

**TOWNSHIP OF ROCHELLE PARK ZONING BOARD OF  
ADJUSTMENT  
151 West Passaic Street  
Minutes of the March 3, 2016 meeting**

**Chairman Jason Quinn called the regular meeting of the Zoning Board of Adjustment to order at 7:31 PM.**

**The following members were present: Chairman Jason Quinn, Co-Chairman Scott Den Bleyker, Patrick Sheehan, Nancy Croot, Sal Antista, James Daubner, Matt Trawinski and Board Attorney Anthony Gallina. Absent: Nicholas LiBassi.**

Chairman Quinn announced the death of former Zoning Board member James Rendine. He served on the Board for 40 years and was Chairman for many. A moment of silence was held.

P. Sheehan made a motion seconded by N. Croot to approve the minutes of the February 4, 2016 regular meeting.

Motion passed with all members present voting in the affirmative.

S. Antista made a motion seconded by P. Sheehan to pay the following bills:

Anthony Gallina for February meeting	\$175.00
<i>The Record</i> , North Jersey	\$ 48.63

Motion passed with all members present voting in the affirmative.

Old business: Meeting opened for public questions. Justin Breuel asked about a change in the roof design of his previously approved garage. He said the Zoning Officer said he'd have to go through the variance again. He is asking direction. Mr. Gallina said that he should ask for a letter to that effect and then he can appeal it within 20 days.

**1. Hearing #712  
Grooming Shoppe Inc.  
201B Rochelle Avenue**

Appeal of interpretation of Zoning Ordinance, pursuant to Municipal Land Use Law 40:55D-70 (a) and (b); Application for Use Variance, pursuant to Land Use Law 40:55D-70 (d); and Minor Site Plan Tenant Review.

Michael Goodman, attorney, appeared for applicant. Application is bifurcated. Asking for interpretation of land use law first. A-1 in evidence is notice of appeal 2/5/16 of decision of Zoning

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Officer, A-2 letter of denial dated 2/9/16, A-3 certified mail receipts for notices to property owner's within 200', A-4 green cards, A-5 envelope returned to sender, A-6 form of notice to property owners within 200', A-7 list of property owners within 200', A-8 is certification of service dated 1/27/16, A-9 minutes of Planning Board dated 3/24/11, A-10 minutes of Planning Board dated 4/28/11, A-11 survey of subject property 9/22/10, A-12 copy of tax map subject property, A-13 proposed parking lot layout dated 6/10/10. Application complete.

Mr. Goodman stated that this property is in a Business A zone. He said it's a service establishment - a beauty salon for dogs. 375 families with dogs in Rochelle Park. There are no dog grooming establishments in town. He believes that the Zoning Board has jurisdiction if the Zoning Officer's decision is reversed. He believes that the Zoning Officer misread the ordinance. He was asked what is the relevance of the minutes of the Planning Board meetings? Application asked for it and he submitted it.

Mr. Gallina said that our job is to interpret. What was the intent of Township Committee? What is a service establishment?

S. Den Bleyker made a motion seconded by S. Antista to reverse the Zoning Officer's denial. The Board feels that this is a service establishment.

Motion passed with all members present voting in the affirmative.

### **2. Hearing #711**

**Zhu Jin Guang d/b/a 320 Wonder Spa, Inc. 48.63**

**318 Rochelle Avenue**

Seeking a use variance as per code section 185 Attachment 2:5 Neighborhood Business.

Postponed hearing.

Swore in interpreter. Luisa Lam, certified Mandarin Chinese interpreter. Jennifer Chen appeared for the applicant. A-1 in evidence certified mail return receipt cards to property owners within 200', A-2 certified mail receipts, A-3 13 envelopes returned to sender, A-4 proof of publication in *OurTown* 1/21/16, A-5 letter of denial from Zoning Officer dated 12/31/15. A-6 certified list of property owners within 200', A-7 survey of subject property dated 12/12/68, A-8 interior floor plan undated, A-9 license from NJ for applicant as massage and body work therapy valid to 11/30/16, A-10 form of notice to property owners within 200', A-11 copy of certificate of incorporation for Wonder Spa, Inc.

Zoning Officer has determined that this is not a permitted use in this zone. Argument is that this is not listed. Applicant does not feel it should be denied. Application is for D-1 use variance. Applicant was sworn in, Zhu Jin Guang. Testified licensed for 6 years. Normal professional massage. Has to be by appointment. Hours 10 AM to 9 PM. About 4 customers at a time. 3 massage therapists at a time. Rooms – 4 with massage bed. Difference between massage and acupressure. Acupressure for people who are really tired. Massage is like a thumb massage. He thinks there is enough parking in the front and in the back. What is the kitchen for? It's for employees for meals. How does it

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benefit community? For people who need message in the community.

B-1 in evidence is report from Planner 2/2/16, B-2 report from special engineer dated 2/22/16, B-3 letter from Mr. Job recusing himself dated 1/15/16. Mr. Gallina asked about more details as to what services he provides (reflexology and acutherapy). License says Massage and Body Work therapy. What does it mean? Any oils used? Most of the time no. Sometimes customer requests when very tired. No lotions. What is reflexology? Pressure applied to back to increase circulation in the back. It's part of pressure. Plans show 6 rooms plus kitchen. What are the other 2 rooms? Break room and 4 rooms for massages. Drawing has 6 rooms. Customer can rest in one room. Rinse off room? Yes, not gender specific. Locker in treatment rooms. Days – Monday through Saturday and Sunday 12-9 PM. 3 employees on site all licensed. 4 customers may be there at one time. How many customers per day? 10 per day, 1 per hour. Does he advertise in a town newspaper? No and no website. Has 3 other locations in Warren, NJ, Delaware and Newburgh, NY. Parking he would use 2-3 spaces in front and 2-3 in back. Not using basement.

Engineer's report - does not accurately depict property. There are no handicapped spaces. Floor plan should be prepared by licensed professional. Applicant is relying on existing one. 128-09 in Rochelle Park code pursuant to that says you must have a hand lavatory in each room. Applicant does not want to do this.

M. Trawinski made a motion seconded by N. Croot requiring a floor plan by architect sealed and an engineer site plan sealed.

Motion passed with all members present voting in the affirmative.

Applicant's attorney was asked to let the Board know if the applicant wishes to pursue this any further next month.

Motion by P. Sheehan seconded by S. Den Bleyker to adjourn at 9:45 PM. All present were in favor.

Attest March 3, 2016

Katherine Baccala  
Secretary