

**Township of South Hackensack
BOARD OF ADJUSTMENT
December 27, 2011
MINUTES**

At 7:30 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
Angelo Marrella
Joseph D'Amico
John Falato
Brian Veprek
Louis Perdomo
Bill Regan
Greg Padovano, Township Attorney
Rick McGrath, Boswell Engineering
Ray DeRiso, Zoning Officer

Members Absent

James Diraimondo
Victor Santos- Resigned

MINUTES:

LoPiccolo **motioned**; D'Amico **seconded** to approve the **Minutes** of the November 28, 2011 meeting. All in favor.

CORRESPONDENCE:

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

OLD BUSINESS

BOA2011-11

Malandrucolo

21 Leuning Street
Block: 44 Lot: 18
"D" Use Variance

LoPiccolo and Marrella recused themselves. Five members were left for the hearing/voting.

Joseph L. Mecca, Jr., Esq, 87 S. Fairview Avenue, Paramus, NJ represented the applicant.

Ken Ochab, PP, 12-16 Fair Lawn Avenue, Fair Lawn, and NJ testified as an expert planner for the applicant.

Ray DeRiso, Zoning Officer for the Township of South Hackensack testified regarding the matter.

James Reily, Construction Official for the Township of South Hackensack testified regarding the matter

Exhibit A-1, dated 12/27/11, Photographs of Malandrucolo Property and surrounding area, taken by K. Ochab Associates.

Exhibit A-2, dated 12/27/11, Photographs of Malandrucolo Property and surrounding area, taken by K. Ochab Associates.

Exhibit A-3 dated 12/27/11, Photographs of Malandrucolo Property and South Hackensack Land Use Map taken by K. Ochab Associates.

Exhibit A-4, dated 12/27/11. Sanborn Map Company, map dated from 1920 of Worth Street and Master Plan Land Use Map – 21 Leuning Street

Exhibit B-1, Resolution 21 Leuning Street, dated 09/25/2000.

Exhibit B-2, Certification in Lieu of Affidavit, 21 Leuning Street, dated 9/5/2001.

Exhibit B-3, Zoning Board Application, BOA 2000-04.

Mr. Anthony Malandrucolo is the owner of 21 Leuning Street, South Hackensack, Block 44 Lot 18 and is located entirely within the C-Industrial Use Zone. The property is approximately 6,800 sq. ft and is currently improved with 2 ½ story dwelling with driveway access along Leuning Street. The applicant and witnesses testified that the existing building has been utilized as a three family use for many years and submitted several exhibits to the Board regarding the history of the Property in Exhibit B-1.

The Zoning Officer testified that a prior resolution of the Board dated September 25, 2000 specified noted that the application filed at that time had stated that the property would be utilized for a one-family use. The Board also received an affidavit stating that the property was utilized as a two family dwelling in Exhibit B-2.

The applicant withdrew his request for an interpretation and proceeded with the use variance portion of the application to permit a three family residence.

The expert witness testified that there are many mixed use properties in the neighborhood, including multi-family, residential and commercial.

The expert witness testified that there would be no negative impact upon the surrounding properties.

The applicant states that the existing dwelling maintains three units which include the owner's residence and two 1 bedroom apartments each comprised of approximately 800 s.q. of living space. He will maintain 6 on-site parking spaces inclusive of 2 garage spaces. The basement area is not utilized as a separate rental and would not be utilized as living space. He has also been registered as a 3 family residence with the NJ DCA since November 2011. Applicant also stated he would allow annual inspection of the property to ensure a maximum of 3 family use and compliance with all fire code regulations.

The application is not detrimental to the public and will not have a detrimental effect on the surrounding neighborhood. The use is consistent with other uses in the surrounding area. The use compliments the property which is larger than a typical parcel in the A residential zone and provides sufficient on-site parking for the proposed 3 family use.

OPEN TO THE PUBLIC – No Comments

CLOSED TO THE PUBLIC

Veprek **Motioned**; D'Amico **seconded** to accept the use variance for existing three residential units dwelling:

Vote: **Yes:** Perdomo, Falato, Veprek, D'Amico and Regan.

Recused: LoPiccolo, Marrella **Absent:** Diraimondo, Santos

NEW BUSINESS

No New Business.

Public Comments

Ted Wieland

24 Grenich Avenue

Central Valley NY

Weiland is the business owner of Weiland Construction located on 25 Grove Street. He has been before the Board in 2010 for prior approvals. He took over the building November 2010 has been in contact with building dept for all work. The parking lot project was started however, the building inspector put a stop work order on it. Since that time now we have been trying to get the parking lot done and have been working with the Engineer and still awaiting approval to continue the job.

Padovano stated that the Zoning Board gave an approval in 2010. Compliance issues would pertain to the enforcing agencies of Zoning and Building. There appeared to be a problem of the asphaltting of the lot and Boswell Engineering generated a letter.

Falato stated there were a couple of issues. The raising of the elevation of the property. Boswell Engineering report shows that your engineer drew the plans so that the drainage went out onto everyone else's property.

Weiland contacted his engineer and directed him to correct the plans.

LoPiccolo asked him if he is currently or in the past storing any outside storage.

Weiland stated that he did but has corrected the situation.

Veprek stated there is not storage of any type not even a truck.

Zoning, building and engineering to resolve the situation

Weiland the drainage is of concern.

Padovano stated yes the drainage.

DeRiso stated that approval was given on documentation presented with the application. Replacement was allowed to the size at the current time. It was to be asphalt but now half the backyard is in concrete. The construction official does not require a permit for asphalt but for concrete. The permit was issued and the issue became the drainage. From the zoning aspect there is no issue except for the some concrete bunkers and something else that is not permit storage. The only permit to be there is for employee and customer parking and no storage of any type. Whether you rent or own the building the resolution stands with the land.

Falato – what are you planning to with the front of the parking lot next to the catch basin. Patch this up? You put the footing of your fence posts on my property. Patch along the curb so that the water runs into the catch basin. Do not want the elevation of his parking lot changed.

Weiland agrees to patch and let the water run where it use to.

DeRiso stated that according to the most recent Boswell letter there are 10 items.

Weiland stated he has the letter and his engineering is working on it. The engineering did the work incorrectly the first time and plan will be corrected.

January 5, 2012, Zoning, Building and Boswell Engineering and Wieland's engineer will have an onsite meeting to discuss the situation.

Board Discussion

Meeting date will continue to be held on the fourth Monday of the month with the following exceptions: January 30, 2012, May 21, 2012, and December 17, 2012.

Secretary, Heinzelman brought to the attention of the Board that the escrow for commercial properties should be increased. Currently the required escrow is \$1,200 and the escrow is insufficient. The Board discussed and recommended an increase in the Fee Application's required escrow for "all other applications" to \$2,500. The secretary is to forward a letter to the Township Committee.

Veprek **Motioned**; Regan **seconded** to recommend an increase in the Fee Application's required escrow for "all other applications" to \$2,500.

Vote: **Yes:** LoPiccolo, Perdomo, D'Amico, Falato, Regan, Veprek, and Marrella.

DeRiso stated that he received a letter from the attorney representing 19 Ise St. They are seeking to come before the Board to appeal the zoning officer's decision and apply for a variance to allow for storage containers and trailers. Can council review the 2001-2002 resolutions to first to see if they are is still valid since the applicant never went forward with the projects. Review the resolutions to see if they are still in effect. And if they are in effect, if the resolutions allow for the storage containers in question.

DeRiso stated that the PSE&G will not allow Super 8 Motel to plant the trees along Phillips Avenue because it is within 3 feet of the gas main. Riley, Construction Official, stated that he is still awaiting a letter from PSE&G regarding this matter.

At 8:50 p.m. the meeting was **adjourned**. Veprek **motioned** to adjourn the meeting; **second** by D'Amico. **All in favor.**

Respectfully Submitted,

Lydia Heinzelman
Planning/Zoning Board Secretary