continuation of both a 2-family use for the main house as well as a 1-family use for a detached garage at the subject property; in the alternative, it would seek a Use Variance; the application was received October 28, 2011 and scheduled for the November 28, 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 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 initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the **March 21, 2012 Hearing.**

Item #2	<i>Submissions:</i> 3/2/11; 5/10/11 <i>Taxes:</i> 1 st Quarter (2011)	<i>Newspaper:</i> 11/5/11 <i>200' List:</i> 11/18/11
----------------	-------------------------------------------------------------------------------------	---------------------------------------------------------

Case #Z-2011-08 Applicant(s): John Galdi
343 Closter Dock Road Representation: David Watkins, Esq.
(Block 1704/Lot 17)

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.**

Item #3	<i>Submissions:</i> 12/14/11; 1/17/12; 3/9/12 <i>Taxes:</i> 4 th Quarter (2011)	<i>Newspaper:</i> 2/17/12 <i>200' List:</i> 1/31/12
----------------	-----------------------------------------------------------------------------------------------	--------------------------------------------------------

Case #Z-2011-20
34 Laurence Court
(Block 2302/Lot 54)

Applicant(s): Gilad & Sima Evar
Representation: Mark Werner

The applicants are seeking Bulk Variance Relief for the installation of an in-ground swimming pool, patio (on-grade), rear steps and landscape wall at the subject property; the application was received December 14, 2011 and scheduled for the December 28, 2011 Work Session, at which time, it was perfected; due to the Board's heavy caseload, the applicants were granted, pending the Board's receipt of requested items and public noticing requirements, an appearance at the February 29, 2012 (Special) Hearing; due to the absence of the applicants' engineer, the case was postponed to the **March 27, 2012 (Special) Hearing.**

Item #4

Submissions: 6/8/11; 11/8/11; 1/9/12; 1/13/12
Taxes: 4th Quarter (2011)

Newspaper: 12/31/11
200' List: 11/28/11; 2/13/12

Case #Z-2011-12
66 Taillon Terrace
(Block 607/Lot 3)

Applicant(s): Juanita Guzman
Representation: Sandra Jaquez

The applicant is seeking Bulk Variance Relief for (2) separate projects at the subject property: 1.) as-built construction of a new single-family house (NOTE: this portion of the application stems from the "Final As-Built Survey" being denied by the Zoning Officer); 2.) proposed in-ground swimming pool (spa and patio inclusive); the application was received June 8, 2011 and scheduled for the June 22, 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 a scheduling conflict with the applicant's engineer, the application was postponed to the September 21, 2011 Hearing; being the applicant both did not file requested items by the deadline or fulfill public noticing requirements, the case was postponed to the November 22, 2011 Hearing; due to the Board's heavy caseload, the applicant was granted an appearance at the November 28, 2011 (Special) Hearing; being the applicant both did not file requested items by the deadline or fulfill public noticing requirements, the case was postponed to the December 19, 2011 Hearing, January 18, 2012 Hearing and, again, to the February 29, 2012 (Special) Hearing; due to the absence of the applicant's engineer, the case was postponed to the **March 27, 2012 (Special) Hearing.**

Item #5

Submissions: 2/13/12
Taxes: 1st Quarter (2012)

Newspaper: n/a
200' List: n/a

Case #Z-2012-04
1 Ruckman Road
(Block 1306/Lots 1 & 2)

Applicant(s): Joong Kim
Representation: David Watkins, Esq.

The applicant is seeking a 2nd Amendment Approval to a prior Board decision, which granted Use Variance and Site Plan Approvals (Case #Z-2007-11), for the following: 1.) forgo construction of an addition to the existing office building/warehouse at the subject property (rehabilitation on a lesser scale would take place); 2.) allow for professional office and medical uses at the subject property;

NOTE: the initial Amendment Approval (Case #Z-2010-10) sanctioned the completed building to have an office use exclusively rather than a dual use as a warehouse; the application was received February 13, 2012 and scheduled for the **March 28, 2012 Work Session**.

Item #6

Submissions: 2/14/12
Taxes: 1st Quarter (2012)

Newspaper: n/a
200' List: n/a

Case #Z-2012-05
326-330 Harrington Avenue
(Block 1312/Lot 13)

Applicant(s): Benjamin Giua
Representation: David Watkins, Esq.

The applicant is seeking Use Variance and Site Plan Approvals for the construction of an addition (3 residential units inclusive) and store front upgrades to a mixed-use building at the subject property; the application was received February 14, 2012 and scheduled for the **March 28, 2012 Work Session**.

Item #7

Submissions: 3/15/12
Taxes: Not Certified

Newspaper: n/a
200' List: n/a

Case #Z-2012-06
32 Mattocks Place
(Block 804/Lot 13)

Applicant(s): Michael & Yeseniya Lee
Representation: John Musinski, RA

The applicants are seeking Bulk Variance Relief for the construction of an addition, front portico, as well as driveway, patio and walkway reconfigurations at the subject property; the application was received March 15, 2012 and scheduled for the **March 28, 2012 Work Session**.

Item #8

Submissions: 10/7/11; 11/3/11; 11/18/11; 2/10/12
Taxes: 4th Quarter (2011)

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.**

Item #9

Submissions: 2/6/12
Taxes: 1st Quarter (2012)

Newspaper: n/a
200' List: n/a

Case #Z-2012-03
14 Susan Drive
(Block 2102/Lot 2)

Applicant(s): Babu & Geeta Patel
Representation: John Dineen, Esq.

The applicants are seeking Bulk Variance Relief for the installation of a deck at the subject property; the application was received February 6, 2012 and scheduled for the February 22, 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 **April 18, 2012 Hearing.**

Item #10

Submissions: 9/30/11; 10/11/11; 10/19/11; 1/9/12
Taxes: 4th Quarter (2011)

Newspaper: 10/6/11; 2/2/12
200' List: 10/3/11; 2/3/12

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 4 in 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 applicant's witnesses (with respect to "Item #11" 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 initial testimony 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.**

Item #11

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

Newspaper: 10/6/11
200' List: 10/5/11

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.***

Item #12

Submissions: 10/18/10; 1/13/11; 12/22/11; 12/27/11
Taxes: 4th Quarter (2010)

Newspaper: Not Received
200' List: Not Received

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.**

Item #13

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.**

Item #14

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.**

Item #15

Submissions: 1/4/12; 2/21/12
Taxes: 4th Quarter (2011)

Newspaper: Not Received
200' List: Not Received

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**.

Item #16

Submissions: 12/29/10; 11/9/11; 11/14/11; 1/9/12
Taxes: 4th Quarter (2011)

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

Case #Z-2010-16
3-5 Harvey Street
(Block 801/Lot 18)

Applicant(s): Lawrence Berler
Representation: Michael Goodman, Esq.

The applicant is appealing the determination of the Zoning Officer as to the legality of the continuation of a 2-family use at the subject property; in the alternative, he would seek a Use Variance; the application was received December 29, 2010 and scheduled for the February 23, 2011 Work Session; since neither the applicant nor counsel were in attendance, the Subcommittee rescheduled the case for the April 27, 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 June 15, 2011 Hearing; due to the Board's heavy caseload, the application was postponed to the July 20, 2011 Hearing, August 17, 2011 Hearing and, again, to the September 21, 2011 Hearing; due to a scheduling conflict with the applicant's attorney, the case was postponed to the November 22, 2011 Hearing; the applicant completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the December 19, 2011 Hearing; due to a scheduling conflict with the applicant's engineer, the case was postponed to the January 18, 2012 Hearing; the application was approved by the Board (via Appeal); **awaiting prepared Resolution by Board Attorney to memorialize**.

Item #17

Submissions: 1/19/12; 2/16/12
Taxes: 4th Quarter (2011)

Newspaper: 2/18/12
200' List: 2/13/12

Case #Z-2012-02
42 Mc Cain Court
(Block 2102/Lot 37.02)

Applicant(s): Lowell & Michelle Mandelblatt
Representation: Selves

The applicants are seeking Bulk Variance Relief for the installation of an in-ground swimming pool (spa inclusive), patio (on-grade) and landscape wall at the subject property; the application was received January 19, 2012 and scheduled for the January 25, 2012 Work Session, at which time, it was perfected; due to the Board's heavy caseload, the applicants were granted, pending the Board's receipt

of requested items and public noticing requirements, an appearance at the February 29, 2012 (Special) Hearing; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

Item #18

Submissions: 1/13/11; 1/21/11; 2/24/11; 3/29/11; 1/9/12
Taxes: 4th Quarter (2011)

Newspaper: 8/3/11; 1/6/12
200' List: 8/3/11; 1/6/12

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 an as-built parking area, which is separate from the driveway and located in the front yard of the subject property; **NOTE:** the application stems from action taken by the Code Enforcement Bureau, which ascertained a prior Board decision (Case #Z-1999-25) denying Bulk Variance Relief for a similar parking area at the subject property, was not adhered to; 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 applicants' attorney, the case was postponed to the May 18, 2011 Hearing; due to a scheduling conflict with the applicants, the case was postponed to the June 15, 2011 Hearing; due to the Board's heavy caseload, the application was postponed to the July 20, 2011 Hearing; being the applicants both did not file requested items by the deadline or fulfill public noticing requirements, the application was postponed to the August 17, 2011 Hearing; the applicants and their engineer completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the September 21, 2011 Hearing; being the applicants did not file requested items by the deadline, the case was postponed to the November 22, 2011 Hearing and, again, to the December 19, 2011 Hearing; in order to avoid having the Board dismiss their case without prejudice for failure to prosecute, the applicants were required to file requested items and proceed with their case at the January 18, 2012 Hearing; due to the Board's heavy caseload, the applicants were granted an appearance at the February 29, 2012 (Special) Hearing; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**