



## **Zoning Board of Adjustment**

### **MEETING (AGENDA)**

Wednesday, April 17, 2013 @ 8:00pm

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- A.) Opening Remarks;
- B.) Pledge of Allegiance;
- C.) Attendance;
- D.) Correspondence: March 21, 2013 - April 17, 2013;
- E.) Approval of Minutes: March 20, 2013 Meeting;  
March 27, 2013 (Special) Meeting;
- F.) Subcommittee Assignments: April 24, 2013 Work Session;
- G.) Discussion on Draft of 2011 & 2012 Annual Report to Governing Body & Planning Board;
- H.) Open to the Public;
- I.) Caseload: Item #'s 1 - 9 (see below);
- J.) Memorialization of Resolution(s): *Case #Z-2012-11 (120 High Street/Carpentieri);  
Case #Z-2013-03 (175 Herbert Avenue/De Falco);  
Case #Z-2011-16 (170 & 176 Closter Dock Road/Desan  
Enterprises, Inc.);  
Case #Z-2012-01 (318 Harrington Avenue/Baquiran);  
Case #Z-2011-15 (447 High Street/Haverilla);*
- K.) Closed Session;

L.) Miscellaneous;

M.) Adjournment of Meeting;

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<b>Item #1</b>	<i>Submissions:</i> 5/18/11; 6/27/11; 7/13/11; 8/3/11; 4/4/13	<i>Newspaper:</i> 10/5/11; 9/14/12; 1/11/13
	<i>Taxes:</i> 1 <sup>st</sup> Quarter (2013)	<i>200' List:</i> 10/7/11; 9/14/12; 1/11/13
	<i>Consecutive Postponements:</i> 0	

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 Meeting; due to the Board's heavy caseload, the application was postponed to the August 17, 2011 Meeting, September 21, 2011 Meeting, November 22, 2011 Meeting and, again, to the December 19, 2011 Meeting; due to scheduling conflicts with all parties involved in the applicant's presentation, the case was postponed to the January 18, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Meeting; due to scheduling conflicts with all parties involved in the applicant's presentation, the case was postponed to the March 21, 2012 Meeting and, again, to the April 18, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Meeting, June 20, 2012 Meeting, July 18, 2012 Meeting and, again, to the August 15, 2012 Meeting; due to scheduling conflicts with all parties involved in the applicant's presentation, the case was postponed to the September 19, 2012 Meeting; being the applicant did not fulfill public noticing requirements, the application was postponed to the September 26, 2012 (Special) Meeting; being the Board could not establish a quorum, the application was rescheduled for the November 28, 2012 (Special) Meeting; due to a scheduling conflict with the applicant's planner, the case was postponed to the December 19, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the January 23, 2013 (Special) Meeting and, again, to the February 20, 2013 Meeting; due to a scheduling conflict with the applicant's attorney, the case was postponed to the March 27, 2013 (Special) Meeting; the applicant's planner completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the **April 17, 2013 Meeting**.

<b>Item #2</b>	<i>Submissions:</i> 1/16/13; 3/6/13	<i>Newspaper:</i> 4/5/13
	<i>Taxes:</i> 1 <sup>st</sup> Quarter (2013)	<i>200' List:</i> 4/5/13
	<i>Consecutive Postponements:</i> 0	

Case #Z-2013-02  
24 Robinhood Avenue  
(Block 702/Lot 6)

Applicant(s): Paul Keller  
Representation: David Watkins, 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 January 16, 2013 and scheduled for the February 27, 2013 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 17, 2013 Meeting**.

## Item #3

**Submissions:** 4/16/13  
**Taxes:** 1<sup>st</sup> Quarter (2013)  
**Consecutive Postponements:** 0

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

Case #Z-2013-05  
74 Taylor Drive  
(Block 2204/Lot 9)

Applicant(s): Birain & Bijal Parikh  
Representation: Selves

The applicants are seeking Bulk Variance Relief for the installation of an outdoor barbecue station, pergola, driveway expansion, patio (raised), patio (on-grade) expansion and walkway at the subject property; the application was received April 16, 2013 and scheduled for the **April 24, 2013 Work Session**.

## Item #4

**Submissions:** 3/15/13; 4/5/13; 4/15/13  
**Taxes:** 1<sup>st</sup> Quarter (2013)  
**Consecutive Postponements:** 0

**Newspaper:** Not Received  
**200' List:** Not Received

Case #Z-2013-04  
322 Harrington Avenue  
(Block 1312/Lot 11)

Applicant(s): Arcella Family Trust  
Representation: Andrew Kohut, Esq.

The applicant is seeking pre-existing/nonconforming status for the 3-family use at the subject property; the application was received March 15, 2013 and scheduled for the March 27, 2013 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 24, 2013 (Special) Meeting**.

## Item #5

**Submissions:** 10/11/12; 1/4/13; 4/10/13  
**Taxes:** 4<sup>th</sup> Quarter (2012)  
**Consecutive Postponements:** 0

**Newspaper:** 1/1/13  
**200' List:** 12/27/12

Case #Z-2012-11  
120 High Street  
(Block 510/Lot 6)

Applicant(s): Audrey Carpentieri  
Representation: Ronald Groseibl, 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, she would seek a Use Variance; the application was received October 11, 2012 and scheduled for the October 24, 2012 Work Session; due to the necessity for further administrative review, the application was rescheduled for the October 31, 2012 (Special) Work Session and, again, for the November 28, 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 January 16, 2013 Meeting; the applicant completed initial testimony and, to allow for both the Board Attorney and applicant's attorney to discuss the merits of the application as it relates to estoppel, the case was adjourned to the January 30, 2013 (Special) Meeting; the application was approved by the Board; **memorialization of Resolution has been delayed as of February 20, 2013 Meeting due to non-receipt of requested items.**

<b>Item #6</b>	<i>Submissions:</i> 1/31/13; 3/8/13	<i>Newspaper:</i> 3/6/13
	<i>Taxes:</i> 1 <sup>st</sup> Quarter (2013)	<i>200' List:</i> 3/7/13
	<i>Consecutive Postponements:</i> 0	

Case #Z-2013-03  
175 Herbert Avenue  
(Block 1501/Lot 15)

Applicant(s): Anthony & Linda De Falco  
Representation: Selves

The applicants are seeking Bulk Variance Relief for the reconstruction of a storm-damaged detached garage at the subject property; the application was received January 31, 2013 and scheduled for the February 20, 2013 (Special) 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 20, 2013 Meeting; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

<b>Item #7</b>	<i>Submissions:</i> 9/30/11; 10/11/11; 10/19/11; 1/9/12; 4/5/12; 5/3/12; 10/12/12; 12/6/12	<i>Newspaper:</i> 10/6/11; 2/2/12; 4/5/12; 10/11/12 2/15/13
	<i>Taxes:</i> 1 <sup>st</sup> Quarter (2013)	<i>200' List:</i> 10/3/11; 2/3/12; 4/4/12; 10/10/12 2/15/13
	<i>Consecutive Postponements:</i> 1	

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 apartments, 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 Meeting; being the Board decided that testimony by both the Zoning Officer and witnesses for the objector (see "Item #4" on the Board agenda) should precede presentation of the remanded case, the application was postponed to the November 22, 2011 Meeting, December 19, 2011 Meeting and, again, to the January 18, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Meeting; 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 Meeting; due to a

scheduling conflict with the applicant's attorney, the case was postponed to the April 18, 2012 Meeting; the applicant's engineer completed subsequent testimony and the case was adjourned, with no items requested by the Board, to the May 16, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the June 20, 2012 Meeting; further direct, cross- and redirect examinations of the applicant's engineer were completed as was the direct examination of the objector's engineer, and the case was adjourned, pending the Board's receipt of requested items, to the July 18, 2012 Meeting; due to scheduling conflicts with both the applicant's engineer and an intended witness (previous owner-in-fee of the subject property), the case was postponed to the August 15, 2012 Meeting; further direct, cross- and redirect examinations of the objector's engineer were completed and the case was adjourned, with no items requested by the Board, to the October 24, 2012 (Special) Meeting; further direct, cross- and redirect examinations of the applicant's engineer were completed as was the direct examination of the previous owner-in-fee of the subject property, and the case was adjourned, with no items requested by the Board, to the November 21, 2012 Meeting; cross-examination of the previous owner-in-fee of the subject property was completed as was the direct and cross-examinations of its current principal owner-in-fee, and the case was adjourned, with no items requested by the Board, to the December 19, 2012 Meeting; being the applicant did not furnish items prepared by its engineer to the objector in a timely fashion, the case was postponed to the January 16, 2013 Meeting; due to the Board's heavy caseload, the application was postponed to the January 23, 2013 (Special) Meeting; due to a scheduling conflict with the objector's attorney, the application was postponed to the February 20, 2013 Meeting; being the applicant did not fulfill public *re-noticing* requirements, the case was postponed to the March 20, 2013 Meeting; the application was approved by the Board; ***awaiting prepared Resolution by Board Attorney to memorialize.***

## Item #8

**Submissions:** 1/4/12; 2/21/12; 10/19/12

**Taxes:** 1<sup>st</sup> Quarter (2013)

**Consecutive Postponements:** 3

**Newspaper:** 5/11/12; 10/19/12

**200' List:** 5/14/12; 10/16/12

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 Meeting; being the applicant did not fulfill public noticing requirements, the case was postponed to the April 18, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Meeting; due to the Board's heavy caseload, the applicant was granted an appearance at the May 30, 2012 (Special) Meeting; due to a scheduling conflict with the applicant's attorney, she was granted an appearance at the June 27, 2012 (Special) Meeting; 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) Meeting; 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) Meeting; being the applicant did not file requested items by the deadline, the case was postponed to the September 26, 2012 (Special) Meeting and, again, to the October 31, 2012 (Special) Meeting; due to Hurricane Sandy and its aftermath, the application was

rescheduled for the December 19, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the January 23, 2013 (Special) Meeting and, again, to the February 20, 2013 Meeting; due to a scheduling conflict with the applicant's attorney, the case was postponed to the February 27, 2013 (Special) Meeting; due to a scheduling conflict with the applicant's planner, the case was postponed to the March 27, 2013 (Special) Meeting; being the applicant did not fulfill public *re-noticing* requirements, resulting in both a 3<sup>rd</sup> consecutive postponement by the applicant and violation of the Board's by-laws, the Board dismissed the application without prejudice for failure to prosecute; ***awaiting prepared Resolution by Board Attorney to memorialize.***

<b>Item #9</b>	<i>Submissions:</i> 9/21/11; 9/28/11	<i>Newspaper:</i> Not Received
	<i>Taxes:</i> 3 <sup>rd</sup> Quarter (2011)	<i>200' List:</i> Not Received
	<i>Consecutive Postponements:</i> 3	

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 Meeting; due to scheduling conflicts with all parties involved in the applicant's presentation, the case was postponed to the January 18, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the February 15, 2012 Meeting; due to scheduling conflicts with all parties involved in the applicant's presentation, the case was postponed to the March 21, 2012 Meeting and, again, to the April 18, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the May 16, 2012 Meeting, June 20, 2012 Meeting, July 18, 2012 Meeting and, again, to the August 15, 2012 Meeting; due to scheduling conflicts with all parties involved in the applicant's presentation, the case was postponed to the September 19, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the November 28, 2012 (Special) Meeting; due to a scheduling conflict with the applicant's planner, the case was postponed to the December 19, 2012 Meeting; due to the Board's heavy caseload, the application was postponed to the January 30, 2013 (Special) Meeting; due to a scheduling conflict with the applicant's planner, the case was postponed to the February 27, 2013 (Special) Meeting and, again, to the March 27, 2013 (Special) Meeting; being the applicant both did not file requested items nor fulfill public noticing requirements, the latter of which resulted in both a 3<sup>rd</sup> consecutive postponement by the applicant and violation of the Board's by-laws, the Board dismissed the application without prejudice for failure to prosecute; ***awaiting prepared Resolution by Board Attorney to memorialize.***