

Township of South Hackensack  
BOARD OF ADJUSTMENT  
September 24, 2009  
MINUTES

At 7:34 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 Vice-Chairman led the flag salute.  
The Secretary called the roll.

**Members Present**

Phil Iacono  
James Diraimondo  
John Falato  
Bill Regan  
Brian Veprek Sr.  
Mary Terraccino- Acting Secretary  
Ralph Chandless - Attorney  
David V. Nasta - Attorney  
Kevin Tihacek -Boswell

**Members Absent**

Joseph D'Amico  
Blasé Coppola  
Jerry D'Amico  
Luis Perdomo

**OLD BUSINESS**

Agenda out of order to allow David Nasta to hear testimony.

**Spadavecchia – ZB 2009-05**

**35 Calicooneck -Block 7.01 Lot 24**

David V. Nasta was present to hear the testimony for the Spadavecchia hearing because Ralph Chandless was unable to serve on this matter because of personnel business matters with Spadavecchia.

The application was marked as Exhibit A, Proof of Publication marked as Exhibit B and the Property Owners Listing as Exhibit C.

This hearing was continued from the August meeting. Pat Spadavecchia was sworn in for testimony. He stated that the conversion of this mixed use entity to a studio apartment would be less of an impact to the neighborhood.

**Open to the Public**

Barbara Thomas from 39 Calicooneck Road expressed her concerns with the parking along Calicooneck Road. Pat indicated that he was trying to satisfy the parking with a proposed macadam in the rear for two cars. Falato indicated that the residential use would conform to the neighborhood and for Pat to re-consider the macadam proposed in the rear. The issue here is the consideration of a studio apartment.

**Closed to the Public**

Nasta indicated that permitting the residential use makes the commercial use go away and a commercial use would have to come back before the board for a variance. Boswell suggested grass pavers instead of macadam for the neighbors that are concerned with

September 24, 2009

water run-off. The board decided that the rear parking be omitted and to just leave the original parking along the driveway.

**Falato motioned; Veprek seconded to approve Spadavecchia's application to change the 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.**

**Roll Call Vote: Ayes: Iacono, Diraimondo, Falato, Regan, and Veprek**

The secretary informed Mr. Spadavecchia that revised plans would have to be submitted and approved by Boswell before any permits are issued.

Ralph Chandless returned to the dais.

### **CORRESPONDENCE**

The secretary informed the board members that if they had not received their certification to satisfy the requirements of DCA's land use law to sign up for one of the Rutgers classes being offered on October 24<sup>th</sup>, November 7<sup>th</sup> and December 5<sup>th</sup>.

### **DISCUSSION ONLY**

**Morzetta – 46 Sievers Lane**

**Block 7.05 Lot 27.03**

George Gundersen represented Mr. Morzetta regarding certain issues with regards to the basement construction/garage on this property that is non-owner occupied. Mr. Morzetta resides at 41 Agar Place.

Gundersen indicated that permits were issued to add a level to this house above the main floor of the house. The basement already had a kitchen. During a visit for inspections, the basement that originally was 2 rooms is now 4 with closets, a lock on the basement door and installation of a 3<sup>rd</sup> meter. Heating was installed to the garage that is to be used for the occupants of the house. The board questioned Mr. Morzetta regarding all of these issues. He does not intend to use the basement as a 3<sup>rd</sup> rental unit.

Gundersen proposed to have the closets removed from the basement, removal of the 3<sup>rd</sup> gas and electric meter, and that Mr. Morzetta will consult with his landscaper to correct the run-off to the neighboring yards. Gundersen indicated that Mr. Morzetta will not use the garage for his personal use.

Ralph Chandless concluded that all of the issues proposed by Gundersen need to be stated on the Certificate of Occupancy before it is issued and suggests that Mr. Morzetta consult with the zoning officer, Ray DeRiso to agree on a plan approval for the basement.

**GM 360 LLC – Athena**

**378 Route 46 - Block 1.02 Lot 1.02**

Paul Speziale represented GM360 and indicated that they are leasing the old Molfetta's Restaurant/Lace which prohibits Night Clubs. The owner of GM360 LLC is George Fillipatos.

Chandless stated that any leasee of this property needs to make an application before the Board of Adjustment for the use of this property, so the board can refrain the restrictions. The township code now has an Entertainment section. Cabarats were banned only so that the applicant can discuss the use with the board and clarify its use in detail. The town does not want any more naughty night club activity. Chandless advised them to file a

Zoning Board application and to give public notice. Speziale indicated that he had no problem with that and said that their lease should be made part of the resolution. Zoning officer, Ray DeRiso, indicated that there was extensive litigation for this property and a settlement agreement was made with the township.

At 9:50 p.m. the board recessed for 10 minutes.

### **NEW BUSINESS**

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

George Gundersen represented the applicant. The applicant will occupy unit#103 at 450 Huyler Street. He indicated that this facility will be leased by Scott Pietruszka for hockey training and skills development. This is not a permitted use in the C-zone and would require a variance. Ray DeRiso stated that this property was just approved before the South Hackensack Planning Board with variances for parking. Plan A-1 from Axis dated 9/4/09 displays the demolition plan and the proposed floor plan. The nature of the business and his proposal was presented in great detail by Mr. Pietruszka. Hours of operation will be weekdays 4-10 p.m. and weekends 10 a.m. to 3 p.m. The Ice is a synthetic surface and not frozen water. The proposal indicates that there will be a food and drink station.

Tihacek from Boswell Engineering stated that the applicant needs to provide testimony on the impact of traffic frequency based on the change of use from a shoe store to a hockey training facility. Approval for parking was granted for office/showroom, retail, warehouse and industrial and the use of a hockey facility parking needs to be discussed. There will only be a maximum of 25 people including 7 staff members occupying the unit at one time. The prior planning board approval required 250 spaces and 176 were provided for a variance. The board felt that the hours of operation would not affect the parking.

**Regan motioned; Diraimondo seconded to approve the application for Evolution Hockey and that the snack bar meet the health officers approval before a Certificate of Occupancy is issued. Roll Call: Ayes: Iacono, Diraimondo, Falato, Regan, and Veprek**

### **OLD BUSINESS**

Memorialize Resolution – Tigo's World Fitness – ZB#2009-04  
Block 101 Lot 11.01 – 60 Saddle River Avenue

**Veprek motioned; Falato seconded to memorialize the resolution for Tigo's World Fitness. Roll Call: AYES: Falato and Veprek, UNABLE TO VOTE: Diraimondo, Iacono, and Regan, ABSENT: Coppola, Joe D'Amico, Perdomo, and Jerry D'Amico**

Memorialize Resolution – Donato Clemente – ZB#2009-05

Block 50 Lot 17.02 – 120 Leuning Street

Chandless indicated a few of the changes that were made to the draft resolution.

Zoning Officer, Ray DeRiso indicated that they had already seal coated the parking lot and the handicap parking spot is not up to code regulations. Chandless indicated that if the engineer is not satisfied, then they will not be issued permits to proceed.

**Falato motioned; Veprek seconded to memorialize the resolution for Donato Clemente** Roll Call: AYES Falato and Veprek , UNABLE TO VOTE: Diraimondo Iacono and Regan, ABSENT: Coppola, JoeD'Amico, Perdomo, and Jerry D'Amico

Open to the Public

Since there were no public comments,

At 9:35 p.m. Iacono motioned and Regan seconded to adjourn the meeting.

All in favor.

Respectfully Submitted,



Mary Terraccino  
Acting ZB Secretary

September 24, 2009

**RESOLUTION NO. 2009-**

**BOARD OF ADJUSTMENT OF THE TOWNSHIP OF SOUTH HACKENSACK**

**DATED: September 28, 2009**

**MEMORIALIZATION OF THE APPROVAL  
OF THE  
APPLICATION FOR A USE VARIANCE, AMENDMENTS TO  
A PREVIOUSLY APPROVED SITE PLAN,  
AND A FURTHER BULK VARIANCE IN RESPECT TO PARKING**

**APPLICATION OF:** Tigo World's Fitness Center, Inc.

**APPLICANT'S  
ADDRESS:** 6 Ada Court  
North Haledon New Jersey 07508

**APPLICANT'S  
ATTORNEY:** Jay Arnesen, Esq.  
384 Liberty Street  
Little Ferry, New Jersey 07643  
201-807-0990

**PREMISES:** Lot 11.01 in Block 101  
60 Saddle River Avenue

**OWNER OF PREMISES:** Safer Properties  
1875 McCarter Highway  
Newark, New Jersey 07104

**DATE OF SUBMISSION:** July 13, 2009

**DATE DETERMINED COMPLETE:** August 24, 2009

**DATE OF PRESENTATION:** August 24, 2009

**SITE AND/OR SUBDIVISION:** Steven L. Koestner, P.E. & P.L.S.  
Koestner Associates  
consisting of 2 pages  
**DATED:** July 11, 2009  
**REV'D TO:** August 11, 2009

**ARCHITECTURAL PLANS:** Canzani Architects entitled  
"Proposed Plans for Tigo Worlds Fitness  
Center, Inc."  
consisting of 1 page  
**DATED:** June 5, 2009  
**REV'D TO:** July 28, 2009

**SURVEY:** None  
**DATED:**

**PLANNING REPORTS:** Boswell McClave Engineering  
**DATED:** July 22, 2009 & August 19, 2009

**APPLICATION:** 1. Site Plan Approval  
2. Use variance in respect to § 208-7 A  
3. Bulk variance in respect to the size of parking stalls

**DECISION:** Granted subject to compliance with the conditions contained herein

**WHEREAS**, this matter came before this Board for public hearing on August 24, 2009, upon the aforesaid application after it had been determined that the Zoning Officer, apparently properly, would deny a permit to the Applicant for the aforesaid proposed use in a C District, the industrial zone, and

**WHEREAS**, Jay Arnesen, Esq., appeared on behalf of the applicant and presented this application, and

**WHEREAS**, by the time of the hearing, it had been 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:

Mr. Arnesen paraphrased the application as appears stating that a use variance is required to permit the operation of a gym or health club type facility and appurtenances in a 25,730 square foot portion of a warehouse located in a C industrial zone in which such a use is not permitted. The proposal further requires site plan approval in respect to the proposed reconfiguration of the parking lot and related traffic flow. Finally, a bulk variance is required to permit the proposed 9 ft. by 18 ft. parking stalls in the front parking lot rather than the required 9 ft. by 19 ft. stalls.

Steven L. Koestner, P.E. & P.L.S., of Koestner Associates, 61 Hudson Street, Hackensack, N.J., having been duly sworn and after being accepted by the Board as an expert, testified that the proposed use would require 159 parking places but that 163 parking places will be provided. However, of those provided, the ones located in the front parking lot would only be 9 feet by 18 feet or one foot less in length than is required. This would be the only bulk variance required in connection with the proposal. He testified that such a parking stall is more common in modern developments and will not be detrimental to the zoning. Further, he reviewed with the Board all of the other apparent non-conformities in the site and he believed all of them to be lawfully existing. In the course of testimony, he agreed with the Board that, under the current Code, any issues in respect to the proposed sign would be within the jurisdiction of the Zoning Enforcement Officer under Chapter 183 entitled "Signs" and not within the scope of site plan review in South Hackensack. He stipulated on behalf of the applicant that the paved area will

not change and the proposed parking configuration will be implemented by striping only. In his opinion, since the pavement already exists in relation to the Saddle River, no further reviews are required in respect to its possible encroachment on riparian rights. Finally, he opined that the application would not be subject to review by the County Planning Board.

Erik A. Santiago, having been duly sworn upon his oath, testified that he is the owner of the applicant business. He has been in this business for 27 years and has operated four similar facilities in the past. He stipulated that the subject facility will be open to the public between the hours of 5 a.m. and 11 p.m. on weekdays and between 6 a.m. and 6 p.m. on Saturdays and Sundays. He would personally handle delivery of supplies to the premises using a pick-up truck; no larger truck would be used on a regular basis. The size and design of the facility anticipated usage of between 40 and 60 patrons at any given time and a staff of 4 or 5 persons. Although snacks and beverages will be available to the patrons, no food will be prepared on the premises. Each of the two bathrooms will include 3 toilets and 4 showers; those facilities will be cleaned hourly.

In response to an inquiry by the Engineer, Mr. Santiago testified that the landlord had been contacted regarding the random parking of trucks in the rear lot in connection with the operation of another tenant of the premises, Spring Time Mattress, and had been assured that, once the lot was striped as proposed, assigned parking as among the tenants as shown on the plans would be enforced. The Zoning Enforcement Officer confirmed this representation.

**WHEREAS**, upon opening the hearing to public comment, no member of the public came forward, and

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

1. No detriment will result from the proposed use and, instead a benefit to the neighborhood, the general welfare and the zoning plan will result;

2. In respect to the size of the proposed parking stalls in the front parking lot for which a bulk variance is required, the size of that parking lot constitutes a unique lawfully existing circumstance exacting a hardship or undue difficulty in relation to its development and no detriment will result from the grant of this variance.

3. Since the current lawful nonconformities will not be expanded nor further negatively impact the neighborhood, the site plan appears to conform to applicable standards of good planning; and

**WHEREAS**, at the conclusion of the hearing, a motion was duly made by Chairman D'Amico, seconded by Falato, and adopted by this Board, all five 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. 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 stipulations.

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 July 22 and August 19, 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 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.

8. 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.

9. 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.

10. 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.

11. 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: Brian Veprek

SECONDED: John Falato

**Roll Call on the Motion:**

Blase' Coppola	<u>A</u>
Joseph D'Amico, Chairman	<u>A</u>
James Diraimondo	<u>non-vote</u>
John Falato	<u>yes</u>
Phil Iacono, Vice Chairman	<u>non-vote</u>
Bill Regan	<u>non-vote</u>
Brian Veprek, Sr.	<u>yes</u>
Luis Perdomo, 1 <sup>st</sup> Alt.	<u>A</u>
Jerry D'Amico 2 <sup>nd</sup> Alt.	<u>A</u>

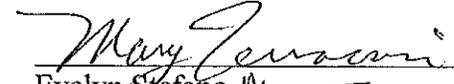
Date: September 28, 2009

  
Joseph D'Amico, Chairman (Vice)  
Phil Iacono

**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 September 28, 2009.

Date: September 28, 2009

  
Evelyn Stefano Mary Terranova  
Acting Board of Adjustment Secretary

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](http://www.PublicNoticeAds.com)), not scattered among thousands of government web pages.

**County:** Bergen

**Printed In:** The Record, Hackensack

**Printed On:** 2009/10/05

**BOARD OF ADJUSTMENTTOWNSHIP 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 September 28, 2009 for the reasons set forth in its resolution of that date, conditionally granted approval to the application of Tigo World's Fitness Center, Inc., as to premises designated as Lot 11.01 in Block 101 and more commonly known as 60 Saddle River Road, South Hackensack, New Jersey, for site approval, a variance as to parking stall size 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 physical fitness facility even though 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 Clerk, 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: September 28, 2009

BOARD OF ADJUSTMENT OF THE  
TOWNSHIP OF SOUTH HACKENSACK

By: Evelyn Stefano Secretary

October 5, 2009-Fee:\$34.02(36) 2702561

**Public Notice ID:**

**RESOLUTION NO. 2009-**

**BOARD OF ADJUSTMENT OF THE TOWNSHIP OF SOUTH HACKENSACK**

**DATED: September 28, 2009**

**MEMORIALIZATION OF THE APPROVAL**  
**OF THE**  
**APPLICATION FOR A USE VARIANCE, AMENDMENTS TO**  
**A PREVIOUSLY APPROVED SITE PLAN,**  
**AND A FURTHER BULK VARIANCE IN RESPECT TO PARKING**

**APPLICATION OF:** Clemente Bakery Corporation

**APPLICANT'S ADDRESS:** 120 Leuning Street  
South Hackensack, New Jersey 07606

**APPLICANT'S ATTORNEY:** Pro Se by Ms. Cynthia Malizia,  
his agent in fact

**PREMISES:** Lot 17.02 in Block 50  
120 Leuning Street

**OWNER OF PREMISES:** Donato Clemente  
9 Fourth Avenue, Apt. B  
South Hackensack, New Jersey 07606

**DATE OF SUBMISSION:** August 14, 2009

**DATE DETERMINED COMPLETE:** August 24, 2009 (Conditional)

**DATE OF PRESENTATION:** August 24, 2009

**SITE AND/OR SUBDIVISION:** None

**DATED:**

**REV'D TO:**

**ARCHITECTURAL PLANS:** Canzani Architects entitled  
"Construction Drawings For: Clemente Bakery"  
consisting of 2 pages  
**DATED:** October 6, 2008  
**REV'D TO:** August 21, 2009

**SURVEY:** Franklyn C. Gluckler  
Gluckler and Den Bleyker, L.P.L.S.  
**DATED:** September 28, 2000  
**REV'D TO:** November 15, 2001

**PLANNING REPORTS:** Boswell McClave Engineering  
**DATED:** August 24, 2009

**APPLICATION:** 1. Amended final Site Plan Approval  
2. Amendment to use variance  
3. Bulk variance in respect to the number of parking places required

**DECISION:** Granted subject to compliance with the conditions contained herein

**WHEREAS,** this matter came before this Board for public hearing on August 24, 2009, upon the aforesaid application after it had been properly determined that the Zoning Officer would deny a permit to the Applicant for the installation of a loading dock door on the east side of the structure because it would constitute the extension of a non-conforming use, and

**WHEREAS,** Ms. Cynthia Malizia, an employee of the owner and his attorney-in-fact for these purposes, appeared on behalf of the applicant and presented this application, and

**WHEREAS,** by the time of the hearing, it had been 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:

Ms. Malizia, having been duly sworn, testified that, based on the formerly proposed seating in the restaurant based on the prior resolution dated December 17, 2001, for a minimum of 40 persons, the applicant was required to provide 33 parking spaces. The proposed reconfiguration of the parking will produce 30 parking places. However, the seating in the restaurant area has been reduced to 34 persons and the required parking is thus reduced to 30 parking spaces. She further stipulated that the plans would be amended to conform to an agreement reached with the Township Engineer in respect to the location of parking and the relocation of the dumpster.

**WHEREAS**, upon opening the hearing to public comment, no member of the public came forward, and

**WHEREAS**, upon discussion among the members of the Board, the Engineer noted that he had made all of his recommendations directly to the applicant prior to the hearing and that he had no objection to the grant of the application, and

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

1. No detriment will result from the proposed amendment of the formerly granted use variance and, instead a benefit to the neighborhood, the general welfare and the zoning plan will result;
2. Since the current lawful nonconformities will not further negatively impact the neighborhood, the site plan appears to conform to applicable standards of good planning; and

**WHEREAS**, at the conclusion of the hearing, a motion was duly made by Chairman Joseph D'Amico, seconded by Jerry D'Amico, 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. Submission and filing of amended plans satisfactory to the Engineer reflecting all of the changes agreed upon between him and the applicant.
2. Full and complete compliance with all applicable Zoning Ordinances unless a variance therefrom has been specifically granted.
3. Full and complete compliance with all applicable provisions of the Construction Codes and all applicable provisions of its various Sub-Codes.
4. Complete compliance with all of the terms and conditions contained in the above referred to report of Boswell McClave Engineering dated August 26, 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.
5. 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.
6. 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.

7. 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.

8. 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.

9. 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: John Falato

SECONDED: Brian Veprek

**Roll Call on the Motion:**

Blase' Coppola	<u>A</u>
Joseph D'Amico, Chairman	<u>A</u>
James Diraimondo	<u>Non-Vote</u>
John Falato	<u>Yes</u>
Phil Iacono, Vice Chairman	<u>Non-Vote</u>
Bill Regan	<u>Non-Vote</u>
Brian Veprek, Sr.	<u>Yes</u>
Luis Perdomo, 1 <sup>st</sup> Alt.	<u>A</u>
Jerry D'Amico 2 <sup>nd</sup> Alt.	<u>A</u>

Date: September 28, 2009

Philip Iacono  
Joseph D'Amico, Chairman - Vice  
Philip Iacono

**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 September 28, 2009.

Date: September 28, 2009

Mary Terracino  
Evelyn Stefano  
Acting Board of Adjustment Secretary

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](http://www.PublicNoticeAds.com)), not scattered among thousands of government web pages.

**County:** Bergen

**Printed In:** The Record, Hackensack

**Printed On:** 2009/10/05

**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 September 28, 2009 for the reasons set forth in its resolution of that date, conditionally granted approval to the application of Clemente Bakery Corporation as to premises designated as Lot 17.02 in Block 50 and more commonly known as 120 Leuning Street, South Hackensack, New Jersey, for amended site plan approval and an amended variance from the strict application of the use restrictions so as to allow a portion of the said premises to be used as restaurant even though 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 Clerk, 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: September 28, 2009

BOARD OF ADJUSTMENT OF THE  
TOWNSHIP OF SOUTH HACKENSACK

By: Evelyn Stefano

Secretary

October 5, 2009-Fee:\$34.97(37) 2702553

**Public Notice ID:**

**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