

**Township of South Hackensack
BOARD OF ADJUSTMENT
August 23, 2010
MINUTES**

At 7:37 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.

Member Present

Lou LoPiccolo	Luis Perdomo
Jamie DiPiazza	John Falato
Bill Regan	Brian Veprek
Angelo Marrella	Greg Padovano, Esq.
Rebecca Mejia	- Boswell Engineering

Members Absent

James Diraimondo
Victor Santos

Oaths of Office

Gregg A. Padovano administered the Oaths of Office for
Jamie DiPiazza – filled unexpired term for Coppola, expires 12/31/10.

MINUTES:

LoPiccolo motioned; Regan seconded to approve the Minutes of the July 26, 2010 meetings. All in favor.

CORRESPONDENCE:

No correspondence

OLD BUSINESS

BOA 2010-03 - Memorialize Resolution

Francesco & Maria Competiello
16 Park Street

Block: 13.04 Lot: 18

Simple Variance – Construct a roof over an existing front porch and steps.

LoPiccolo Motioned; Perdomo seconded to memorialize the resolution granting a variance for Competiello, 16 Park Street.

Roll Call Vote: 4 Yes Votes: LoPiccolo, Falato, Veprek, Marrella

Unable to Vote: Perdomo, DiPiazza, Regan

Absent: Diraimondo, Santos

August 23, 2010

BOA 2010-02 Memorialize Resolution

Collaborative Support Programs of NJ, Inc.
240 South Main Street
Block: 25 Lot: 1
Use variance – withdrawing application.

Veprek **Motioned**; LoPiccolo seconded to memorialize the resolution for withdrawal of application for Collaborative Support Programs of NJ, 240 South Main Street.
Roll Call Vote: 7 Yes Votes: LoPiccolo, Perdomo, DiPiazza, Falato, Regan, Veprek, Marrella
Absent: Diraimondo, Santos

BOA 2010-01

Marianinfa Zito
77 Calicooneck Road
Block: 7.05 Lot: 29
REVISED ARCHITECTURAL DRAWINGS - New two (2) dwelling units and variances.

Matthew DeMaria
550 Boulevard
Elmwood Park, NJ

DeMaria stated that this application was carried over from May.

Padovano stated that there were six members present at the May Meeting, a new member was not present and has not listened to the tape of the application.

DeMaria stated that the Board had some concerns at the May meeting with the variances requested. The Architect has revised the plans eliminating three variances and reducing the size of the remaining two.

Padovano advised the architect that he remains under oath.

Vassillos Coccoones
Licensed Architect
In the State of NJ

Coccoones stated the original size of Detached garage 36' wide by 24' deep; 936 sq. ft. The plans have been reduced down to 20.8' wide by 21.8' deep for a total area of 447 sq. ft. Which is allowed under the ordinance? Height of garage was 19.2' reduced to 14.8' complying with the zoning ordinance.

Coccoones stated that the Driveway configuration and size have been changed The original configuration was original two curb cuts 22' driveway, 2 car garage was added, a ten foot curb cut where driveway was. Now the layout of the garage was flipped with a

August 23, 2010

mirror image. We have a 2 car garage driveway, 31' 8" previously. The driveway is 56' the ordinance allows for 28'. Increase in width of driveway is due to get to the detached garage in the back. A variance for the front of the driveway is still requested.

The living area 2nd floor unit is 891 sq. ft where 908 sq. ft is allowed and now complies. The sole variance remaining is the total maximum living area which is 5301 sq. Ft. and is over 25.50' sq. feet allowed. This is a triple lot which handle the size of the building. No bulk variance required. The building has been set back 35 feet out the side stairs on the side have been taken out. A recessed entry from the left side has been added. Bulk variances are not required for the building.

Padovano swears in
Ray DeRiso
Zoning Officer
Township of South Hackensack

DeRiso asked how many variances are required.

Coccoones replied that there are two variances for the overage.

Regan asked what is the overage?

Veprek replied that the overage is 1551 sq. ft; 41% over the limit.

Coccoones replied that the lot is a triple size lot.

Padovano swears in
Silvo Marini
27 Jackson Avenue
Lives down street from lot and has looked at the plans. He has no objectives and feels that property values would increase.

Padovano swears in
Rosa Zito
35 Williams Avenue

Zito lives up the block and is related to the applicant, her niece. She feels the same that the property values would come up.

De Maria has asked the Board to consider the application. The primary aspect of the application is the size of the lot almost in triple size and the lot accommodated the house easily. All side yard bulk variances are satisfied, the house would not look out of place on this lot. The back garage is an added benefit to the use of the property. There is no basement since basements are not allowed in South Hackensack. We would ask the board to consider it favorably.

Falato asked if the garage will still be used for mechanical work. Is that still the intention?

De Maria answered no.

August 23, 2010

Marrella questioned if the garage be used for personnel use and not rented out?

DeMaria answered it will be typically used a garage.

Marrella asked if the house is on a slab there are steps going in three steps on the side.

Coccoones replied that the steps go to back yard. Slab is two feet higher than grade to back yard.

Falato asked if he existing grade of the property will not be changed.

Coccoones replied, no.

Regan asked, with the second garage there will probably be no cars on the street with that number garages?

Coccoones replies that the driveway can accommodate seven cars easily.

Perdomo asked how many cars in the front?

Coccoones replies that basically have 31' across there are a two car garage and park two cars in front of the garage.

Falato ask if there will be no change to the drainage or run-off.

Coccoones replies that we have worked with Boswell and there will be no problems.

Regan stated that the actual changes are a reduction to the 2nd dwelling. The driveway was flipped.

Coccoones stated that, yes, they reduced the height and size of the garage and there is a 1550' overage.

Veprek asked if the rental unit will be parking off the street. Exactly where would they be parking?

Coccoones replied that the parking will be in front of the garages.

Regan said by extending the curb cuts there will be 3 on street parking spaces less.

Veprek asked what is width of driveway and curb cut?

Coccoones stated the driveway width is 31'8" Max's the width of the curb cut so a car can back out of the driveway.

Veprek stated that the living area is over 4,000 sq. ft.

Falato stated the total living area is 5301 minus garage it would be 4853.

August 23, 2010

Regan stated that the Ordinance states total state sq. footage not living area. Understand what ordinance reads. Living area is total sq. footage.

DeRiso stated that the 1500 sq. ft. over permitted. A two car garage in the back, also two garages in the dwelling structure. Will there be at any time of construction or after to create additional 3rd dwelling units which are not permitted in town. With 1500 sq. ft. over I would like to make sure that there is no consideration of every make a 3rd dwelling unit.

Coccoones replied, no it is to be occupied by owner not an investment property.

Padovano swears in
Rebecca Mejia Lisc. Engineer in state of NJ
Boswell Engineering
Acting Engineering on behalf of Township

One recommendation of driveway attached to the garage not wrap around to decrease impervious coverage. It would reduce 264 sq. ft of impervious area.

Padovano stated that there will be no asphalt beyond the garage towards the back yard.

Close the meeting to the public.

Falato stated that this is a big concession 1,500 sq. ft. over

Marrella stated that the size of the house could be made to a 4 family house

LoPiccolo stated that unfortunately, as much as we appreciate the owner will occupy it, it does not mean that future owners may not. That is always a concern and it has happened over and over again. And we are trying to prevent it to happen. This is our main concern.

We appreciate everything that was done but I feel myself little bit too big for the main dwelling. 50% or 1,500 sq. ft over is too big for the main dwelling. It is always what happens down the road that is the main concern.

DeMaria stated that you can do a deed restriction to limit the house to a 2 family for the multiple family restrictions. It gets recorded for future owners.

LoPiccolo asked if they would you like to put it to a vote?

DeMaria asked if he could speak to his client.

DeMaria said that after speaking with my client and arch and without destroying the entire design of the house and accommodate the Board we would be able to take off 4' dept of the bldg approx. off 368' sq. ft reduction. Other than that the whole configuration is not there.

Veprek stated that the total 1183 sq. ft over or 31 ½% over. He personally is looking for 15-20% range for what is allowed.

August 23, 2010

DeMaria asked if they could have one more minute.

Coccoones If he take 5' feet the depth of the house and 1' narrow would result in 4,741 sq. ft . 45' w x 43' deep.

Regan stated 991 sq. ft. over.

Vepek asked do we have an idea of what would acceptable to go over with this size lot?

DeMaria stated let me ask the architect one more one.

Coccoones remarked that if he takes 6' feet off depth in rear and 1' narrow brings it to 4651 sq. feet or 901 sq. ft.

Vepek asked, we were 1551 before reduced over to ?

Coccoones replied 901.

Vepek stated 24% you have enough sq. ft. to put in another unit.

DeMaria stated that it is not our intent, if the board would like to put a deed restriction limited the units there or the size that we agreed to would be acceptable.

Padovano stated that a deed restriction would popup every time the property is sold. The deed is recorded and it can only be lifted by the Town Council.

Vepek would like to see 15% to 20% over – in my opinion

Coccoones stated 64 sq. ft more by taking out the bay window, moving the entry wall in by 2 feet on the 1st floor and 4' on the second floor reduces the bulk of the building

Vepek replied 4587 sq ft 841 sq. feet over 22%

Padovano stated 4587 sq. ft total with shrinking of the building you are going to p/u 4" inches on the right side p/u 8" on the left. Shrinking the doorway to stay close to the house buffer of 1'8" on left side running down the driveway and back 5'4" on other side – remove asphalt area around the garage as recommended by Boswell Engineering. Deed Restriction restricting the use of property to single or two family property as in accordance with current zoning and the foot print will be reduced to 45' x 52' deep. The garage is used for personal use of the owner/tenant. I such revised plans be submitted to the board for there final review prior to adoption of any resolution.

Perdomo Motioned; Falato seconded to **Grant** variances for Zito, 77 Calicooneck Road.

Vote: 2 Yes Votes: Perdomo, Falato

4 No Votes: LoPiccolo, Regan, Vepek, Marrella

Unable to Vote: DiPiazza

Absent: Diraimondo, Santos

August 23, 2010

NEW BUSINESS

BOA 2010-04

Dio Mas LLP
D/b/a Diosa Super Club
378 Route 46 West
Block: 1.02 Lot: 1.02
Appeal action of Zoning Officer; "D" use variance.

Frank L. Migliorino
384 Liberty Street
Little Ferry, NJ

Migliorino requested an interpretation of Ordinance 208-8 M District – Mixed Use Zone. He stated that on Page 208:27, Section A, 3: Eating and drinking places are allowed. He stated that we are an eating and drinking establishment with music and dancing is allowed by patrons only. He feels that it is very clear and there's no real opinion as to that.

Padovano sworn in:
Angelo Karlos
115 Union Avenue
Little Ferry, NJ

DeRiso presented Exhibit ZO-1, 8/23/10 consisting of:

Page:

1. Newspaper advertisement placed by applicant of Township of South Hackensack, Zoning Board of Adjustment, Meeting 8/23/2010 @ 7:30 noticing the hearing of Diosa Restaurant.
2. Letter dated 7/29/10, from DeRiso (Zoning Officer), Letter of Denial and rescinding of Zoning Permit Z10-042.
3. Chapter 10. Accessory Structures and Uses, Page 241, 10-1 Nature of Accessory Uses and Structures,.
4. Code of The Township of South Hackensack, Page 208:27, 208-8 M District – Mixed Use Zone, A-3.
5. Code of The Township of South Hackensack, Page 208:28
6. Code of The Township of South Hackensack, Page 208:29
7. Code of The Township of South Hackensack, Page 208:30
8. Letter dated 8/11/2010, Frank Migliorino appealing the Zoning Board of Adjustment.
9. Copy of Brochure for Grand Opening of Diosa.
10. Copy of approved Minutes from July 26, 2010.
11. Copy of Zoning Permit, dated 5/27/10 Approval of Restaurant Use.
12. – 26. Copy of Resolution for GM 360, LLC, Application No. 2009-10, dated March 22, 2010.

Migliorino stated for the record that this is the first time he has become aware of these documents.

August 23, 2010

DeRiso stated the first page is a copy of the advertisement in the paper for the 8/23/10 meeting. The highlighted area said that he disallowed dancing when he did not. He did not disallow dancing but revoked the entire zoning permit. Page 2 is the copy of the revocation, although it does not specifically state that dancing was revoked.

Migliorino asked DeRiso if a dance club was allowed.

DeRiso stated that a dance club was not allowed. He explained that every property in South Hackensack has a use and that use is to be the principal use of the property. The explanation of the meaning of the principal use is shown on Page 3 of the Exhibit. This page is from the New Jersey Zoning and Land Use Administration which is commonly known as the Cox Book and is an accepted tool for the land use administration.

Migliorino objected. Stating that DeRiso is not an attorney and if he going to interpret statutes, he should be an attorney. He is a Zoning Officer. When he talks about principal use, it does not stand for the use, it stands for what it is in relationship to an accessory use. Principal vs. accessory. That is what it means. Principal use is one use, and accessory is the use that may be considered as an accessory to the principal use.

Padovano stated that DeRiso is giving his opinion on how he based his decision.

Veprek stated that I think he's telling you where he is getting it from and he's getting it from his reliance upon the term for principal use and his determination as the Zoning Officer.

DeRiso Indicated to Page 3, Chapter 10 Accessory Structures and Uses, 10-1 Nature of Accessory Uses and Structures, page 241 states the list of permitted use listed in our zoning code should be the principal use of the property and not the accessory use. The accessory use should be supportive or subordinate to the principal use. An accessory use is usually defined as one which is incidental and subordinate to the main use and is customarily so. Also, in the administrating or zoning code, and he believes that Mr. Padovano, who is a land use attorney, will confirm that there's a phrase that use in land use which says that if it's not in, it's out. So if it's not in the list of permitted use, it not permitted. Also listed in the zoning code for the M Zone the prohibited uses, which are referred to on Page 6. The first sentence states any use other than those permitted in the M mixed use district shall be prohibited. That list of prohibited uses is not the only things that are prohibited. Anything that is not permitted is prohibited.

DeRiso indicated to Page 4, Letter A lists the permitted uses in the M Zone where Diosa is located. Item 3 lists eating and drinking establishments, including fast-food restaurants as permitted use. The permitted principal use should be that , an eating and drinking establishment. Then a reasonable accessory use to go with that would be dancing and entertainment unless either of those uses are prohibited.

DeRiso indicated to Page 6, Section C states that Item 6 that entertainment as being prohibited. This is why the previous tenant, Athena, came to the Board to get a variance because entertainment was prohibited. A copy of the resolution is on Page 8.

DeRiso indicated to Page 9 is copy of the flyer for the Grand Opening of Diosa stated that after midnight the kitchen closes. There is a shift of the use. From restaurant, which is a permitted to nightclub with a cover charge, which is not a permitted use.

DiPiazza stated that he thinks once you get into cover charges it automatically implies that it's a nightclub.

Karlos stated that he can waive the cover charges. Also, he will change his sign from "Super Club" to "Supper Club" as he promised DeRiso.

Padovano stated that he feels the Board is sensitive to what he wants to have. It is a matter of you are dealing with a zone in town that has been specifically crafted to where it is now because of severe problems in the past. The Mayo and Council have considered what they want and don't want there. This piece of property is also dealing with limited parking. Mixed multiple uses are permitted in the Township, but is limited by a hotel use which takes up most of the parking. Under prior approval there was specific evidence that we relied upon by the Board, and that was conditioned upon the Board, including offsite parking, valet services under the limited use of a restaurant that happened to have a DJ on closed/private events.

Migliorino added live entertainment and dancing was allowed.

Padovano replied as accessory to the restaurant.

DeRiso referred to Page 9 of the Exhibit, Migliorino letter. Migliorino letter seems to imply that a food place that allows dancing is the same as a dance place that allows food. His contention was that it is not. The permitted principal use has got to be the eating and drinking establishment, and then the accessory use is the dancing. The way he understands it, is Diosa operates with promoters and/or DJ's who have a list of followers notify there followers of the theme for the night and which DJ will be appearing. Those patrons then pay a fee/coverage charge to enter Diosa. Page 9 shows the promotion for Thursday night, August 5th. It clearly is not promoting a restaurant. As a matter of record, when Mr. Karlos and his attorney appeared before this Board last month, July 22nd, they both referred to Diosa as a dance club. And if you refer to Page 10, a copy of the minutes that approved tonight whereby they both say it was a super club.

DeRiso stated when Z10-042 Zoning Permit was issued, Page 11, I stated in my approval used as approved by Resolution, Dated March 22, 2010, the Zoning Board of Adjustment Application 2009-10, Athena Restaurant. Copy of that Resolution is found on Page 12. On Page 20, it clearly states that the primary use is the restaurant with a limited accessory live entertainment. It also further sates that the applicant is permitted to utilize live entertainment which shall be limited to live musical band and singers for the entertainment of the restaurant patrons only. Mr. Karlos filed the zoning application, he stated that it would operate is as the previous owner. Karlos has filed and received an OPRA request for a copy of the resolution, so he knows exactly what he can and cannot do.

DeRiso stated that based on the way Diosa operates and the statements made by Karlos and his attorney, Migliorino, the principal use is a dance club with entertainment and an accessory use an eating and drinking establishment. According to our Code in Section A, Page, a dance club is not a permitted use in the M. Zone.

August 23, 2010

Migliorino stated that it is not disallowed.

Padovano stated that Code 208-8 states any use other than those permitted in the M Zone shall be prohibited.

Migliorino acknowledged that he understood. But that he did not agree with this interpretation that the statute over the language is such a clear cut determination that it is disallowed. In closing he requested a two part vote. The first on whether dancing would be allowed. The second, whether a live DJ would be allowed. Because if he doesn't have dancing, I don't think he's got a change to fill the place with 300 people. There is no way you can get 300 people to eat food.

Karlos stated that he is trying to have a good establishment. He is trying to do everything correct.

Migliorino stated that DeRiso certainly made a cogent argument. He understands where he is coming from, it is pure opinion, not legal opinion. The lure to get people to eat and drink is certainly music.

LoPiccolo Motioned; Veprek seconded to **UPHOLD** Zoning Officer decision for Dio Mas, 378 Route 46 West.

Roll Call Vote: 7 Yes Votes: LoPiccolo, Perdomo, DiPiazza, Falato, Regan, Veprek, Marrella

Absent: Diraimondo, Santos

Veprek Motioned; LoPiccolo seconded for **DENIAL** for modification of the existing resolution to allow public DJ's, Diosa, 378 Route 46 West.

Roll Call Vote: 7 Yes Votes: LoPiccolo, DiPiazza, Falato, Regan, Veprek, Marrella

Abstain: Perdomo

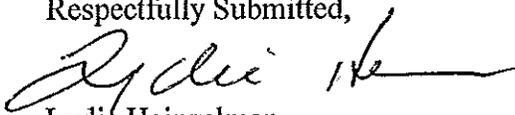
Absent: Diraimondo, Santos

Meeting Open to the Public

There were no public comments at this time.

At 9:48.m. the meeting was **adjourned**. Veprek motioned to adjourn the meeting; second by LoPiccolo.

Respectfully Submitted,



Lydia Heinzelman
Planning/Zoning Board Secretary

August 23, 2010

Township of South Hackensack
Bergen County, New Jersey

Resolution No. 2010-165 Appoint Zoning Board Member – Jamie DiPiazza

WHEREAS Blasé Coppola resigned as a member of the South Hackensack Board of Adjustment; and

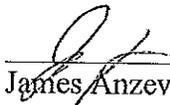
WHEREAS Jamie DiPiazza has filed a Citizen Leadership Application indicating that he would like to serve as a member of the Zoning Board of Adjustment,

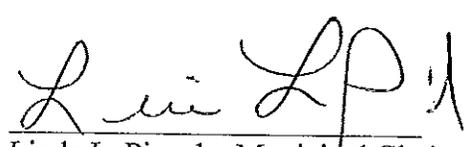
NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of South Hackensack, County of Bergen, New Jersey that Jamie DiPiazza, Maple Avenue, be and he is hereby appointed to serve as a member of the South Hackensack Zoning Board of Adjustment to fill the unexpired term of Blasé Coppola whose term shall expire December 31, 2010.

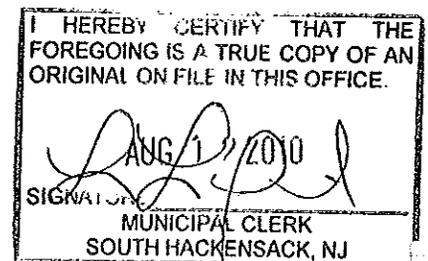
Consent Agenda Resolution No. 2010-08
Date: August 12, 2010

Approved:

Attest:


James Anzevino, Mayor


Linda LoPiccolo, Municipal Clerk



RESOLUTION

**TOWNSHIP OF SOUTH HACKENSACK
ZONING BOARD OF ADJUSTMENT**

**APPLICATION OF FRANCESCO AND MARIA COMPETIELLO
Application Number 2010-03**

WHEREAS, Francesco and Maria Competiello (hereinafter collectively referred to as the "Applicant") applied to the Township of South Hackensack Zoning Board of Adjustment (the "Board") for a variance from the minimum front yard setback required to permit the proposed construction of a front stoop overhang extending above the front entrance stoop and stairs of the dwelling approximately 20 feet from the front yard lot line of the subject property (the "Front Portico"); and

WHEREAS, the subject property is identified on the Tax Map of the Township of South Hackensack as Block 13.04, Lot 18 and is more commonly known as 16 Park Street, South Hackensack, New Jersey (hereinafter the "Property"); and

WHEREAS, the Property is located along a cul de sac in the A Residential Zone; and

WHEREAS, the minimum front yard setback permitted in the A Zone is 25 feet.

Therefore, a variance is necessary to permit construction of the Front Portico approximately 20 feet from the front yard lot line of the Property; and

WHEREAS, the Applicant testified that the proposed Front Portico will be located above the existing front stoop of the dwelling and is proposed as part of a complete rehabilitation of the exterior of the existing dwelling; and

WHEREAS, the Applicant testified that the existing front stoop is located approximately 20 feet from the front yard lot line of the Property and is not currently covered by an overhang or front portico; and

WHEREAS, the Applicant submitted architectural renderings prepared by B.J. Kurus, AIA, 38 Thomas Street, Caldwell, New Jersey, dated May 10, 2010 as part of the application; and

WHEREAS, after due notice and publication, the matter was called for a public hearing on July 26, 2010 at which time the Applicant represented themselves; and

WHEREAS, the Board made a physical inspection of the Property during such times as the Board members may have indicated; and

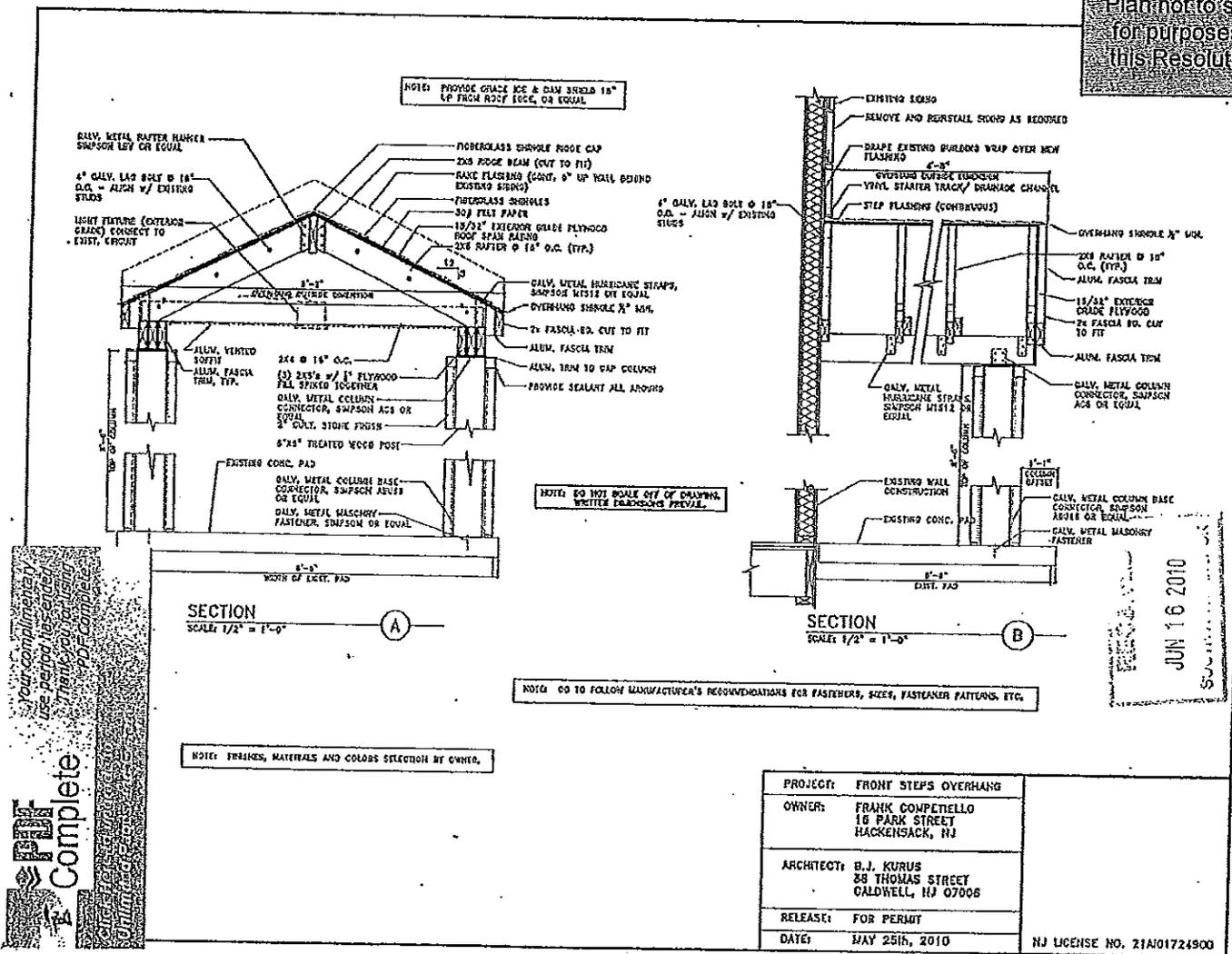
WHEREAS, the Board has carefully considered the exhibits introduced into evidence and the testimony of the Applicant; and

WHEREAS, the South Hackensack Zoning Board, after considering the testimony of the Applicant hereby makes the following findings of fact:

A. Francesco and Maria Competiello own the Property commonly known as 16 Park Street, South Hackensack, New Jersey which Property is further identified as Block 13.04, Lot 18 on the current Tax Map of the Township of South Hackensack. The Property is located in the A Residential Zone.

D. The Applicant testified that the proposed Front Portico would be constructed so that it was consistent with the material utilized as the facade of the remainder of the dwelling and that the Front Portico would be located above the dwelling's existing front entrance stoop. The Applicant further testified that the proposed Front Portico would also include two supporting columns and hand railings and would not be fully enclosed, as further identified in the following portion of the plans submitted to the Board:

Plan not to scale for purposes of this Resolution



E. The Applicant testified that since the Property is located along the bulb of a cul de sac, most of the existing dwelling is actually located more than 25 feet from the front yard lot line which will aid in minimizing the visual impact, if any, of the proposed Front Portico. The Applicant further testified the front yard setback established by the proposed Front Portico is consistent with the front porticos and front yard setback of other residential dwellings within the surrounding neighborhood.

F. No adjacent property owners or other members of the public / interested parties appeared or objected to the application during the public hearing.

G. The Applicant's request for a variance to permit an open Front Portico resulting in a front yard setback of approximately 20 feet can be granted without detriment of the Zone Plan and the Zoning Ordinance of the Township of South Hackensack. The construction of the Front Portico, as proposed, will have a minimum impact, if any, on the adjacent properties, several of which are currently improved with similar front porticos and front yard setbacks.

H. The proposed Front Portico will result in a better utilization of the Property for residential use by providing a more safe and weather resistant front entrance/egress to the existing dwelling. The proposed Front Portico will aesthetically benefit the subject Property and surrounding residential neighborhood.

I. The benefits of the requested variance outweigh any detriment. The variance sought and referenced herein is not detrimental to the public, provided that there is compliance with the conditions of this resolution.

J. The Applicant has satisfied the criteria required to permit the requested variance pursuant to *N.J.S.A. 40:55D-70(c)(2)* as referenced herein. Furthermore, the location of the existing dwelling in relation to the required front yard setback results in a practical hardship

which restricts construction of any overhang along the front of the existing dwelling, as testified by the Applicant. The Applicant has, therefore, also satisfied the criteria required to permit the requested variance pursuant to *N.J.S.A. 40:55D-70(c)(1)*

NOW THEREFORE, BE IT RESOLVED that the Application of Francesco and Maria Competiello to construct an open Front Portico as described herein, be and the same hereby is approved as follows:

1. **Location and Type:** The proposed Front Portico shall be constructed and located as shown on the plans submitted to the Board and as testified by the Applicant. The proposed Front Portico shall be located a minimum of 20 feet from the front yard lot line of the Property, as shown on the plans submitted to the Board and as testified by the Applicant. The Applicant shall be permitted to install two support columns and railings in connection with the proposed Front Portico, as shown on the plans submitted to the Board. However, the Applicant shall not otherwise be permitted to enclose the Front Portico under this application.
2. **Legal and Engineering Fees:** The Applicant shall be responsible for all legal and engineering fees of the Zoning Board of Adjustment associated with this application.
3. **Other Fees:** All additional fees, if any, required by the Township Ordinances shall be paid.
4. **Reliance by Board on Testimony and Application:** The approval granted herein is specifically granted based upon the testimony of the Applicant, the exhibits, the application, and any amendments to same, and as shown on the plans submitted to the Zoning Board of Adjustment, all of which have been relied upon by the Board herein.

5. **Compliance with Laws:** The Applicant shall comply with all Township Ordinances, and any and all State and Federal laws and applicable regulations.
6. **County of Bergen / New Jersey Department of Transportation:** The approval approved herein are subject to the approval of the County of Bergen Planning Board and the New Jersey Department of Transportation, to the extent applicable.
7. **Non-Severability of Conditions:** The relief granted to the Applicant is specifically made subject to the conditions referred to herein. In the event any condition is held to be invalid, unenforceable, or unlawful, the variance approval granted herein shall be unenforceable. It is the intent of the Board that the variance approval not be approved if any condition is invalid, and that the conditions are not severable from any variances or relief granted herein.
8. **Publication of Resolution:** The Applicant shall publish notice of the Board's decision in an official newspaper of the municipality or in a newspaper of general circulation in the municipality at the Applicant's own expense pursuant to *N.J.S.A. 40:55D-10(I)*.
9. **Appeal Period:** The Applicant has been advised that there is an appeal period for the relief granted herein for a period of forty-five (45) days from the date of publication of notice of the relief granted pursuant to this Resolution in a newspaper of general circulation approved by the Zoning Board of Adjustment. Accordingly, any work or construction done prior to the expiration of the appeal period is accomplished at the sole risk of the Applicant.

Said Resolution was adopted by the following vote at the meeting prior to adoption of the memorializing Resolution:

Moved by: Lou LoPiccolo

Seconded by: John Falato

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified To Vote</u>
Brian Veprek, Chairperson	X				
Bill Regan, Vice Chairperson				X	
James Diramondo				X	
John Falato	X				
Lou LoPiccolo	X				
Luis Perdomo				X	
Victor Santos, Alt. #1				X	
Michangelo Marrella, Alt. #2	X				

Dated: July 26, 2010

Said Resolution was memorialized at the meeting after the Resolution was adopted (as set forth above), by the following vote:

Moved by: *LoPiccolo*
 Seconded by: *Perdomo*

For Against Abstain Absent Not Qualified To Vote

	<u>For</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>	<u>Not Qualified To Vote</u>
Brian Veprek, Chairperson	X				
Bill Regan, Vice Chairperson					X
James Diramondo					X
John Falato	X				
Lou LoPiccolo	X				
Luis Perdoma					X
Victor Santos, Alt. #1					X
Michangelo Marrella, Alt. #2	X				

Dated: August 23, 2010

SOUTH HACKENSACK ZONING BOARD

By: *Brian P. Veprek*
 Brian Veprek, Chairperson

CERTIFIED TO BE A TRUE COPY

By: *Lydia Heinzelman*
 Lydia Heinzelman
 Secretary to the Zoning Board of Adjustment

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: 2010/08/26

**SOUTH HACKENSACK BOARD OF ADJUSTMENT
PUBLIC NOTICE**

NOTICE is hereby given that the Board of Adjustment of the Township of South Hackensack, by resolution duly adopted on August 23, 2010 for a variance; premises owned by Francesco and Maria Competiello and designated as Block 13.04 Lot 18 and more commonly known as 16 Park Street, South Hackensack, New Jersey, for a variance pursuant to N.J.S.A. 40:55D-780 (c) (2) for a front yard portico. 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 member of the public during the regular business hours of that office.

Lydia Heinzelman
Board of Adjustment Secretary
August 26, 2010-fee:\$21.74 (23) 2920229

Public Notice ID:

RESOLUTION

**TOWNSHIP OF SOUTH HACKENSACK
ZONING BOARD OF ADJUSTMENT**

**APPLICATION OF
COLLABORATIVE SUPPORT PROGRAMS OF NJ, INC.
Application Number 2010-02**

WHEREAS, Collaborative Support Programs of NJ, Inc. (hereinafter referred to as the "Applicant") made application to the South Hackensack Zoning Board of Adjustment (the "Board") for use variance approval to permit occupancy of a portion of an existing building located at the subject property, as further identified herein, in connection with a proposed counseling, administration and social services program for emotionally disturbed persons; and

WHEREAS, the property subject of the application is identified as Block 25, Lot 1 on the Tax Map of the Township of South Hackensack and is more commonly known as 240 South Main Street, South Hackensack, New Jersey (the "Property"); and

WHEREAS, the Property is located in the C Commercial Zone and is currently improved with a multi-tenanted building with on-site parking; and

WHEREAS, after due notice and publication, the matter was called for a public hearing on June 28, 2010, July 26, 2010 and August 23, 2010 at which times the Applicant was represented by Mark D. Madaio, Esq., 29 Legion Drive, Bergenfield, New Jersey; and

WHEREAS, a representative of the Applicant submitted a letter to the Board dated August 16, 2010 requesting withdrawal of the application.

NOW THEREFORE, BE IT RESOLVED that upon the request of the Applicant and for other good cause shown, the Applicant is permitted to withdraw the Application, without prejudice, subject to the following conditions:

1. **Legal and Engineering Fees** : The Applicant shall be responsible for all legal, planning and engineering fees and expenses of the Township of South Hackensack Zoning Board of Adjustment associated with the application.

2. **Other Fees** : All additional fees, if any, required by the Township Ordinance shall be paid by the Applicant in accordance with the application and the withdrawal of the application.

Said Resolution was adopted and memorialized by the following vote:

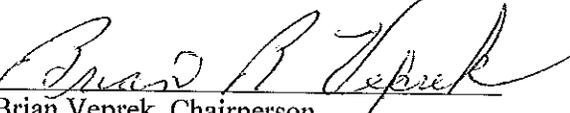
Moved by: *VEPREK*
 Seconded by: *LoPiccolo*

For Against Abstain Absent Not Qualified To Vote

Brian Veprek, Chairperson	X				
Bill Regan, Vice Chairperson	X				
James Diramondo				X	
John Falato	X				
Lou LoPiccolo	X				
Luis Perdomo	X				
Jamie DiPiazza	X				
Victor Santos, Alt. #1				X	
Michangelo Marrella, Alt. #2	X				

Dated: August 23, 2010

SOUTH HACKENSACK ZONING BOARD

By: 
 Brian Veprek, Chairperson

CERTIFIED TO BE A TRUE COPY

By: 
 Lydia Heinzelman
 Secretary to the Zoning Board of Adjustment

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County: Bergen
Printed In: The Record, Hackensack
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SOUTH HACKENSACK BOARD OF ADJUSTMENT
PUBLIC NOTICE

NOTICE is hereby given that the Board of Adjustment of the Township of South Hackensack, by resolution duly adopted on August 23, 2010 for the reasons set forth in its resolution of that date, accepted the withdrawal of the application of Collaborative Support Programs of N.J., Inc., as to premises owned by Mejor Molly, LLC and designated as Block 25 Lot 1 and more commonly known as 240 South Main Street, South Hackensack, New Jersey, for a use variance seeking to allow a facility providing a program of counseling, educational and social services for persons living with emotional problems in an Commercial Zone. 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 member of the public during the regular business hours of that office.

Lydia Heinzelman
Board of Adjustment Secretary
August 26, 2010-fee:\$26.46 (28) 2920222

Public Notice ID: