

**Township of South Hackensack
BOARD OF ADJUSTMENT
October 26, 2009
MINUTES**

At 7:45 p.m. the meeting was Called to Order. Pursuant to the Open Public Meetings Act, adequate notice of this meeting was advertised in The Record and the Herald News and by posting a copy of the meeting notice on the bulletin board in the clerk's office where notices are customarily posted.

The Chairman led the flag salute.
The Secretary called the roll.

Members Present

Phil Iacono
Joseph D'Amico
James Diraimondo
John Falato
Luis Perdomo
Blasé Coppola
Jerry D'Amico
Evelyn Stefano- Acting Secretary
Ralph Chandless - Attorney
Ray DeRiso -Zoning Officer

Members Absent

Brian Veprek Sr.
Bill Regan

OLD BUSINESS

Memorialize Resolution – Evolution Hockey Training Inc.
Block 23.01 Lot 2.01 – 450 Huyler Street
ZB #2009-07

Use variance granted to Scott Pietruszka for hockey training and skills development. Iacono **motioned**; Falato **seconded** to approve the application for Evolution Hockey and that the snack bar meet the health officer's approval before a Certificate of Occupancy is issued. **Roll Call:** Ayes: Iacono, Diraimondo, Falato; **UNABLE TO VOTE:** Coppola, Joseph D'Amico, Jerry D'Amico, Perdomo **ABSENT:** Veprek and Regan

Memorialize Resolution – Pat Spadavecchia
35 Calicooneck -Block 7.01 Lot 24
ZB #2009-05

Use variance granted to Pat Spadavecchia to change a commercial use to residential, parking in the driveway to remain with no proposed macadam in the rear, landscaping in the front subject to Boswells approval and that the apartment conforms to construction code. Diraimondo **motioned**; Falato **seconded** to approve the application to **Roll Call Vote**; Ayes: Iacono, Diraimondo, Falato; **UNABLE TO VOTE:** Coppola, Joseph D'Amico, Jerry D'Amico, Perdomo **ABSENT:** Veprek and Regan

October 26, 2009

MINUTES:

Falato **motioned**; Diramundo seconded to approve the Minutes of September 24, 2009
All in favor.

NEW BUSINESS

MAS Partners, LLP d/b/a Caribe Restaurant

Block 1.02 Lot 2 – 388 Route 46 West

ZB #2009-08

Applicant's attorney began by first representing that the premises, formerly Sakura, a Japanese restaurant, would continue to be operated principally as a restaurant. He represented that it would not be operated as a nightclub or cabaret in which entertainment is the primary use and that there would be no entertainment other than electronically provided music controlled by a single operator. There will be no paid dancers or live entertainers. None of the entertainment will be "adult entertainment" as defined by the ordinances in respect thereto. The applicant merely seeks to enhance the family atmosphere and encourage patrons to have dinner and enjoy some music as they dine.

Angelos Karlos of 115 Union Ave, Little Ferry, New Jersey, was duly sworn and testified that he is the managing officer of the applicant, MAS Partners LLP. He stated that the former business conducted on the premises, Sakura, an oriental restaurant, closed in November of 2008. The applicant has leased the premises and invested approximately \$400,000.00 in its renovation to make it a high caliber establishment. Kitchen renovations alone cost approximately \$70,000.00. Currently he has a maximum of 8 employees and 16 parking places. There are three exit doors, one in the kitchen, one in the rear on the left side of the building and one in the front entrance with handicapped accessibility onto Route 46. The restaurant is opened on Mondays, Tuesdays and Wednesdays from 11:00 A.M. until midnight, on Thursdays from 11:00 A.M. until 2:00 A.M., on Fridays and Saturdays from 11:00 A.M. until 3:00 A.M. and on Sundays from 11:00 A.M. until 11:00 P.M.

Zoning Enforcement Officer Raymond DeRiso read a letter from the Fire Subcode Official dated September 24, 2009, regarding the ramifications of the proposed change in use such as the required fire lane for emergency vehicles. Mr. Karlos agreed to comply with the requirements of the official. Mr. Karlos also agreed to advertise the business as a "restaurant and lounge" and not as a night club or disco. He stated that the dance floor will be only 16 feet by 15 feet achieved by relocating four dining tables.

Board Member Falato interjected that he wanted the record to reflect that he disapproved of a suggestive advertising postcard that had been circulated. Mr. Karlos testified that the applicant had not approved of this promotional mailer and that it does not represent the restaurant.

*At 9:25 p.m. the board recessed for 10 minutes.
Board Meet resumes at 9:35 p.m.*

October 26, 2009

Roll Call

Members Present

Phil Iacono
Joseph D'Amico
James Diraimondo
John Falato
Luis Perdomo
Blasé Coppola
Jerry D'Amico
Evelyn Stefano- Acting Secretary
Ralph Chandless - Attorney
Ray DeRiso -Zoning Officer

Members Absent

Brian Veprek Sr.
Bill Regan

Mr. DeRiso raised security issues. Mr. Karlos stated that he currently has two employed security officers to verify patrons' identity and ages. A lengthy discussion ensued among the members of the Board, the attorney for the applicant and Mr. Karlos resulting in the applicant representing as follows:

1. That the premises would be operated primarily as a restaurant with entertainment only as an accessory thereto: it will not be operating as a nightclub or cabaret as those terms are commonly construed.
2. That the entertainment to be provided to the patrons will only be music and that there will be no paid dancers or paid live entertainment other than the single person who operates the electronic devices necessary to operate the music.
3. The music shall be only that to which patrons of a restaurant would ordinarily dance.
4. That such entertainment will be provided only after the hours of 6 P.M. on Thursdays through Sundays and on holidays.
5. That none of the entertainment shall be Adult entertainment as the same is defined in the ordinances of the Township of South Hackensack.
6. That the applicant shall preserve the existing 15 parking places on the premises; the configuration of the on-site parking shall be approved by the Zoning Enforcement Officer, the Building Inspector and the Fire Subcode Official.
7. That the applicant shall have three persons on duty to provide valet parking off premises at all times during which entertainment is provided.
8. That there shall be provided at least 30 parking places off premises after 6 P.M. during all days of operation of the restaurant at 384 Liberty Street, Little Ferry, New Jersey, under a five-year lease which lease shall give the applicant an option to extend for an additional five years; the terms of such lease shall be subject to the approval of the attorney for this Board and the adequacy of such premises to provide such parking shall be subject to approval by the Zoning Enforcement Officer.
9. That the said valet parking shall be provided by 6 P.M. on all days during which the restaurant is open and providing entertainment and until all patrons having used the services of the said valets have departed the premises.
10. That the area to be provided as a Dance floor shall not exceed 16 feet by 15 feet.

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11. That the applicant shall engage the services of a security officer whose duty it shall be to verify the identity and age of all patrons during all periods when entertainment is provided.

12. That the occupancy of the premises shall be limited to 103 persons or such number as the Fire Subcode Official determines, whichever may be fewer; the applicant shall submit current sealed architectural plans of the premises in sufficient form to allow the Fire Subcode Official to make such a determination.

13. That all motor vehicles returned to the premises by way of the above referred to valet services shall be delivered to their respective operators along the Phillips Avenue frontage of the premises.

14. That the applicant's operation of the premises shall be advertised as only a restaurant or lounge and may reflect that the aforesaid entertainment is provided as an accessory only; the business shall not be advertised as a nightclub, cabaret or discotheque.

15. The rights granted by virtue of this variance from the strict application of Section 208-8C(6) shall extend only as long as this applicant uses this premises and shall not extend to a successor unless any such successor makes all of the same stipulations in writing to the Township of South Hackensack.

D'Amico motioned to open to the public; Perdomo seconded, all in favor.
Since no comments were made it was closed to the public.

D'Amico **motioned**; Coppola, **seconded** to approve the application according to all the conditions listed.

Roll Call Vote; Ayes: Iacono, Diraimondo, Jerry D'Amico, Perdomo No Vote; Falato

Chickies Kitchen LLC
600 Huyler Street – Block 2.01 Lot 12.01
ZB 2009-09

For the Record, Chickies Kitchen, LLC has voluntarily withdrawn their application for a use variance at 600 Huyler Street, Block: 2.01 Lot: 12.01, ZB: 2009-09.
Notice of Adjournment is attached to the minutes.

DISCUSSION ONLY

Morzetta – 46 Sievers Lane
Block 7.05 Lot 27.03

Mr. Morzetta will consult with his landscaper to correct the run-off to the neighboring yards and will be correcting the problem himself. Mr. Morzetta has also agreed not hold Ray De'Riso accountable. Ralph Chandless concluded that all of the issues proposed by Ray DeRiso, be stated on the Certificate of Occupancy before it is issued and suggests that Mr. Morzetta consult with the zoning officer, Ray DeRiso after completion for inspection.

At 10:00 p.m. Joseph D'Amico motioned and Jerry D'Amico seconded to adjourn the meeting. All in favor.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Evelyn Stefano". To the right of the signature, the initials "M.T." are written in a smaller, simpler font.

Evelyn Stefano
Zoning Board Secretary

October 26, 2009

MEMBER
NY. DC BARS

STEVEN C. SCHECHTER

ATTORNEY AT LAW

36 FARVIEW TERRACE
PARAMUS, NEW JERSEY 07652
TEL: 201-880-9818
FAX: 201-880-9819

BILLING ADDRESS
39-26 BROADWAY
FAIR LAWN, NJ 07410
TEL: 201-794-6660
FAX: 201-796-7997

VIA FACSIMILE \ 201/440-0719

October 26, 2009

Ms. Evelyn Stefano, Secretary
South Hackensack Zoning Board of Adjustment
227 Phillips Avenue
South Hackensack, N.J. 07606

Re: Chickie's Kitchen, LLC - Use Variance Application

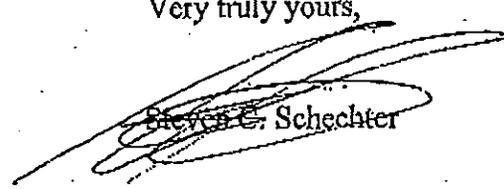
Dear Ms. Stefano:

This letter shall serve to confirm our telephone conversation of this afternoon. As I advised, my client is voluntarily withdrawing its application for a use variance which application is currently scheduled to be heard this evening.

Kindly return any escrow balance to my clients in care of my office.

Thank you in advance.

Very truly yours,


Steven C. Schechter

SCS/ccs

cc: Ralph Chandless, Jr., Esq. (201-288-0074)

RESOLUTION NO. 2009-
BOARD OF ADJUSTMENT OF THE TOWNSHIP OF SOUTH HACKENSACK
DATED: October 26, 2009

MEMORIALIZATION OF THE APPROVAL
OF THE APPLICATION FOR USE VARIANCE
AND SITE PLAN APPROVAL

APPLICATION OF: Evolution Hockey Training, Inc.
-and-
Scott Pietruszka and Vyacheslav Grinshtein, individually

APPLICANT' ADDRESS: 450 Huyler Street, Suite 103
South Hackensack, New Jersey 07606

APPLICANT'S ATTORNEY: George G. Gundersen, III, Esq.
634 Palisade Avenue
River Vale, New Jersey 07675
201-505-0895

PREMISES: Demised portions of
Lots 1.01, 2.01 & 2.02 in Block 23.01
450 Huyler Street

OWNER OF PREMISES: Mahopac Partners, LLC

DATE OF SUBMISSION: September 11, 2009

DATE DETERMINED COMPLETE: September 28, 2009

DATE OF PRESENTATION: September 28, 2009

SITE AND/OR SUBDIVISION: Simoff Engineering Associates, entitled
consisting of 2 pages
DATED: September 10, 2009
REV'D TO: None

ARCHITECTURAL PLANS: Axis Architectural Studio
consisting of 1 page
DATED: September 4, 2009
REV'D TO: None

PLANNING REPORTS: Boswell McClave Engineering
DATED: September 17, 2009

APPLICATION:

1. Use variance from the strict application of **§208-7A** to allow a hockey training and skills development center in an Industrial Zone.
2. Site plan approval.
3. Relief from the strict application of the required number of parking places to be provided (**§208-7F(5)** requires 250, 176 to be provided.)

DECISION: Granted subject to compliance with the conditions contained herein

WHEREAS, this matter came before this Board for public hearing on September 28, 2009, upon the aforesaid application after the Zoning Officer had properly denied a permit to the Applicant for the proposed use in an "C District," the industrial zone, and

WHEREAS, by the time of the hearing, this Board had determined that all of the requirements in respect to the submission of such an application had been met and that the application was complete and therefore was ready for full and complete presentation upon a public hearing, and

WHEREAS, the Township Engineer had prepared and presented his report describing the application as follows:

Proposed Use

- 3. The Applicant proposes to:
 - a) Provide only interior renovations to house an indoor Hockey Training Center and not change anything to the external site.
 - b) Provide only 176 parking spaces per the original Planning Board Resolution, according to the Applicant's Engineer.
 - c) Perform only interior renovations with no changes to the site.

Land Use

- 4. Hockey Training and Skills Development Centers are not considered a permitted use in the C District, Industrial Zone according to §208—7.A. of the South Hackensack Code.
- 5. The Applicant shall be prepared to provide testimony with regard to the specifics of the intended operations. Information should be provided on the anticipated hours and days of operation, number of deliveries (if applicable) and expected number of patrons, impact on on-site parking etc. The Applicant should provide testimony to the Zoning Board whether the proposed use will exacerbate the traffic at the site from existing conditions to the addition of the proposed Hockey Training and Skills Development Center facility.

Variances/Waivers

- 6. The Applicant requests the following variances:

<u>Section:</u>	<u>Item:</u>	<u>Required:</u>	<u>Proposed:</u>
208-7.A	Permitted Uses	Industrial	Commercial
		(D Variance Suggested)	
208-7.F	Off-Street Parking 250 spaces		176 spaces
		(1 Existing Non-conformity)	

Drainage and Stormwater Management

- 7. It does not appear that the Applicant is providing any modifications to the existing drainage and stormwater management system on the site since no external site modifications are being proposed. Boswell McClave Engineering takes no exception to this matter.

Parking Requirements

- 8. Parking requirements for this Application are contained in the Zoning Code for the Township of South Hackensack in §208-1 (Parking Space Size), and in §208-7.F (Number of Spaces Required).
- 9. The number of parking spaces required, which are related to the square footage of warehouse space, office, industrial and training center are as follows:

1.0 space/300 sf x 20,600 sf Retail =	69 spaces
1.0 space/200 sf x 6,999 sf Office/Showroom =	35 spaces
1.0 space/700 sf x 75,588 sf Warehouse =	108 spaces
1.0 space/700 sf x 25,981 sf Industrial =	<u>38 spaces</u>
	= 250 spaces

A total of 250 parking spaces are required.

Traffic

- 10. The Applicant shall provide testimony to the Zoning Board regarding the impact of traffic frequency based on the change of use from a shoe store to a hockey training

facility.

Site Plan Review

The following items are required for Site Plan Approval. The Applicant should provide the items or seek a submission waiver from the Zoning Board.

11. The Applicant shall provide testimony with regard to the number of employees, anticipated number of patrons, and the days and hours of operations.
12. The Applicant shall provide testimony with regard to the Lease Agreement.
13. Since Huyler Street is a county road, this application will require Bergen County Planning Board approval or a letter of no interest from Bergen County.
14. Since the property in question is within 200 ft of the municipality of Teterboro, said Applicant should contact the Borough of Teterboro to ascertain if the Borough has any interest in the proposed project.

WHEREAS, George G. Gundersen, III, Esq., appeared on behalf of the applicant and presented this application, and

WHEREAS, this Board heard the matter, as follows:

Mr. Gundersen stated that the applicant intends occupy unit 103 at 450 Huyler Street under a lease between the individual principals of the corporate applicant and the property owner, Mahopac Partners, LLC, to be used as a hockey training and skills development center. This is not a permitted use in the C-zone and would require a use variance. Ray DeRiso, the Zoning Enforcement Officer, interjected that this property had recently been granted a parking variance by the South Hackensack Planning Board in connection with its current renovations.

Mr. Gundersen then referred to the architectural drawing of Axis Architectural Studio which he stated displays the demolition plan and the proposed floor plan. He then called one of the individual applicants, Scott Pietruszka, as his first witness.

Mr. Pietruszka, having been duly sworn, testified that he was one of the tenants and a principal of the corporate applicant. He described the nature of the business as a center to teach the fundamentals of ice hockey to students eight years of age or older. The hours operation will be

between the hours of 4 p.m. and 10 p.m. on week days and between the hours of 10 a.m. and 3 p.m. on Saturdays and Sundays.

The skating area will be composed of a synthetic ice and not frozen water. The center will include a so-called "food and drink station" for the service and consumption of packaged snacks and beverages. He described the facility as "one of a kind."

The Engineer interjected that the applicant needs to provide testimony on the impact of traffic frequency resulting from the change of use from a shoe store to the subject training facility since approval for parking was granted for office/showroom, retail, warehouse and industrial uses. In response thereto, Mr. Pietruszka testified that the center will accommodate a maximum of 25 students at any single time, many of whom will be children who it is anticipated will be dropped off. The center will require no more than 7 in staff members at any single time.

WHEREAS, no comment was heard upon opening the hearing to public,

WHEREAS, based upon all of the foregoing, this Board has concluded as follows:

1. No detriment will result from the proposed use variance and, instead a substantial benefit to the neighborhood, the general welfare, and the zoning plan will result from a use that is less intensive than many of the permitted uses;
2. Except for the nonconformity in respect to parking for which a variance is sought, the site plan appears to conform to applicable standards of good planning;
3. By reason of the exceptional situation of the structure lawfully existing on this property, the strict application of the parking requirement would result in exceptional and undue hardship upon this applicant and the relief sought from that requirement can be granted without detriment to the

public good and without impairing the intent of zone plan and zoning ordinance.

WHEREAS, at the conclusion of the hearing, a motion was duly made by Mr. Regan, seconded by Mr. Diraimondo and adopted by this Board, all members present voting in the affirmative therefor, to conditionally approve the said application and to direct the preparation and presentation of this Resolution memorializing that decision which includes the usual applicable conditions and, additionally, a specific condition that the food service facility be subject to approval by the Township Health Inspector prior to the issuance of the certificate of occupancy,

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of South Hackensack that the approval granted to the aforesaid variance application be and is hereby granted subject to and conditioned upon each and all of the following:

1. Full and complete compliance with P.L.2008, Chapter 46 commonly known as the Statewide Non-residential Development Fee Act, by the filing of form N-RDF (rev. 9/12/08) entitled STATE OF NEW JERSEY NON-RESIDENTIAL DEVELOPMENT FEE CERTIFICATION/EXEMPTION" (appearing on the NJ DCA website as <<http://nj.gov/dca/affiliates/coah/regulations/nrdf/formnrdf.pdf>>.) Said submission shall be used to impose and collect a 2.5% fee, if any, on new and/or improved non-residential development. No temporary or permanent certificate of occupancy or approval shall issue unless there is full compliance herewith.

2. Full and complete compliance with all applicable Zoning Ordinances unless a variance therefrom has been specifically granted.

3. Full and complete compliance with Applicant's stipulation that the food service facility be

subject to approval by the Township Health Inspector prior to the issuance of the certificate of occupancy.

4. Full and complete compliance with all applicable provisions of the Construction Codes and all applicable provisions of its various Sub-Codes.

5. Complete compliance with all of the terms and conditions contained in the above referred to report of Boswell McClave Engineering dated September 17, 2009. Such compliance shall be subject to the supervision of the said engineers and, when completed, shall be evidenced by certification of that compliance by the said engineers.

6. Submission to the Bergen County Planning Board and receipt of a written report approving the project or written certification by it of exemption from its review before any local permits shall be issued.

7. Submission to the Zoning Enforcement Officer of the Borough of Teterboro and receipt of a written report approving the project or written certification by it of exemption from its review before any local permits shall be issued.

8. Submission to the Fire Safety Official of the Township of South Hackensack and receipt of written certification that the application complies with all of the applicable provisions of the New Jersey Uniform Fire Safety Act, all as provided in the Code of the Township of South Hackensack, before any local permits shall be issued.

9. Substantial completeness of the entire development within one (1) year of the date hereof, it being deemed that the conditions under which this application is approved may have changed by the expiration of that period.

10. Full and complete compliance with the approved plans without any material deviation whatsoever except as specifically provided herein; in the event that there is required any deviation from the approved plans which the Zoning Officer deems to be a material deviation, the applicant must seek approval from this Board for such deviation upon a written application therefor and upon public notice of such application as is required of all other development applications and, for such purposes, this Board retains jurisdiction of this matter.

11. The acknowledgment by the applicant that it is responsible for having determined the nature and extent of this application and its further acknowledgment that, if it may be hereafter determined that the application herein approved was in any way deficient and that any relief or approvals required by the applicant for the development of the premises and conduct of the use for which approval was sought requires further applications or relief, the Township of South Hackensack shall not be deemed by this approval to have waived its rights to require such further applications or relief.

12. Acknowledgment by the applicant that it shall continue to maintain with the Township of South Hackensack an escrow sufficient to abide all of the current and reasonably anticipated future charges incurred by the Township in connection with this application and in connection with the development of the premises as approved herein at least until the grant of a final Certificate of Occupancy for the proposed development; such escrow shall be held under the same terms and conditions as the current escrow and shall be promptly supplemented upon notice to the applicant from the attorney for this Board or the office of the Township Treasurer when and if the need to so supplement the same is reasonably anticipated.

MOVED: Phil Iacono

SECONDED: John Falato

Roll Call on the Motion:

Blase' Coppola	<u>not able to vote</u>
Joseph D'Amico, Chairman	<u>not able to vote</u>
James Diraimondo	<u>✓</u>
John Falato	<u>✓</u>
Phil Iacono, Vice Chairman	<u>✓</u>
Bill Regan	<u>absent</u>
Brian Veprek, Sr.	<u>absent</u>
Luis Perdomo, 1 st Alt.	<u>not able to vote</u>
John Kopee, 2 nd Alt.	<u>not able to vote</u>
Jerry D'Amico	<u>not able to vote</u>

Date: October 26, 2009

Joseph D'Amico
Joseph D'Amico, Chairman
Phil Iacono, Vice Chairman

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Resolution of the South Hackensack Board of Adjustment duly adopted in this matter on October 26, 2009.

Date: October 26, 2009

Evelyn Stefano
Evelyn Stefano
Board of Adjustment Secretary

po copy.

The newspapers of **New Jersey** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Bergen
Printed In: The Record, Hackensack
Printed On: 2009/11/02

**BOARD OF ADJUSTMENT TOWNSHIP OF SOUTH HACKENSACK
PUBLIC NOTICE**

NOTICE is hereby given that the Board of Adjustment of the Township of South Hackensack, by resolution duly adopted on October 26, 2009 for the reasons set forth in its resolution of that date, conditionally granted approval to the application of Evolution Hockey Training, Inc., as to premises designated as Lots 1.01, 2.01 and 2.02 in Block 23.01 and more commonly known as 450 Huyler Street, South Hackensack, New Jersey, 07606, for site approval, a parking variance and a variance from the strict application of the use restrictions so as to allow a portion of the said premises to be used as a ice hockey training facility even through it is located within an Industrial Zone. Said approval was made expressly conditioned upon the satisfaction of all of the terms and conditions contained in that resolution. A copy of that resolution is on file in the office of the Township of South Hackensack, 227 Phillips Avenue, South Hackensack, New Jersey, and is available for inspection by members of the public during the regular business hours of that office.

Dated: October 26, 2009

BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF SOUTH HACKENSACK
By: Evelyn Stefano Secretary
Nov 2, 2009-Fee:\$34.97 (37) 2723782

RECEIVED

NOV 01 2009

TOWNSHIP OF
SOUTH HACKENSACK
FINANCE DEPT.

Public Notice ID:

RESOLUTION NO. 2009-

BOARD OF ADJUSTMENT OF THE TOWNSHIP OF SOUTH HACKENSACK

DATED: October 26, 2009

**MEMORIALIZATION OF THE APPROVAL
OF THE APPLICATION FOR A VARIANCE**

APPLICATION OF: Spadavecchia, Pat & ~~Maria~~ *Katherine* **APPLICANTS**

ADDRESS: 35 Calicooneck Road
APPLICANT'S South Hackensack, New Jersey 07606

APPLICANT'S
ATTORNEY: Pro Se

PREMISES: Lot 24 in Block 7.01
35 Calicooneck Road

OWNER OF PREMISES: Applicant

DATE OF SUBMISSION: August 3, 2009

DATE DETERMINED COMPLETE: September 22, 2009

DATE OF PRESENTATION: September 28, 2009

SITE AND/OR SUBDIVISION: None

ARCHITECTURAL PLANS: Sketch attached to application marked, "ZB# 2009-05"

PLANNING REPORTS: None

APPLICATION: 1. Variance from the strict application of the required parking of 6 spaces (Sects. 208-4 B and 208-14.3 F of Township Code) to allow 2 parking spaces

DECISION: Granted subject to compliance with the conditions contained herein

WHEREAS, this matter came before this Board for public hearing on September 28, 2009, upon the aforesaid application after the Zoning Enforcement Officer had properly advised the applicant that a permit for this work could not be granted until the aforesaid variance had been obtained, and

WHEREAS, the Applicants appeared pro se and presented this application, and

WHEREAS, by the time of the hearing, the Secretary to this Board had determined that all of the requirements in respect to the submission of such an application had been met and that the application was complete and therefore was ready for full and complete presentation upon a public hearing, and

WHEREAS, this Board heard the matter, as follows:

The Applicant, Pat Spadavecchia, testified that he is proposing to abandon the existing non-conforming commercial use and convert it to a conforming residential use as a studio apartment.

WHEREAS, upon discussion among the members of the Board it was determined that the elimination of a prior non-conforming commercial use and use of the property as a conforming residential use outweighed the lack of required parking. It was further determined that the lack of parking for the residential use was not unique to this property and in fact a commercial use would make the problem greater.

WHEREAS, based upon all of the foregoing, this Board has concluded as follows:

1. The peculiarity inherent in the subject premises is that the residence is lawfully situated in

in a residential zone and has been used in part for decades for commercial purposes.

2. The hardship that would be imposed by the strict application of the restrictions from which the Applicant seeks a variance is that the structure could not be modified in any manner that would be otherwise permitted to accommodate the required parking and as result a variance from the requirement of six parking spaces be granted.

3. The grant of the relief sought will not be detrimental to the public good nor will it impair the intent and purpose of the zone plan and zoning ordinances of the Township of South Hackensack as it will eliminate the current grandfathered non-conforming use and replace it with a conforming residential use.

WHEREAS, at the conclusion of the hearing, a motion was duly made by Mr. Falato, seconded by Mr. Veprek and adopted by this Board, all members present voting in the affirmative therefor, to conditionally approve the said application and to direct the preparation and presentation of this Resolution memorializing that decision,

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of South Hackensack that the approval granted to the aforesaid variance application be and is hereby granted subject to and conditioned upon each and all of the following:

1. That a sketch be prepared by the applicant of proposed landscaping to the front of the premises and that the same be presented to and approved by the township engineer as in conformance with the township's zoning code and consistent with good planning.
2. Full and complete compliance with all the other applicable Zoning Ordinances.
3. Full and complete compliance with all applicable provisions of the Construction Codes

and all applicable provisions of its various Sub-Codes.

4. Substantial completeness of the entire development within one (1) year of the date hereof, it being deemed that the conditions under which this application is approved may have changed by the expiration of that period.

5. Full and complete compliance with the approved plans without any material deviation whatsoever; in the event that there is required any deviation from the approved plans which the Zoning Officer deems to be a material deviation, the Applicant must seek approval from this Board for such deviation upon a written application therefor and upon public notice of such application as is required of all other development applications and, for such purposes, this Board retains jurisdiction of this matter.

6. The acknowledgment by the Applicants that they are responsible for having determined the nature and extent of this application and their further acknowledgment that, if it may be hereafter determined that the application herein approved was in any way deficient and that any relief or approvals required by the Applicant for the development of the premises and conduct of the use for which approval was sought requires further applications or relief, the Township of South Hackensack shall not be deemed by this approval to have waived its rights to require such further applications or relief.

7. Acknowledgment by the Applicants that they shall continue to maintain with the Township of South Hackensack an escrow sufficient to abide all of the current and reasonably anticipated future charges incurred by the Township in connection with this application and in connection with the development of the premises as approved herein at least until the grant of a final

Certificate of Occupancy for the proposed development; such escrow shall be held under the same terms and conditions as the current escrow and shall be promptly supplemented upon notice to the Applicant from the Attorney for this Board or the office of the Township Treasurer when and if the need to so supplement the same is reasonably anticipated.

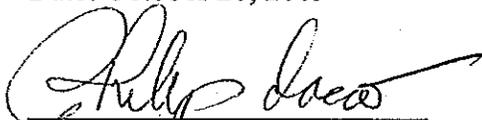
MOVED: James Diraimondo

SECONDED: John Falato

Roll Call on the Motion:

Blase' Coppola,	not able to vote
Joseph D'Amico, Chairman,	not able to vote
James Diraimondo	✓
John Falato	✓
Philip Iacono, Vice Chairman	✓
Bill Regan	absent
Brian Veprek, Sr.	absent
Luis Perdomo, 1 st Alt.	not able to vote
Jerry D'Amico 2 nd Alt.	not able to vote

Date: October 26, 2009



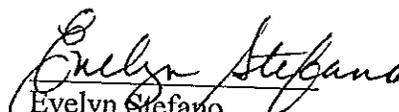
Phil Iacono, Vice Chairman

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Resolution of the South Hackensack Board of Adjustment duly adopted in this matter on October 26, 2008.

5

Date: October 26, 2009



Evelyn Stefano
Board of Adjustment

Secretary

The Adopted November 23, 2009 w/ Correct Name

The newspapers of **New Jersey** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Bergen

Printed In: The Record, Hackensack

Printed On: 2009/11/02

**BOARD OF ADJUSTMENT TOWNSHIP OF SOUTH HACKENSACK
PUBLIC NOTICE**

NOTICE is hereby given that the Board of Adjustment of the Township of South Hackensack, by resolution duly adopted on October 26, 2009 for the reason set forth in its resolution of that date, conditionally granted approval to the application of Pat & Katherine Spadavecchia, as to premises designated as Lot 24 in Block 7.01 and more commonly known as 35 Calicooneck Road, South Hackensack, New Jersey, 07606, for site approval, for changing a commercial use to a residential use. Parking in the driveway to remain with no proposed macadam in the rear. Landscaping in the front subject to Boswell's approval and that the apartment conforms to construction code. Said approval was made expressively conditioned upon the satisfaction of all of the terms and conditions contained in that resolution. A copy of that resolution is on file in the office of the Township of South Hackensack, 227 Phillips Avenue, South Hackensack, New Jersey, and is available for inspection by members of the public during the regular business hours of that office.

Dated: October 26, 2009

BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF SOUTH HACKENSACK

By: Evelyn Stefano Zoning Secretary
Nov 2, 2009-Fee:\$34.97 (37) 2723765

Z B 2009-05

NOV 02 2009

Public Notice ID: