



Zoning Board of Adjustment

*****SPECIAL***
Meeting
(AGENDA)**

Wednesday, May 29, 2013 @ 8:00pm

- A.) Opening Remarks;
- B.) Pledge of Allegiance;
- C.) Attendance;
- D.) Correspondence: April 18, 2013 - May 29, 2013;
- E.) Approval of Minutes: March 20, 2013 Meeting;
March 27, 2013 (Special) Meeting;
April 17, 2013 Meeting;
April 24, 2013 (Special) Meeting;
- F.) Discussion on Proposed 2011 & 2012 Annual Report to Governing Body & Planning Board;
- G.) Interpretation of Borough Code Chapter 200-9B to Enhance Review Process by Zoning Officer When Considering Applications for 2-Family Use Ratification;
- H.) Open to the Public;
- I.) Caseload: Item #'s 1 - 14 (see below);
- J.) Memorialization of Resolution(s): *Case #Z-2012-11 (120 High Street/Carpentieri);
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);
 Case #Z-2011-11 (247 West Street/Osso);
 Case #Z-2013-04 (322 Harrington Avenue/Arcella
 Family Trust);
 Case #Z-2013-02 (24 Robinhood Avenue/Keller);

K.) Closed Session;

L.) Miscellaneous;

M.) Adjournment of (Special) Meeting;

Item #1	<i>Submissions:</i> 5/8/13 <i>Taxes:</i> Not Received <i>Consecutive Postponements:</i> 0	<i>Newspaper:</i> n/a <i>200' List:</i> n/a
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Case #Z-2013-10 Applicant(s): Deepak & Meenakshi Khanna
 626 Closter Dock Road Representation: Michael Sprague, Esq.
 (Block 2404/Lot 18)

The applicants are seeking a Use Variance (floor area ratio) and Bulk Variances for the as-built construction of an addition, front portico (archway), driveway expansion, and 2 patios (on-grade) at the subject property; the application was received May 8, 2013 and scheduled for the **May 29, 2013 (Special) Work Session.**

Item #2	<i>Submissions:</i> 5/14/13 <i>Taxes:</i> 1 st Quarter (2013) <i>Consecutive Postponements:</i> 0	<i>Newspaper:</i> n/a <i>200' List:</i> n/a
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Case #Z-2013-11 Applicant(s): Vincent & Daniela Tubito
 63 Closter Dock Road Representation: Rose Tubito, Esq.
 (Block 805/Lot 49)

The applicants are seeking a Use Variance (building height) for the construction of a new 1-family house at the subject property; the application was received May 14, 2013 and scheduled for the **May 29, 2013 (Special) Work Session.**

Item #3	<i>Submissions:</i> 4/16/13; 5/14/13; 5/22/13 <i>Taxes:</i> 1 st Quarter (2013) <i>Consecutive Postponements:</i> 0	<i>Newspaper:</i> 5/18/13 <i>200' List:</i> 5/17/13
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Case #Z-2013-05
74 Taylor Drive
(Block 2204/Lot 9)

Applicant(s):
Representation:

Birain & Bijal Parikh
Selves

The applicants are seeking a Bulk Variance 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, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the May 15, 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 **May 29, 2013 (Special) Meeting**.

Item #4

Submissions: 5/3/13
Taxes: 1st Quarter (2013)
Consecutive Postponements: 0

Newspaper: 5/18/13
200' List: 5/17/13

Case #Z-2013-06
53 Bethany Circle
(Block 308/Lot 20)

Applicant(s):
Representation:

Christopher & Dawn Constantine
Selves

The applicants are seeking a Design Waiver for the installation of a fence (privacy) at the subject property; the application was received May 3, 2013 and scheduled for the May 15, 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 **May 29, 2013 (Special) Meeting**.

Item #5

Submissions: 5/3/13
Taxes: 2nd Quarter (2013)
Consecutive Postponements: 0

Newspaper: 5/18/13
200' List: 5/17/13

Case #Z-2013-07
57 Bethany Circle
(Block 308/Lot 21)

Applicant(s):
Representation:

Kevin Leyden
Self

The applicant is seeking a Design Waiver for the installation of a fence (privacy) at the subject property; the application was received May 3, 2013 and scheduled for the May 15, 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 **May 29, 2013 (Special) Meeting**.

Item #6

Submissions: 5/3/13; 5/20/13
Taxes: 2nd Quarter (2013)
Consecutive Postponements: 0

Newspaper: 5/18/13
200' List: Not Received

Case #Z-2013-09
411 Piermont Road
(Block 1903/Lot 2)

Applicant(s):
Representation:

Sear House
David Watkins, Esq.

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 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; **memorialization of Resolution has been delayed as of April 24, 2013 (Special) Meeting due to non-receipt of requested items.**

Item #10

Submissions: 1/4/12; 2/21/12; 10/19/12
Taxes: 1st 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 3rd 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.**

Item #11

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

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 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 3rd 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.***

Item #12

Submissions: 5/18/11; 6/27/11; 7/13/11; 8/3/11; 4/4/13
Taxes: 1st Quarter (2013)
Consecutive Postponements: 0

Newspaper: 10/5/11; 9/14/12; 1/11/13
200' List: 10/7/11; 9/14/12; 1/11/13

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; the application was approved by the Board; ***awaiting prepared Resolution by Board Attorney to memorialize.***

Item #13

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

Newspaper: 4/11/13
200' List: 4/11/13

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 a 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; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

Item #14

Submissions: 1/16/13; 3/6/13; 4/23/13
Taxes: 1st Quarter (2013)
Consecutive Postponements: 0

Newspaper: 4/5/13
200' List: 4/5/13

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; the applicant and both his engineer and planner completed initial testimony and the case was adjourned, pending the presentation of additional items (pre-filing not required), to the April 24, 2013 (Special) Meeting; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**



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

Wednesday, May 29, 2013 @ 7:30pm

- A. Pledge of Allegiance;
- B. Attendance;
- C. Caseload: Item #1 - 2 (see below);
- D. Adjournment of (Special) Work Session;

Item #1

Case #Z-2013-10
626 Closter Dock Road
(Block 2404/Lot 18)

Applicant(s): Deepak & Meenakshi Khanna
Representation: Michael Sprague, Esq.

The applicants are seeking a Use Variance (floor area ratio) and Bulk Variances for the as-built construction of an addition, front portico (archway), driveway expansion, and 2 patios (on-grade) at the subject property; the application was received May 8, 2013 and scheduled for the **May 29, 2013 (Special) Work Session.**

Item #2

Case #Z-2013-11
63 Closter Dock Road
(Block 805/Lot 49)

Applicant(s): Vincent & Daniela Tubito
Representation: Rose Tubito, Esq.

The applicants are seeking a Use Variance (building height) for the construction of a new 1-family house at the subject property; the application was received May 14, 2013 and scheduled for the **May 29, 2013 (Special) Work Session.**