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

The regular meeting of the Park Ridge Zoning Board of Adjustment has been called for Tuesday, April 21, 2009, at 8:00 pm in the Council Chambers of the Municipal Building.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: Mr. Martin, Mr. Capilli, Ms. Eisen, Mr. Walker, Dr. von der Lieth, Mr. Hoskins, Mr. Raman, Mr. Flaherty

Absent: Mr. Brennan

Also Present: John Ten Hoeve, Jr., Board Attorney
Brigette Bogart, Professional Planner
Lyn Beer, Secretary to the Zoning Board

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 Zoning Board of Adjustment of January 20, 2009, setting forth a schedule of regular meetings by mailing of said schedule to The Ridgewood News and The Record on January 21, 2009, and by the 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.

PENDING CASES:

CASE: 08-24 Lot: 4 Block: 102	Application of ***Cheruvattath & Radhika Vijayan,*** 227 Emily Drive for side yard variance to construct addition to existing house in an R-40 residential zone. Hearing begun March 17, 2009, carried to April 21, 2009 for elevations and floor plan to be submitted.

FLAHERTY: Would you come forth please?

TEN HOEVE: Mr. Vijayan, you were previously sworn in and you are still under oath.

FLAHERTY: Thank you sir. I know that you were with us last month and we asked you to come back with some drawings that shows the elevations and floor plans, and you did that. We all have copies of those. Would you like to just take a moment and walk us through them and point out what you would like to point out?

VIJAYAN: That is the bedroom and this is the back of the bedroom. It is 15 by 20. The variance is for 17 feet. The shape is irregular.

FLAHERTY: Right, and this is for a side yard variance. Does anyone from the Board have any questions of the applicant, or any questions regarding the drawings?

TEN HOEVE: One item that I had raised the last time, was that there was a question about whether the property was in an R-20 zone previously or an R-40, as it currently is. Mr. Vijayan, indicated that it always was in an R-40. I had checked that, and the resolution from 1995 was wrong. It has always been in an R-40 zone. So, there is really no change in that either.

FLAHERTY: There is obviously no one here from the audience to speak to this application. If there are no other questions or comments from the Board, we will discuss the application tonight and you can call the office in the morning. Thank you very much.

VIJAYAN: Thank you.

WALKER: For the record, we have Item 9 to add to the record for this case: Elevations and floor plan dated April 15, 2009.

CASE: 08-23 Lot: 8 Block: 805	Application of ***Shaun & Jill Hamilton,*** 127 Ridge Avenue for side yard variance to construct two-story addition to existing house in an R-20 residential zone. Hearing held March 17, 2009. Determination forthcoming this evening.

FLAHERTY: We have a resolution in the affirmative for this application.

WHEREAS, SHAUN and JILL HAMILTON (hereinafter referred to as "Applicant"), being the owners of premises known as 127 Ridge Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 8 of Block 805 on the Tax Assessment Map for the Borough of Park Ridge, has applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE seeing a variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of a two story addition to the existing single-family home necessitating a side variance; and

WHEREAS, the premises are located in an R-20 Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant has submitted a survey of the premises prepared by Paul J. Troast, P.L.S., dated February 17, 2009; and

WHEREAS a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on March 17, 2009, upon due notice as required by law; and

WHEREAS, the BOARD has carefully considered the application and all testimony and evidence submitted in connection therewith;

WHEREAS, no person appeared in opposition to the requested variance;

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact:

1. Applicant is the owner of a single family home situated at 127 Ridge Avenue in the Borough of Park Ridge. Applicant's lot is extremely unique in shape. Applicant has a lot frontage of but 63.25 feet, substantially less than the 110.00 feet required by the Zoning Ordinance. Applicant's lot has a depth, however, of 346.00 feet.

2. The property is also improved with an existing 1 ½ story dwelling, a dwelling that fails to conform with the setback requirements of the Zoning Ordinance. The existing dwelling is currently but 15.63 feet from the easterly side lot line at its closest point, and but 10.91 feet from the westerly side lot line at its closest point. The existing dwelling, therefore, violates side yard requirements on both sides and combined side yard requirements of the Zoning Ordinance.

3. Applicant seeks to construct a two-story addition, together with an attached deck, all as shown on survey submitted by the Applicant. The proposed two-story addition will be constructed so that same is in line with the existing westerly building line of the 1 ½ story dwelling. The proposed addition, therefore, will be 12.08 feet from the westerly side yard at its closest point.

4. As testified to by the Applicant's architect, Joseph Bruno, it is virtually impossible for the Applicant to construct any improvements to the dwelling in any manner that would comply with the Zoning Ordinance. Mr. Bruno indicated that the proposed addition was designed in a manner so as to minimize any further encroachment into existing side yards. The extremely narrow width of the lot, coupled with the extreme depth of the lot, make it impossible for the Applicant to expand the property in any manner that would have a less significant impact on adjacent properties.

5. Applicant also testified that an open porch that encroached into the required side yard on the westerly side would be removed, thereby eliminating an existing encroachment. The current porch is situated virtually on the westerly side lot line. Applicant also testified that t two-story addition would be provided over the existing home.

6. The BOARD finds that the Applicant is faced with an extremely difficult situation by the very unique shape of the property. It is impossible for the Applicant to improve the dwelling in any way without encroaching into required side yards. The Applicant thus faces a substantial hardship by virtue of the unique size and shape of the lot, together with location of the dwelling on the lot.

7. The BOARD finds that substantial benefits will result from the proposed improvement. The additional space will render the home more attractive and will provide essential additional living space for the occupants of the home.

8. The BOARD further finds and concludes that there will be no negative impact whatsoever resulting from the proposed improvement or the grant of the requested variance. The BOARD specifically finds that the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) will be advanced by a deviation from the requirements of the Zoning Ordinance of the Borough of Park Ridge. The BOARD specifically finds that the Applicant's proposed improvement will constitute a substantial aesthetic benefit. Finally, the BOARD finds and concludes that the benefits resulting from the deviation from the Zoning Ordinance of the Borough of Park Ridge will substantially outweigh any detriment arising therefrom.

9. 9. Finally, the BOARD also finds and concludes that the proposed improvement will not result in any substantial detriment to the public good, nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge in any way.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70, that the BOARD does hereby grant the Applicant's requested side yard variance to permit the construction of a two-story addition subject to the following conditions:

A. That Applicant construct the proposed improvements as set forth on all plans submitted to the BOARD and that same not be constructed in such a fashion so as to exceed the scope and extent of the improvement set forth on all documents submitted and described in all testimony presented to the BOARD.

B. That Applicant comply with all Borough Ordinances and State Statutes with regard to the application for building permits and that the construction of the proposed improvements be in compliance with all applicable codes with all required approvals to be rendered by appropriate officials. Nothing contained herein shall be construed to represent an approval of the specific building plans submitted by the Applicant, said approval to be granted by appropriate Borough Officials.

The resolution was offered by Dr. von der Lieth and seconded by Mr. Hoskins.

ROLL CALL:

Ayes: Mr. Martin, Mr. Raman, Ms. Eisen, Mr. Walker, Dr. von der Lieth, Mr. Hoskins, Mr. Flaherty

Abstain: Mr. Capilli

CASE: 08-25 Lot: 27 Block: 2103	Application of ***Ronald & Jonelle von Autenried,*** 20 Bona Court for front and rear yard variances to construct additions to existing house in an R-20 residential zone. Hearing held March 17, 2009. Determination forthcoming this evening.

FLAHERTY: We have a resolution in the affirmative for this application.

WHEREAS, RONALD M. and JONELLE R. VON AUTENREID (hereinafter referred to as "Applicant"), being the owners of premises known as 10 Bona Court, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 27 of Block 2103 on the Tax Assessment Map for the Borough of Park Ridge, has applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE seeking a front yard variance and rear yard variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of covered porches attached to the front and rear of the existing single-family home; and

WHEREAS, the premises are located in an R-20 Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant has submitted a survey of the premises prepared by Jonelle R. Von Autenried, P.E. dated February 24, 2009; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on March 17, 2009, upon due notice as required by law; and

WHEREAS, the BOARD has carefully considered the application and all testimony and evidence submitted in connection therewith;

WHEREAS, no person appeared in opposition to the requested variance;

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact:

1. Applicant is the owner of an existing single-family home located at 10 Bona Court in the Borough of Park Ridge. Applicant's home is located on a uniquely shaped lot, a lot that is situated on a cul-de-sac. Applicant's home is also very uniquely situated on the lot, as shown on the survey submitted in connection with the application.

2. Due to the unique configuration of the home on the property, Applicant's structure fails to comply with the Zoning Ordinance of the Borough of Park Ridge. The Zoning Ordinance of the Borough of Park Ridge requires a rear yard set back of 50.00 feet. Applicant's home is currently located but 26.69 feet at its closest point from the rear lot line. Applicant's home is also situated but 34.00 feet from the front lot line at its closest point. The Zoning Ordinance of the Borough of Park Ridge requires a front yard set back of 40.00 feet in the R-20 Zoning District.

3. Applicant seeks to construct two small additions to the existing single-family home. The first addition is an open, covered front porch, a porch described in the architectural renderings presented to the BOARD and shown on the previously referenced survey. The proposed front porch will be located nearer to the front lot line than the existing structure. Specifically, the porch will be 28.88 feet from the front lot line at its closest point. Applicant testified that there are several reasons justifying the construction of the proposed front porch. The porch will significantly improve the home from an aesthetic perspective and bring the home more in conformity with other homes in the area. Applicant also testified that the current entryway into the home does not accommodate wheelchair access. Applicant testified that a relative requires wheelchair access. Applicant testified that a relative requires wheelchair access by way of a portable walkway. The expansion of the front porch will provide for greater wheelchair accessibility. Finally, the front porch will provide a covered entrance area allowing for safer ingress and egress to the dwelling during times of inclement weather.

4. .Applicant also seeks to construct a covered porch attached to the rear of the dwelling. Said porch will be constructed in a fashion so that same is 35.10 feet from the rear lot line at its closest point. Applicant will also be constructing a small addition to the first floor, an addition that will allow for an expanded laundry room area. Said addition will be 31.27 feet from the rear lot line at its closest point.

5. As stated above, the location of Applicant's home on the lot is very unique. Since the home was not constructed with building lines being parallel to lot lines, the corner of the home is currently close to the westerly lot line. In addition, Applicant's lot abuts Wooddale Park. Any encroachment will have no impact on any adjacent residential property. Most importantly, the rear yard structures being constructed by the Applicant will be substantially farther from the rear lot line than existing structures.

6. The BOARD finds that substantial benefits will result from both of the proposed improvements. The covered porches will render the home more attractive from an aesthetic perspective. The covered porches will provide a means of ingress and egress that are safer than those which currently exists. The proposed front porch will render the home more in conformity with other dwellings in the area.

7. The BOARD also finds that the Applicant faces a hardship as a result of the unique configuration of the home on the premises. It is virtually impossible for the Applicant to construct improvements without violating the bulk requirements of the Zoning Ordinance. The proposed new structures result in very minor encroachments when compared to already existing conditions.

8. The BOARD further finds and concludes that there will be no negative impact whatsoever resulting from the proposed improvement or the grant of either variance. The BOARD specifically finds that the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) will be advanced by a deviation from the requirements of the Zoning Ordinance of the Borough of Park Ridge. The BOARD specifically finds that the Applicant's proposed improvement will constitute a substantial aesthetic benefit. Finally, the BOARD finds and concludes that the benefits resulting from the deviation from the Zoning Ordinance of the Borough of Park Ridge will substantially outweigh any detriment arising therefrom.

9. Finally, the BOARD also finds and concludes that the proposed improvement will not result in any substantial detriment to the public good, now will same impair the intent and purpose of the Zone Plan or Zoning Ordinance of the Borough of Park Ridge in any way.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70, that the BOARD does hereby grant the Applicant's requested front and rear yard variances to permit the construction of a covered front porch, small rear yard addition, and covered rear porch, subject to the following conditions:

A. That Applicant construct the proposed improvements as set forth on all plans submitted to the BOARD and that same not be constructed in such a fashion so as to exceed the scope and extent of the improvement set forth on all documents submitted and described in all testimony presented to the BOARD.

B. That Applicant comply with all Borough Ordinances and State Statutes with regard to the application for building permits and that the construction of the proposed improvements be in compliance with all applicable codes with all required approvals to be rendered by appropriate officials. Nothing contained herein shall be construed to represent an approval of the specific building plans submitted by the Applicant, said approval to be granted by appropriate Borough Officials.

The resolution was offered by Ms. Eisen and seconded by Mr. Martin.

ROLL CALL:

Ayes: Mr. Martin, Mr. Raman, Ms. Eisen, Mr. Walker, Dr. von der Lieth, Mr. Hoskins, Mr. Flaherty

Abstain: Mr. Capilli

NEW BUSINESS:

LOLLIPOP DAY NURSERY SCHOOL – 67 Spring Valley Road

County Planning Board has requested applicant construct sidewalk along Entire frontage of property – Board in agreement subject to sidewalk easement or acquisition from adjacent land owner – applicant's plans were revised after receiving Board approval - Engineer & Planner reviewing revised plans – referred to Mayor and Council for sidewalk determination. The Professionals are still working on item.

CORRESPONDENCE:

N J Planner	re: March/April 2009 – distributed
League of Municipalities	re: March 2009 – distributed
League of Municipalities	re: April 2009 - distributed

APPROVAL OF MINUTES:

The Chairman entertained a motion that the December 16, 2008, minutes be approved as submitted. So moved by Ms. Eisen and seconded by Mr. Capilli.

ROLL CALL:

Ayes: Ms. Eisen, Mr. Walker, Dr. von der Lieth, Mr. Hoskins, Mr. Flaherty

Abstain: Mr. Martin, Mr. Raman

VOUCHERS:

None

ADJOURN:

There being no further business to come before the Board, by motion of Mr. Walker and seconded Mr. Capilli, the meeting was adjourned at 8:10 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber