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, July 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. Brennan, Mr. Flaherty

Absent: Mr. Raman

Also Present: John Ten Hoeve, Jr., Board Attorney
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:

None

NEW CASES:

FLAHERTY: We have one new case that we are going to hear tonight.

CASE: 09-04	Application of ***Alan Israel,*** 45 Fairview Avenue for rear, side, building coverage and F.A.R. variances to construct addition to existing house in an R-15 residential zone.

TEN HOEVE: Would you raise your right hands, please, before we start? Do you swear that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

ISRAEL: Alan Israel, 45 Fairview Avenue, Park Ridge.

ISRAEL: Lynn Israel, 45 Fairview Avenue, Park Ridge.

FELLGRAF: Jon Fellgraf, 130 Kinderkamack Road, Park Ridge. I am the architect for this project.

FLAHERTY: Okay, thanks. You can have a seat. We have had a chance to take a look at your plans and I think that some of us had a chance to look at your property. Would you like to take us through the application.

FELLGRAF: I will speak. As noted on our application, we are applying for 4 variances. Two of them, certainly, stem from the fact that we are an undersized lot in the area. We are at 10,001 square feet, whereas 15,000 are required. So, if we did have the 15,000, our coverage would be adequate as would our F.A.R.

Just one note, if we backed out the crawl space, our F.A.R. would be within the terms of the Ordinance.

BEER: Mr. Fellgraf, excuse me, please use the black mic. It picks up a little bit better.

FLAHERTY: Excuse me. Mr. Walker has some items to be marked into evidence.

WALKER: Mr. Chairman, I have the following items to be marked into evidence in regard to this application.

Item 1 is the application dated 6/30/09.
Item 2 is certification of service dated 7/06 and 7/09/09.
Item 3 is legal notification dated 7/10/09.
Item 4 is proof of payment of taxes dated 6/19/09.
Item 5 is the deed dated 7/31/87.
Item 6 is the survey dated 6/29/09.
Item 7 is elevations and floor plan dated 6/29/09.
Item 8 is 9 photographs which are undated.
Item 9 is a sheet entitled "project data, which is undated and unsigned.

That is all that I have at this time, Mr. Chairman.

FLAHERTY: Okay, we were a little out of sequence there, I apologize for that.

FELLGRAF: I will just walk you through the project briefly. The existing footprint of the house is this. We would like to create a 2-car garage, where formally a 1-car garage stood. We would like to add a family room to the rear, expand the existing kitchen, more or less double the size, so we could have an eat-in area; and, enlarge the master bedroom and master bath. Also, we would like to add a deck off of the eat-in kitchen and family room.

It is a 1 ½ story house. We intend to maintain the 1 ½ story appearance. We are dressing up the house with a stone base around the perimeter and some decorative features. Essentially, that is the project in a nutshell.

FLAHERTY: Okay, so again, we are looking at 4 variances. But, lets just backup. You said 2 of them, by virtue of the fact that we are at 10,001 square feet, your yard? Are the other homes in the area of the same size yard?

FELLGRAF: Yes, pretty much. They are all substandard lots, in the near area.

FLAHERTY: Both the building coverage and the F.A.R., would they be coming in under if we didn't count the crawl space? Is that what you are saying?

FELLGRAF: Well no, the F.A.R. would come in under if we didn't count the crawl space. If we were to consider, if the lot were to be 15,000 as required by your ordinance, and ours is only 10,000, if it were 15,000, the size of this house would conform to the building coverage also. Essentially our hardship is the lot being undersized.

WALKER: Mr. Fellgraf, I am wondering why you didn't just build a second story, which would have alleviated the need for most of the variances. Seven and a quarter from the property line to build a structure is something that I don't ever remember granting in my career on this Board.

FELLGRAF: The 7 ¼ is only to the chimney. I wasn't able to determine in the ordinance, whether the chimney in the side yard counted in the setback requirement. We are actually 9 ½ feet to the building proper.

WALKER: You know the building coverage of 26% versus 20% would have been alleviated by a second story.

FELLGRAF: Well, we discussed that and the Israel's, because they are anticipating their future age, prefer not to have the second floor. Isn't that correct Alan?

WALKER: Is the lot to the North, the lot with the very small house on it? It looks like it used to be a garage or something. Is that the lot next door? There is a lot on Fairview that has a very small house on it.

ISRAEL: Actually, our house is only 1,200 square feet. It was built in 1950. I would say that most houses in our neighborhood, are at least 3 or 4 times the size of our house in square footage.

The house North of us has been, at least, doubled in size with an addition out back. On the corner, which is South of us is a very large home, and across the street they built a house that must be at least 4,000 square feet and quite tall. So, I have lived in a ranch for 20 years and we wanted to keep a ranch. We wanted single level living. We don't need a lot more bedrooms. We are not changing the number of bedrooms. It is a 3-bedroom house.

We just need new living space. I think the living space is about 500 square feet that we are asking for here.

L. ISRAEL: The need or the desire for a 2-car garage as opposed to a 1-car garage wouldn't, we couldn't do that upstairs. It would be on the same level. That is a big part of the space, is the second car garage.

FLAHERTY: You can understand, it does create a ... it is difficult to approve something that far off of that border to your North. That home to your North, you neighbor to your North, when I went by the property, it seem that they are pretty tight to the border also. Am I right?

FELLGRAF: They are about 9 ½ feet also. Maybe a little less than 9 ½.

L. ISRAEL: I included in the pictures, and I am sorry I should have marked them probably, but the newest house on the block, 2 houses South, is also very close to the border.

TEN HOEVE: Can I ask a few questions? What is the closest intersecting street to where you are?

FELLGRAF: It is Clifford Drive.

TEN HOEVE: Clifford? How far is that? How many lots away from Clifford?

FELLGRAF: One lot.

TEN HOEVE: One lot away, okay. Do you know if the house that is next door, that is about 9 feet off, obtained a variance, or is that an old home that has always been there?

ISRAEL: That house has always been there.

TEN HOEVE: It is an old structure? The border of that house has always been close to the property line.

WALKER: It appears to be a 50 foot wide lot.

TEN HOEVE: For the Board's information, the Zoning Ordinance does allow 2 foot projections into yards for chimney's, bay windows, things like that without giving any variance. I guess this one is 2 ½ feet?

FELLGRAF: Approximately.

TEN HOEVE: That wouldn't be something that would be an exception to the variance requirement under the ordinance.

FELLGRAF: So in essence, we are really saying that our side yard on that side is 9 ½ feet?

FLAHERTY: 9 ¼. Well you are proposed at 7 ¼?

FELLGRAF: Well the 7 ¼ is only to the chimney but as your attorney just mentioned, you don't count the chimney.

TEN HOEVE: Well you do, because it is more than 2 feet.

HOSKINS: How many feet would be there from the back of the building?

FELLGRAF: From our deck, to the house to the rear is 76.4 feet. From the house itself……

HOSKINS: Is that from the end of the deck?

FELLGRAF: Yes, from the house itself it would be approximately 86 feet. Oh, I am sorry, the family room sticks out a little bit. It would be 84 feet.

HOSKINS: Is there a family room in the back of the garage as we speak?

FELLGRAF: It is an enclosed porch. It is dotted on the floor plan.

HOSKINS: Okay, I see it, "open porch".

BRENNAN: What are the 4 variances that he is going for?

TEN HOEVE: He needs an F.A.R. variance. He needs a lot coverage variance, a rear yard variance and a side yard variance. The rear yard currently is substantially undersized. This application isn't going to significantly increase the encroachment, it is already, what is the difference for the current?

WALKER: 29.9.

TEN HOEVE: It is 29.9 instead of 45 and now it is going to be 23 instead of 45.

BRENNAN: Can we just clarify because your testimony says 80 feet or something like that.

FELLGRAF: That is to the house in the rear, not the property line, to the house.

MARTIN: I had the same question, I just didn't know how to verbalize it.

FELLGRAF: Yes, from our deck to our own rear property line would be 22.9 feet. From our deck to the neighboring house to the rear, would be 76.4 feet.

BRENNAN: Thank you for clarifying that..

FLAHERTY: Is the addition of the second car, adding it to the garage, is that an integral part of the whole plan here, or is that, how important is that as opposed to going back and adding on your kitchen?

ISRAEL: Adding a second garage is an important part of this. We want a 2-car garage. My wife and I both commute and if we can't have a second garage than we have to find a place where we can have a second garage.

FELLGRAF: Unlike most people, they do put their car in the garage.

CAPILLI: Do most of the homes in that area have 2-car garages?

ISRAEL: As far as I know, they all are.

L. ISRAEL: You can't park on the street.

CAPILLI: The house that is behind you, is that 2 story or one story?

ISRAEL: It is a 1-story. He has a carport.

FLAHERTY: Are there any other questions from the Board?

EISEN: Would a single, double door, be the same width as 2 individual double doors?

L. ISRAEL: We are actually going to have a single double door.

FLAHERTY: Given the size of your lot, and some of the existing numbers that you have, the Board, I think we are struggling a little bit with the side yard variance. Am I accurate, does anyone else have something to add, please do. I think we can understand what you are trying to accomplish, going backwards, the overall, the F.A.R. etc., that side is something that we are going to need to discuss.

If there is anything else that you can say, that we need to know about…The expansion out that way, I don't know if Mr. Fellgraf……..

ISRAEL: I don't know what is germane to your considerations, but our neighborhood, our neighbor on that side, there is part of their house that extends very close. They also have no windows on that side. Their living space is an addition to the back, but doesn't extend laterally to side of their house. So, I don't think that, and of course, this is garage for us, so we are not going have any—there is not going to be a matter any violation of their privacy or anything of that nature.

TEN HOEVE: One of the reasons that the Board is struggling, the legal standards that govern a request for a variance like this, well there is actually separate ones, because an F.A.R. variance is a little bit more difficult to obtain then the regular variance is. That is known as a "D" variance and it requires 5 votes and there has to be special reasons why the Board would grant an F.A.R. variance.

For a "C" variance, which is a basic bulk type variance, side yard, rear yard, lot coverage, the standards are that there has to be some unique condition effecting the property that creates a hardship for the applicant and justifies the Board in granting some variation from the Zoning Ordinance.

The next test is that it has to be shown that it can be done without any detriment to the Zone Plan or scheme of the Borough, or that it can be done without any damage to the neighborhood. There is also something called the flexible "C", where you are accomplishing some zoning objective, some benefit for the community at large by doing some proposal, but I don't think that would be applicable here.

So, I guess what I am asking you to describe for the Board is what is the unique topographical condition or situation on the property that justifies the need for a substantial variance. Even if this were a 10,000 square foot lot in an R-10 zone, the Borough does have an R-10 zone, you still wouldn't be permitted to go 7 ½ feet from the property line.

What is the side yard requirement in the R-10 zone?

BEER: 18

TEN HOEVE: 18 feet, even in the R-10 zone.

ISRAEL: In terms of hardship, I would only say that it is a tiny house and this house was positioned on a small lot 50 or 60 years ago, when most people didn't have a 2-car garage. If they had the foresight to move it a couple more feet to the other side, then we would be able to meet the side yard requirements.

I think if you look at the 1,200 square feet we are living in, I mean it is quite modest by today's standards and it would be very difficult for us to remain in that house without being able to enlarge it to something more than 600 square feet a person, which is not unlike a studio apartment.

TEN HOEVE: That is why I think, Mr. Walker asked about going up, which wouldn't increase..

ISRAEL: I understand that, we could have converted this to a 4-bedroom colonial, but for a married couple with no children, who need one master bedroom, I don't really need a 4-bedroom colonial, and didn't want to convert it to that.

TEN HOEVE: I understand that. That is not a valid or legitimate zoning concern. That is not something that the Board is even allowed to take into consideration from a zoning standpoint, because it is unique to your personal situation. It is not something that is created by the property. It is a desire that the homeowner would have.

FELLGRAF: We have shown at pretty much optimum, 2-car garage. It would work if we were to shrink it by a foot or perhaps even 2 feet. I don't know if that would ameliorate the situation at all.

BRENNAN: The curb cut would remain the same?

FELLGRAF: Yes.

FLAHERTY: The Board will discuss the application tonight. If you could call in to Mrs. Beer in the morning, you may or may not be asked to revise those plans and resubmit, then we could talk about it at the next meeting. For now, I think we have gone as far as we can with the application tonight.

As I said, we have to stay and talk about several applications and yours will certainly be one of them.

FELLGRAF: Okay, thank you.

VON DER LIETH: Can I just ask a question before you go? Have you discussed the plans with the existing neighbors on either side and gotten any response, negative, positive, or whatever?

L. ISRAEL: They were pleased.

ISRAEL: They know that we are contemplating an expansion and we have given the notice that mentioned all the variances that we needed, but other than that.....

FELLGRAF: They can call in the morning.

NEW BUSINESS:

Wai Yip International – 83 Broadway
Lot: 7 Block: 1902

Applicant advises that gate has been constructed and attached to trash enclosure...also two October Glory Red Maple street trees have been planted along with

twenty-five Hick (?) Yews... applicant return of Performance Bond. (Applicant's outstanding escrow dating back to October 2008 - $1,861.75)

TEN HOEVE: I think that she has completed the improvements to the satisfaction of most people. At least the enclosure and the—well I think she has done as much as we are likely to get. Lyn pointed out that she still has an escrow balance for the payment of Professionals, basically the Planner and Engineer, of some $1,779.75, and she is looking for a release of a Performance Bond in the sum of $5,000.00.

We can't really use the Performance Bond for the payment of escrows, but I think you should suggest to her, that if she pays the escrows that the Board will authorize the release of the Performance Bond.

CORRESPONDENCE:

N. J. Municipalities re: June 2009 – distributed

N.J. Planner re: May/June 2009 - distributed

APPROVAL OF MINUTES:

None

APPROVAL OF VOUCHERS:

Brooker Engineering, PE

Matthew Rozzi	$82.50*
Matthew Rozzi	82.50*

(*denotes *insufficient funds* – letters written to all *)

The Chairman entertained a motion that the BOARD recommend payment of the vouchers to the Mayor and Council, subject to receipt of funds. So moved by Mr. Hoskins and seconded by Mr. Capilli.

ROLL CALL:

Ayes: Mr. Brennan, Mr. Capilli, Ms. Eisen, Mr. Flaherty, Mr. Hoskins, Mr. Martin, Dr. von der Lieth, Mr. Walker
Abstain: None

ANYONE IN THE AUDIENCE WISHING TO BE HEARD:

There was no one in the audience wishing to be heard.

DISCUSSION OF APPLICATIONS:

The Board discussed the application of ***Alan Israel.*** The members felt that the requested side yard variance was quite large. It was noted that the applicant has the smallest lot in the area, and that there is one just North of the applicant's property that is only 50 foot wide.

Some of the members felt that it would still be a relatively small house even with the 2-car garage. They felt that he could go up and make a huge addition without variances and that this is by far a better size. Other members felt that no matter how small it seemed it would still look very tight with 2 house with 9 foot side yards.

The general consensus was that the applicant should be asked to reduce the size of the garage by 2 feet and resubmit the revised plans for the August meeting.

ADJOURN:

There being no further business to come before the BOARD, by motion of Mr. Walker, with a second by Mr. Hoskins, The meeting was adjourned at 8:30 pm. Carried unanimously.

Respectfully submitted,

Margot Hamlin,
Transcriber