



Zoning Board of Adjustment

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

Wednesday, July 24, 2013 @ 8:00pm

- A.) Opening Remarks;
- B.) Pledge of Allegiance;
- C.) Attendance;
- D.) Correspondence: July 18, 2013 - July 24, 2013;
- E.) Approval of Minutes: May 29, 2013 (Special) Meeting;
June 19, 2013 Meeting;
July 17, 2013 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 - 6 (see below);
- J.) Memorialization of Resolution(s): *Case #Z-2011-16 (170 & 176 Closter Dock Road/Desan Enterprises, Inc.);
Case #Z-2013-05 (74 Taylor Drive/Parikh);
Case #Z-2013-11 (63 Closter Dock Road/Tubito);*

- K.) Closed Session;
- L.) Miscellaneous;
- M.) Adjournment of (Special) Meeting;

Item #1	<i>Submissions:</i> 6/21/13; 7/1/13 <i>Taxes:</i> 2 nd Quarter (2013) <i>Consecutive Postponements:</i> 0	<i>Newspaper:</i> n/a <i>200' List:</i> n/a
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Case #Z-2013-13 318 Harrington Avenue (Block 1312/Lot 10)	Applicant(s): Representation:	Aurora Baquiran Andrew Kohut, Esq.
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The applicant is appealing the determination of the Zoning Officer as to the legality of as well as seeking pre-existing/nonconforming status for a 3-family use (front building), 2-family use (middle building) and 1-family use (rear building) at the subject property; in the alternative, she would seek a Use Variance; the application was received June 21, 2013 and scheduled for the **July 24, 2013 Work Session.**

Item #2	<i>Submissions:</i> 6/13/13; 7/10/13 <i>Taxes:</i> 2 nd Quarter (2013) <i>Consecutive Postponements:</i> 0	<i>Newspaper:</i> 7/5/13 <i>200' List:</i> 7/3/13
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Case #Z-2013-12 93 Venus Drive (Block 2010/Lot 3)	Applicant(s): Representation:	Mark Topalian Jordan Yuelys, Esq.
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The applicant is seeking Bulk Variances for the construction of (2) additions, deck, (2) retaining walls, (2) patios (on-grade) and driveway expansion at the subject property; the application was received June 13, 2013 and scheduled for the June 26, 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 **July 24, 2013 (Special) Meeting.**

Item #3	<i>Submissions:</i> 5/8/13; 7/17/13 <i>Taxes:</i> Not Received <i>Consecutive Postponements:</i> 1	<i>Newspaper:</i> 7/15/13 <i>200' List:</i> Not Received
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Case #Z-2013-10 626 Closter Dock Road (Block 2404/Lot 18)	Applicant(s): Representation:	Deepak & Meenakshi Khanna Michael Sprague, Esq.
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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, 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 24, 2013 (Special) Meeting; due to the applicants' failure to fulfill public noticing requirements, the application was postponed to the ***July 31, 2013 (Special) Meeting***.

Item #4	Submissions: 9/30/11; 10/11/11; 10/19/11; 1/9/12; 4/5/12; 5/3/12; 10/12/12; 12/6/12; 5/28/13; 6/19/13; 7/16/13	Newspaper: 10/6/11; 2/2/12; 4/5/12; 10/11/12 2/15/13
	Taxes: 1 st Quarter (2013)	200' List: 10/3/11; 2/3/12; 4/4/12; 10/10/12 2/15/13
	Consecutive Postponements: 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 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 #5

Submissions: 4/16/13; 5/14/13; 5/22/13; 6/7/13; 7/8/13
Taxes: 2nd Quarter (2013)
Consecutive Postponements: 0

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

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

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

The applicants are seeking a Bulk Variance for the installation of an outdoor barbecue station, fire pit, pergola, walkway, patio (raised) and patio (on-grade) expansion 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; the applicants, along with their engineer and architect, completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the June 19, 2013 Meeting; the applicants and their architect completed subsequent testimony and the case was adjourned, pending the Board's receipt of requested items, to the July 17, 2013 Meeting; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**

Item #6

Submissions: 5/14/13; 5/28/13; 6/11/13; 7/8/13
Taxes: 2nd Quarter (2013)
Consecutive Postponements: 0

Newspaper: 6/9/13
200' List: 6/7/13

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 Bulk Variance 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, 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 19, 2013 Meeting; the applicants' architect and engineer completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the July 17, 2013 Meeting; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**