

ZONING BOARD OF ADJUSTMENT
VILLAGE OF RIDGEFIELD PARK
Bergen County, NJ

Minutes of Regular Meeting

March 17, 2015

The Chairman, Mr. Cathcart, called the meeting to order at 8:00 p.m. in the Municipal Building.

The Chairman announced that this meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 seq., notice of which was published in the Record on the 31st day of December 2014.

Roll Call: Present: Messrs. Cathcart, Vorhees, Wohlrab, Frontera, Miele, Albuquerque Orth, Ms. Perotta

Absent: Mr. DellaFave

Mr. Frontera moved the minutes of the January 20, 2015 meeting be approved. Seconded by Ms. Perrotta.

Roll Call: Cathcart, Vorhees, Frontera, Miele, Alberque, Orth, Ms. Perrotta

Correspondence:

- Letter from Alampi & DeMarrais RE: Delinquent taxes 1/23/15
- Letter from Ken Ochab RE: Case # 1501 - 172 Main Street
- Report from Boswell Engineering RE: Case #1501 – 172 Main Street
- Letter from Boggia and Boggia, LLC RE: Case #1501 – 172 Main Street

Ms. Perrotta read the rules of procedure.

**Case #1501 172 Main Street
Dr. Robert Forte
Block 88/Lot 15
Variance**

Mr. DeMarrais spoke about the letter from Boggia and Boggia dated March 13, 2015 which the secretary did not receive. Copies of letter were distributed to the Board Members. Mr. DeMarrais noted his opinion regarding the letter. Mr. DeMarrais stated the Board should address if the applicants noticing was sufficient. Mr. Marienello, Esq. attorney for applicant did receive letter and is his position that noticing was sufficient. It is Mr. DeMarrais' opinion that the notice was sufficient and cited case *Perlmart v Lacey Township Planning Board* 295NJ Supra234 Appellate Division 1996.

Ms. Perrotta motioned that the notice is sufficient. Seconded by Mr. Vorhees.

Roll Call: Cathcart, Vorhees, Wohlrab, Frontera, Miele, Ms. Perrotta

Mr. DeMarrais stated the application has been sent to Village Departments. The Planning Board has not responded and the Historical Committee is in favor and a request was received from Boggia and Boggia requesting an adjournment. The applicant objected the Board granted the request.

Mr. Marinello objects to the testimony. He believes the hearing was concluded on January 20th when his experts were available for questioning. He does not believe late testimony should be allowed. The objection is so noted by Mr. DeMarrais.

Mr. Ken Ochab, Village Planner, was sworn in.

Mr. Bill Betesh, Esq., Village Attorney addressed the Board. He stated the Village Attorney is considered a Village Department and should have the opportunity to address the Board regarding the application.

Mr. Alberque questioned why the Village did not question the application in January. Mr. Betesh stated they needed the opportunity to prepare testimony and speak to experts.

Mr. Betesh presented Mr. Ochab's credentials to the Board. Mr. Ochab was accepted as an expert witness. He has presented to this Board before.

Mr. Ochab presented his opinion of the application to the Board.

Mr. Betesh discussed the application with Mr. Ochab and the Board.

Mr. Marienello questioned Mr. Ochab.

Mr. Dave Forte, 173 Mulberry Street, NY, NY was sworn in. Mr. Forte is the applicants' son. Dr. Forte was unavailable for the meeting.

Mr. Forte answered questions from the Board.

The Chairman opened the meeting to the public on the testimony heard tonight.

The case was opened to the public within 200' in favor. No one appeared.

Mr. Edward Cappelluti, owner of 167 Main Street.

The case was opened to the public within 200' opposed.

Mr. James Culmone, 18 Cedar Street.

Ms. Anna Maria Borreca, 22 Cedar Street.

Mr. John Russo, owner of Cosmic Wheel, 184 Main Street

The case was opened to the public outside 200' in favor. No one appeared.

The case was opened to the public outside 200' opposed. No one appeared.

Ms. Choi, 39 Webster Street, owner of 172 Main Street was sworn in and addressed the Board.

Mr. Betesh summarized.

Mr. Marienello summarized.

The Board went into a work session. Application was discussed.

The Chairman polled the Board.

Mr. Vorhees – in favor

Mr. Frontera – in favor

Mr. Alberque – in favor except for parking

Ms. Perrotta – in favor except for parking

Mr. Miele - in favor

Mr. Wohlrab – in favor of mixed use. Can a compromise be made approving the variances with parking being found by the applicant?

Mr. Orth – in favor but too grand of a scale. Application should be scaled back

Mr. Cathcart – in favor.

Mr. DeMarrais reminded the Board that even though eight members are in attendance, only seven can vote. The alternate may not vote.

Mr. Frontera motioned to approve. Seconded by Mr. Miele

Roll Call:

Cathcart – Yes

Perrotta - No

Vorhees - Yes

Wohlrab - No

Frontera - Yes

Miele - Yes

Alberque – No

Application does not carry. Votes 4 yes – 3 no. Five affirmative votes required to approve.

Mr. Cathcart motioned to deny application because there was a failure to get five affirmative votes. Seconded by Mr. Vorhees.

Roll Call:

Cathcart, Perrotta, Vorhees, Wohlrab, Frontera, Miele, Alberque

Meeting adjourned at 10:20p.m.

(Note: Please refer to the Transcription of the March 17, 2015 meeting for the rest of the minutes.)

Respectfully submitted,

Francine Orovitz