

**Township of South Hackensack
BOARD OF ADJUSTMENT
November 28, 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 Secretary called the roll.

Member Present

Lou LoPiccolo
Angelo Marrella
Joseph D'Amico
John Falato
Brian Veprek
Louis Perdomo
Greg Padovano, Township Attorney
Jeffrey Morris, Boswell Engineering
Ray DeRiso, Zoning Officer

Members Absent

James Diraimondo
Victor Santos
Bill Regan

MINUTES:

Veprek **motioned**; D'Amico **seconded** to approve the **Minutes** of the October 24, 2011 meeting. All in favor.

OLD BUSINESS

BOA2011-10 – Memorialize Resolution

9 Romanelli Realty, LLC

3 Romanelli Avenue

Block: 58 Lot 23

“D” Variance – Use for Wingmen Garage

LoPiccolo **Motioned**; D'Amico **seconded** to accept the denial the application.

Vote: Yes: LoPiccolo, D'Amico, Falato, Veprek, Marrella.

Not Qualified to Vote: Perdomo **Absent:** Regan Diraimondo, Santos

NEW BUSINESS

No New Business.

Public Comments

There were no public comments.

November 28, 2011

Board Discussion

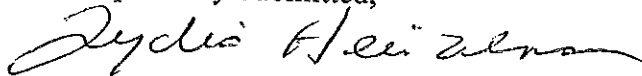
CLOSED SESSION – LITIGATION- BULDO VS. SOUTH HACKENSACK, BARRICELLA.

Falato indicated that 25 Grove Street, Weiland Construction has gone outside the Zoning Board Variance requirements. There have been numerous occasions where there has been outside storage; the driveway is muddy and the rain stills runs off onto the adjacent property. If anyone notices outside storage, they can notify the Police Department and the Police are issue a summons.

Zoning Board requested the Secretary to write a letter to the Zoning Official and Construction Official to attend next month's meeting, December 27, 2011 to discuss 25 Grove Street.

At 8:06 p.m. the meeting was **adjourned**. LoPiccolo **motioned** to adjourn the meeting; **second** by D'Amico. **All in favor.**

Respectfully Submitted,



Lydia Heinzelman
Planning/Zoning Board Secretary

November 28, 2011

RESOLUTION

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

**APPLICATION OF
9 ROMANELLI REALTY, INC.
3 Romanelli Avenue
Block 58, Lot 23**

APPLICATION NO. 2011-10

WHEREAS, 9 Romanelli Realty, Inc., c/o Fred Hoehn, 303 Loren Court, Northvale, New Jersey (hereinafter the "Applicant"), applied to the Zoning Board of Adjustment of the Township of South Hackensack (the "Board") for a use variance pursuant to N.J.S.A. 40:55D-70(d) to permit use storage/ repair shop of motorcycles on the Property; and

WHEREAS, the Applicant is the owner of the property subject of the application which is designated on the Tax Map of the Township of South Hackensack as Block 58, Lot 23 and is more commonly known as 3 Romanelli Avenue, South Hackensack, New Jersey (the "Property"); and

WHEREAS, the Property is located along the intersection of Romanelli Avenue and Division Street and is improved with an existing 2 ½ story structure and attached single story structure; and

WHEREAS, the Property is located within the C-Industrial Use Zone of the Township of South Hackensack; and

WHEREAS, after due notice and publication, the matter was called for a public hearing on August 22, 2011, September 26, 2011 and October 24, 2011 at which time the Applicant was

represented by Nowell, Amoroso, Klein, Bierman, P.A. (Gregory Asadurian, Esq. appearing),
155 Polifly Road, Hackensack, New Jersey; and

WHEREAS, Mr. Fred Hoehn, 303 Lauren Court, Northvale, New Jersey testified as a
fact witness on behalf of the Applicant; and

WHEREAS, Mr. Barry Checinski, 56 Sunrise Drive, North Haledon, New Jersey,
testified as a fact witness as a representative of the Wingman Motorcycle Club of Bergen
County, Inc., the proposed tenant of the Property, on behalf of the Applicant; and

WHEREAS, Michael Hubschman, PE, PP, 263 S. Washington Avenue, Bergenfield,
New Jersey, testified on behalf of the Applicant as an expert engineer and planner; and

WHEREAS, Mr. Ray DeRiso, Zoning Officer for the Township of South Hackensack,
testified regarding the matter during the public hearing; and

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

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

WHEREAS, the Wingman Motorcycle Club of Bergen County, Inc. previously filed an
application to the Board for a use variance to permit use of a portion of the Property for a social
club and member motorcycle repair and storage facility; and

WHEREAS, the application Wingman Motorcycle Club of Bergen County, Inc. was
previously denied by the Board during public hearing on May 23, 2011 under Calendar No.
2011-06 (the "Prior Application"). The Board's denial of the Prior Application was
memorialized by resolution dated July 25, 2011.

WHEREAS, the Board has carefully reviewed the issue of res judicata as applied to the current and Prior Applications. In reviewing whether res judicata will bar the Board's ability to hear the application, the Board carefully considered the following five factors:

1. Whether the second application is substantially similar to the Prior Application;
2. Whether the same applicants or parties are involved in both the current application and Prior Application;
3. Whether there is a substantial change in the current application from the Prior Application itself or conditions surrounding the subject Property;
4. Whether there has been an adjudication on the merits in the Prior Application; and
5. Whether both the current application and Prior Application involve the same cause of action; and

WHEREAS, the Board takes notice that the New Jersey Supreme Court in Russell v. Tenafly Board of Adjustment, 31 N.J. 58 (1959) held that where the same property owner and the same parcel of property are involved in a subsequent application, the matter is not barred on the grounds of res judicata unless the second application is shown to be "substantially similar to the first, both as to the application itself and the circumstances of the property involved." Russell, 31 N.J. at 65 (citation omitted) (emphasis supplied). The Court in Russell went on to hold that "[t]he question for the [Board] on a second application for a variance concerning the same property, is whether there has occurred a sufficient change in the application itself or the conditions surrounding the property to warrant entertainment of the application." Russell, 31 N.J. at 66. (Citations omitted); and

WHEREAS, the Board also notes that the New Jersey Supreme Court's decision in Gruber v. Mayor and Township Committee of Rarriton Township, 39 N.J. 1, 12 (1962), held that although a subsequent application may be similar to the previous one, surrounding circumstances may have changed such that the prior denial would be an error. The Court also held that a zoning board possesses the discretion of whether to reject an application on the ground of res judicata and that exercise of discretion may not be overturned on appeal absence the showing of "unreasonableness." Id.; and

WHEREAS, the Board notes that the New Jersey courts have held that res judicata does not bar the making of a new application for a variance or for modification or enlargement of one already granted or for lifting of conditions previously imposed in the connection with the grant of a variance, upon "a proper showing of a change of circumstance or other good cause warranting a reconsideration by the local authorities. . . . to hold differently would offend public policy by countenancing restraint upon the future exercise of municipal action in the absence of sound reason for such restraint." [Springsteel v. Town of West Orange, 149 N.J. Super. 107, 113 (App. Div. 1977), cert. denied, 75 N.J. 10 (1977) (emphasis added)]; and

WHEREAS, the proposed tenant under the current application, Wingman Motorcycle Club of Bergen County, Inc. initially applied to the Board under calendar 2011-06 for a variance to permit utilization of a portion of the Property as a social club with accessory motorcycle repairs and storage of club members. The Prior Application was denied by the Board on May 23, 2011 which denial was memorialized by Resolution dated July 25, 2011 (the "Prior Application"); and

WHEREAS, the Board has carefully reviewed the issue of res judicata as applied to the current application as compared to the Prior Application. In reviewing whether res judicata

should prevent the Board from hearing the current application, the Board carefully considered whether the current application is substantially similar to the Prior Application denied by the Board and hereby makes the following findings with regard to the issue of res judicata:

1. The current applicant is the owner of the Property. The applicant under the Prior Application was Wingman Motorcycle Club of Bergen County, Inc., the proposed tenant under the current application.
2. The current application specifically does not include utilization of any portion of the Property as a social club by the Wingman Motorcycle Club of Bergen County, Inc.
3. The use of the property as a repair shop and storage was an accessory use under the Prior Application. Under the current application, the primary use proposed is motorcycle repair and storage with no social club use proposed.
4. There has been a significant change in the current application as compared to the Prior Application. Specifically, the current application does not include proposed use of the Property as a social club.
5. The Prior Application was heard by this Board during the course of a single public hearing and a formal decision was rendered on May 23, 2011, which decision of the Board was memorialized by written resolution adopted on July 25, 2011.
6. Based on the facts identified within the prior applications resolution, it is clear that both the prior application and current application involve the same property. However, the current application involves a different applicant, a different primary variance (that is the primary use of the property by a tenant for motorcycle repair and storage) and is substantially different from the variances sought under the prior application.

WHEREAS, the Board determined that the current applicant is seeking a substantially different variance and therefore has presented an application which is different from the Prior

Application, as filed, and is therefore not barred by the principle of res judicata. This determination does not constitute a decision on the merits of the current application; and

WHEREAS, considering the issue of res judicata, the Board proceeded with its determination regarding the application; and

WHEREAS, the Board, after considering the testimony of the applicant and witnesses, makes the following findings and facts with regard to the current application:

A. The Applicant is the owner of the Property commonly known as 3 Romanelli Avenue, South Hackensack, New Jersey, which Property is also identified as Block 58, Lot 23 on the Tax Map of the Township of South Hackensack. The Property is located within the C-Industrial Use Zone and is located along the intersection of Romanelli Avenue and Division Street.

B. The Property subject of the application is currently improved with a 2 ½ story building with attached single story building with second floor residential use. The Applicant proposes to lease a portion of the first floor of the existing buildings to the Wingman Motorcycle Club of Bergen County, Inc. for their use as a motorcycle repair / storage area.

C. The Applicant's witnesses testified that the Applicant proposed to utilize the Property building for storage and repair of motorcycles and vehicles associated with the proposed tenant, Wingman Motorcycle Club of Bergen County, Inc. The witnesses further testified that no commercial repairs or services to the general public were proposed under this application.

D. Section 208-7 of the South Hackensack Zoning Ordinance provides, in pertinent part, for the permitted, conditionally permitted and prohibited uses in the C-Industrial Zone as follows:

§ 208-7. C District - Industrial Zone.

A. Permitted uses. No building or premises shall be used and no building or part of a building shall be erected, constructed or altered which shall be arranged, intended or designed to be used for any purpose other than the following uses:

- (1) Manufacturing by the assembly of component parts only.
- (2) (Reserved)
- (3) Machine shops.
- (4) Warehouses and miniwarehouses.
- (5) Private security vaults.
- (6) Wholesale or retail sales.
 - (a) Wholesale or retail sale of the following:
 - [1] Automotive tires, batteries, mufflers, upholstery, radiators and other accessories.
 - [2] Household furniture, furnishings, rugs and carpeting, fixtures and appliances.
 - [3] Computers and communication equipment and parts therefore.
 - [4] Tools and machinery.
 - [5] Art and art frames.
 - [6] Restaurant supplies and equipment.
 - [7] Parts for any of the foregoing.
 - (b) Shops for the repair of items the sale of which is permitted under Subsection A(6) hereof.
- (7) Car wash establishments.

- (8) Open storage of goods and materials normally used in connection with one of the aforesaid permitted uses as an accessory thereto but nevertheless to a height not to exceed eight feet and effectively screened from view of streets and abutting properties by a fence, wall or hedge at least eight feet in height.
- (9) Motor vehicle body repair and paint shops in full compliance with all state and municipal regulations otherwise governing the operation of the same so long as all of the work upon the vehicles being repaired and/or painted is undertaken within otherwise permitted permanent enclosed structures and, further, so long as any point of the perimeter of the subject premises is no less than 500 feet from any point in the perimeter of any premises lawfully used or zoned for residential purposes.
- (10) Public utilities within public rights-of-way or within other easements granted therefore together with the necessary connections thereto, pursuant to and to the extent permitted by grants or franchises of the Township.
- (11) Digital data communication radio units no larger than two cubic feet in size excluding the electric line and any attached antenna, each of which having an antenna no longer than three feet, installed upon any existing utility pole at a point thereon no closer than 20 feet to the ground and which such radio unit shall be no closer to any other radio unit in this zoning district than 1,000 feet to any other such radio unit.
- (12) Life sciences industry as more particularly described and defined in this chapter, with the exception that any medical and biological research involving live viruses and animals is expressly prohibited.
- (13) Professional, business and governmental offices.
- (14) Banks, savings and loans, mortgage offices, brokerage house or other investment-related offices.
- (15) Retail sales of goods and services, except as prohibited herein.
- (16) Offices for commercial, financial or executive purposes.

(17) Baking and preparation of food not to be consumed on premises.

(18) Laboratories and related offices engaged in research or product testing.

(19) Printing and publishing.

* * *

C. Conditional uses Conditionally permitted uses shall be as follows:

(1) Office buildings, subject to the area and bulk requirements of the B District.

(2) Supermarkets, subject to the following requirements:

* * *

(3) Sexually oriented adult entertainment as the same is defined in § 208-1 of this chapter conducted as either a principal use or as an accessory to any go-go lounge, cabaret or nightclub, notwithstanding the prohibitions contained in § 208-7D(12), (13) and (14); such uses shall be conditioned upon the approval of the Planning Board after a determination that such uses comply with all the applicable less restrictive requirements of this chapter otherwise applicable to the premises and shall further comply with the following conditions:

* * *

(4) Package handling and distribution facilities, subject to [specific bulk requirements]

* * *

D. Prohibited uses. Any uses other than those uses permitted by Subsections A through C of this section shall be prohibited without in any way limiting the generality and prohibition of this section. Nothing contained in this article shall be construed to permit any of the following uses in a C District:

(1) Multifamily.

(2) The manufacture of or the manufacture of articles from plastics having a flammable or toxic base or the manufacture, processing, handling, use or storage of hazardous substances.

* * *

- (3) Junkyards, automobile graveyards or dismantling plants or the storage of secondhand materials derived therefrom.
- (4) The boiling or treatment of junk, iron, rags, bottles or scrap paper, or storage in connection therewith, stamping machinery, rendering and tanning.
- (5) Entertainment or amusement establishments.
- (6) Building material storage yard, including materials such as sand, plaster, brick, cement, lumber, roofing materials, boilers, tanks, radiators, pipes and fittings.
- (7) Dog pounds or kennels.
- (8) Outdoor theaters.
- (9) Open storage of materials
- (10) Manufacture of soaps and processing or roasting of coffee.
- (11) Automotive uses, including new and used car or truck sales and driving schools.
- (12) Go-go lounge which is an establishment or premises wherein a scantily-clad person or persons are permitted to dance or otherwise move and perform in a suggestive manner.
- (13) Any "cabaret" or "nightclub" which, for the purposes hereof, is defined as a commercial establishment open to the public providing food and/or drink which also provides entertainment in the form of dancing by live performers other than the patrons thereof.
- (14) Any sexually oriented adult entertainment as the same is defined in § 208-1 of this chapter as a principal use or as an accessory to any permitted use that is open to the public.
- (15) Massage parlors.
- (16) Used or new car dealerships.

(17) Gasoline service stations.

(18) Poolrooms, billiard rooms or parlors.

E. Permitted accessory uses shall be as follows:

(1) Offices as an accessory use, occupying not more than 20% of the total gross floor area of a permitted use.

(2) Cafeteria as an accessory use to a permitted use in the Industrial District, located on the same lot as the principal use, provided that its purpose is to serve food and drink to the employees of the principal use to which it is accessory.

(3) Garages to house delivery trucks or other commercial vehicles only when accessory to a permitted industrial use, warehousing, wholesaling or laboratory use.

* * *

E. The use proposed by the Applicant is not specifically permitted in the C Zone pursuant to Section 208-7 of the Township Zoning Ordinance.

F. The witnesses testified that the Applicant intended to utilize 4 existing on-site parking spaces and will rely upon street parking to satisfy the remaining parking demand associated with the proposed use of the Property.

G. The Applicant's expert witness testified that the surrounding area is commercial and industrial in nature and that, in his opinion, the proposed use would not be detrimental to the surrounding area. The witness also testified that the Applicant has been occupying the Property since 2004 [without a certificate of occupancy or zoning certificate] and that they have not received any complaints that he is aware of regarding the Applicant's use of the Property.

H. The Applicant's witnesses testified that the proposed use would involve approximately 5-6 "employees" or members of the Wingman Motorcycle Club of Bergen County, Inc. utilizing the Property at any given time.

I. The Applicant's witnesses testified that the proposed tenant, Wingman Motorcycle Club of Bergen County, Inc. consists of 8 members who would utilize the Property under the current application. The witnesses further testified that the proposed use would occur mostly after normal business hours during the weekday and late on Friday nights as well as on weekends.

J. The Applicant's witnesses did not adequately provide testimony regarding how the utilization of the Property by members of the Wingman Motorcycle Club of Bergen County, Inc. would not result in a "social club" use of the Property since the area of the existing building designated as "club meeting room" or the bar area under the Prior Application would still be available for use by the club members..

K. Ray DeRiso, the South Hackensack Zoning Officer/Construction Official testified that to his knowledge, the Applicant has not received a certificate of occupancy or any permit from the Township of South Hackensack to allow use of the subject Property for the uses proposed under the current application or Prior Application.

Mr. DeRiso also expressed concern regarding potential detrimental health conditions at the Property under the proposed application since there are residential uses existing directly above the area to be utilized as the proposed motorcycle repair shop.

L. The Applicant did not provide sufficient testimony or evidence regarding the availability of parking on the Property or in the area to satisfy the demands generated by the proposed use.

M. The Applicant has failed to supply any testimony regarding the proposed use in relation to the permitted uses in the C Zone. The Applicant's witnesses did not provide sufficient testimony regarding the proposed use and its impact upon the Property, the traffic and

parking in the area and on the Property, its impact upon other uses in the surrounding C Zone and the Master Plan and Zoning Ordinances of the Township of South Hackensack and therefore leaves the Board with the sole conclusion that the Applicant has not provided sufficient evidence to satisfy the burden of proof required to permit granting of a variance pursuant to N.J.S.A. 40:55D-70(d).

N. The Board is familiar with and has considered the Supreme Court's holding set forth in Sica v. Board of Adjustment of Township of Wall, 127 N.J. 152 (1992) regarding the "special reasons" required for granting use variances pursuant to N.J.S.A. 40:55D-70(d) when it made its findings of fact and reached its conclusions.

O. The Board acknowledges that the proposed motorcycle repair and storage use, as proposed, is not "inherently beneficial" and thus there must be a finding of evidence substantiating that the general welfare is promoted because the proposed uses, "particularly suited" to the location. Stop & Shop Supermarket Co. v. Board of Adjustment of Tp. of Springfield, 162 N.J. 418 (2000).

P. The Applicant has not satisfied its burden of proof with respect to both positive criteria and negative criteria with regard to the proposed use as required pursuant to the Municipal Land Use Law and relevant case law.

Q. The Applicant has not provided sufficient testimony regarding the proposed use's impact upon parking and the traffic/parking demands of the Property and surrounding area and failed to provide any testimony regarding how, if at all, the current parking plan permitted under the Prior Approval would be maintained or impacted under the current application.

R. The application is detrimental to the public and will have a detrimental effect on the surrounding neighborhood, existing traffic conditions or characteristics of the surrounding area by adding multiple vehicles to the area at concentrated late night times.

S. The Applicant did not provide sufficient testimony regarding whether the Property is particularly suited for private motorcycle repair and storage use as proposed.

T. The Applicant did not present any testimony regarding the proposed use and its relationship to the South Hackensack Master Plan. It is not the function of the Board, nor is it within its authority, to arrogate the zoning power from the Governing Body that has not chosen to permit the proposed use in the C Zone.

U. The Applicant has not shown and has not put forth sufficient evidence before the Board to show that the proposed use, can be granted without detriment to the Zone Plan or Zone Ordinances of the Township of South Hackensack or surrounding properties, which exist in conformance with the applicable use standards of the C-Zone.

V. The proposed use will detrimentally impact the existing residential use of the Property by generating exhaust, noise and increasing on-site parking problems by increasing the parking demand beyond the available spaces.

W. The Applicant did not provide sufficient proof regarding the advancement of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. and did not provide evidence that any benefit which would substantially outweigh the detriment of the proposed use.

X. The Board finds that the Applicant has failed to meet the required demonstration by "an enhanced quality of proof" that variances for the proposed use are not inconsistent with the intent and purposes of the Master Plan and Zoning Ordinances as required by Medici v. BPR Co., 107 N.J. 1 (1987) to support the approval of the instant application. The testimony provided

by the fact witness did not adequately address how the proposed use is particularly suited for the Property and how its impact upon the surround area would be a benefit not outweighed by the detriment of the proposed motorcycle repair and storage use.

Y. The Board finds that, based upon the testimony of the Applicant's witnesses and review of the exhibits and application, the testimony of the Township Zoning Officer, the Applicant has failed to meet the required demonstration that variance for the proposed use is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance in accordance with Sica, supra, to support the approval of the instant application. The Board finds that, based upon the testimony of the Applicant and in light of the above findings, the Applicant has failed to meet the required demonstration that the proposed use is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinances or that there was an irrefutable presumption that the site suitability as required by Sica, supra, and its progeny to support the approval of the instant application.

Z. The Board finds that based upon the testimony of the Applicant's witnesses and testimony of the South Hackensack Zoning Officer and in light of the above findings, the Applicant has failed to satisfy the negative criteria as required by Sica, supra, to support the approval of the instant application and the application cannot be granted without creating a substantial detriment to the public good where the proposed use is not permitted under the Zoning Ordinance.

AA. The Board finds, based upon the testimony of the Applicant's witness and in light of the above findings, that the Applicant has not met the requisite demonstration that the use variance is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinances as required by Kaufman v. Planning Board for the Township of Warren, 110 N.J.

551 (1988) to support the approval of the instant application. The testimony of the Applicant did not demonstrate that the goals enumerated under the Master Plan would be satisfied or addressed under the application.

BB. The Applicant has not met its burden to prove the existence of "special reasons" for the proposed use. The proposed use, in its location, does not benefit the general public welfare and does not adequately promote any proposal of zoning under N.J.S.A. 40:55D-2 to justify granting of the use variance sought.

CC. The Board finds that the application cannot be granted without causing substantial detriment to the public good and that the proposed use will substantially impair the intent and purposes of the Master Plan and Zoning Ordinances that have designated the subject Property and surrounding parcels to be within the C Zone by creating an increase in traffic and on site parking demand and exceeding the scope of uses specifically permitted in this Zone.

DD. Mr. Brian Nigro, 372 Dixie Avenue, Hawthorne, New Jersey appeared and testified concerning the application. No other members of the public appeared or spoke regarding this application.

EE. The Board incorporates by reference, all transcripts, minutes, exhibits, reports and other documents submitted and/or referred to by the Board into this Resolution.

NOW THEREFORE, BE IT RESOLVED the application of 9 Romanelli Realty, Inc. for a use variance to permit motorcycle storage and repair be and the same is hereby denied.

1. **Reliance by Board on Testimony and Application:** The application is denied based upon the testimony of the Applicant's witnesses, the exhibits, the application, and any amendments to same, submitted to the Board as well as the testimony of all other witnesses, and review memorandum and letters, all of which have been relied upon by the Board in making its

determination as further identified within this Resolution. The Applicant did not satisfy the burden of proof required pursuant to South Hackensack Ordinances, N.J.S.A. 40:55D-70(d), and all other applicable provisions of the Municipal Land Use Law and N.J.S.A. 40:55D-1, et seq. regarding use variance approval and/or other relief sought by the Applicant.

2. **Professional Fees:** The Applicant shall be responsible for all legal, engineering and planning fees of the South Hackensack Zoning Board of Adjustment in connection with this application.

3. **Other Fees:** All additional fees, if any, required by the Township Ordinances shall be paid in connection with this application.

4. **Appeal Period:** The Applicant has been advised that there is an appeal period for the action of the Board herein for a period of forty-five (45) days from the date of publication of notice of the Resolution in a newspaper of general circulation approved by the Zoning Board of Adjustment and/or Township of South Hackensack governing body.

A motion to deny the application for use variance was adopted by the following vote at the meeting prior to adoption of the memorializing Resolution:

Moved by: Brian Veprek
 Seconded by: Lou LoPiccolo

	<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				
Joseph D'Amico	X				
Lou LoPiccolo	X				
Luis Perdomo				X	
Victor Santos, Alt. #1				X	
Michangelo Marrella, Alt. #2	X				

Dated: October 24, 2011

Said Resolution was memorialized at the meeting after the motion 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	✓				
Bill Regan, Vice Chairperson				✓	
James Diramondo					X
John Falato	✓				
Joseph D'Amico	✓				
Lou LoPiccolo	✓				
Luis Perdomo					X
Victor Santos, Alt. #1					X
Michangelo Marrella, Alt. #2	✓				

Dated: November 28, 2011

SOUTH HACKENSACK ZONING BOARD

By: *Brian A 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: 2011/12/03

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 November 28, 2011, for the reasons set forth in its resolution of that date, denied variances for application No. 2011-10, 9 Romanelli Realty, Inc., and designated as Block 58 Lot 23 and more commonly known as 3 Romanelli Avenue, South Hackensack, New Jersey, for variances to permit use storage/repair shop of motorcycles. 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
December 3, 2011-Fee:\$22.68(24) 3201871

Public Notice ID: