



# **Zoning Board of Adjustment**

## **Meeting (AGENDA)**

Wednesday, October 15, 2014 @ 8:00pm

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- A.) Opening Remarks;
- B.) Pledge of Allegiance;
- C.) Attendance;
- D.) Correspondence: September 18, 2014 - October 15, 2014;
- E.) Approval of Minutes: September 17, 2014 Meeting;  
September 18, 2014 (Special) Meeting;
- F.) Subcommittee Assignments: October 22, 2014 Work Session- *\*CANCELLED\**;
- G.) Open to the Public;
- H.) Caseload: Item #'s 1 - 11 (see below);
- I.) Memorialization of Resolution(s): *Case #2014-07 (309 Closter Dock Road/309 Closter Dock Road, LLC);*  
*Case #2014-09 (421 & 437-439 Durie Avenue/Asfarjani & Kiarash);*
- J.) Miscellaneous;
- K.) Adjournment of Meeting;

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## Item #1

*Submissions:* 9/3/14  
*Taxes:* Not Received  
*Consecutive Postponements:* 0

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

Case #Z-2014-14  
49 John Street  
(Block 1203/Lot 5)

Applicant(s): James Crimmins  
Representation: Stuart Liebman, Esq.

The applicant is seeking a Use Variance and Site Plan Approval for the continuation of an existing contractor's yard operation at the subject property; NOTE #1: the applicant's initial attempt at ratification (Case #Z-2008-13) was approved by the Board, a decision upheld by the Superior Court of New Jersey (Law Division), but subsequently overturned by its Appellate Division; NOTE #2: the applicant's petition for certification by the Supreme Court of New Jersey was denied, resulting in a new Board application having distinction from the original; the application was received September 3, 2014 and scheduled for the **October 15, 2014 (Special) Work Session**.

## Item #2

*Submissions:* 5/28/14; 6/24/14  
*Taxes:* 3<sup>rd</sup> Quarter (2014)  
*Consecutive Postponements:* 2

*Newspaper:* 10/3/14  
*200' List:* 10/3/14

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 and, again, to the **October 15, 2014 Meeting**.

## Item #3

*Submissions:* 8/27/14; 9/18/14; 10/3/14  
*Taxes:* 3<sup>rd</sup> Quarter (2014)  
*Consecutive Postponements:* 0

*Newspaper:* 10/3/14  
*200' List:* 10/3/14

Case #Z-2014-12  
51 Railroad Avenue  
(Block 1206/Lot 18)

Applicant(s): Northern Valley Baseball Academy  
Representation: David Watkins, Esq.

The applicant is appealing the determination of the Zoning Officer as to the tenancy of a baseball clinic at the subject property; in the alternative, it would seek a Use Variance and Site Plan Approval; the application was received August 27, 2014 and scheduled for the September 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 **October 15, 2014 Meeting**.

## Item #4

**Submissions:** 10/2/14  
**Taxes:** Not Received  
**Consecutive Postponements:** 0

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

Case #Z-2014-16  
515 Piermont Road  
(Block 1605/Lot 17)

Applicant(s): Corner Farm, 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 restaurant and retail uses associated with an existing farm field on-site) at the subject property; the application was received October 2, 2014 and scheduled for the **November 19, 2014 (Special) Work Session**.

## Item #5

**Submissions:** 10/9/14  
**Taxes:** Not Received  
**Consecutive Postponements:** 0

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

Case #Z-2014-17  
59 West Street, 11 & 15 Van Sciver Street  
(Block 1104/Lots 15.02, 15.03 & 15.04)

Applicant(s): Closter Assisted Living, LLC  
Representation: Elliot Urdang, Esq.

The applicant is seeking a Use Variance and Site Plan Approval for the construction of a new building (containing an assisted living facility) at the subject properties; the application was received October 9, 2014 and scheduled for the **November 19, 2014 (Special) Work Session**.

## Item #6

**Submissions:** 9/4/14; 10/2/14  
**Taxes:** 3<sup>rd</sup> Quarter (2014)  
**Consecutive Postponements:** 1

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

Case #Z-2014-15  
50 Harvey Street  
(Block 901/Lot 8)

Applicant(s): SRS05, LLC  
Representation: David Russo, Esq.

The applicant is seeking Bulk Variances for the construction of an addition, (4) cantilevers, balcony, front steps/landing and front walkway at the subject property; the application was received September 4, 2014 and scheduled for the September 17, 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 October 15, 2014 Meeting; being the applicant did not fulfill public noticing requirements, the case was postponed to the **November 19, 2014 Meeting**.

## Item #7

**Submissions:** 9/2/14  
**Taxes:** 2<sup>nd</sup> Quarter (2014)  
**Consecutive Postponements:** 0

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

Case #Z-2014-13  
22 Jane Street  
(Block 1712/Lot 6)

Applicant(s): Carolyn Bruno  
Representation: Richard Moreno

The applicant is seeking Bulk Variances for the as-built reconstruction of a deck at the subject property; the application was received September 2, 2014 and scheduled for the September 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 **November 19, 2014 Meeting**.

## Item #8

**Submissions:** 6/13/14; 9/25/14  
**Taxes:** 2<sup>nd</sup> Quarter (2014)  
**Consecutive Postponements:** 0

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

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, rear porch, driveway expansion and front walkway expansion 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, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the **November 19, 2014 Meeting**.

## Item #9

**Submissions:** 6/25/14  
**Taxes:** 2<sup>nd</sup> Quarter (2014)  
**Consecutive Postponements:** 0

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

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, at which time, it was perfected; pending the Board's receipt of requested items and public noticing requirements, the application was scheduled for the **November 19, 2014 Meeting**.

## Item #10

**Submissions:** 5/22/14; 6/24/14; 7/3/14; 7/7/14; 7/31/14; 8/19/14; 9/4/14; 9/5/14; 9/10/14  
**Taxes:** 3<sup>rd</sup> 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):  
Representation:

309 Closter Dock Road, LLC  
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; the applicant's engineer and architect completed initial testimony and the case was adjourned, pending the Board's receipt of requested items, to the September 17, 2014 Meeting; the application (Use Variance portion) was denied by the Board, negating its vote on Site Plan Approval; **awaiting prepared Resolution by Board Attorney to memorialize.**

## Item #11

**Submissions:** 6/13/14; 6/25/14; 9/5/14  
**Taxes:** 3<sup>rd</sup> Quarter (2014)  
**Consecutive Postponements:** 0

**Newspaper:** 9/2/14  
**200' List:** 9/5/14

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

Applicant(s):  
Representation:

Changiz Asfarjani & Afsaneh Kiarash  
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 (creating 4 lots in total); **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; the application was approved by the Board; **awaiting prepared Resolution by Board Attorney to memorialize.**



**Zoning Board of Adjustment**  
**\*\*\*SPECIAL\*\*\***  
**Work Session**  
*(Agenda)*

Wednesday, October 15, 2014 @ 7:30pm

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- A. Attendance;
- B. Caseload: Item #1 (see below);

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**Item #1**

Case #Z-2014-14	Applicant(s):	James Crimmins
49 John Street	Representation:	Stuart Liebman, Esq.
(Block 1203/Lot 5)		

The applicant is seeking a Use Variance and Site Plan Approval for the continuation of an existing contractor's yard operation at the subject property; NOTE #1: the applicant's initial attempt at ratification (Case #Z-2008-13) was approved by the Board, a decision upheld by the Superior Court of New Jersey (Law Division), but subsequently overturned by its Appellate Division; NOTE #2: the applicant's petition for certification by the Supreme Court of New Jersey was denied, resulting in a new Board application having distinction from the original; the application was received September 3, 2014 and scheduled for the **October 15, 2014 (Special) Work Session**.