



Zoning Board of Adjustment

Meeting (AGENDA)

Wednesday, August 20, 2014 @ 8:00pm

- A.) Opening Remarks;
- B.) Pledge of Allegiance;
- C.) Attendance;
- D.) Correspondence: July 17, 2014 - August 20, 2014;
- E.) Approval of Minutes: July 16, 2014 Meeting;
- F.) Subcommittee Assignments: August 27, 2014 Work Session;
- G.) Open to the Public;
- H.) Caseload: Item #'s 1 - 8 (see below);
- I.) Memorialization of Resolution(s): *Case #Z-2014-05 (36 Chestnut Avenue/Lee);
Case #Z-2014-06 (447 High Street/Haverilla);*
- J.) Miscellaneous;
- K.) Adjournment of Meeting;

Item #1

Submissions: 5/22/14; 6/24/14; 7/3/14; 7/7/14; 7/31/14
Taxes: 2nd Quarter (2014)
Consecutive Postponements: 0

Newspaper: 7/5/14
200' List: 7/2/14

Case #Z-2014-07
309 Closter Dock Road
(Block 1701/Lot 1)

Applicant(s): 309 Closter Dock Road, LLC
Representation: Elliot Urdang, Esq.

The applicant is seeking a Use Variance and Site Plan Approval for the construction of a new building (containing a delicatessen and 2 apartments) at the subject property; the application was received May 22, 2014 and scheduled for the June 18, 2014 (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 16, 2014 Meeting; due to the Board's heavy caseload, the application was postponed to the **August 20, 2014 Meeting**.

Item #2

Submissions: 6/13/14
Taxes: 2nd Quarter (2014)
Consecutive Postponements: 1

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

Case #Z-2014-10
39 Primrose Lane
(Block 1402/Lot 13)

Applicant(s): Frank & Joan Marzocca
Representation: David Watkins, Esq.

The applicants are seeking Bulk Variances for the as-built construction of an addition and rear porch at the subject property; the application was received June 13, 2014 and scheduled for the July 16, 2014 (Special) Work Session; being the applicants failed to obtain a denial from the Zoning Officer, the case was postponed to the **September 17, 2014 (Special) Work Session**.

Item #3

Submissions: 6/25/14
Taxes: 2nd Quarter (2014)
Consecutive Postponements: 1

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

Case #Z-2014-11
265 Demarest Avenue
(Block 907/Lot 28)

Applicant(s): Dahyalal Gajera
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; the application was received June 25, 2014 and scheduled for the August 20, 2014 (Special) Work Session; due to a scheduling conflict with the applicant's attorney, the case was postponed to the **September 17, 2014 (Special) Work Session**.

Item #4

Submissions: 5/28/14; 6/24/14
Taxes: 2nd Quarter (2014)
Consecutive Postponements: 1

Newspaper: Not Received
200' List: Not Received

Case #Z-2014-08
246 Parsells Lane
(Block 2305/Lot 9)

Applicant(s): Ian Birla
Representation: David Watkins, Esq.

The applicant is seeking a Bulk Variance for the as-built installation of a patio (on-grade) at the subject property; the application was received May 28, 2014 and scheduled for the June 18, 2014 (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 16, 2014 Meeting; being the applicant did not fulfill public noticing requirements, the case was postponed to the **September 17, 2014 Meeting**.

Item #5

Submissions: 6/13/14; 6/25/14
Taxes: 2nd Quarter (2014)
Consecutive Postponements: 0

Newspaper: Not Received
200' List: Not Received

Case #Z-2014-09
421 & 437-439 Durie Avenue
(Block 1003/Lot 18 & 21)

Applicant(s): Changiz Asfarjani & Afsaneh Kiarash
Representation: David Watkins, Esq.

The applicants are seeking a Use Variance and Major Subdivision Approval for the creation of 2 lots originating from each of the 2 subject properties; **NOTE #1:** a 1-family house (421 Durie Avenue) and a 2-family house (437-439 Durie Avenue) are currently situated on the subject properties; **NOTE #2:** the application involves 2 contiguous parcels, both owned by the applicants, which are being presented as 1 merged lot; **NOTE #3:** the applicants are proposing the donation of the existing 1-family house, known as the Harold Hess Lustron House, to the Borough as a condition of approval; the application was received June 13, 2014 and scheduled for the July 16, 2014 (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 **September 18, 2014 (Special) Meeting**;

Item #6

Submissions: 2/7/14; 3/7/14; 3/24/14; 4/11/14
Taxes: 1st Quarter (2014)
Consecutive Postponements: 4

Newspaper: 4/3/14
200' List: 4/1/14

Case #Z-2014-03
515 Piermont Road
(Block 1605/Lot 17)

Applicant(s): Isaac Ben-Avraham
Representation: Elliot Urdang, Esq.

The applicant is seeking a Use Variance and Site Plan Approval for the construction of a new building (containing a restaurant and associated retail establishments) at the subject property; the application

was received February 7, 2014 and scheduled for the February 19, 2014 Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the March 19, 2014 (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 April 16, 2014 Meeting; the applicant's engineer and architect completed direct and cross-examinations and the case was adjourned, pending the Board's receipt of requested items, to the April 30, 2014 (Special) Meeting; being the applicant did not file requested items, the case was postponed to the May 21, 2014 Meeting, June 18, 2014 Meeting and, again, to the July 16, 2014 Meeting; being the applicant did not file requested items and public *re-noticing* requirements, the case was postponed to the September 17, 2014 Meeting; ***the Board dismissed the application without prejudice for lack of prosecution.***

Item #7

Submissions: 3/31/14; 5/12/14; 5/13/14; 7/3/14
Taxes: 2nd Quarter (2014)
Consecutive Postponements: 0

Newspaper: 6/6/14
200' List: 6/6/14

Case #Z-2014-05
 36 Chestnut Avenue
 (Block 1708/Lot 7)

Applicant(s): Ki Lee
 Representation: Allen Bell, Esq.

The applicant is seeking Bulk Variances and a Design Waiver for the construction of a new 1-family house at the subject property; the application was received March 31, 2014 and scheduled for the April 16, 2014 (Special) Work Session, at which time, it was deemed incomplete; pending the Subcommittee's receipt of requested items, the application was rescheduled for the May 21, 2014 (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 18, 2014 Meeting; the applicant's engineer, architect and planner completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the July 16, 2014 Meeting; the application was approved by the Board; ***awaiting prepared Resolution by Board Attorney to memorialize.***

Item #8

Submissions: 4/17/14; 6/6/14; 7/3/14; 7/21/14
Taxes: 2nd Quarter (2014)
Consecutive Postponements: 0

Newspaper: 6/5/14
200' List: 6/5/14

Case #Z-2014-06
 447 High Street
 (Block 1314/Lot 4)

Applicant(s): Anna Haverilla
 Representation: Matthew Capizzi, Esq.

The applicant is appealing the determination of the Zoning Officer as to the legality of the continuation of an accessory building (carriage house) as a 1-family use 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 principal building (main house), was granted; the application was received April 17, 2014 and scheduled for the May 21, 2014 (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 18, 2014 Meeting; the determination of the Zoning Officer (Appeal portion) was upheld by the Board, and the application (Use Variance portion)

was adjourned, pending the Board's receipt of requested items, to the July 16, 2014 Meeting; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**