

Minutes of the Park Ridge Planning Board  
October 26, 2011 - 8:00pm

\*\*These minutes have not been approved and are subject to change by the public body at its next meeting.\*\*

The regular meeting of the Park Ridge Planning Board was called to order by the Chairman, Raymond Mital, on the above date, time and place.

Chairman called for the Pledge of Allegiance to the Flag.

**ROLL CALL:** Present: Messrs. Ludwig, Mesiano, Mital, Oppelt, Schwamb, Ms. Eisen,  
Mr. Von Bradsky (8:15pm), Councilmembers Misciagna, Maguire  
Absent: Messrs. Browne, O'Donoghue  
Also Present: John Ten Hoeve, Jr., Board Attorney  
Brigette Bogart, PP, Planning Consultant  
Eve Mancuso, PE, Board Engineer

**COMPLIANCE STATEMENT:**

The Notice for this meeting required by Section 3(d) of the Open Public Meetings Act has been provided by the adoption of a resolution by the Park Ridge Planning Board on January 12, 2011, setting forth a schedule of regular meetings, by mailing of said schedule to the Record and The Review on January 13, 2011 and by posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereat and by filing the said schedule in the office of the Borough Clerk.

**INTRODUCTION OF NEW BOARD MEMBER:**

**Councilman Keith Misciagna** – appointed as Mayor's designee -  
term ending – December 31, 2011

Chairman Mital administered the Oath of Office to Councilman Misciagna, who then took his seat at the dais.

**ANYONE PRESENT WISHING TO BE HEARD:** (non-agenda items)

Monique Bliss, 7 Marti Road asked if there was any news on the Metropolitan Homes application.

Board Attorney advised there was nothing that was currently being heard by the board and that he was not sure of the status of the COAH litigation but there has been no discussion by the board in many, many months.

Burton Hall, 98 North Fifth Street asked about the status of the steep slope ordinance.

Chairman Mital advised that the board had two drafts of what it could be and as soon as it could be scheduled on a work session, it would be discussed.

Mr. Hall asked if it had to go to the town council.

Board Attorney advised that the board could only make recommendations to the Mayor and Council and that only the Mayor and Council could adopt an ordinance.

Mr. Hall said he noticed there was something on the agenda about COAH and objectors and asked if these issues were "grandfathered" since COAH has now been disbanded.

Board Attorney asked him to explain further.

Mr. Hall said old issues that may have been raised under COAH, such as someone filing something as an objector since COAH no longer exists.

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Board Attorney said there was one matter that was pending before COAH and he is not sure of the status and to the best of his knowledge, all the responsibilities that COAH had have been transferred to the Department of Community Affairs. He added he was not sure how administratively they were handling things at this point.

**PUBLIC HEARINGS:**

Chairman Mital announced that the **Prusha Subdivision** matter would not be heard this evening but would be carried to the November 16<sup>th</sup> meeting with no further notice.

(Peter Von Bradsky arrived – 8:15pm)

**RIDGE MANOR APARTMENTS** – 71-91 Hawthorne Avenue  
Lot: 3 Block: 1402

MITAL: Certifications of September 21, 2011 transcript submitted by Councilman Maguire, Keith Misciagna and Robert Oppelt.

Bruce Rosenberg, Esq., Winne Banta et al, Hackensack, New Jersey came forward on behalf of Ridge Manor Apartments, LLC.

ROSENBERG: This is a continuation of the prior meeting that was held before the Planning Board. This evening I have two witnesses to continue on the application, our engineer, Wayne Corsey and our architect, Raymond Degheri who would like to review with the board the changes that have been made to plans that were submitted to the board on October 12, 2011. With the board's permission I would like to call Mr. Corsey.

TEN HOEVE: You were previously sworn and you are still under Oath.

ROSENBERG: Just for the purposes of housekeeping, I believe the last exhibit was A-10 according to the exhibit list and revised plans were submitted to the board secretary on October 12, 2011 and they are revised through October 7, 2011 and that is the set of plans that Mr. Corsey will be testifying to.

TEN HOEVE: We will mark as A-11. Before you start, one question...there's a report that we had received from the Borough Engineer dated October 24, 2011, do you have a copy of that?

ROSENBERG: Yes, we were given a copy of that before the meeting and we have reviewed it and are prepared to address it.

Mr. Corsey, would you review with the board the changes that have been made to the site plan, which are now dated October 7, 2011 specifically with respect to any issues that were raised by the board engineer and planner at the last meeting..

CORSEY: What you have here is a colorized rendering of the Site Plan similar to the one we presented last time. This plan shows the changes based on the meeting and the borough planner and engineer.

We have added three additional parking spaces to the south/west corner of the parking bays to facilitate the existing dumpster enclosure where the existing spaces were striped out for the dumpster. What we are proposing to do is to add the three parking spaces, a sidewalk that connects to the existing sidewalk over here, we are going to provide two dumpster enclosures, one at the north and one at the south sides of the back parking lot and enclose both trash receptacles and recycle receptacles.

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Additionally, we have provided additional plantings between the proposed building and the southern building to provide some further screening. We've added the benches per the borough planner's request.

We shifted the underground seepage pit, which was located too close to the water line per your borough professionals. We shifted that to the north and we've eliminated the inlet that was here and have now connected the storm pipe from this location to the existing one in the back corner.

ROSENBERG: Mr. Ten Hoeve referred to the October 24<sup>th</sup> letter from the engineer and I would like you to review the comments that were raised in that letter and whether or not the applicant intended to comply with those and how would they comply with those, particularly with respect to the handicapped parking spaces.

CORSEY: As I indicated in my testimony the last time (microphone cut out)...our one affordable unit will be required to be handicapped accessible as well. We have provided a handicapped spot here with an accessible ramp that gets to this unit. Additionally, per the conversation at the last meeting, the board engineer was looking for additional handicapped parking, we haven't added any at this point as this memo was just received, however, we will look into it and provide adequate additional handicapped spaces throughout.

The one other thing that I will note, is that we added a handicapped accessible depressed curb ramp on the south/western corner of the courtyard area to provide access throughout the site from the north to the south and in that location, I believe in conversation with the board engineer, she is looking for possible additional handicapped spots in this location as well as dispersed throughout the site.

ROSENBERG: The levels of site lighting, is that going to be shown?

CORSEY: Site lighting was shown on the recently submitted plan, however, it did not reflect the existing. There are numerous existing light poles throughout the site. Our client is going to upgrade those lights because a lot of them are deficient and old, so we are going to match those to the existing proposed light and will show a new isolux for all the lighting on the site.

ROSENBERG: I have no further questions of Mr. Corsey.

MANCUSO: As mentioned I did prepare the letter dated October 24<sup>th</sup>, which you should have before you. As Mr. Corsey stated the drainage issues have been resolved, the geometry of the 24" pipe has been revised to have a more direct route eliminating the 90 degree bend and thereby shortening the length of the pipe and thus he was able to maintain the slope of the pipes so we are not concerned about any type of reduced capacity going through the 24" anymore.

There is a note on the plan regarding soil testing being required at the time of construction to verify that the proposed detention system will work. In the event there is high water table encountered, they can simply modify the seepage pit system and make it a shallow system, so that won't be a problem.

The changes regarding the utilities have been shown on the plan now. Separation distance between water and sewer need to be indicated when all of the existing utilities are finally located. I believe in the correspondence we received there was a note stating they were still investigating the location of some of the existing utilities. So that would need to be addressed prior to construction commencing.

The outstanding issue does involve handicapped accessible parking and the handicapped accessible route from the parking lot into the building.

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As was stated there's one new handicapped stall shown on the north side of the site in close proximity to the unit that is going to be modified to be a handicapped accessible unit but since there are 85 stalls plus or minus through the whole site, the total the ADA calls for would be either three or four and they can confirm that. But, beyond that the stalls should be distributed throughout the parking lot so you have opportunity from different locations within the parking area to access the site. The internal walkway within the site is laid out, there are many areas that have stairs, so it appears that the south access drive has already been shown to have been modified to install a handicapped ramp but I suggest a stall be located in as close proximity to that as possible.

I couldn't find another accessible route. I saw you did a couple of other internal changes to eliminate stairs and put in ramps where possible, the only other consideration would be potentially when you deal with parking on the north/west field of parking because you seem to have a little bit of lawn area there, in lieu of coming up the stairs, you could potentially get in a ramp and make a connection there. Depending on how many stalls we ultimately decide upon for handicapped parking.

The last issue was regarding the levels of lighting and as was stated, there is of course, existing lighting on site. The isolux contours was shown for the proposed lighting, so if you take into account the existing plus the proposed and now I hear testimony that the existing is actually being upgraded as well, it appears that the lighting level will be sufficient but the plan as submitted currently doesn't indicate that. I think we still need a little bit of information regarding the lighting levels taking into account all the approvals the applicant intends to make.

In the previous review letter, we asked for soil movement calculations and the newest submission does submit soil movement calculations and it has been determined that a soil movement permit is required to be issued from the Planning Board.

One last issue and I believe the planner may touch upon it, is regarding the height of the building. The height for this building is still 35' maximum. The way the new height ordinance is written is, it is not only an average as it was before, it also is any one façade. It appears that the end of the building may be very close to that maximum height. I think it you just grade it out and give it a little more topography along the side of the building...you are inches away from it. Nothing dramatic. I think it worked out to be 35.4 or something like that so if you grade out the sides a little bit you should be within that maximum height for any façade.

MAGUIRE: This building is not going to be any taller than the other buildings, is it?

CORSEY: The only difference is these are only two-story buildings and this on the front side will be a two-story building and the back side a three-story building because of the garages, which are underground.

TEN HOEVE: Can I just follow-up on a couple of questions, just for the record, so I understand what is happening?

You said you would comply with all of the comments made in her report. I just want to have some testimony for each one of them.

It says the separation distance between the water line and the sanitary sewer line should be indicated. Is that something you need on the plan (to the engineer).

MANCUSO: Yes, there were a couple of letters submitted, and I believe there was further investigation to be made with regard to the existing conditions and that is not really optional. You need to have that.

TEN HOEVE: So that you will do?

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CORSEY: Yes.

TEN HOEVE: The handicapped stall issue...are you asking the board to close the hearing tonight and address those issues at some time in the future? Is that what the request is or did you plan to revise the plan and return?

CORSEY: We plan to comply with whatever the requirements of the ordinance are.

TEN HOEVE: Well, how many and where they would be located and what the access would be are open questions.

CORSEY: Correct and just so I can put it on the record...our belief is that we are grandfathered for the existing facilities, we are only required to provide the handicapped for the proposed facility.

TEN HOEVE: But you are willing to provide what the Borough Engineer is requesting.

CORSEY: Correct.

TEN HOEVE: In addition, the lighting issues...you are going to supply a more detailed lighting plan that shows the lighting that is being maintained and how it is going to be upgraded?

CORSEY: That is correct.

TEN HOEVE: Soil movement...I assume you will comply with all the customary soil movement conditions that the Board imposes with regard to trucks and routes and police...

CORSEY: Yes.

TEN HOEVE: All trees...protective fencing, tree wells...Eve, is that something that can just go into a resolution and wouldn't have to be on the plan or do you need that on the plan?

MANCUSO: Well, they do show the trees that are to be removed, so by default, the ones that are not removed are to remain and to be protected.

CORSEY: I thought we had reflected that on the soil erosion plan...did we not show a tree protection plan there?

MANCUSO: I didn't see each individual tree noted, I saw a detail. Those that are not being removed will be protected.

TEN HOEVE: The question to you, Eve, is that if the hearing is closed tonight can the items that we have just gone over be addressed by submitting a revised plan to you that covers those items before any final determination was made, or do you want to see it and discuss it at a subsequent hearing?

MANCUSO: We could discuss it this evening. I think we should discuss the number of handicapped parking stalls and the accessible route.

In terms of the lighting, they do indicate they are going to give a .5 foot-candle intensity so that is pretty straight forward and since it is an existing site that has existing lighting, it is really more of a maintenance type of thing. They are going to swap out the old lights for new and have a

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consistent lighting pattern throughout. So I am comfortable with the lighting but I would...

TEN HOEVE: If they agree to put in the four handicapped spaces at locations that they will discuss with you before a final determination is made, is that satisfactory?

MANCUSO: If the Board is comfortable with that, I am fine with that as well.

TEN HOEVE: Applicant is fine with that as well?

ROSENBERG: Yes.

TEN HOEVE: Ok, those were my only questions on the engineer's report. There is a letter that was submitted to the Board and I don't think we actually marked it into evidence, that the applicant has submitted that it is willing to put in the four new fire hydrants as requested by the Borough Fire Officials.

CORSEY: I did it as part of my testimony. We did reflect that on the plans. All four...one here, one there, one here and there. They are all noted to be replaced.

TEN HOEVE: And I know this was mentioned at the last hearing but the unit that is going to be the Affordable Housing Unit is currently occupied. You are going to ensure that that is vacant before you begin work on the new building

ROSENBERG: That is correct.

TEN HOEVE: That is my last question.

BOGART: I just have one minor question regarding the dumpster enclosure...typically we require board on board fence instead of the chain link fence.

CORSEY: Ok.

MITAL: Any board members have questions?  
Any one from the public?

TEN HOEVE: This witness did not testify at the last hearing, right?

ROSENBERG: He did not and will have to be sworn in and qualified.

Raymond Degheri, AIA, 80 East Ridgewood Ave, Paramus, New Jersey came forward and was sworn.

ROSENBERG: Would you review with the Board your qualifications as an architect.

DEGHERI: I am a graduate of Cornell University, I am also a graduate of Cornell's Summer Abroad program with Scandinavia and studies in the former Soviet Union. I have been a licensed architect for almost 20 years. I have testified, probably, before two-dozen boards primarily in Bergen, Passaic and Essex Counties. I am a lifelong resident of Bergen County and I have actually testified before this Board before perhaps 15 years ago.

MITAL: Accepted and qualified.

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ROSENBERG: Mr. Degheri, did your firm prepare the architectural plans that were submitted with the application?

DEGHERI: Yes, we have.

ROSENBERG: Would you review those with the Board as far as the architectural elements of the project?

DEGHERI: Have these exhibits been previously qualified?

ROSENBERG: They have all been entered into the record.

DEGHERI: I think everything is pretty much the same here.

ROSENBERG: Those elevations are Exhibit A-9.

DEGHERI: Essentially we have 12 units here, approximately anywhere from 950 to 960 sq ft consisting of two beds, a bath, kitchen and a common living/dining area situated on two floors. So six units on the ground floor and six units on the second story.

With regard to entry, we have a common entry for, essentially four units at a time, two on the ground floor, two on the upper floor times three, each way, which will have about six or seven risers. I know there has been an issue with accessibility here and we have a stipulation in the Code that if there is a discrepancy between 10% of the grade, none of these units need to be accessible as per the Code. So coming off, either the pedestrian or vehicular access, we don't have to have accessible access to these units.

With regard to the elevations, I think most of you have seen these already, we are proposing to keep the same character, the same materials, the same identify with respect to the existing buildings. I think what can better speak to that...tonight I have some color renditions of the building and if you are familiar with the property, I think you will agree that what we are doing here is the same...same shingles, same brick, same siding, same windows and so forth in terms of material and aesthetics.

We have a front façade and a rear façade as well.

TEN HOEVE: Mark them as A-12, colorized façade.

DEGHERI: I also have some small handouts if you would like me to bring them up and present them to the Board.

I think the big ones give you a nice idea. So that would be the rear façade with the garage. I know there has been some discussion about height and perhaps we can do some grading. I think somebody mentioned 35' as a possible max. We do show 37' and changes on the worse case, which would be these back corners but I think that can be satisfied with some grading on the side.

As you can see it is quite attractive, it's nice, it matches what we have. There is no reason to create a new aesthetic with regard to this project.

LUDWIG: This is the first building that has garages and maybe the first building that requires fire sprinklers. I don't see any utility room in the building, or storage rooms or the types of places where you would have your building utilities...do you envision having them internally or on the outside of the building?

DEGHERI: Typically that would be up to the developer in terms of either a common meter or separate meters but they would be located on the exterior of the building or perhaps inside the garages in this case. Obviously, we don't depict them in this regard, I'm an architect not an engineer or

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somebody who is going to be able to answer that question directly. My point being is that it would be typically in a structure like this a common water supply to the building and where that meter is located, I don't exactly know, to be honest.

LUDWIG: I am just pointing out that you don't show on any of the plans any common room.

DEGHERI: There is no particularly utility room. If somebody had to come and read this it probably could be located on the exterior. Again, I am really not the one to answer that.

MAGUIRE: So each unit will have its own heating and cooling.

DEGHERI: Heating and cooling will be as per the other units, which are through the wall units, which is a typical split type of system where it will provide heating and cooling. If you are familiar with the property the other units also have through the wall units...not through the window but through the wall such as you would have in a hotel room. There's a vent on the outside and you have the unit on the inside and it provides both heating and cooling, no exterior pads or condensers that sit on the ground. It's exactly like the units are now but with better equipment.

LUDWIG: Just to follow-up on that...the units there now have no common areas where these have common entrances and garages. How will they be heated?

DEGHERI: Typically the garage area is not going to be heated but it still will maintain a temperature greater than the outside ambient temperature. No plan on heating the garage space. Common space, yes, may have to come off another split system and will have to be heated and cooled. We can't let that freeze.

LUDWIG: How will that affect the appearance from the outside...do you have an access point yet?

MAGUIRE: Sometimes they put little electric heaters in the hallways.

DEGHERI: Again, I don't have the exact specifics on that, that hasn't been engineered. We haven't gone through the HVAC to that point. Your point is well taken. Simple electric baseboard heater in the common areas would solve that problem. There will be vents that you will see under those windows...they are not depicted...we didn't choose to do that but if you are familiar with the units that are there, they have through the wall vents and you can see them, just like you would in any other structure that has that type of equipment. In the case of the common areas, yes, we have to do something in that regard but we are not going to compromise the aesthetics. With respect to the garages, no. Not unlike anybody's garage probably here.

MAGUIRE: Did you cover the materials? Is that vinyl siding and brick?

DEGHERI: This is actually hardy plank (?) so it's a composite material, if you are familiar with that, it is not vinyl. It is a product that is synthetic, it is painted and is rot-resistant, insect resistant and so forth.

MAGUIRE: Is that what is on the other buildings?

DEGHERI: I believe not, I think they may have old existing wood. This is a better material, trust me, whatever is being done on this is going to be superior to what was done eons ago. In terms of brick, of course we are

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going to try to match as closely as possible what exists in terms of the existing buildings. Are you going to get the exact one, am I going to want to go on record with that, it's possible...we are going there and I think we can achieve that. It's a separated building. If it was adjoining that's a much different issue.

MAGUIRE: How old are the other buildings?

DEGHERI: I am not clear on that.

ROSENBERG: Specifically, the units are going to be upgraded and not have visible vents, if that is your concern and any utilities will not be visible, seeable from the outside. There is no proposal to have any exterior buildings or sheds or anything like that. It will all be interior.

LUDWIG: Usually I look for utility rooms to indicate that and I didn't see them on the plans. Even though the plan doesn't show utilities per se but I don't even see the rooms to locate those on the plan.

I did ask if you had proposed to put fire sprinklers in, have you gone that far in your....

DEGHERI: We have and it is our understanding at this point, for this particular use and grouping, that it is not required.

LUDWIG: Would you be willing to put them in even in they are not required?

DEGHERI: It is a question that I cannot answer.

ROSENBERG: Mr. Chairman, I have no further questions of Mr. Degheri.

MITAL: Any questions from our professionals?

SCHWAMB: What is going on in the space under the peak?

DEGHERI: That is just attic. It is dead space.

SCHWAMB: Can you reach it?

DEGHERI: We don't have a drop down area for that.

SCHWAMB: So there is no use at the moment.

DEGHERI: No.

SCHWAMB: Is that good

DEGHERI: Is it good? It becomes then, if you were on the second story, the bonus of having storage and then somebody on the ground floor does not. So what is the fair thing to do?

SCHWAMB: I wasn't asking that. I was asking what it was used for.

DEGHERI : I understand your question and we don't have any plans for it.

OPPELT: Water heater for each unit?

DEGHERI: Yes.

OPPELT: How will that be vented?

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DEGHERI: That will be vented through the roof. No vents are shown on here but typically, as you would see on any homes, older homes will have metal, newer homes will have PVC pipe flashed through the roof.

EISEN: These are through the wall air conditioning units?

DEGHERI: Yes.

EISEN: Where...

DEGHERI: You want to do self-contained, then we will have vents for those. As of now we will not have any exterior grills or vents and none through the wall. So you have what is called the *magic pack*, which will be a typical heating and cooling unit which will have to be self-contained within the unit and then is vented through the roof. Gas or electric but is vented through the roof. It is the same type of venting system that you would see such as any vent pipes that would come from plumbing.

EISEN: So each individual unit will have individual...

DEGHERI: Right and it will have to be routed...yes...and exhausts through a pipe through the roof. Not a chimney, it is a very small diameter PVC pipe.

SCHWAMB: You don't show the pipes either.

DEGHERI: No. Look at a typical home and if you look at any typical home, including your own homes, you'll see the vent pipes for plumbing, all things of that nature and they are not a chimney. They are flashed and so forth and they are typically a 3 or 4" diameter pipe. You have your waste pipe that also vents out and you see that too. They are not particularly obtrusive but are they shown in the depiction here? No. A rendering doesn't go that far unless you are going to spec out where each one of those are going to come out and have them show. It is no different from a common aesthetic you would see on your own home.

MITAL: Anyone else? No? Ok, does anyone from the public have any questions for the architect? Nothing?

ROSENBERG: I have no further witnesses, Mr. Chairman.

MITAL: Ok, thank you very much. Anybody from the public have any testimony they would like to direct towards this application? No?

TEN HOEVE: What the Board generally does, is deliberate at the next work session, which is going to be on Wednesday, a week from now. It would probably be good if your engineer could work out those final changes by that date.

ROSENBERG: We will.

TEN HOEVE: Then the hearing is closed.

**MICHAEL AND BARBARA DI BELLA** – 63 Colony Avenue R-15  
Lot: 1 Block: 1101

Andy DelVecchio, Esq., Beattie Padavano came forward on behalf of the applicant, Michael DiBella.

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DELL VECCHIO: I would like to mark the following documents into record; the Affidavit of Notice, which was submitted in advance of tonight's meeting as A-1, Eichenlaub's drawings consisting of three sheets bearing a signature date of November 16, 2011 as A-2 and Eichenlaub's Stormwater and Soil Movement calculations bearing a date of August 18, 2011 as A-3.

The property that we are going to be talking about this evening is formally designated as 63 Colony Avenue and designated as Block 1101, Lots 1,2,3 on the Tax Assessment Map. The property is located in the R-15 zone district and is approximately 50,830 sq ft or 1.55 acres in size. It is currently improved with a single family home and we propose to retain the home and relocate the garage.

In connection with the subdivision we will create a single new lot with the construction of one new home on the property. The application that was filed to effectuate this plan was a Minor Subdivision application, together with a request for a variance for a rear yard setback variance created from the rear of the existing new home to the proposed new subdivision line. 45' is required, 24.2' is proposed. That variance is wholly contained within the subdivision itself and will not affect any of the property owners or neighbors who are on the outbound of this property.

We are also requesting a variance from Section 101:23 E-1b to allow two curb cuts for a circular driveway to serve the home on Colony and a waiver from the installation of sidewalks under Section 87-33n of your code and finally a soil moving permit to effectuate the subdivision and construction of a new home. We are looking at a combined cut of 1,254 cu.yds and an export of about 476 cu. yds.

With me this evening is the project engineer, Mr. Eichenlaub and our planner, Mr. Preiss, both of whom will offer testimony. With the board's permission I would first like to call Mr. Eichenlaub to come forward and be sworn.

Rick Eichenlaub, PE, R&L Engineering, 24 Wampum Road, Park Ridge, New Jersey came forward and was sworn.

TEN HOEVE: There is no need to qualify Mr. Eichenlaub, he has been qualified before this Board many times.

DEL VECCHIO: Mr. Eichenlaub, can you provide the Board with an overview of the existing conditions of the property?

EICHENLAUB: I will refer to my Sheet 2 of 3...what we have here and Mr. Del Vecchio has already indicated that we are in the R-15 zone and that we have a lot area of 50,330 sq ft, which is 1.15 acres. The site is located at the south/east corner of the intersection of Fifth Street and Colony. There is a single-family two-story residential structure on site now and is located in what we are proposing as Lot 1...it faces Colony and for that reason our rear yard for that particular Lot 1 will be the lot line that we are creating to create the two lots.

Presently three lots exist...Lot 1, which is basically one-half of the property, Lot 2 is a thin sliver, which is sandwiched in-between 1 and 3, Lot 3 is the most easterly lot located on the parcel. We will eliminate those two lot lines and just create the one new lot line forming the two lots.

The site is fully developed. There is lawn, an existing dwelling, there is a driveway presently serving the lot, which is located along the southerly portion of the lot and that services a garage located off the rear of the existing dwelling, a detached garage. That detached garage will be the garage we are looking to move, attach to the existing dwelling, which will become part of that structure.

There is also a shed located on the site and that shed will be removed, eliminated. Grade-wise the grade runs from a high point at the north/east

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corner of the property and runs to a low point located at the south/east corner of the property. The high grade is 242, the low grade is 225 ½ .

As I indicated, the entire lot is lawn. There are some trees on site and under this proposal, at this time; we are looking to maintain all of the existing trees on site. There is no proposal to remove trees. There is a possibility that one tree may have to be removed and that tree would be located in the front of the new dwelling. Under this proposal we didn't have to remove it but again, at this particular time we are not sure whether it can be saved or has to be eliminated.

All of the existing driveway and shed will be removed. Your engineer had a question with regard to existing drainage on the driveway now. There are a couple of inlets; those inlets feed a pipe which runs out to Fifth Street. That will be eliminated. Right now it simply discharges through the curb. That pipe will be eliminated. There is no need to maintain that, given the existing driveway will be removed.

There were some questions your engineer presented in her review letter with regard to existing dwellings and driveways adjacent to our site. I have located on the plan, Sheet 2, eliminating all of the notes. We have shown the three adjacent lots and the dwellings on those lots. To the east of us there is a dwelling and that dwelling is located approximately 22' off the side lot line. The dwelling located at the rear south/east corner, referred to as Lot 10, has a rear detached garage and that garage is located 16' off of our southerly property line and the third lot, which is our neighbor to the south on Fifth Street, Lot 11, that particular dwelling has a side yard offset of approximately 12'. Again, these were not surveyed dimensions; we simply went out and measured where we projected our side lot line to be so that's within a plus or minus foot.

We also located the driveways. There is one driveway opposite us on Fifth, that is located off of our south/west corner of the property. There are four driveways located along Colony opposite what we are calling our proposed Lot 1. Those four driveways I have located and indicated on our drawings. We picked these up today; they will be placed on the final map that we will file with the town.

DEL VECCHIO: With regard to the balance of the site and its compliance with the rest of the bulk specifications, the home size, the home height, impervious coverage, floor areas, what is shown here fully complies with all of the other requirements of the code?

EICHENLAUB: Correct. What we have done because we didn't have the actual house plans for the new house...we are allowed 4,200 sq ft within the R-15 zone and what we have done, is we have shown a footprint with a second story, which would provide for 4,200 sq ft. of floor area. With that, even if we were to provide for a house this large, we are still below the allowable floor area ratio of 25%, I didn't even calculate the average grade, I just took the low grade on property adjacent to the dwelling, along the southerly side of the proposed dwelling...I provided for a nine foot first floor, provided for one foot of framing between first and second floor provided for an eight foot second floor and provided for a 7 on 12 pitch and we fall below the 32'. Actually comes out to just under 31'. So not even calculating the average grade, I took the low point, and we are still fine with that.

The existing dwelling, there is no problem with building height on that, it's an existing condition. I have taken the driveway that is located to the detached garage and we are proposing to place it on the east side of the existing dwelling...it will actually be detached from the existing dwelling but connected to a breezeway between the garage and the kitchen/eating area of the existing dwelling.

DEL VECCHIO: With regard to the sidewalk waiver, are there any sidewalks there?

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EICHENLAUB: None.

DEL VECCHIO: And the road itself is fairly narrow?

EICHENLAUB: Fifth is not that narrow. Fifth is in compliance. Colony is a little more narrow, I believe it is 26' wide.

DEL VECCHIO: Is there any benefit in providing sidewalks on these two isolated properties.

EICHENLAUB: They would basically be sidewalks to nowhere. They would simply service these two lots.

DEL VECCHIO: Can you just briefly review for the Board, the nature of the soil movement activity that is proposed on site?

EICHENLAUB: Our soil movement is based upon some grading for the proposed driveway for Lot 1. It also takes into account that the existing garage that we are moving and placing on the side of the existing dwelling will require footings; it takes that soil into account. It also takes into account the excavation for the largest possible dwelling you could place on this lot. So in actuality, our soil moving calculations are conservative.

DEL VECCHIO: And the numbers I stated in my opening remarks are accurate?

EICHENLAUB: They are.

DEL VECCHIO: If we can, let's take a couple of moments to reflect on the professional reports that we received and at least indicate our comments or response to them. First was the report that we received from the Department of Water, dated October 24<sup>th</sup> that set forth certain requirements on the water ability to service this as well as the hydrant, can you disclose the applicant's response to these recommendations?

EICHENLAUB: Certainly we would have to comply with the requirements for water service, that's a give and we have no problem with that. The request by the Water Department is to upgrade the fire hydrant and I believe the client does not have a problem with that. The upgrade of the fire hydrant is acceptable to us as well.

DEL VECCHIO: And we have also received a review letter from the Borough Engineer, which offers 16 comments?

EICHENLAUB: Correct.

DEL VECCHIO: Are there any comments within that list that the applicant is not prepared to comply with?

EICHENLAUB: No, none at all. I think I have answered some of those comments tonight with regard to the existing drainage on-site. I've indicated that is going to be removed.

There is one issue and that is with regard to Colony Avenue. Right now the right-of-way width of Colony Avenue is 25', it has been requested that we provide for additional r-o-w on our side of Colony, which would amount to 12 ½'. Taking that 25', whether it be a road widening easement or an actual dedication, we still have sufficient property on what we are proposing as Lot 1 and we still have sufficient distance from that new r-o-w line for the front setback for the existing dwelling. So, in providing for that 12 ½', it

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would not place us in any variance state.

DEL VECCHIO: One thing I asked you to take a look at to see if we could comply with #11 concerning the utilities being underground.

EICHENLAUB: With regard to that, the existing house is serviced by an aerial line coming across Fifth...the utility poles are located on the west side of Fifth so we have to cross that anyway, that's an existing condition. Off of Colony, the utility poles are located on the north side and we're on the south side. Where we are looking to run aerial is from the utility pole on Fifth Street to the new dwelling, so that line will be aerial. Everything else is proposed to be buried, gas, and water.

DEL VECCHIO: And the reason for providing that in an aerial fashion is because a new pole would have to be located on the east side of Fifth and aerial line run, anyway over Fifth, before it could be brought down for the short distance that it would be to the home itself.

EICHENLAUB: That's exactly right. We could run it underground from our front property line to the dwelling but we would still have to run it aerial across Fifth to a utility pole on our side of the street.

MANCUSO: As noted I prepared a review letter dated October 21st, which I believe you should all have. Mr. Eichenlaub touched upon the r-o-w issues #1 was Colony and the dedication which would be required from the centerline...#2, was just a comment about the topo that needs to be submitted, #3, the existing utilities servicing the dwelling to be shown on the map provided, and the board should note that the sanitary sewer lateral for the proposed dwelling is actually going through an easement, through the existing lot up to Colony Avenue...so there will be an easement agreement across Lot 1 to benefit Lot 2, the way the plan is currently shown, Mr. Eichenlaub noted the driveway....

EICHENLAUB: While Ms. Mancuso was going over that I just want to show the Board where that easement is...it parallels Fifth Street. The reason for that easement and that line is there are no sanitary lines along this stretch of Fifth in front of our property. So to discharge our sewerage, we've got to get up to Colony and tie in at that point...the way we would do it, is the system would be pumped up to our property line and then gravity fed up to the line on Colony. So we have provided for an easement along this frontage here of Lot 1.

MANCUSO: Do you know where the nearest sewer is on Fifth?

EICHENLAUB: If we had to extend the main, I've got to extend it up from the intersection of Mountain and Fifth up to our site.

MANCUSO: Approximately how many feet would that be?

EICHENLAUB: About 100'.

MANCUSO: Would you consider that having to put in an ejector pump and having the sewerage pump forever is a better solution than just extending the main for 100' and going gravity?

EICHENLAUB: To extend the main 100' we would also need a sewer extension...we would have to go to the State and get permits.

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MANCUSO: But it would eliminate the need for an ejector pump.

EICHENLAUB: It would, it would all be fed gravity.

MANCUSO: Would you consider doing that in lieu of having the pump forever?

EICHENLAUB: If we were allowed to extend it, it would probably be the wiser choice.

MANCUSO: Good, so do I.

Ok, sidewalks we talked about...the ordinance requires the applicant build sidewalks but the board has the ability to waive that and you think that since there aren't any sidewalks in the vicinity at all, it would be best for the board to waive them....we do have the stormwater calcs and they are acceptable...there is a note on the plan regarding seepage pits and the soil testing that is required to verify the design calcs that were submitted and Item #10 as Mr. Eichenlaub noted, the existing pipe storm system that is to the south property line is to be removed as it previously serviced the driveway and they no longer need it...utility services I noted are to be underground and again the ordinance requires the utilities to be underground but as was stated, they would either have to put the utility services underground from the pole or drop a new pole in on the east side and I'm not sure if the Electric Dept. would like to take a look at...if you drop the new pole in then they could go underground from the pole to the dwelling but it is a rather expensive venture for one residential dwelling...trees to be removed should be noted and I believe they were noted with an X on them....

EICHENLAUB: Right, but we have no trees to be removed.

MANCUSO: So any tree that is on the plan now, is to be noted as protected.

EICHENLAUB: There are a couple in the driveway of Lot 1.

MANCUSO: Ok, they will be removed but the remaining trees are to be protected especially the 26" Maple, 20" Oak...there are quite a few substantial trees on what will be Lot 2 that should be protected so when the grading is done construct the driveway and garage, you can ensure there will be no damage or anything that would threaten the tree...Item #13 is just a note regarding a detail, Item #14 is regarding structural calculations that are to be submitted and we noted that a soil movement permit will be required and Bergen County Soil Conservation District is needed for the new dwelling.

That's all I have.

BOGART: I just have two items in my report that need to be addressed. The first is the need for a variance for the two curb cuts. What is the reasoning behind the circular driveway?

EICHENLAUB: The owner of the property, Mr. Lovett, will remain in the existing house and he had requested he have a circular driveway in front of the house. So it is his preference to have that circular driveway.

TEN HOEVE: Are you going to have additional testimony on that?

DEL VECCHIO: Mr. Preiss will address that.

TEN HOEVE: It looks like it already has a turnaround area.

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EICHENLAUB: Outside the garage?

TEN HOEVE: Yes.

EICHENLAUB: We have that for backing out purposes.

BOGART: My other question pertains to building height. You are not requesting a building height variance but just looking at the grading of the first floor level of proposed Lot 2, I am concerned that you may not be able to comply with the height requirements.

EICHENLAUB: Well, if I understand the newly adopted building height and the way you calculate it...we are still calculating it based off the corners and at the midpoint of every wall and it is taken to the midpoint of your sloped roof.

BOGART: There are two measurements...

EICHENLAUB: What I indicated is I took ... I didn't do an averaging, I simply took the low point adjacent to our south side of the building and based on that and giving us a 9' ceiling on the first floor and 8' second floor and 7 on 12 pitch, I ran my calculations and we are still below the 32...

MANCUSO: There is a differential between the garage at 228 and the first floor at 234, so what happens to the other 6'?

EICHENLAUB: With respect to?

MANCUSO: When you are starting your calculations...

EICHENLAUB: That six feet was added in. So in other words I've got an elevation of 234.65 on our first floor, our low point I took at 6' below that...so I added the 6', 9', first floor framing, 8' for our second floor, then I used a 7 on 12 pitch, calculated out based on the depth of the house, what that midpoint would be...

BOGART: The second part of the calculation requires a measurement from the low point to the highest point of that elevation. So basically you are measuring from the driveway to the highest point of the peak.

MANCUSO: The critical point is the south face.

TEN HOEVE: It is defined in terms of any façade so that if you have a straight vertical wall, uninterrupted, not set back by another structure and that distance from the actual ground level to that peak would have to...

EICHENLAUB: Now that is if the peak is at that façade? What happens if you have a hip roof and the peak is set back?

TEN HOEVE: Then you are Ok.

EICHENLAUB: Ok, then that is what we will have to end up doing. The architectural haven't been developed for this yet but they would have to run a hip roof at that end of the house and it would actually fall lower than that.

BOGART: I just wanted to make sure that you are either requesting a variance or...

EICHENLAUB: No, we are not requesting a variance.

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TEN HOEVE: I just have three comments. One, just to correct the record, you mentioned a maximum floor area of 4,200, your plans say 4,250 and the ordinance is actually 4,250 so I'm sure you meant 4,250.

EICHENLAUB: That's the maximum allowable, we're showing 4,200.

TEN HOEVE: You show 4,250 on your table....

EICHENLAUB: As allowed.

TEN HOEVE: And 4,200 is the maximum you would construct.

EICHENLAUB: Yes, that's the size of this house.

TEN HOEVE: I understand.

EICHENLAUB: And that's a big house.

TEN HOEVE: I have questions concerning the circular drive but you answered that your knowledge was that the owner wanted to have it designed that way.

The sewer extension...were you agreeing to provide that rather than the flow up to Colony with the ejector? Is that what your testimony was?

EICHENLAUB: I said I don't see us having a problem with that. 100' of an 8" main going up...

TEN HOEVE: Fine, those were my only questions.

LUDWIG: This is not the actual footprint of the building on Lot 2, what are the possibilities that it may change in size and you may need additional variances?

EICHENLAUB: There won't be any additional variances. If it changes in size, I can guarantee you it will be less than this.

LUDWIG: It could be...

EICHENLAUB: It would fall within this footprint.

TEN HOEVE: It would be an extremely difficult variance to obtain because it would have been self-created by the subdivision.

EICHENLAUB: What we have done here is we have shown that given the largest dwelling that we can get within the zone, we can fit the largest house possible on this new lot that we are creating. That is why we have done this.

LUDWIG: Again, my question is related to a small house that could be longer...

DEL VECHIO: It will stay within that footprint.

EICHENLAUB: It will not fall outside the required setbacks.

MAGUIRE: Could those setbacks possibly get smaller?

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EICHENLAUB: It's possible. I doubt it. Side to side I'm not sure they are going to get any smaller than what we have shown, maybe a half a foot or so. Where we would lose it is possibly in the depth of the house.

MAGUIRE: Because on the southern side you have 18 ½' from the property line and what is the distance to that house to the south?

EICHENLAUB: They are actually encroaching on their side setback. Again, this is our measurement but it is approximately 12'.

MAGUIRE: It is a 50,000 sq ft lot, it is a large lot and you probably could have tried to squeeze three lots in here...but I'm glad you didn't. I think I understand why you went and split it that way.

EICHENLAUB: I can explain. The reason being is the original owner wanted to maintain the existing house, that has always been the request of us, to maintain the existing house in any way that you come up with. If the lot line had run in a north/south direction we would have needed additional variances. We couldn't get that in and the off-set to the existing house. This way we are basically variance free except for the rear yard of the existing house.

MAGUIRE: Talk a little about the drainage. The drainage flowing south and east of that proposed garage...is the situation going to get better or worse?

EICHENLAUB: Actually it is going to get better. Right now there is no control other than a couple of catch basins in the existing driveway but that feeds directly out into Fifth. There is a pipe that goes through the curb and discharges directly onto Fifth. That is going to be abandoned; it is going to be removed. Now all of the runoff from what was the existing garage that we are moving will be fed into a seepage pit and all of our impervious from the dwelling itself will be fed into a seepage pit, so there will not be the directed runoff from the site that we have now. There are actually two inlets, for the circular driveway, one at the east end, which will feed the seepage pit in the back and there is also one at the low point at the elbow at the west end of the driveway that will feed a seepage pit.

So all that new impervious, which is basically the driveway that is being proposed for Lot 1, if you look at our table, the driveway for Lot 1 is pretty much the same surface area as the driveway that now exists as a single lot. That runs off freely right now. What we are going to do is pick all of that impervious area up and put it into seepage pits. So your question was, this is certainly betterment for these two lots as well as our neighbors to the south.

MAGUIRE: And how do you plan to handle...are you going to come in and bifurcate the application with the second house? That is going to be another application? I think 4,200 is a large house for that area. I'm a little concerned about the size of the house and just so you know, two houses up from there is the Historic Preservation District. Those houses were included in an Historic Preservation District, which encourages the homeowners to build the homes in the same characteristics of the homes in that area.

It's encouraged. There are no restrictions on it. There are no ordinances in place to patrol that but it is something that is of concern.

DEL VECCHIO: We are not seeking any variances for proposed Lot 2; it fully complies with the ordinance. We showed the maximum to demonstrate what the worst case scenario could be a community perspective and obviously when we design the home we will take note of your comments.

VON BRADSKY: Lot 2 is such a deep lot, is there a reason to keep the

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house so far forward?

EICHENLAUB: It could be moved back some. At this point, there was a purpose for the house as we show it to show the Board that we can get a fully conforming dwelling, the maximum size permitted in the zone on this lot. That was the purpose of this. That we could get the proper grading, that we could get the proper drainage and that this lot would work.

We certainly were sensitive to our neighbor to the south. There is a beautiful line of Arborvitae on our property, which we are looking to maintain, which is present screening for our neighbor to the south and we are looking to maintain that, we are not going to remove it.

DEL VECCHIO: The placement of where you have shown the home is to maximize the hedgerow as a visual screen.

EICHANLAUB: The entire house plus the deck that we show in the back will be fully screened.

VON BRADSKY: I understand what you are trying to do but if there was some way of moving it back.

EICHENLAUB: If the house were to be made smaller, we wouldn't have a problem shifting it back. Whatever the reduction in depth is, we can move it back.

DEL VECCHIO: It can be moved back even keeping it the same size.

EICHENLAUB: That can be done too. We've got more than ample room to shift that back. It's a conforming lot. At the time of the builder going in for a building permit, there would be a plot plan prepared and your engineer and planner would have a chance to review that or your building inspector would send it to you for review, so it is not the final look-see at this lot. It will be reviewed once again at the time of building permit.

MITAL: If there are no more questions from the professionals or board members, I will open it to the public for questions of the engineer.

TEN HOEVE: At this time, anyone who would like to ask a question of this witness can come forward, you don't need to be sworn, you just need to state your name and address. You will have an opportunity later tonight to present any testimony that you would like to present. This is simply a time to ask questions based upon the testimony you have just heard.

Gary Schmidt, stating that he lived on Block 1101, Lot 5, which is two doors east of the property in question came forward.

SCHMIDT: First of all the dirt removal I had a question about and what I am clearly understanding is that there is no dirt being brought in. This is only an excavation>

EICHENLAUB: Soil is being exported.

SCHMIDT: What is the property dimension of the newly created lot? What is the frontage on Fifth Street?

EICHENLAUB: Lot 2 is 100.6 on Fifth and the new lot line has a depth of 225.6'.

SCHMIDT: That's fine, I didn't want a narrow house going in there.

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The circular driveway for the current homeowner is being cut both sides on Colony Avenue?

EICHENLAUB: Both driveway cuts would be on Colony.

SCHMIDT: Does that fit within code to how close you are to Lot 4 as well as the Zoning Code as to how close you cut the Fifth Street intersection?

EICHENLAUB: There are requirements for maintaining distances off of property lines as well as adjacent driveways. We more than exceed those requirements.

TEN HOEVE: I can help answer. The Code provides that you can't have two curb cuts; they are looking for a variance from that. The Code also has separate provisions dealing with how close you can be to another driveway and how close to a property line and that is what Mr. Eichenlaub is telling you, that this does comply with those requirements.

SCHMIDT: And I think my concern is more how close to the actual intersection, the corner...

TEN HOEVE: He can answer that.

EICHENLAUB: We are, from the actual point of intersection with the curb about 50'.

SCHMIDT: That's not from the actual intersection of the curb line...

EICHENLAUB: That's from the center of the curvature.

SCHMIDT: From where the curb is tangent with the front property line.

EICHENLAUB: It is actually much further. We are probably another thirty feet beyond that intersection.

SCHMIDT: The only other question I had for the Board, is I heard about the height measurement calculations changing...there are two methods, the old method used to be half-way up the sloped roof to the grade point and now you are saying on a gable wall side, where there is no pitched roof you are measuring to the ridge height...and the loophole is putting a hip roof in or something light that to get you to the midpoint of the slope again...that's the answer to this.

TEN HOEVE: Well, it wasn't a loophole. The ordinance was designed to have a certain visual effect that a hip roof would not have, so that a hip roof achieves the goal and objective of the ordinance.

Burton Hall, 98 North Fifth Street came forward.

HALL: It's non-conforming because this space...

EICHENLAUB: The non-conformity is the back of the existing dwelling. It is not set back the required distance for a rear yard.

HALL: The rear yard in this case being the side yard.

EICHENLAUB: For Lot 2 that we are creating, the lot line that we are creating is a side lot line for Lot 2 but a rear lot line for Lot 1.

HALL: And therefore it wouldn't meet the Master Plan as it is designated.

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EICHENLAUB: Correct. It does not meet the Code presently. In fact the Code used to read; on a corner lot the rear yard would be taken from the smaller of the two frontages so prior to the change, this lot also would be fully conforming. But because the Code changed, where they said the rear yard on a corner lot is that opposite the frontage where the building faces, that becomes the rear lot line.

HALL: So it would be non-conforming.

EICHENLAUB: Right, under the present ordinance it is non- conforming.

Pat (?) 46 Mountain Avenue came forward stating his main concern was water.

(not the owner of property – bills are sent to Robert Hatkins)

TEN HOEVE: You can only ask questions. You can't testify. Later on you'll have an opportunity to make statements.

Pat (?): Existing drainage in the driveway being removed...there's a reason that it is there.

EICHENLAUB: I'm sure the reason being is that without it water would have run over and run into the lots south of us but we are controlling that as well. Even though the driveway will be removed, that driveway is being removed and we are now picking up the runoff from the roof and putting it into seepage pits.

PAT (?): That new structure with the seepage pits...all the water from the driveways and the roof is going to go into the seepage pits?

EICHENLAUB: The new driveway on Lot 1 will be discharged into seepage pits. The shorter driveway on Lot 2 will pitch out toward Fifth. We are still reducing the flow based on the fact that we are removing the existing driveway and impervious and we are also picking up all of the runoff from the dwelling.

PAT (?): That's a lot of water to be picked up. It comes down up to my ankles...

TEN HOEVE: You can't testify now you can only ask this witness questions. Later you can testify. Do you have another question?

PAT (?): Yes, with the digging, what is going to maintain that so it doesn't run down towards me? What is going to keep it in place so it doesn't run off when it rains.

EICHENLAUB: You're talking about the soil...anything stockpiled on site will be protected with a sediment fence and in addition to that, there is a sediment fence that will be run along the southerly property line. That goes in before anything else.

PAT (?): That's basically along my fence. Any landscaping going to be done there? The reason I am asking is because if you put a berm or mulch down there, it will all end up on my lawn.

EICHENLAUB: We are not proposing any. The only additional landscaping that is going along with this is between the new dwelling and the existing dwelling...a row of Arborvitae just to screen the back patio here. Any plantings that exist and any trees that exist in the rear yard will remain.

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PAT (?): Is the Colorado Blue Spruce going to remain?

EICHENLAUB: Yes.

DEL VECCHIO: I would like to ask Mr. Richard Preiss, our planner to be sworn.

Richard Preiss, PP, 33-41 Newark Street, Hoboken, New Jersey 07030 came forward and was sworn.

DEL VECCHIO: I believe Mr. Preiss has appeared here before and has been accepted as an expert in the field of Planning and I would like to resubmit him accordingly without any further qualification.

MITAL: Agreed.

DEL VECCHIO: Mr. Preiss, what did you do, how did you do it and what was your conclusion?

PREISS: The purpose of my retention was to provide an evaluation of the appropriateness of the two bulk variances, the minimum rear yard setback and the two curb cuts on Colony Avenue. I did the usual due diligence is to look at the application, the subdivision plan, including the plot plan that is proposed for Lot 2, looked at the site, the surrounding area, looked at your 2009 Comprehensive Master Plan, talked to the other professionals and also the review letters of your planner, dated October 19, 2011 and your engineer, dated October 21, 2011.

Rick Eichenlaub gave a description of the property but as far as the variances are concerned I think the key thing is that the subject property is located on a corner lot with frontage on both Colony and Fifth, so therefore it has two frontages and the rear yard is to the rear of the front of the property, which faces Colony Avenue.

It is located in the R-15 zone with the minimum lot size of 15,000 sq ft. The existing home faces Colony with a detached garage behind it and the access driveway is off Fifth Street. The combined three lots together is over an acre in size and also the property's frontage on Colony is 247' and there is 276' of frontage on Fifth Street.

The property is in the R-15 district and property to the northeast and west is all single-family residential and is also in the R-15 residential zone. Notably however, property to the south is in the R-10 zone and if you look at the pattern of development, most of the homes in the area in the R-15 are 15,000 sq ft or slightly larger and there are some homes to the south that are located in the R-10 that are on smaller lot sizes.

The use is permitted and the two main requirements are that the lots be 15,000 sq ft and have a minimum frontage of 75' and a minimum width of 100'. As you know the applicant is subdividing the existing property into two parcels, one to accommodate the existing and add an attached garage to the east side and the second one in the subdivision for Lot 2, the detached garage would be demolished. There are two curb cuts proposed on Colony and that is one of the variances. Under Section 101-23E-1B only one curb cut is permitted. The second variance is for the rear yard setback for the existing home from the new lot line that separates Lots 1 and 2. The required rear yard setback is 45', the existing home will be 24.1' from the rear yard and the patio, with a removal of a small portion of it, would be within 10' of the rear yard.

With the variances, as your board knows, and as your planner indicated in her review letter, there are two bases for affirmative proof with regard to C variances. The C-1 or hardship variance and the C-2 or flexible C where you have to demonstrate that the benefits outweigh the detriments and the

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negative criteria, the impact on the public good and zone plan also has to be addressed.

In terms of the rear yard setback, we should note and your planer did that the existing property is substantially oversized for the zone at 50,330 sq ft from the minimum lot area point of view, the property could even be subdivided into three lots and meet the minimum lot area of 15,000 sq ft and also meet the minimum frontage of 75' and, in fact, in the 2009 Master Plan, there is an indication that the proposed density in the R-15 zone is three units per acre. However, if the property were to be subdivided into three lots you would require a variance for lot width because it would be less than 100'. So under these circumstances I don't think it is unreasonable for the applicant to propose to subdivide the property into two lots, both of which would substantially exceed the minimum lot area. Lot 1 would be 29,881 sq ft almost double the minimum lot size and Lot 2 also would exceed the minimum lot size substantially it being 20,449 sq ft.

The lot frontage is conforming at 242' for Lot 1 and also 125' for Lot 2. Also as was noted in testimony, all of the bulk requirements, the width, the depth, front and side setbacks, coverage and the floor area ratio can all be met. The only variance that is required, in terms of bulk, is the rear yard for the lot. And the reason for this is essentially is the applicant's desire to retain the existing home and most of the patio on Lot 1. In order to meet the minimum lot width requirement on Lot 2, from which the property is being subdivided, the new lot line is located 14.1' from the existing home and after removal of a portion of the patio, would be set back 10' from the property line. In order to retain the existing home and a reasonably sized patio, there really is no other viable alternative that would fully conform to the bulk requirements in the R-15 zone.

For example, if the lot line was moved to allow the rear yard setback from the existing home to a conforming location of 45' the lot width for Lot 2 would be 79' versus 100'...I will just show you on the plan. This rear yard which is now 24.1', when you move it back 45' then the width of this lot instead of a conforming 100' would be down to 79'. In this particular circumstance not only would you require a variance but you would have two lots, one of which would be exceedingly large and one which would be a lot smaller. The home on which Lot 2 would be located would be much narrower and much smaller and not in keeping with the character of the neighborhood.

The alternative would be to demolish the existing home and build two new homes. Aside from creating the unnecessary expense to the homeowner, the demolition and rebuilding of the home on Lot 1 would have a greater impact, both on terms of construction that would occur and the disruption to the neighborhood in terms of that impact and a much more jarring impact in terms of the existing streetscape and character of Colony Avenue. So, by retaining the home there, I think it fits in with the streetscape and I heard comments about the fact that is really a desire in your Master Plan and of this Board to maintain the character of the existing neighborhood and allowing that existing home to remain on Lot 1 and to allow that variance allows that home to be retained.

The new home, at the same time, I think can be tucked in neatly on Fifth Street on a completely conforming fashion, which would disrupt the streetscape by very little and is not the same as rebuilding the home on the corner lot where it is much more visible and which would have a much greater impact on the neighborhood. So in my opinion the grant of the variance for the minimum rear yard setback presents a better zoning alternative than a conforming subdivision for the R-15 zone.

In terms of the negative criteria, the only impact a substandard rear yard setback would create would be for the existing homeowner on Lot 1 and the new homeowner on Lot 2, that is on the applicant themselves and not on the homeowners in the neighborhood. Both the owner of the existing Lot 1, Mr. Lovett is aware of the impact otherwise he wouldn't have made this

application and the new owner of Lot 2 would move in, knowing that the home adjacent to his side yard is only 24.1' away and the patio is only 10' away. In other words that particular homeowner would be forewarned of the substandard rear yard, which is adjacent to the side of the home. Moreover, because Lot 1 is a corner lot, the homeowner of the Lot 1 could have faced Fifth Street and in that circumstance that side of the lot, which is the rear yard now, would have been defined as a side yard setback. The side yard setback in this zone is 18', so simply if the house on Lot 1 faced Fifth Street as opposed to facing Colony Avenue, that would be a side yard and the 24.1' would conform to the side yard setback, so it is only by virtue of the home's orientation toward Colony Avenue on the former lot that classifies the yard separating the home and the home on the new lot as a rear yard instead of being a side yard. The point that I am trying to make here is that there will be no substantial harm to the purpose and intent of your zoning if the variance is granted.

With respect to the variance regarding the two curb cuts on Colony Avenue, I will admit that this is not a result of any peculiar hardship to the applicant. You could have one curb cut on the eastern side of the property, that is here and directly into the garage and the other alternative would be just to have this curb cut in the circular driveway serving the garage and eliminate the curb cut by allowing for a setback and no curb cut...say for example, having the pavement shown on the property at 239' so you would still have a somewhat circular driveway in the front of the yard, it would just be that there would not be access to Colony Avenue from the easterly driveway. In my opinion, that is not a substantial difference in terms of not being able to access Colony Avenue from a second driveway.

The other point in terms of the land use impact from a traffic impact in terms of the purpose and intent of your Master Plan is quite possible that, not under these particular circumstances, but under circumstances where you have this lot being 50,000 sq ft, that the property could have been subdivided down the center and have a home on the easterly side of the westerly side and under those circumstances you would have had two curb cuts on the avenue. And so, from a zoning point of view and from the Master Plan point of view in terms of the intent of your ordinance, with this amount of frontage, it would have been possible to have two curb cuts and in this particular situation you have the two curb cuts serving a single lot, so from a land use and traffic point of view, I don't think that is a substantial impact on your zoning ordinance or Master Plan or on the neighborhood. As Mr. Eichenlaub indicated, he met the setbacks in terms of the driveways to the adjacent property and also to the intersection.

I think in light of the absence of the negative impact, the homeowner really desires it because he thinks this would be an attractive feature and a convenience to him, being able to pull up to the front of the house and have access to the doorway, either for guests or for passengers to drop them at the front door or to unload the car at that particular location and that may increase the value of the home and the use of the home. Again, it is not a hardship that is being sought here, it's to create a circular driveway for the benefit of the homeowner and also to increase the utility and value of the home. I think in light of the absent of any negative impacts if the two curb cuts were permitted, the grant of the variance might enhance the overall value of the existing home and that is a benefit to the community, which would outweigh any negative impact. So the variance could be granted on the C-2 basis where the benefits outweigh the detriments and due to the fact that there is no negative impact on the public good or zone plan.

In terms of the purposes of the Municipal Land Use Law that would be advanced by both variances, I think in general, the subdivision and the grant of the variance for both the rear yard setback and the two curb cuts would enhance the general welfare of the community, which is purpose A and also it has helped to provide another home to meet the residential needs of the citizens of this State, which purpose G in a manner which I don't

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think is disruptive to the neighborhood or the community and at a density that is lower than what your Master Plan and your zone anticipates. So that is my testimony.

DEL VECCHIO: I have no further questions.

TEN HOEVE: I have a few questions. All of my questions relate only to the two curb cut issue. I understand all of your testimony with regard to the rear yard variance issue and frankly I think your testimony was excellent with regard to that variance.

I do have a lot of questions with regard to the other though. Do you know when our ordinance was amended to prohibit the two curb cuts?

PREISS: I think it is very recent because the ordinance number is dated 2011-09.

TEN HOEVE: It was April of this year. It would have been allowed previously, it is now prohibited. Do you think that the fact that the Mayor and Council, with the Planning Board's approval adopted an ordinance extremely recently has some bearing on your testimony with regard to reasons why that variance should be granted?

PREISS: I think in the case of a D variance it would be because in the Medici reconciliation you are required to reconcile the granting of the variance with the fact that the governing body has adopted the zoning and the fact that it was done recently has a bearing. In this particular situation, there is no requirement. We do, obviously, have to take into account the impact on the zone and the Master Plan and I understand what you are saying that it was recently adopted, however, I don't see there being a substantial difference from the Master Plan point of view because as I pointed out, if the property were to be divided this way you would have....

TEN HOEVE: I understand that...

PREISS: And the other thing is that it is not something that the homeowner absolutely needs and there is certainly no hardship but we can create the circular driveway without the curb cut on Colony Avenue by cutting the pavement short. To me the difference in granting...

TEN HOEVE: I'm not sure I understand that. You can create a circular driveway...

PREISS: Well, you can create the driveway with the curb cut on the westerly side of the property if the driveway is in front of the property and still have a K-turn and the access to the proposed garage. Instead of having a full curb cut on the easterly end the pavement would be cut short, maybe 15' from the curb so essentially you would have the same area, the only thing that would be different is that you wouldn't have access and a direct curb cut on Colony Avenue. To me, in terms of the impact, is whether you actually open up the curb or not and actually allow for that. I don't think it is a substantial difference.

MAGUIRE: What is the width of existing house? It is a rather wide house isn't it?

PREISS: I don't have that information.

MAGUIRE: Let me make a general comment then. Does this type of driveway lend itself to this style of house?

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EICHENLAUB: 72 ½'...that's the house itself, doesn't include the garage. The garage would add another 30'. You are talking about somewhere in the neighborhood of 100'.

DEL VECCHIO: Just so we don't get too far astray and dug in too deep with what I consider to be a relatively minor issue, we quite frankly will leave to the board's discretion the second curb cut in the driveway. If the board is uncomfortable with it, the applicant will simply agree not to construct the portion of the driveway, which I have highlighted in orange, leave that as grass and eliminate the curb cut and variance. We are happy with either option. If the second curb cut is a hang-up or a concern to the board, I don't need to add that concern to your list...

TEN HOEVE: Ok, I appreciate that. Was it your intention to bring it down to the point that it would be parallel to the portion of the driveway that is parallel to Colony Avenue? I just can't see the orange on there.

DEL VECCHIO: I will reach over and point right here....(approaching the dais and demonstrating to the board attorney)

TEN HOEVE: Oh, Ok. What would the purpose be if this section up in here...

DEL VECCHIO: It provides an additional turnaround area, if the area in front of the garage were to be blocked; it would allow a car that was in the driveway to kind of kick turn in there. Again, that configuration is a permissible configuration for the driveway, it triggers no variances.

TEN HOEVE: I think that is the case but I'm not sure because I don't know the dimensions and I know there are some provisions on how wide you can make it beyond the garage. I am not sure what those provisions are right now.

DEL VECCHIO: We agree to comply if the second curb cut is a concern, whatever the standard is.

TEN HOEVE: I have no other questions.

MAGUIRE: I am trying to understand the benefit of the circular driveway. Is it the style of the house, is it the location of the front door...

DEL VECCHIO: Very simple, it is a feature that the homeowner desires, if the board is uncomfortable with it, we don't have to have it. The real driver is it's a convenience that the homeowner would like to have.

MAGUIRE: So no aesthetic benefit...

PREISS: No. There are certain homeowners and you see it around the State of New Jersey where people value a circular driveway, so at no point do they ever have to back their car out, they can go in, park in front of the house, unload or drop passengers and then proceed without any turnaround. Under those circumstances for the people who want a circular driveway, it is an added benefit and may add some value to the home.

BOGART: My question pertains to your testimony on the rear yard setback. I agree with all your testimony and I think the variance is warranted and makes sense but you had indicated that the way the lot line was placed was to ensure that minimal intrusion of the new dwelling on the streetscape or Fifth Street and said that the lot width was appropriate for the streetscape and that you were trying to maintain the character of the neighborhood.

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PREISS: We were trying to avoid a second variance which would be for lot width, so we provided a minimum lot width of 100'.

BOGART: But you did suggest that because of the Master Plan you were trying to be complimentary to the scale of the neighborhood, the streetscape and what not.

PREISS: Correct, given the lot size.

BOGART: Given that testimony and some of the questions that were raised earlier by board members pertaining to the setback of that new dwelling in relationship to the house to the south, do you feel that the house as located on the plan currently is appropriate for that streetscape? And the reason that I ask the question is because after looking at some aerials of the orientation, location of the house to the south, it seems as though even though the proposed house meets the setback requirements, it will be in front of the existing house and that may have more of an impact on the streetscape than warranted. If you pushed it back slightly, it may be more in character with the neighborhood.

PREISS: I would agree with you. I think what Mr. Eichenlaub was trying to demonstrate is that you could have a lot that was completely conforming and a house even at a substantial size and we could conform to the front and side yard setbacks. This is an illustration to ensure the board that if the subdivision is granted, there would be no additional variances. It is possible when the architect becomes involved that if the house is pushed back, it may increase the front yard setback, it may be in a different configuration and it may be a smaller home. So all of those things are possible. I will note however, that at that particular location the house does conform to the front yard setback so no variance is granted. I agree with you that, in terms of being sensitive to the streetscape, perhaps if it was shifted back a little bit it would be a benefit there. At the same time you don't want to push it too far back where the screening that currently exists would not sufficient screen either the rear of the home or the patio.

BOGART: Given that you agree with me, do you think the applicant would be willing to just ensure that that house is not located any further towards the street than the house to the south?

PREISS: I can't answer that question.

MAGUIRE: Mr. Preiss, I don't have my I Pad so I can't see the aerials, can you flip to where the adjacent homes are plotted?

DEL VECCHIO: The applicant would agree to so locate that home as requested by your planner.

MAGUIRE: If you look at the drawing, the way it is plotted there, I think it is even with the front of the adjacent property.

EICHENLAUB: It can be moved in the neighborhood of 5 or 6' to the back.

MAGUIRE: Good, thank you.

LUDWIG: The reason why the questions on the driveway is that this is quite non-traditional...you have a garage door that looks like it is front-loading and the normal way this would be handled would be to come directly off the street and directly into the garage. It seems like that is the last choice and instead you would rather drive across the front yard with this driveway and

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make a turn and go into the garage. Is there any reason why you wouldn't want to take a traditional approach and just come directly into the garage rather than drive across the front with this new driveway?

TEN HOEVE: Before that is answered, along the same lines...if you take a look at the ordinance and some of the sketches that are provided and the definitions of driveway width and where it is to be located, I'm not certain that this plan, if you eliminated that curb cut as you proposed, and swung the driveway all the way in front of the dwelling would comply with the requirements of the ordinance in that case either.

If you take a look at 101:23 and take a look at some of the sketches and I was asking the planner to take a look at it, as well, right now...

PREISS: Can you identify what the variances would be if we did it that way? Because I can't.

TEN HOEVE: The width of the driveway is limited by the width of the garage and it can extend two feet beyond that under certain circumstances. I don't believe the intent of that ordinance is to permit a width that would meander anywhere along that property and exit anywhere along that property as long as it never exceed the width of the garage.

DEL VECCHIO: The width of the garage is this way, so you're talking about a limitation going in an easterly direction on the width....

TEN HOEVE: Well that's the additional. That's the two foot additional portion but that's not the...the additional question is, whether you are permitted, under that ordinance, I think what is contemplated by the ordinance is, as Mr. Ludwig was saying, that it is going to be a width that extends from the garage on a front-loading garage directly out to the street. I'm just offering that in addition to his question so that you can take both of those into consideration when you are answering why it is being proposed like that. Is there some topographical reason?

DEL VECCHIO: No...we are being as blunt as we can be.

PREISS: The homeowner has always wanted a circular driveway and this provides a circular driveway as well as access to the garage.

MITAL: In Mr. Eichenlaub's testimony, he said they could come into the driveway, stop in front of the house, unload, drop off and bring in groceries and then he would drive even further into the garage. I remember him saying that and that I can certainly appreciate where he is coming from or what was stated...but what we are looking at is coming directly off and if you are coming directly off of Colony you have a long walk to get to your front door.

MAGUIRE: So the first preference is the circular driveway?

DEL VECCHIO: The first choice would be to have a full-fledged circular driveway...the second option would be to eliminate any variances and we were unable to isolate any by cutting the driveway short on Colony, but if we are incorrect we'll comply with the Code..

MAGUIRE: It is a two-car garage?

DEL VECCHIO: I believe it is.

TEN HOEVE: I'm assuming that breezeway is going to be connected...there will be an entrance to the house?

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DEL VECCHIO: Correct.

BOGART: The driveway width regulations are two-part...the first part says that the width can extend two-feet beyond the width of the driveway into the dwelling...towards the west ... the second portion says that it can extend on the other side of the driveway for a maximum of between 8 and 10' depending on the garage width. So, when you have your driveway actually swinging around in front of your dwelling, you would need a variance from the first part of that, which is 2a...

DEL VECCHIO: That part of the driveway width is not in front of the garage. If that were the reading of the Code, anytime that you have a serpentine driveway traversing a grade, that driveway would be at variance, under that interpretation of the Code. That means that every driveway with any kind of a turn in it is at variance. If that is the intent in the reading of your Code..

TEN HOEVE: Not any kind of a turn...obviously one that extended beyond the width of the garage.

DEL VECCHIO: Think of a radius on a 2' or an 8' width dimension and what that radius would be if you had to negotiate a grade and if that is your interpretation, and it is your Code to interpret, I just couldn't fathom that reading that and I don't think Mr. Preiss did either.

BOGART: To answer your question, you could design a driveway as serpentine or anyway you wanted, it just couldn't be in front of the dwelling. It would have to be on the other side.

DEL VECCHIO: Again, our intention is circular, if the board doesn't want it we will come up with a driveway that complies with whatever interpretation you folks seek to put out.

TEN HOEVE: We understand.

MITAL: Any more questions for Mr. Preiss....(there were none)  
Anyone in the public with questions for the planner.

Gary Schmidt, 53 Colony Avenue came forward.

SCHMIDT: Has anyone considered snow removal as far as the circular driveway is concerned...

TEN HOEVE: You can only ask Mr. Preiss that question.

SCHMIDT: Because about 90% of all the snow from Fifth and Colony ends up on the corner of this property. And I get all the snow from Lafayette piled on my property, so with a circular driveway, I'm concerned that that can become useable land down there and the snow has nowhere to go.

PREISS: I think Mr. Eichenlaub can answer that question in terms of practicality but you are indicating that when the roadway is plowed, it ends up on private property?

SCHMIDT: I'm saying that about 50' in all directions that snow from Colony is bucket-loaded there.

PREISS: Well the curb cut is 50' from the intersection, aside from the fact that it shouldn't be there in the first place.

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SCHMIDT: Why not? It has to go somewhere.

PREISS: It should not be stockpiled on your property, however, having said that, there is still 50' of distance between the curb cut and the intersection so that is not a problem.

(several conversations at one time at table between resident and applicant's professionals as well as between board members on dais among themselves - obliterated all discussions)

MITAL: Anyone else from the public.

Pat (?) came forward, did not identify himself....

PAT (?): The new garage, is it going to be facing No. Fifth?

DEL VECCHIO: The garage faces Colony.

PAT(?): I'm sorry, the new driveway....

DEL VECCHIO: Which one?

PAT (?): The new one.

DEL VECCHIO: Which one, for this garage or this garage? This is the proposed new home here....

PAT(?): No, the existing home.

DEL VECCHIO: This garage will have its garage doors facing Colony.

PAT (?): So that driveway from Colony to the garage will be pretty level or will it be going downhill like the grading there now.

EICHENLAUB: The easterly leg of that horseshoe turn is the circular driveway...that is the steepest portion...the section in front of the dwelling and out onto Colony of the westerly driveway cut is relatively flat.

PAT (?): The water that is going to be coming off of Colony and the driveway can come out here?

EICHENLAUB: When you say water off of Colony...the water running off the driveway we have a catch basin and two inlets on this driveway, which will intercept that water and convey it to a seepage pit. So it is not freely running off the driveway, there will be no water running off that driveway.

PAT (?): Because you have Colony and Lafayette, when they repaved that, I spoke to the engineer and they can't even understand why there is no storm sewer placed on Lafayette and Colony because when that water comes down Lafayette, it is unbelievable. At the time of the paving, they said it wasn't in the plan so they couldn't do it. What the engineer did, is he had a little bit of a hump in the center of the road to help direct a little bit of it towards Lafayette, swing around onto Colony going down to North Fifth at the intersection. There was never a storm drain placed at Lafayette and Colony.

MAGUIRE: So the water runs down the northern side of Colony and the storm drain is on the opposite corner of this property.

PAT (?): There is no storm drain.

MAGUIRE: It's on the corner of Fifth and....

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PAT (?): North Fifth and Colony, correct. But there should be a storm drain...

MAGUIRE: You're right.

PAT (?): Can it be done.

TEN HOEVE: This application would not result in that.

(resident continued to discuss the need for a storm drain at Lafayette & Colony and his concern about the grading and drainage of the house & driveway & applicant's engineer repeated his earlier testimony about grading & drainage – resident continued to request something be done about the water coming down Lafayette – all conversation was between engineer & resident off microphone)

EICHENLAUB: We are not elevating that grade...

PAT (?): Where would that seepage pit be located?

EICHENLAUB: The seepage pit we are proposing is located off the back rear right corner of the house.

PAT (?): And all the drainage from the house will be going into the seepage pit?

EICHENLAUB: Right, all of the downspouts will be tied into leaders and those leaders will be conveyed into a seepage pit.

PAT (?): I guess that's the basic idea...as you are going along...

EICHENLAUB: With the surface runoff, with the landscape?

PAT (?): Yes.

EICHENLAUB: As I indicated to you, we are not looking to change...the grades to the back of the house will be swaled around the southerly corner...

PAT (?): And that will pick up the existing driveway?

EICHENLAUB: From the lawn area?

PAT (?): No, from the existing driveway.

EICHENLAUB: That is being removed.

PAT (?): And where is that water going?

EICHENLAUB: As I indicated that water will be conveyed around the south side of the dwelling. What I said is we are not altering the rear half of the property. It drains to the south and it will remain draining to the south.

PAT (?): I understand that part of it.

MITAL: It always comes down to that you're improving and anything that you are improving will go into seepage pits and hopefully help the drainage. It is certainly the purpose.

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Is there anymore testimony for this application.

DEL VECCHIO: We have nothing further.

TEN HOEVE: Anyone from the public who wishes to address the board in connection with this application, now is the chance to say whatever you like.

Dan Murtagh, 45 Rivervale Road, Park Ridge came forward and was sworn.

MURTAGH: The only comment I would make is that I would be in favor of the circular driveway because during the holidays, Colony is a very narrow road and parking is definitely an issue. So him having that circular driveway will alleviate some of the problems by getting cars off of the road.

MITAL: Thank you very much, hearing is now closed.

TEN HOEVE: This will be discussed at the board's meeting next Wednesday, November 2<sup>nd</sup>.

**NEW BUSINESS:**

**Release of Performance Bond - Weiner application**

**WHEREAS, ROBERT AND DEBRA WEINER**, 252 Ellin Drive, Park Ridge, New Jersey, known as Lot 1 in Block 2506, on the Tax Map of the Borough of Park Ridge, had posted escrows in the amount of \$225.00 on September 13, 2006 and \$500.00 on September 27, 2006 for an extension of approval application and a soil moving permit application; and

**WHEREAS**, the Soil Moving application was approved on November 15, 2006; and

**WHEREAS**, the extension of time was approved on June 28, 2006; and

**WHEREAS**, the applicant, Debra Weiner, has requested a refund of any unexpended escrow; and

**WHEREAS**, there remains \$122.11 in for aforementioned Escrow account and since the application has been approved, no further action is required.

**NOW, THEREFORE, BE IT RESOLVED** by the **PLANNING BOARD OF THE BOROUGH OF PARK RIDGE** that the remaining escrow of \$122.11 and any accrued interest be refunded to the applicant.

Offered by Councilman Maguire.  
Seconded by Mr. Oppelt

AYES: Ms. Eisen, Messrs. Ludwig, Mesiano, Mital, Oppelt, Schwamb, Von Bradsky, Councilman Maguire, Councilman Misciagna

**APPROVAL OF MINUTES:**

Motion made by Councilman Maguire to approve the September 21, 2011 minutes as written.

Seconded by Ms. Eisen.

AYES: Ms. Eisen, Ludwig, Mesiano, Mital, Schwamb, Councilman Maguire  
ABSTAIN: Messrs. Oppelt, Von Bradsky, Councilman Misciagna

**OTHER BUSINESS:**

Councilman Maguire reported that the Green Team has asked the Planning Board to give a recommendation regarding completing a Natural Resource Inventory (NRI). Councilman Maguire updated the board on the Mayor and Council discussion regarding the proposed 23 recycling containers with advertising that would have required a change in the Sign Ordinance and that he had reported to the Mayor & Council that the board did not feel this was the best fit for the downtown. Council subsequently budgeted \$5,000 for the purchase of the containers so that the ordinance did not have to be changed. Types of containers are being researched by the governing body.

Discussion of NRI to be placed on the board's next meeting with planner giving an overall explanation of what an NRI contains and why it is a recommendation in the Master Plan.

**ADJOURN:**

There being no further business to come before the board a motion was made by Mr. Oppelt that the meeting be adjourned.

Second by Ms. Eisen.

Carried unanimously.

Respectfully Submitted,

  
Helyn N. Beer  
Secretary

(10:30pm)