

Township of South Hackensack
BOARD OF ADJUSTMENT
January 25, 2010
MINUTES

At 7:38 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

Lou LoPiccolo	Bill Regan
Luis Perdomo	Brian Veprek Sr.
James Diraimondo	Angelo Marrella
John Falato	

Members Absent

Blasé Coppola
Alt. No. 1 vacant

Oaths of Office

Gregg A. Padovano administered the Oaths of Office for
Lucindo LoPiccolo – 4 yr. term to expire 12/31/2013
Luis Perdomo – 4 yr. term to expire 12/31/2013 and
Michaelangelo Marrella (Alt. No. 2) - 2 year term to expire

Re-Organization

ZB Resolution No. 2010-01

Falato **motioned**; Perdomo seconded to **appoint Lydia Heinzelman as Secretary** to the Board of Adjustment. **All in favor.** 7 Yes Votes: LoPiccolo, Perdomo, Diraimondo, Falato, Regan, Veprek & Marrella

ZB Resolution No. 2010-02

Diraimondo **motioned**; Regan seconded to **appoint Gregg A. Padovano as legal counsel** for the Board of Adjustment and set compensation of a yearly retainer of \$2,500 and \$100 per hour for all professional services reasonably required to be rendered in connection with application to this Board and the defense of litigation instituted in relation to such application subject to the limits of the lawful appropriation made therefore and only upon the presentation and approval of a certified voucher for such services. These funds are subject by way of adoption of the 2010 municipal budget. The provisions of said contract shall be in accordance with the dictates of the N.J. S.A.

19:44A-20.4 et seq for non fair and open contracts that will exceed \$17,500. **All in favor.** 7 Yes Votes: LoPiccolo, Perdomo, Diraimondo, Falato, Regan, Veprek & Marrella

ZB Resolution No. 2010-03

Regan **motioned**; LoPiccolo seconded to **appoint Boswell Engineering** as the **Professional Engineer** to the Board of Adjustment for a term to expire on December 31, 2010. **All in favor.** 7 Yes Votes: LoPiccolo, Perdomo, Diraimondo, Falato, Regan, Veprek & Marrella

Diraimondo **motioned**; Perdomo seconded to **appoint Brian Veprek as Chairman** to the Board of Adjustment. **All in favor.** 7 Yes Votes: LoPiccolo, Perdomo, Diraimondo, Falato, Regan, Veprek & Marrella

Falato **motioned**; Diraimondo seconded to **appoint Bill Regan as Vice-Chairman** to the Board of Adjustment. **All in favor.** 7 Yes Votes: LoPiccolo, Perdomo, Diraimondo, Falato, Regan, Veprek & Marrella

MINUTES:

There were no minutes for approval.

CORRESPONDENCE:

Boswell's letter dated January 5, 2010 regarding Fed-Ex's performance bond and escrow money was discussed at the township meeting on 1-14-2010 and the committee decided to reduce the bond amount to \$50,000.

Perdomo **motioned**; Falato **seconded** to accept the Correspondence listed and place them in the appropriate files. **All in favor.**

OLD BUSINESS

Memorialize the Resolution of Denial for Collaborative Support Programs of NJ

ZB Application #2009-11

Block 47 Lot 8 – 217 Huyler Street

Veprek **motioned**; Diraimondo seconded to memorialize the resolution of denial for Collaborative Support Programs of NJ

Roll Call Vote: 3 **Yes Votes:** Diraimondo, Falato, and Veprek

Unable to Vote: Coppola, Perdomo, and Regan

ZB Application #2009-10- Use Variance

Block 1.02 Lot 1.02 – 370/8 Route 46

GM 360 LLC

Gregg A. Padovano advised Paul Speziale, the attorney for the applicant that the notices to the property owners were incomplete because he did not notice the utility companies. He was advised to notice the utilities and the Borough Clerk of Little Ferry and provide the proof of service and this hearing would continue at the Feb. 22, 2010 meeting.

LoPiccolo **motioned**; Falato seconded to continue the hearing on the application for GM 30 LLC until February 22, 2010. **All in Favor** 7 Yes Votes: LoPiccolo, Perdomo, Diraimondo, Falato, Regan, Veprek & Marrella

NEW BUSINESS

There was no new business.

Meeting Open to the Public

There were no comments.

Closed to the Public.

At 8:05 p.m. Perdomo **motioned**; Falato seconded to **adjourn**. **All in favor**.

Respectfully Submitted,



Mary Terraccino
Acting PB/ZB Secretary

**BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF SOUTH HACKENSACK
January 25, 2010**

RESOLUTION NO. 2010-01

**APPOINTMENT OF THE BOARD
SECRETARY, A SALARIED NON-
CONTRACTUAL APPOINTMENT, FOR THE
YEAR 2010**

WHEREAS, this Body requires the services of a Board Secretary, and

WHEREAS, N.J.S.A. 40A:55D-71 provides that a Board of Adjustment may appoint such person qualified to render those services, and

WHEREAS, this Board has considered the qualifications of Lydia Heinzelman of 17 Sievers Lane, South Hackensack, N.J., as Board Secretary and desires to appoint her to that position,

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of South Hackensack that the said Lydia Heinzelman be and is hereby appointed to the position of Secretary of this Board for the year 2010, and

BE IT FURTHER RESOLVED that this appointment be made known to the Township Committee of the Township of South Hackensack with the recommendation that she be engaged and compensated under the Salary Ordinance of this Township accordingly.

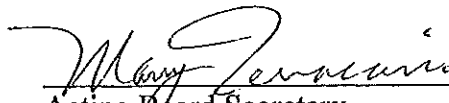
I hereby certify that the foregoing is a true copy of the resolution of the South Hackensack Board of Adjustment duly adopted in this matter on January 25, 2010.

Date: January 25, 2010

Motion: *Falato*

Second: *Perdomo*

Roll Call Vote: Ayes: *Lopiccolo, Perdomo, DiMatteo, Falato, Regan, Vega*
Nayes: _____ *+ Manell*



Acting Board Secretary

**BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF SOUTH HACKENSACK
January 25, 2010**

RESOLUTION NO. 2010-02

**APPOINTMENT OF THE BOARD
ATTORNEY FOR THE YEAR 2010 AND
AUTHORIZATION OF PROFESSIONAL
CONTRACTS FOR THOSE SERVICES**

WHEREAS, this Body requires the services of a Board Attorney, and

WHEREAS, N.J.S.A. 40A:55D-71 provides that a Board of Adjustment may engage the services of such persons qualified to render those services, and

WHEREAS, this Board has considered the qualifications of Gregg Padovano, as Board Attorney, and desires to appoint him to that position, and

WHEREAS, the Local Public Contracts Law authorizes the award of contracts for professional services without competitive bidding, and

WHEREAS, this Board has determined that the compensation to be paid to such attorney may exceed the sum of \$17,500.00, and

WHEREAS, the said attorney has been notified of the obligation to file a Business Entity Disclosure Certification as required by the New Jersey Pay-to-Play Law and further notified that his contract will prohibit the making of any reportable contribution to a political or candidate committee of the Township of South Hackensack throughout the term of the contract as provided in that law,

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of South Hackensack that Gregg Padovano, having his office at 50 Chestnut Ridge Road, Montvale, New Jersey 07645, be and is hereby appointed as Attorney to this Board for the

year 2010, in consideration of a yearly retainer of \$2,500.00 together with the payment of \$100.00 per hour for all professional services reasonably required to be rendered in connection with applications to this Board and the defense of litigation instituted in relation to such applications subject to the limits of the lawful appropriation made therefore and only upon the presentation and approval of a certified voucher for such services, and

BE IT FURTHER RESOLVED as follows:

1. There is hereby authorized a contract with the aforesaid professional reflecting the aforesaid terms in such form as the Township Attorney may require and approve.
2. This contract is awarded pursuant to N.J.S.A. 40A:11-5(1)(a) based upon a determination by this Board that the services to be rendered there under are those of a person authorized by law to practice a recognized regulated profession.
3. The said contract together with the attorney's Business Entity Disclosure Certification shall be placed on file in the office of the Township Clerk and open for inspection by the public during the regular office hours thereof.
4. The Board Secretary shall give notice of this action by publication of a notice as required by law.

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Board of Adjustment on January 25, 2010.

Date: January 25, 2010

Motion: *Dicairmonte*

Second: *Regan*

Roll Call Vote: Ayes: *L. Piccolo, Perdomo, Dicairmonte, Galato, Regan, Veprich*
Nayes: *+ Manella*



Acting Board Secretary

RESOLUTION NO. 2010-
BOARD OF ADJUSTMENT OF THE TOWNSHIP OF SOUTH HACKENSACK
DATED: JANUARY 25, 2010
MEMORIALIZATION OF THE DENIAL OF THE
APPLICATION FOR A USE VARIANCE

APPLICATION OF: Collaborative Support Programs of N.J., Inc.
c/o Andora & Romano, LLC
15 Essex Road
Paramus, New Jersey 07652

**APPLICANT'S
ATTORNEY:** Lawrence M. Tinghino, Esq.
c/o Andora & Romano, LLC
15 Essex Road
Paramus, New Jersey 07652
201-845-6621

PREMISES: Lot 8 in Block 47
217 Huyler Street

OWNER OF PREMISES: Lucien Zeppone
19 Dinallo Street
South Hackensack, New Jersey 07606

DATE DETERMINED COMPLETE: December 28, 2009

DATE OF PRESENTATION: December 28, 2009

SITE AND/OR SUBDIVISION: None

ARCHITECTURAL PLANS: Sketch of Barry Poskanzer,
Poskanzer Skott Architects
550 North Maple Avenue
Ridgewood, New Jersey 07450
DATED: Undated

PLANNING REPORTS: None

APPLICATION: Use variance in respect to § 208-7 A and D

DECISION: Denied for the reasons contained herein

WHEREAS, this matter came before this Board for public hearing on December 28, 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, 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, Lawrence M. Tinghino, Esq., of the firm of Andora & Romano, LLC, appeared on behalf of the applicant and presented this application, and

WHEREAS, this Board heard the matter, as follows:

Mr. Tinghino paraphrased the application as it appears as aforesaid, emphasizing that the applicant merely sought a use variance to permit the operation on the subject premises of a State funded program providing counseling, educational and social services for persons living with emotional problems. Such an operation is not among the permitted uses in a "C" District, the Industrial Zone, under §208-7A and is therefore a prohibited use under §208-7D. Mr. Tinghino thereupon called his first witness, Irene Sanborn, of 8 Spring Street, Freehold, New Jersey. She was duly sworn and testified that she is and has been since 2001 the Director of Community Outreach for the applicant. She testified that the applicant operates 31 such facilities throughout the New Jersey, all of which are located within 17 various counties. She further testified that, in Bergen County, the applicant operates a facility in both Hackensack and Englewood. The operation is principally financially supported by State funding and receives further funding from

the respective counties in which each is located. She stated that the applicant provides support and peer counseling to persons over the age of 18 who, either presently or in the past, required mental health services.

Ms. Sanborn further testified that, in respect to the subject proposed facility, its operations would be on Mondays and Fridays from 12:00 noon until 7:00 p.m. and on Saturdays and Sundays from 1:00 p.m. until 6:00 p.m. The operation of the facility would be supervised by one on-site manager with the assistance of at least two personnel at any given time; such personnel are referred to as "facilitators." The facility will engage a total of approximately 13 such facilitators. The facilitators will assist groups of a maximum of 20 persons requiring such assistance who are referred to as "members." Very few such members have automobiles and most of them will be brought to the facility by van or public transportation. It is anticipated that the facility will require two vans which will be parked on the premises when not in use. It is anticipated that, in addition to two such vans, the operation will require parking for no more than two automobiles at any single time.

Ms. Sanborn continued that the facility will conduct wellness and recovery workshops; such workshops will be conducted somewhat less frequently than once per week. She said that the facility would also provide for the socialization and recreation of its members. The facility also assists members seeking employment. She continued that no drugs or other medications are dispensed from the facility and no drug use is permitted in the facility; persons appearing to be impaired are required to leave. She stated that it has been her experience that a person in crisis upon the premises occurs about once every six months to two years, depending on the facility,

and that such persons are immediately referred out of the facility and into the care of qualified professionals.

Ms. Sanborn testified that the persons assisting are referred to the facility by mental health professionals. The operation of the facility is not advertised on the internet. The applicant presently operates a facility on Mercer Street in Hackensack and has done so successfully for the last 20 years or so. The lease on that facility is about to expire and the applicant intends to vacate. The proposed facility is intended to replace the Hackensack facility. The proposed facility is preferable since would be on the first floor while the Hackensack facility is on the second floor and is not handicap accessible.

Mr. Tinghino then called as his second witness, Barry Poskanzer, a licensed architect of the State of New Jersey, of 550 North Maple Avenue, Ridgewood, New Jersey. Mr. Poskanzer was duly sworn and his credentials as an expert in the field of architecture were accepted by the Board. He testified that the proposed use is inherently beneficial. He stated that the subject premises were formerly occupied by Bullet Electric for a commercial use and that the building is handicap accessible or will be updated to be fully handicap accessible. He stated that, in his opinion, the existing six on-site parking places exceed the needs of the proposed use. He reviewed his sketch and indicated that the "break room" shown thereon was not designed to provide for full meals but rather only refreshments and snacks. The loading dock on the rear of the building would be removed and the loading door is to be replaced with windows. The front door is to be relocated as shown. In all other respects, the changes and improvements will be limited to the interior of the building.

Mr. Poskanzer stated his opinion that this is an inherently beneficial use which is not accommodated in any zoning district in the Township and that nothing proposed would impose a negative impact on the neighborhood. Finally, he noted that an improvement to the neighborhood would result from the limited hours of operation of the facility.

Mr. Tinghino then recalled Ms. Sanborn who testified that the neighborhood is composed of commercial and residential uses. She indicated that the location, being next to a busy bar, is not ideal but she opined that this would not present a problem since most of the members whom the facility serves are picked up at their homes and delivered to the premises directly and will not be likely to commingle with the patrons of the bar. To that testimony, Mr. Poskanzer added that the rear door will be used to allow access to an area in which smokers could congregate in order to prevent congregations in front of the proposed facility. Thereupon, Mr. Tinghino rested his case, and

WHEREAS, the meeting was opened to the public and the Board heard the sworn testimony of Robert Patterson of 475 Anderson Street, Hackensack, New Jersey. He testified that his wife and brother-in-law own the neighboring residence at 221 Huyler Street. He questioned why the applicant was replacing its facility in Hackensack to which Ms. Sanborn reiterated her testimony that the Hackensack facility was located on the second floor and the lease thereto was expiring. Mr. Patterson further questioned what type of mental health problems the persons to be served by facility had to which Ms. Sanborn responded that it was not necessarily known to her personnel. Mr. Patterson cited the fact that the subject property is adjacent to a busy bar facility which is open seven days a week and the two uses are inconsistent next to each other. He expressed concern with "transient traffic."

Gary L'Heureux of 228 Main Street, Little Ferry, New Jersey, was sworn and testified that he is the owner of two residential properties in the immediate neighborhood. He expressed his concern with the loitering of mental health patients in the presence of small children who reside in his properties and other neighboring residential properties. Mr. Poskanzer responded by reiterating the testimony that most members of the facility arrive and depart by vans provided by the facility and only a few arrive by public transportation, that people do not commonly walk in off the street and that members come in with the intention of being together within the premises and not to loiter outside.

Albert Blum of 27 Fairmont Avenue, Hackensack, New Jersey, was sworn and testified that he is the father of the owner of a neighboring residential property at 221 Huyler Street. He stated that his primary concerns are:

1. Weekend operations
2. Homeless people
3. The relocation of Hackensack problems into South Hackensack, and
4. A use that should not be in the vicinity of residences with children.

In response to the testimony given by members of the public, Mr. Tinghino requested and was granted permission to call a further witness, Philip Yahn, of 42 Pink Street, Hackensack, New Jersey, who was thereupon sworn. Mr. Yahn testified that he is presently the manager of the current facility in Hackensack and will be the administrator of the proposed facility. He testified that, as a matter of course, loitering outside of the premises is discouraged, that no one appearing to be under the influence of either drugs or alcohol is permitted to remain on the premises, that anyone appearing to have a problem with drugs or alcohol are referred to an

appropriate program for assistance with that problem and that the few members who do use public transportation are picked up by one of the applicant's vans at the Hackensack bus station and do not walk to the facility.

In summation, Mr. Tinghino emphasized that he believed the application represented an inherently beneficial use and that such use would impose no detriment on the neighborhood, the general welfare or zoning plan, and

WHEREAS, the Board heard the opinion of its member, Brian Veprek, to the effect that, while the proposed use may not be detrimental in other parts of the "C" Industrial Zone, because this neighborhood contains numerous lawfully nonconforming residential premises and because the subject premises are next to a bar which causes congestion in the neighborhood, the proposed use at this particular location would be detrimental to the general welfare and zoning in the immediate neighborhood, and

WHEREAS, the Board heard the further opinion of its Chairman, Joseph D'Amico, that there are many areas of the "C" Industrial Zone in the Township of South Hackensack having no residences and no bar or night club uses which would be far more appropriate for the proposed use, and

WHEREAS, the membership of the Board concurred in those two opinions, and further based upon the knowledge of its members regarding the subject premises, the adjacent premises, the immediate neighborhood and the entire Township, found the following facts:

1. The proposed use conflicts with the neighboring lawfully nonconforming residential use.
2. The proposed location next to a bar is undesirable as Ms. Sanborn admitted.

3. There exists many areas of the "C" Industrial Zone in the Township in which there are no such residential or bars and in which this use would be more appropriate and impose no detriment.

4. The proposed use will, despite the testimony to the contrary, cause the congregation of people in front of the premises and near to people congregating in front of the bar thus adding to the already congested neighborhood, and

WHEREAS, based upon all of the foregoing, this Board has concluded that no benefit to the general public would be derived from the proposed use in this particular location but rather a detriment to this neighborhood, as well as the general welfare and the zoning plan would result, and

WHEREAS, at the conclusion of the hearing, a motion was duly made by Brian Veprek, seconded by Joseph D'Amico, and adopted by this Board, all five members present voting in the affirmative therefor, to deny 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 its denial of the aforesaid variance application be and is hereby memorialized.


MOVED: Veprek

SECONDED: D. Amico

Roll Call on the Motion:

Blase' Coppola	<u>Unable to Vote</u>
Luis Perdomo	<u>Unable to Vote</u>
James Diraimondo	<u>Yes</u>
John Falato	<u>Yes</u>
Lucindo A. LoPiccolo, Jr.	<u>—</u>
Bill Regan	<u>Unable to Vote</u>
Brian Veprek, Sr.	<u>Yes</u>
Angelo Cerbo, 1 st Alt.	<u>—</u>
Michaelangelo Marrella, 2 nd Alt.	<u>—</u>


Date: January 25, 2010


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 January 25, 2010.

Date: January 25, 2010


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), not scattered among thousands of government web pages.

County: Bergen

Printed In: The Record, Hackensack

Printed On: 2010/01/28

**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 January 25, 2010 for the reasons set forth in its resolution of that date, denied the application of Collaborative Support Programs of N.J., Inc., as to premises owned by Lucien Zeppone and designated as Block 47 Lot 8 and more commonly known as 217 Huyler Street, South Hackensack, New Jersey, for a use variance in respect to ? 208-7 A and D of the Code of the Township of South Hackensack seeking to allow a facility providing a program of counseling, educational and social services for persons living with emotional problems in an Industrial 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.

Mary Terraccino

Acting Board of Adjustment Secretary

January 28, 2010-Fee:\$27.41(29) 2778415

Public Notice ID: 11945224