

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

Minutes of Regular Meeting  
September 19, 2023

**Regular Meeting**

The Chairman opened the regular meeting.

Pledge of Allegiance

Mr. Cathcart 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 28th day of December 2022.

**Roll Call:**      Present:      Messrs. Cathcart, Alberque, Frontera, Orth, Morrissey, Gandolfo,  
Garofalow

Absent:

Mr. Cathcart asked for a moment of silence for the recent passing of Board member Mr. Thomas Olcott.

Rules of Procedure are listed on the Village website.

Mr. Garofalow motioned to approve the minutes from the July 18, 2023, meeting. Seconded by Mr. Alberque.

Roll Call:      Cathcart, Alberque, Frontera, Orth, Morrissey, Gandolfo, Garofalow

Mr. Garofalow motioned to approve the minutes from the August 15, 2023, meeting. Seconded by Mr. Alberque.

Roll Call:      Cathcart, Alberque, Orth, Gandolfo, Garofalow

**Correspondence:**      **None**

**Resolutions:**

**Case #1595**  
**65 Challenger LLC**  
**65 Challenger Road**  
**Block 24.03/Lot 3**  
**Roof Sign**

Mr. Alampi reviewed the Resolution for the Board.

Motioned to approve by Mr. Alberque. Seconded by Mr. Garofalow.

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Roll Call: Cathcart, Alberque, Orth, Gandolfo, Garofalow

**Case #1598**  
**Stephen Yakub**  
**328 Main Street**  
**Block 49/Lot 4**  
**Reconstruct and Second Floor Addition**  
**Continuation from the June 20<sup>th</sup> meeting.**

Mr. Alampi stated this application came before the Board earlier this year and the application was adjourned because the Engineer was not present. The Board asked the applicant to refile and provide notice and publication. They were to be specific in the noticing. The noticing has been done correctly.

Mr. Cathcart stated the notice was done and the taxes are current.

Mr. Steven Koestner, Engineer, was sworn in. Mr. Cathcart accepted Mr. Koestner as an expert.

Mr. Koestner presented the plans to the Board.

Exhibit A1 – Site Plan dated 8/19/22 revised 8/23/23.

Mr. Koestner stated the house would be a brand-new structure. The variance requested is for building height. The new house would be two- and one-half feet above the allowed limit.

Mr. Garofalow stated the new structure is creating new variances.

Mr. Alberque asked what the hardship of the application is. Mr. Koestner stated the hardship is the slope of the property. Mr. Alberque stated there is no hardship if it is a new build.

Mr. Dunn of Boswell Engineering agreed to meet with the Engineer to review the impervious coverage.

Testimony of the Engineer was concluded.

Mr. Souleymane Dembele, Architect, was sworn in. Mr. Alampi accepted Mr. Dembele as the Architect of record.

Mr. Dembele addressed the hardship of the slope of the land.

Exhibit A2 – Architectural Drawings A201. Front elevation drawing.

Mr. Dembele addressed the ceiling heights. The owner wishes for nine-foot ceilings.

Mr. Garofalow asked why do nine feet and not the standard eight-foot ceiling. By doing this the height would be below the required height of the building. Mr. Dembele stated his client is electing to do nine feet ceilings. Mr. Alampi explained this does not constitute a hardship as it is the owner's preference and not a hardship.

The Board requested that new plans be submitted no later than October 6, 2023. If plans are received in time, no new notice will be required, and the application will be placed on the October agenda if not October then the November meeting.

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Mr. Stephen Yakub, the owner, was sworn in.

Mr. Yakub addressed the Board regarding the height of the building. Mr. Yakub would like to remain at nine-foot ceilings. Mr. Alberque explained what a variance is to Mr. Yakub.

**Case #1589 Appeal**  
**Apache Auto Wreckers**  
**Block 151/Lot 7**

Mr. Cathcart addressed Mr. DeVito on whether there was an agreement to allow Mr. Hansen to testify first. Mr. DeVito stated yes he would allow it.

Mr. Phil Boggia and Mr. Bill Betesh addressed the Board and stated they are at the meeting representing the Village of Ridgefield Park.

Mr. Landolfi and Commissioner Portorreal were also in attendance.

Mr. Alampi stated this is a Section 68 application. This is an attempt by Apache to determine its zoning status. There is no formal application form.

Mr. Betesh addressed the Board. Mr. Betesh stated that by mutual agreement the Village will be addressing the Board first and that the appeal has been filed by Apache Auto Wreckers. It is an application for the Board to determine based upon historical testimony and records to decide whether or not certain uses at the sight are taking place now as they did back in 1968 when the Village code was changed to make certain uses non-conforming. Per their notice, Apache is sought to get a certificate of nonconformity for a claim that they have been selling junk, scrap metal, cars, commercial equipment, and construction vehicles since 1968 and have been historically stacking these items since 1969.

Mr. DeVito addressed the Board. This is not an application as to whether |Apache can be a junk yard. It is an application to address the tickets received.

Mr. Alampi stated that the Board will not dismiss summons by the Municipal Court. That is not in this Board's jurisdiction.

Mr. DeVito stated that this application is specifically for the two municipal summonses issued by Mr. Landolfi for violation of section 231-26 i.e. junk not to be stored outside and violation of section 231/23b for stacking junk above the height of the fence. These summonses have been in the municipal court for months. This issue is whether the tickets are correctly issued not whether the burden can be sustained.

Mr. Douglas Hansen was sworn in. Mr. Hansen read a statement. Mr. Hansen stated he is attending the meeting as a fact witness.

Mr. Cathcart asked Mr. Alampi if Mr. Garofalow, Board Member, would be allowed to speak as to his personal experience and knowledge since Mr. Garofalow also served as Construction Official for the Village. Mr. Betesh stated that there is case law that a Board Member can state his knowledge of the property and stay on the Daus as a member.

Mr. DeVito asked to cross-examine Mr. Hansen. Mr. DeVito proceeded to address Mr. Hansen.

Mr. DeVito's exhibits.

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Exhibit A1 – Letter from 8/2/22

Exhibit A2 – Certificate of Occupancy 7/7/78.

Exhibit A3 – Legal Notice of April 2023

Exhibit A4 – Blow up of excerpt from Chapter 231, 23 a and b of ordinance.

Exhibit A5 – Photo of CO if 12/12/98 signed by Douglas Hansen

Exhibit A6 – Boswell/McFlave Engineering Letter dated 5/12/98

Exhibit V1 – January 20, 1998 Resolution, Case #1214 (Village exhibit) and Resolution dated July 28, 1998

Exhibit V2 – Notice of 1998 application

The hearing will be carried to the October 17, 2023 meeting.

Mr. Garofalow motioned to carry to the October 17<sup>th</sup> meeting. Seconded by Mr. Alberque.

Roll Call: Cathcart, Alberque, Frontera, Orth, Morrissey, Gandolfo, Garofalow

The meeting adjourned at 9:50 p.m.

Respectfully submitted,

Francine Orovitz

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