

**Township of South Hackensack
BOARD OF ADJUSTMENT
May 26, 2009
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.

Members Present

Phil Iacono
Blasé Cappola
John Falato
Brian Veprek Sr
Luis Persomo
John Kopec
Ralph Chandless -Attorney
Barbara Nemchek -Boswell Engineering

Members Absent

Joseph D'Amico
James Diraimondo
Bill Regan

MINUTES

CORRESPONDENCE

The correspondence listed were accepted and to be placed in their appropriate files.

OLD BUSINESS

Memorialize Resolution

ZB #2009-02 – ES Classic Cars

Iacono **motioned**; Veprek seconded to **memorialize the approval of the application for a use variance and site plan approval for ES Classic Cars LLC.**

5 Yes: Coppola, Iacono, Veprek, Persomo, Kopec

The meeting was Open to the Public.
There were no comments made.
The meeting was Closed to the Public.

At 7:45 p.m. a motion was made to adjourn the meeting. All in favor.

Respectfully Submitted,



Mary Terraccino
Minutes Secretary

May 26, 2009

RESOLUTION NO. 2009-
BOARD OF ADJUSTMENT OF THE TOWNSHIP OF SOUTH HACKENSACK
DATED: May 26, 2009

MEMORIALIZATION OF THE APPROVAL
OF THE APPLICATION FOR A USE VARIANCE
AND SITE PLAN APPROVAL

APPLICATION OF: ES Classic Cars LLC

APPLICANT'S ADDRESS: ES Classic Cars LLC
c/o Edward and Barbara Schrader
519 Spring Valley Road
Paramus, New Jersey 07652

APPLICANT'S ATTORNEY: Emil S. Cuccio, Esq.
Cuccio & Cuccio, Esqs.
45 Essex Street
Hackensack, New Jersey 07601
Telephone: 201-487-7411
Fax: 201-487-6574

PREMISES: Lot 10 in Block 47
20 Worth Street

OWNER OF PREMISES: Edward and Barbara Schrader
519 Spring Valley Road
Paramus, New Jersey 07652

DATE OF SUBMISSION: February 3, 2009

DATE DETERMINED COMPLETE: March 6, 2009

DATE OF PRESENTATION: April 27, 2009

SITE AND/OR SUBDIVISION:

Axis Architectural Studios
16 Highwood Ave
Englewood, N.J. 07631

DATED: December 2, 2008

REVISED TO: February 26, 2009

PLANNING REPORT:

Boswell McClave Engineering

DATED: February 10 & March 6, 2009

APPLICATION:

1. Use variance from the strict application of **§208-7 C** to allow a permitted warehouse facility in an Industrial Zone to be used for the limited purpose of the sale of the antique, classic, specialty or collectible motor vehicles that were stored therein.
2. Site plan approval for the installation of a new 12' by 13'4" roll up door on the front of the building.

DECISION:

Granted subject to compliance with the conditions contained herein

WHEREAS, this matter came before this Board for public hearing on April 27, 2009, upon the aforesaid application after it had been properly determined that the Zoning Officer would deny a permit to the Applicant for the aforesaid proposed use in an C District, the industrial zone, and

WHEREAS, Emil S. Cuccio, Esq., appeared on behalf of the applicant and presented this application, and

WHEREAS, by the time of the hearing, the Secretary to this Board had determined that all of the requirements in respect to the submission of such an application had been met and that the application was complete and therefore was ready for full and complete presentation upon a public hearing, and

WHEREAS, this Board heard the matter, as follows:

Mr. Cuccio paraphrased the application as appears in the application. He stated that the application required a use variance to permit the sale of the motor vehicles that were being store within the existing warehouse that is presently operating on the property. An application for site plan approval for the existing warehouse had been granted by the South Hackensack Planning Board on November 1, 2004. In order for the applicant to obtain a license for the sale of motor vehicles at a particular property, there is required the certification of the local zoning enforcement officer that the use is permitted.

Mr. Cuccio represented that the new door is required for the storage of a vehicle hauler that will be necessary in connection with the proposed use. There are essential structural elements in the center of the building that make access through the present door which is located on the left side of the front of the structure to the right or southerly side of the interior of the building virtually impossible for the hauler. The addition of the new door is more practical than the removal of the structural elements.

Mr. Cuccio stipulated on behalf of the applicant as follows:

1. The proposed use will not include the typical used car sales, but rather will be limited to antique, classic, specialty and/or collectible automobiles and motorcycles.
2. All motor vehicles offered for sale will be kept inside the structure.
3. The new door will be opened only to allow access and egress for the vehicle hauler thus minimizing interference with the adjacent parking area.

Steven Lazarus, a partner in the aforesaid Axis Architectural Studio, having been duly sworn and after being accepted by the Board as an expert, testified that there will be no negative impact on traffic. The business will engage only one part-time employee. The new door will rarely be opened. The present parking configuration formerly approved by the Planning Board will not be materially disturbed.

Edward Schrader, one of the owners of the property and a principal of the applicant, testified that there will be no storage whatsoever outside the building.

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

WHEREAS, upon discussion among the members of the Board, Mr. Iacono commented that the Zoning Enforcement Officer had authorized him to represent to the Board that he had no objection to the grant of the application and that the proposed more limited use would constitute a benefit to the neighborhood and would impose no detriment, and

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

1. No detriment will result from the proposed more limited use and, instead a benefit to the neighborhood, the general welfare and the zoning plan will result;
2. Since the current lawful nonconformities will not be expanded nor further negatively impact the neighborhood, the site plan appears to conform to applicable standards of good planning; and

WHEREAS, at the conclusion of the hearing, a motion was duly made by Mr. Iacono, seconded by Chairman D'Amico, and adopted by this Board, all members present voting in the

affirmative therefor, to conditionally approve the said application and to direct the preparation and presentation of this Resolution memorializing that decision;

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of South Hackensack that the approval granted to the aforesaid variance application be and is hereby granted subject to and conditioned upon each and all of the following:

1. Full and complete compliance with P.L.2008, Chapter 46 commonly known as the AStatewide Non-residential Development Fee Act@ by the filing of form N-RDF (rev. 9/12/08) entitled "ASTATE OF NEW JERSEY NON-RESIDENTIAL DEVELOPMENT FEE CERTIFICATION/EXEMPTION" (appearing on the NJ DCA website as <http://nj.gov/dca/affiliates/coah/regulations/nrdf/formnrdf.pdf>.) Said submission shall be used to impose and collect a 2.5% fee, if any, on new and/or improved non-residential development. No temporary or permanent certificate of occupancy or approval shall issue unless there is full compliance herewith.

2. Full and complete compliance with all applicable Zoning Ordinances unless a variance therefrom has been specifically granted.

3. Full and complete compliance with Applicant's stipulations that:

(a.) The proposed use will not include the typical used car sales, but rather will be limited to antique, classic, specialty and/or collectible automobiles and motorcycles.

(b.) All motor vehicles offered for sale will be kept inside the structure.

(c.) The new door will be opened only to allow access and egress for the vehicle hauler thus minimizing interference with the adjacent parking area.

4. Full and complete compliance with all applicable provisions of the Construction Codes and all applicable provisions of its various Sub-Codes.

5. Complete compliance with all of the terms and conditions contained in the above referred to report of Boswell McClave Engineering dated February 10 and March 6, 2009. Such compliance shall be subject to the supervision of the said engineers and, when completed, shall be evidenced by certification of that compliance by the said engineers.

6. Submission to the Bergen County Planning Board and receipt of a written report approving the project or written certification by it of exemption from its review before any local permits shall be issued.

7. Submission to the Fire Safety Official of the Township of South Hackensack and receipt of written certification that the application complies with all of the applicable provisions of the New Jersey Uniform Fire Safety Act, all as provided in the Code of the Township of South Hackensack, before any local permits shall be issued.

8. Substantial completeness of the entire development within one (1) year of the date hereof, it being deemed that the conditions under which this application is approved may have changed by the expiration of that period.

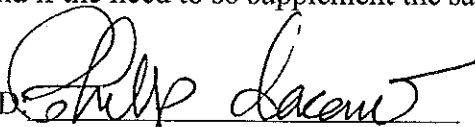
9. Full and complete compliance with the approved plans without any material deviation whatsoever except as specifically provided herein; in the event that there is required any deviation from the approved plans which the Zoning Officer deems to be a material deviation, the applicant must seek approval from this Board for such deviation upon a written application

therefor and upon public notice of such application as is required of all other development applications and, for such purposes, this Board retains jurisdiction of this matter.

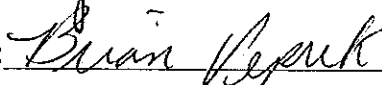
10. The acknowledgment by the applicant that it is responsible for having determined the nature and extent of this application and its further acknowledgment that, if it may be hereafter determined that the application herein approved was in any way deficient and that any relief or approvals required by the applicant for the development of the premises and conduct of the use for which approval was sought requires further applications or relief, the Township of South Hackensack shall not be deemed by this approval to have waived its rights to require such further applications or relief.

11. Acknowledgment by the applicant that it shall continue to maintain with the Township of South Hackensack an escrow sufficient to abide all of the current and reasonably anticipated future charges incurred by the Township in connection with this application and in connection with the development of the premises as approved herein at least until the grant of a final Certificate of Occupancy for the proposed development; such escrow shall be held under the same terms and conditions as the current escrow and shall be promptly supplemented upon notice to the applicant from the attorney for this Board or the office of the Township Treasurer when and if the need to so supplement the same is reasonably anticipated.

MOVED:



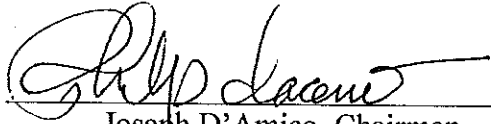
SECONDED:



Roll Call on the Motion:

Blase' Coppola	<u>yes</u>
Joseph D=Amico, Chairman	_____
James Diraimondo	_____
John Falato	_____
Phil Iacono, Vice Chairman	<u>yes</u>
Bill Regan	_____
Brian Veprek, Sr.	<u>yes</u>
Luis Perdomo, 1 st Alt.	<u>yes</u>
John Kopec 2 nd Alt.	<u>yes</u>

Date: May 26, 2009

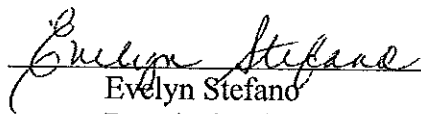


Joseph D'Amico, Chairman
Philip Iacono, Vice Chairman

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 May 26, 2009.

Date: May 26, 2009



Evelyn Stefano
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: 2009/06/06

**BOARD OF ADJUSTMENT TOWNSHIP OF SOUTH HACKENSACK
PUBLIC NOTICE**

NOTICE is hereby given that the Board of Adjustment of the Township of South Hackensack, by resolution duly adopted on May 26, 2009, for the reasons set forth in its resolution of that date, conditionally granted approval to the application of ES Classic Cars, LLC as to premises owned by Edward and Barbara Schrader and designated as Lot 10 in Block 47 and more commonly known as 20 Worth Street, South Hackensack, New Jersey, for a use variance to allow a permitted warehouse facility in an Industrial Zone to be used for the purpose of the sale of the antique, classic, specialty or collectible motor vehicles and for site plan approval for the installation of a new 12' by 13'4" roll up door on the front of the building. Said approval was made expressly conditioned upon the satisfaction of all of the terms and conditions contained in that resolution. A copy of that resolution is on file in the office of the Township Clerk, 227 Phillips Avenue, South Hackensack, New Jersey, and is available for inspection by members of the public during the regular business hours of that office.

Dated: May 26, 2009 BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF SOUTH HACKENSACK

By: Evelyn Stefano

Secretary

June 6, 2009-fee:\$32.13 (34) 2615451

Public Notice ID: 10054744