**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, September 15, 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, Mr. Walker, Mr. Brennan, Mr. Raman, Mr. Martin

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

Also Present: John Ten Hoeve, Jr., Board Attorney
E. Sneikus, 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:**

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| **CASE**: 09-06<br>Lot: 23<br>Block: 903 | Application of ***Deidre Disanza,*** 6 Willow Court for Floor Area Ratio variance to construct new house over existing foundation with minimal ground level expansion in an R-10 residential zone. Hearing begun August 18, 2009, carried to September 15, 2009 for revised plans and site inspection. |

TEN HOEVE: We can proceed, and we can discuss this case tonight, and review the changes that you have made. The only thing is that you have the option of putting off the vote, if you want to, until more members are here, or having the vote taken tonight with the understanding that you need everyone to vote in favor of the application.

SKRABLE: What would be the, when you say you would need everyone here, in order to have more people here, when would that be?

TEN HOEVE: The Board meets the third Tuesday of every month. October 20th, would be the date. I don't know how anybody would vote tonight, but I am just telling you, for your benefit, that you need 5 votes, so that, you should have the option to determine whether you want the entire Board. The Board has 7 members and 2 alternates, so there are generally more people here than you see tonight. Unfortunately, tonight we only have 5 members here. All of them are eligible because they were all here at the time you last met.

So, you don't have to make that decision at this moment, but before the end of your presentation, you will have to do that.

SKRABLE: Okay.

WALKER: Has everyone been sworn in, John?

TEN HOEVE: They were at the last hearing and they are still under oath.

WALKER: I have a new set of plans that have been drafted. They substantially reduce the Floor Area Ratio, which were of some concern to the Board. Does anyone want to run through the new plans and tell us what is different from the original?

SKRABLE: My name is Tom Skrable. I am the engineer for the applicant. I do have a pretty simple handout. Do you mind if I come over?

WALKER: Sure.

TEN HOEVE: You should give that to the Board Secretary and he will do that.

BEER: Ben, would you identify that for Margot?

MARTIN: This will be item number 14, an undated chart entitled Zone Legend.

SKRABLE: While the Board Secretary is marking it in and handing it out, I can describe it real briefly. This is intended to show, based on the last meeting, there was some discussion that since the lot is oversized, to some extent we fall better into the R-15 criteria, then we do to the R-10.

This is just showing the R-15 criteria along side the R-10. We meet all of the R-15 criteria, with the exception of one corner of the house. The front right corner or the northeasterly corner of the proposed covered porch is 16.27 off of the northerly property line, in the R-15 Zone, where you need 18 foot for your side yard. Other than that, we conform with all of the R-15 criteria.

DISANZA: I just want to point out that it starts out at 16.2 and the property, in terms of like a baseball field, it widens towards the back of the house, so at the back of the house it would wider than 18.

MC GUINESS: Yes, in the back right corner, I don't have that exact dimension on the plan, but it is almost 19 feet, 18.6 or 7, I believe is the exact number. It will meet all of the criteria except for that front right corner.

SKRABLE: Just taking you through the general revisions to the plan, I will talk about the house last, because that is the most important one. All of the other items that we testified to the last time, stay the same. The grading scheme is the same. The drainage is the same. We are going to collect all of the water from the roof and the bulk of the yard area is in a seepage pit at the southwest corner of the lot. So, we are going to improve the lot as far as drainage goes.

The house, itself, just generally was reduced. I do have the last plan here. The building coverage on the last submission, the one we talked about at the last meeting, was 18.66 %. We are down to 17.24%. It is about 1 ½ % or about 200 and change square feet smaller than the prior home that was being proposed. That is in foot print.

Then, all of the other numbers go down, basically along those same lines. The yards have all been increased. The building size in general is smaller. The FAR is significantly smaller, because we are also reducing the basement as well. So, the FAR number went down from 44.8%, almost 7,000 square feet to 34.9 %, 5,400 and change square feet.

The only variance that is being requested is for the Floor Area Ratio.

WALKER: How much was the footprint cut back? I see that the first floor is 251 square feet less than last month's plan. How did you achieve that?

SKRABLE: Do you want me to compare the architecturals from last go round?

WALKER: I see that you cut back the southern side a couple feet.

DISANZA: The whole middle is shrunk. The width, the depth of the house is drastically reduced.

SKRABLE: We took a piece out of the middle and kind of scrunched the whole thing down.

WALKER: I see that the northeast side is the room that is on the first floor, is just going to be a high ceiling? There won't be anything above that?

DISANZA: Yes, it is only one story and the depth of the house is now only 35 feet, plus the porch.

WALKER: Did anyone on the Board go and take a look at the site, and the surrounding area?

CAPILLI: Yes, I did.

WALKER: Mr. Capilli.

CAPILLI: It was kind of exactly as they described the neighborhood to be. The houses were all similar. It didn't look to me, in my opinion, like if you put the second story on, that it is really going to impede on the neighbors. But, you have the space. You kind of have the space, kind of exactly what they said.

WALKER: Did anyone else visit?

MARTIN: I took a look at the area as well. My question, I guess this would be for you sir, what exactly would be the distance between, I guess the North side of the house, the chimney end of the house, for lack of a better description, to the house next door? It visually, for me, when I was in that cul-de-sac area, the existing houses look relatively close together.

SKRABLE: I don't have an exact dimension on the house next door. It is kind of catty-cornered to our house, because they are facing the cul-de-sac. You are really only close at that one corner. Assuming that the other house is at the 15 foot setback, which I would have to assume, because I don't have survey information on it, we would be, again, the closest point a little over 31 feet to that house and then their house again, is at almost a 45 degree angle to ours and we are 18 feet off of the side line at the back of our house. So, my guess is, you are going to be close to 50 feet from that house from the back of the house.

WALKER: They don't require a variance for that side of the house.

MARTIN: No, I was just, you know, the proposed house even at this size, to me, is still considerably larger than the houses in that cul-de-sac area.

WALKER: All the other homes were single story, ranch or capes.

MARTIN: Right or they were ranch with some add on's. That was merely just a frame of reference for me, because they look visually very close together.

SKRABLE: We did take some measurements just based on the length of those houses, because that is really all we could without going on the private properties. I think our house at about 60 feet wide would be at the low end. Most of the ranches are 65 feet and even a little bit more. I do have some numbers that I could share with you if you would like me to.

MARTIN: No, I appreciate that, but I was just trying to get a frame of reference, because I wasn't sitting there with a tape measure.

SKRABLE: Right it is not that easy to do.

DISANZA: Could I just say that the house right now, as it sits right now, is at a 15 foot setback.

MARTIN: No, I am not arguing the setback, I was just really looking for a frame of reference, a distance from that house next door, just because of what I saw visually. I am not arguing the setback. It was just merely a frame of reference.

DISANZA: It is going to stay the same. That is why we chose that design, that first corner is only a one story, so it won't be impeding on my neighbor.

WALKER: I think the new design, the house fits the lot. It is just our problem when we come across the 15,000 foot lots that are in R-10 zones. We don't know how to get around. They did substantially reduce the F.A.R.. That house will fit the lot and not be oversized for the lot.

Does anyone else have any comments? Is there anyone in the audience here to speak to this application?

DISANZA: My dad.

WALKER: He doesn't oppose this does he? Okay, excellent. In that case, we will discuss this further. I don't know at this point, do we need to decide on whether there is……

TEN HOEVE: Well actually, the Board would formally act at the next meeting at any case, so we could discuss this and then take formal action at the next meeting. That is our normal process in any case. So, the vote will not take place until the next meeting.

WALKER: I am sorry, do they need 4?

TEN HOEVE: Five, because they need an F.A.R. variance.

WALKER: So we would still discuss this later?

TEN HOEVE: Well, you would still adopt it at the next meeting, but at least you could let the applicant know tomorrow if that were the case.

SKRABLE: When you talk about getting more people, which would probably happen at the next meeting, are they able to vote because they weren't here tonight.

TEN HOEVE: They would have to listen to the tapes. But, assuming that everyone who is here tonight is appearing next month, and assuming that they decide to act favorably, which you could find out tomorrow, then you would know that you have your 5 votes.

SKRABLE: Okay.

DISANZA: Could I just say one more thing? All the lots surrounding us, to our right to our left, and to our back, they are all more than the R-10, they would be…..

WALKER: Are they all the same depth, because they look like they are about the same width?

DISANZA: My neighbor to my left, he has .41 of an acre and my neighbor to my right has 19,925 square feet. So, we are not the only house, and the guy behind him, has over an acre. There is a house that is kind of back there. So there are about 4 houses in there that are much bigger than the other R-10 houses.

RAMAN: What is the size of the existing house, width and depth?

SKRABLE: Currently there now?

RAMAN: Currently?

SKRABLE: The width is about 56, 57, and somewhat of an "L" shape, the deeper part is about 33 or 34 feet.

RAMAN: What are you measuring?

SKRABLE: The existing.

RAMAN: Oh, okay, I see the grid, so that is about 34?

SKRABLE: 34 by 57.

RAMAN: And it is going up to about 60, you said, right, 59.33?

SKRABLE: Yes.

RAMAN: And the depth is going to?

SKRABLE: The main part of the house goes from just under 35, where the garage is, it is about 56.

RAMAN: Thank you.

WALKER: Okay, thank you. You can call Mrs. Beer in the morning and she will let you know how it went.

DISANZA: Thank you.

TEN HOEVE: I suggest that we just carry the Esty Street application, because there is no one here and there is a vote issue on that as well.

WALKER: Case 09-04, Lot: 4 of Block: 903, no one being present, we will just carry it to our October meeting, as there are still some open issues on that one.

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| **CASE**: 09-5<br>Lot: 6<br>Block: 2208 | 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. Hearing begun July 21, 2009, carried to August 18, 20098 for revised plans. Determination forthcoming this evening. |

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

**WHEREAS, ALAN ISRAEL,** (hereinafter referred to as "Applicant"), being the owner of premises known as 45 Fairview Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 6 of Block 2208 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 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 yard variance, rear yard variance and a floor area ratio variance; and

WHEREAS, the premises are located in a R-15 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 Steven L. Koestner, Surveying Associates, dated June 29, 2009, together with architectural plans prepared by Jon Felgraff, licensed architect, last revised on August 4, 2009; and

WHEREAS, hearings were held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE, duly convened on July 21, 2009, and August 18, 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 located at 45 Fairview Avenue in the Borough of Park Ridge. While Applicant's lot is located in the R-15 Zoning District, the lot is substantially undersized, having a lot area of but 10,000 square feet rather than the 15,000 square feet required for the R-15 District. As a further result of the undersized nature of the lot, Applicant's dwelling is but 29 feet from the rear lot line rather than the 45 feet as required in the R-15 District.

2. Applicant seeks to construct an addition to the dwelling, an addition that will encroach a slightly greater distance into the required rear yard, an addition that will also result in a new encroachment into the required side yard. Applicant's home is currently situated more than the required 18 feet from the easterly side lot line. Applicant seeks to construct an addition providing a second garage, an addition initially situated 7.25 feet from the easterly side lot line, but subsequently relocated at the request of the BOARD, to a distance of 9.25 feet from the easterly side lot line.

3. The proposed addition will also expand the dwelling behind the proposed new garage, and in the northeast portion of the home, all as shown on the survey and architectural plans marked into evidence. As indicated, the rear addition to the home will expand the existing rear yard encroachment slightly, resulting in a structure that is 22.90 feet from the rear lot line at its closest point.

4. Applicant thus requires bulk variances for the side and rear yard encroachments. The proposed additions, however, will also result in a floor area ratio of 36.37%, a percentage that exceeds the 35% limitation contained in the Zoning Ordinance for the R-15 District.

5. With regard to the side and rear setback variances, the BOARD finds that Applicant is faced with a unique situation by virtue of the placement of the existing home on the lot. Applicant seeks to expand the single car garage to provide another enclosed parking space. Applicant, at the BOARD'S request, reduced the size of the garage to minimize the impact on the neighboring property. The addition will provide an additional enclosed parking space thereby accomplishing a goal and objective of the Zoning Ordinance. The BOARD also finds that the proposed new garage and addition will constitute an aesthetically pleasing improvement to the dwelling. The addition will also not substantially increase the encroachment into the rear yard.

6. More importantly, the BOARD finds that the Applicant faces a unique situation in that the lot is substantially undersized. The R-15 zoning limitations create unduly harsh restrictions on a development of the lot, both from a bulk variance perspective and from an F.A.R. perspective.

7. The BOARD finds that substantial benefits will result from the proposed improvement. The additional space will render the house more attractive from an aesthetic perspective. The improvement will provide additional living space for the occupants of the home. The BOARD thus finds that the

Applicant has satisfied both the positive and negative criteria required for the grant of the bulk yard variances.

8. The BOARD further finds that the Applicant has provided sufficient proofs to justify the grant of the requested floor area ration. Applicant's lot is located in the R-15 Zoning District, a district having a minimum lot area of 15,000 square feet. Applicant's lot, however, is but 10,000 square feet. The need for a floor area ratio variances is directly related to the undersized nature of the property. If Applicant's lot was 15,000 square feet in size, no floor area ratio would be required.

9. The BOARD further finds that the Applicant has taken measures to insure that the proposed addition and resulting dwelling will continue the existing architectural detail of the home in order to create an aesthetically pleasing dwelling, a dwelling that is not inconsistent with other homes in the area. The goals and purposes of the floor area ratio requirement, particularly in light of the size of other lots in the neighborhood, will be achieved by the grant of a floor area ratio variance.

10. 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 a deviation from the Zoning Ordinance of the Borough of Park Ridge will substantially outweigh any detriment arising therefrom.

11. 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 and rear yard variances together with the requested F.A.R. variance to permit the construction of the proposed additions 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 Mr. Martin and seconded by Mr. Capilli

**ROLL CALL:**

**Ayes:** Mr. Martin, Mr. Capilli, Mr. Brennan, Mr. Walker

**Abstain** Mr. Raman

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| **CASE:** 09-07<br>Lot: 5<br>Block: 1602 | Application of ***William Spencer,*** 24 Wampum Road to modify existing *Use* approval to permit infant care in existing Day Care center in an R-20/AH 1 zone. Hearing begun August 18, 2009, determination forthcoming this evening. |

WALKER: I am not sure if we really had to determine anything.

TEN HOEVE: It is simply an interpretation of the prior resolution indicating that a variance isn't necessary and he can do that.

**WHEREAS, WILLIAM SPENCER** (hereinafter referred to as "Applicant"), being the owner of premises known as 24 Wampum Road in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 5 of Block 1602 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 variance/interpretation of the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the continued operation of a daycare center at the aforementioned location, however, changing the current day care use from one which does not permit infants to attend to a day care center allowing infants; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on August 18, 2009, upon due notice as required by law; and

WHEREAS, the BOARD has carefully considered the application and all testimony and evidence submitted 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 parcel on which there has been operated a day care facility for several years, a facility operated by various owners at various times. While the property is located in a residential zoning district, the nonconforming day care use was approved by virtue of a Resolution of the BOARD dated January 15, 2001.

2. The January 15, 2001 Resolution indicated in its introductory paragraph that the Applicant at that time intended to operate a child care facility for children between the ages of two and one-half years and six years old. The Applicant now seeks to operate a child care center that will permit infants younger than two and one-half years old.

3. A question thus arose as to whether the prior Resolution of the BOARD intended to create, as limiting condition, a restriction on the enrollment of children younger than two and one-half years of age and whether the Applicant would require a variance if younger children were to be permitted to attend the facility.

4. The Applicant testified that there has been and will be no change in the operation of the child care facility. No structural changes to the facility will be made. The Applicant will continue to abide by the 135 child limitations, agreeing that at no time would there ever be more than 135 children in the facility. No changes will be made in any outside playground facilities. The only change in the operation will be that younger children will also be permitted to attend.

5. The BOARD finds that there was no "condition" in prior Resolution limiting enrollment to children over the age of two and one-half years. The BOARD finds that the enrollment of younger children will not constitute any expansion or enlargement of the use and that the change in age will have no impact whatsoever on the operation of the school. The BOARD thus finds that no variance is required and interprets the Zoning Ordinance and the prior Resolution to permit the enrollment of younger children.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, hereby finds and concludes that the Applicant does not require a variance and may modify the current child care operation solely to allow children younger than two and one-half years of age to attend. The within finding shall not alter any other provision of the January 2001 Resolution of the BOARD. All terms and conditions of the January, 2001 Resolution shall remain in full force and effect including, but not limited to, the 135 child limitation contained therein.

The resolution was offered by Mr. Brennan and seconded by Mr. Capilli.

**ROLL CALL:**

**Ayes:** Mr. Martin, Mr. Raman, Mr. Capilli, Mr. Brennan, Mr. Walker

**Abstain:** None

**NEW CASES:**

None

**NEW BUSINESS:**

None

**CORRESPONDENCE:**

None

**APPROVAL OF MINUTES:**

The Chairman entertained a motion that the July 21, 2009, minutes be approved as submitted. So moved by Mr. Martin and seconded by Mr. Brennan.

**ROLL CALL:**

**Ayes:** Mr. Martin, Mr. Capilli, Mr. Brennan, Mr. Walker

**Abstain:** Mr. Raman

**APPROVAL OF VOUCHERS:**

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 ***Deidre Disanza.*** The members felt that the design would not be out of place in the neighborhood. They also felt that the applicant did reduce the original plan. The general consensus was that the variance could

be granted, and attorney was authorized to draw a resolution of approval for the next month's meeting. Board secretary was advised to have the other members listen to the tapes before the next meeting.

**ADJOURN:**

There being no further business to come before the Board, by motion of Mr. Brennan and seconded by Mr. Martin, the meeting was adjourned at 8:25 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber