

**\*\*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, October 20, 2009, at 8:00 pm in the Council Chambers of the Municipal Building.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

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

Absent: Mr. Capilli

Also Present: John Ten Hoeve, Jr., Board Attorney  
Brigette Bogart, Professional Planner  
Eve Mancuso, Professional 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 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:**

<b><u>CASE:</u></b> 09-04 Lot: 4 Block: 903	Application of <u>Esty Street</u> , 86 Spring Valley Road, for variance to install a second sign on side of building facing the parking lot in an R-20 residential zone. Hearing begun August 18, 2009. Site inspections conducted in September, carried to October 20 <sup>th</sup> for determination.
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WALKER: I have two additional items to be marked into evidence in regard to this application.

Item 12 is a Board Secretary letter dated 9/16/09.

Item 13 is certification that Matt Capilli read the transcripts dated 9/30/09.

FLAHERTY: Good evening.

REPETTO: Good evening Mr. Chairman and members of the Board. For the record, I am David Repetto from the law firm of Harwood, Lloyd, on the behalf of the applicant, Esty Street.

I want to apologize for not being here last month. I didn't understand that we needed to come back for questioning. So, that was my fault, not my client's fault. I take the responsibility and I apologize for it. Having learned from my mistake, we are here tonight, I think to answer any questions might have with respect to the application. All of our testimony was offered at the meeting 2 months ago.

FLAHERTY: Right, because the hearing began August 18<sup>th</sup>, and carried here to October 20<sup>th</sup>. Have some members of the Board had a chance to take a trip to Esty Street and look at the building?

HOSKINS: Yes.

FLAHERTY: Mr. Hoskins. Would you care to share and may we have your opinion on the sign? What do you think of the sign?

Minutes of the Park Ridge Zoning Board of Adjustment  
Meeting of October 20, 2009 – Page 2

HOSKINS: I think that it is fine, as long as it is not lit with more than the two 50 watt bulbs, that would hang from the soffit

REPETTO: The testimony, sir, was that we would have a soffit light and I think it was 50 watt. It is going to be a light coming down from the soffit. Yes.

HOSKINS: I thought that it was okay with me.

VON DER LIETH: I would second that also, after going to visit the site.

MARTIN: I visited the site as well, and I would agree with Dr. von der Lieth and Mr. Hoskins. Obviously, it is not a part of the application, but I would encourage the owner to work with the local neighbor and others and talk about some buffer, a new buffer area. I think that would help quell the concerns of the homeowner.

WALKER: I felt that the sign might help people to find the place a little bit easier. I don't see anything detrimental about it.

TEN HOEVE: Since this was on for several months and there was some confusion last month, the Board, I know it is not usually how it operates, but it can adopt a resolution approving it tonight, subject to a memorializing of that at the next meeting. We have done that in some rare instances, but if the Board is interesting in doing that, we can do that this evening, if someone want to make such a motion.

FLAHERTY: Just a follow up on Mr. Martin's comments. We did talk about some buffers.

REPETTO: We did. I think, and my client is here, the existing buffer is on the neighboring property, as I believe. The fence, which is on the, may I have my client come up? It is probably better if I ask him these questions, especially in case I say something that is incorrect. Is the fence on your property Tim?

CASTELLANO: No, it is not.

REPETTO: Okay, so the fence is on the neighboring property as well. The parking goes right up to the fence. Now, I think that there is a 10 foot, we never really got an answer as to that access drive, it is not an easement, but is either a right-of-way or something pursuant to a right to go to the back area, which could be used for that. Did we ever find out if the Municipality is willing to sell that?

CASTELLANO: I would be happy to provide a buffer. I don't think that is the issue. The question is where do we put it?

WALKER: Perhaps you could give the option to the homeowner to put the buffer on their property, is they so desire? There are overgrown Hemlocks there.

CASTELLANO: Right, the issue with those is that they are high. The buffer really works better for the second floor. I would be happy to speak to the neighbor and try to work something out that is agreeable between us and the neighbor. I think that is the best that we can offer. We can't agree to something that she may not agree to.

FLAHERTY: I understand. That was kind of the spirit of the discussion two months ago. I would encourage you to talk to the neighbor.

REPETTO: We would be willing, as a condition of approval, to approach the neighbor and see if there is something that we can work out. But, the understanding is that it is not our property to put the buffer on.

FLAHERTY: As long as you give them the option. As I see it, the only drawback would be that the lighting would be on that property, I am very curious, I still think that it is not going to accomplish everything that you want it to. Because, if you are going at a regular rate of speed, you are up on the sign already.

REPETTO: We are hopeful. As I said, as a condition of any approval of this Board, approach the neighbor and try to work out some mutually acceptable addition to that buffer.

TEN HOEVE: If you can not?

REPETTO: I think what we would do is, we would send a letter to this Board advising of that fact.

TEN HOEVE: And then return here?

REPETTO: I prefer not to return here, only because of the expense to my client.

TEN HOEVE: I am just pointing it out to the Board. It is difficult to create a condition of approval that is a vague agreement with a neighbor if the neighbor decides that they want forty, 25-foot hemlocks put in. The applicant is not going to be in a position to do that.

WALKER: We are talking about a 50 watt bulb shining on a wall.

REPETTO: The other thing, if I may point out, and it is not to be flip, I don't think that the neighbor was here last month. I know I wasn't, but I don't know if she was, but she is not here tonight, and she certainly know of this hearing. I think that some of the issues that were addressed before this Board on August 18<sup>th</sup>, were resolved after the meeting in the hallway.

I think the fact that no one is here to object tonight speaks to that. That is all that I would like to say.

MARTIN: If I can speak to spirit of my comment. I don't think that the buffer is not a part of the application and I am not saying that it should be a condition of approval. I am just saying that as a gesture of good faith, I would suggest, based on my site visit, that it might be a good way to smooth out the opportunity, I mean to smooth out relations with the neighbor to at least offer it if possible, because that seemed to be the spirit of the conversation. But, I wouldn't endorse it being a condition of approval at all.

REPETTO: I think, maybe, Mr. Martin the solution would be this, my client said that he was going to approach that neighbor and see if he can work it out. He will give his word to this Board to that and he is still under oath if you would like have it on the record, he is certainly willing to do that.

FLAHERTY: Thank you everyone, members of the Board, for your taking the time to visit the applicant and the application and the site.

VON DER LIETH: I would like a motion to approve.

FLAHERTY: Thank you Dr. von der Lieth. Do we have a second?

HOSKINS: I will second it.

WALKER: Would you like to make a memorializing resolution?

TEN HOEVE: Yes, that is what he means. He means to approve it tonight subject to the terms that would be included in the memorializing resolution. You have a motion and a second, so you need a roll call.

**ROLL CALL:**

**Ayes:** Mr. Brennan, Mr. Flaherty, Mr. Hoskins, Mr. Martin, Mr. Raman,  
Dr. von der Lieth, Mr. Walker

**Abstain:** None

<b>CASE: 09-06</b> Lot: 23 Block: 903	Application of <u>Deidre Disanza</u> , 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. Determination forthcoming this evening.
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WALKER: I have items to be marked into evidence in regard to this application.

Item 14 is an undated Zoning legend.

Item 15 is certification that Jake Flaherty has listened to the tapes of the August 18, 2009 meeting, dated 10/20/09

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

FLAHERTY: I know that the applicant has been here twice. The Board had a chance to discuss the case with them last month. We have a resolution of approval.

**WHEREAS, DEIDRE DISANZA**, (hereinafter referred to as “Applicant”), being the owner of premises known as 6 Willow Court, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 23 of Block 903 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 floor area ratio variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the removal of an existing home and the construction of a new home; and

WHEREAS, the premises are located in an R-10 Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, hearings were held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on August 18, 2009 and September 15, 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 6 Willow Court within the Borough of Park Ridge. Applicant seeks to demolish the existing single-family home and construct a substantially larger single-family home on the site as shown on the survey and renderings marked into evidence at the aforementioned hearings.
2. Applicant’s lot is located in the R-10 Zoning District, a Zoning District that principally consists of lots having a required lot area of 10,000 square feet, a lot width of approximately 85 feet and a lot depth of 120 feet. Applicant’s lot is substantially larger than most lots located within the R-10 Zoning District, having a lot area in excess of 15,000 square feet, a lot depth of approximately 115 feet and a lot depth of approximately 153 feet. In essence, Applicant’s lot conforms to most of the requirements applicable to the R-15 Zoning District.
3. As indicated, Applicant seeks to construct a new home on the site, a home that will comply with all of the bulk requirements of the R-10 Zoning District with the exception of the required 40% and 4,400 maximum square foot floor area ratio limitations. Applicant’s original plans proposed a dwelling that would

have a floor area ratio of 44.83% and an actual floor area of nearly 7,000 square feet.

4. Responding to concerns raised by the BOARD members at the first hearing, Applicant submitted a revised plan reducing the floor area of the new home to 5,417 square feet and reducing the floor area ratio to 34.86%. The reduced floor area ratio was thus reduced to comply with the 40% limitations applicable to the R-10 Zoning District. The overall floor area, however, still exceeded the 4,400 square foot limitation applicable in the R-15 Zoning District.
5. The BOARD notes that the Applicant's revised plan conforms to the requests made by several BOARD members at the initial hearing. Specifically, the BOARD has asked the Applicant to reduce the floor area and floor area ratio to a size and percentage that would comply with the requirements applicable to the R-15 Zoning District, a district comprised of lots similar in size to the Applicant's lot. The Applicant thus complied with the BOARD'S directions and reduced the size of the proposed new home accordingly.
6. The BOARD further finds that the Applicant has provided sufficient proofs to justify the grant of the requested floor area ratio. Applicant's lot is located in the R-10 Zoning District but the lot is substantially larger than the vast majority of the lots in the R-10 Zoning District. Moreover, the amended proposal has reduced the size of the structure to a dwelling that would comply with all bulk requirements, including floor area ratio requirements, if the home were located in the R-15 Zoning District, the District in which most similarly sized lots are situated. The BOARD thus finds and concludes that the Applicant's proposal meets the goals and objectives sought to be accomplished by virtue of the floor area ratio limitations and that the construction of the proposed dwelling will not negatively impact the objectives of the Borough's floor area ratio limitations.
7. The BOARD further finds that the Applicant has taken measures to insure that the proposed new dwelling will be aesthetically pleasing and will not be 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.
8. The BOARD further finds and concludes that there will be no negative impact whatsoever resulting from the proposed new home nor the grant of a floor area ratio 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, 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 floor area ratio variance to permit the construction of the proposed new home subject to the following conditions:

- A. That Applicant construct the proposed improvements as set forth on all final 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 final 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. Brennan and seconded by Mr. Martin.

FLAHERTY: For the record, Ms. Eisen arrived 8:10 pm.

**ROLL CALL:**

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

**Abstain:** Ms. Eisen, Mr. Hoskins, Dr. von der Lieth

**NEW CASES:**

<b>CASE:</b> 09-08 Lot: 1 Block: 1517	Application of <i>Park Ridge Properties, LLC</i> , 27 Hawthorne Avenue for Use for proposed use, F.A.R. and density, also parking, building coverage and setback variances to construct an addition to existing building for 6 new dwelling units in a C.H. zone.
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DOYLE: Good evening Mr. Chairman, ladies and gentlemen, my name is Bernard Doyle. I am an attorney with the firm of Huntington, Bailey. I am here this evening on behalf of Park Ridge Properties, with respect to the new application.

FLAHERTY: Okay, before we get started, I think we have some item to be marked in.

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

- Item 1 is the application dated 9/09/09.
- Item 2 is certification of service dated 10/08/09.
- Item 3 is legal notification dated 9/18/09.
- Item 4 is proof of payment of taxes dated 10/14/09.
- Item 5 is the deed dated 7/29/03.
- Item 6 is the survey dated 7/29/09.
- Item 7 is the site plan dated 9/23/09.
- Item 8 is elevations dated 9/10/09.
- Item 9 is the Planner's review dated 10/07/09.
- Item 10 is the Board secretary letter dated 10/13/09.
- Item 11 is the Engineer's report dated 10/15/09.

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

FLAHERTY: Okay.

DOYLE: Are the notices in order?

FLAHERTY: Yes.

DOYLE: First I would like to introduce the applicant. The applicant is Park Ridge Properties, Inc. We have been here in front of all of you folks previously with a much different application. Since that time, Marc Moschella who is standing to my left, has bought out his partner, and he is the sole owner of Park Ridge Properties, Inc.

We are here tonight with a different, and we hope you agree, improved application for this particular parcel. The prior application as you may recall, was for a rather high density condominium building. We listened to the comments of the Board, reflected on it. I think we learned from it and we are back tonight with a much different application, which we hope you will view favorably for its benefit to the community in a number of different regards.

It will have less impact on the neighborhood. Perhaps most importantly, and so that we are clear from the outset, 5 of the 6 new proposed units will be dedicated to the obligations of the Borough under COAH. I am sure that you are all familiar that the towns have all struggled to meet their COAH obligation, and this is an opportunity to assist the town in meeting their COAH obligations to provide a benefit with respect to low income housing for the community and also to greatly improve the property from the way that it is today.

It is important that you understand from the outset that any approval that we obtain tonight, not tonight, but as part of this application, will be specifically conditioned on the dedication of 5 of the proposed new units for affordable housing and that will require review by the Mayor and Council. But, we first need to obtain the land use approvals from the Zoning Board before we can meet with the Mayor and Council and get their input and hopefully approval.

The proposed application requires a "D" variance, but unlike many "D" variances, because of the COAH nature of the application, it is viewed under existing case law, as an inherently beneficial use. As such, it virtually, per say, meets the special reasons test under the Medici Case. We do need to satisfy the negative criteria as to the lack of a substantial negative impact and those standards are set forth in the SICA Case. Essentially, SICA holds that the Board engages in a balancing test, weighing the negative impact of the proposal against the public benefit of the project and again, particularly with respect to both the COAH obligations that the Borough is obliged to meet and the benefit to the public by providing some low income housing.

Mr. Moschella would you have a seat? I intend to present the testimony of 2 expert witnesses this evening. First we will hear from the Engineer, Mr. Rick Eichenlaub. He will discuss the site plan, both variance issues plus engineering impacts or more specifically the lack of any adverse engineering impacts. We will also hear briefly from Mr. Perry Petrillo, who is the Architect. He will review the building plans and the architecture involved with them.

We have received the comments from the Borough Engineer and the Borough Planner, and certainly our expert can address any specific questions from either an engineering standpoint or an architectural standpoint relative to those concerns this evening. If the Board feels it would be beneficial, we are prepared to come back at the next meeting with a planning witness as well.

With that background, I would like to call Mr. Rick Eichenlaub as the first witness on behalf of this proposal.

TEN HOEVE: Would you raise your right hand please? 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?

EICHENLAUB: I do.

TEN HOEVE: Please state your name and professional address?

EICHENLAUB: Richard Eichenlaub, R.L. Engineering, address is 24 Wampum Road, Park Ridge, NJ.

TEN HOEVE: There is no need to qualify him.

DOYLE: Thank you Counsel. Mr. Eichenlaub, can you begin by identifying the site for the members of the Board?

EICHENLAUB: Sure, it is a corner lot. It is referred to as Lot: 1, within Block: 1517. It is in the Commercial Housing zone. It is located at the southeast corner of the intersection of Madison Avenue and Hawthorne Avenue. Right now it is a fully developed site. There is a 2-story wood frame structure on site, and almost 100% of the site is covered with either building or asphalt parking lot.

DOYLE: The existing site is flat in nature, correct?

EICHENLAUB: That is correct.

DOYLE: So, there is no topographical elevations?

EICHENLAUB: There is probably about a foot and a half differential from corner to the other.

DOYLE: Can you tell the members of the Board a little bit about the neighborhood? What abuts on each side and describe the neighborhood generally?

EICHENLAUB: Well, basically we have Madison Avenue that runs East and West, which is on the North side of the property. Our property fronts on it. To the West of us on the opposite side of Hawthorne Avenue, we have a commercial strip mall. There are six store fronts within that strip mall. To the South of us there is an office apartment complex. To the East of us is the railroad track and just to the East of the railroad track is a multi-family structure, a new structure that was put up a several years ago. To the North of us is the Municipal parking lot, that is across the street on Madison Avenue. Diagonally across on the northwest corner of the intersection is a single-family residence.

DOYLE: The existing building, as I understand it, is on the northwest corner of the property, correct?

EICHENLAUB: Yes, it is along the North side of the property. Basically, it runs the entire frontage of Madison Street.

DOYLE: The proposed addition, that brings us here this evening, would run along Madison Street at the northern boundary of the property towards the railroad tracks?

EICHENLAUB: That is correct. A section of the existing structure would be demolished and a new structure would be constructed and it would extend further to the South on the property as well.

DOYLE: However, unlike the prior application, which you were involved with also, there won't be any setback issues, with respect to the office residential complex to the South of the property? You may recall that was an issue with respect to the last proposal.

EICHENLAUB: Right, that is actually what we referred to as our side yard. Basically it would simply be parking lot, as it is today.

DOYLE: Now, can you tell the folks, briefly, about the current conditions at this site?

EICHENLAUB: As I indicated, it is a 2-story frame structure. It is a plain white paint structure. There is a single story to the West. The parking lot occupies the entire

southerly portion of the site. We are just under 100% coverage on the site, with the structure and the parking lot. There are several trees. Fortunately, the trees actually fall in the parking lot, those trees will be removed. Again, along with their removal we will be providing for additional plantings on the site, under our improvements.

DOYLE: Okay. Now the existing building has, I believe, 5 units currently, is that correct?

EICHENLAUB: That is my understanding, yes. I have not been in the structure. That is my understanding, yes.

DOYLE: Can you tell us what the applicant comes before with, tonight, by way of the proposal for an improved structure?

EICHENLAUB: Okay, the proposed structure will be a 2-story structure. There will be, again, multiple family. Eleven units in all. There will be a mix of 1-bedroom, 2-bedroom.

DOYLE: I know that there has been some confusion and some in my own mind, as to whether it is 10 or 11 units. It is my understanding that the application, and my client can certainly correct me if I am wrong, is to take away one of the 5 existing units, and add 6 units, so that would be 4 plus 6, a total of 10, and of the 6 new units, 5 of those would be dedicated for affordable housing.

EICHENLAUB: I don't know what the split is, but yes, that is my understanding.

DOYLE: So, there would be a total of 10 units?

EICHENLAUB: Alright, 10, I believe I show 11 on my plan.

DOYLE: My copy did also, which is what I understood before I met with Mr. Moschella earlier this evening. Certainly, Mr. Moschella can clarify that, if there are any questions from the Board. The application is for a total of 10, after the new building is done.

EICHENLAUB: Depending on...that would reduce our parking needs as well.

DOYLE: That is one of the points we will cover later. Now, under the current zoning, can you describe what the use requirements or limitations are, and also the bulk issues?

EICHENLAUB: Well, the commercial housing zone, the CH-Zone, calls for, and requires a commercial establishment on the first floor, and allows for residential housing on the second floor. Our variance in the sense of the "Use" variance, the entire structure would be utilized for residential housing.

DOYLE: There won't be any commercial units at all?

EICHENLAUB: No, no commercial establishments within the building. Presently, there is a garage that is used for a commercial use, but that will be abandoned.

DOYLE: That is the extent of the "Use" variance then, simply to allow residential housing exclusively without the commercial use?

EICHENLAUB: Correct, it will not be a mixed use.

DOYLE: Now, how about the Bulk requirements under the CH-Zone? Speak to what the requirements are, please, and then any variances that will be required. Certainly feel free to use your charts and drawings.

EICHENLAUB: Our second sheet is an existing condition map, which shows the existing conditions on site. Again, the existing structure located on the North side of the

property, presently it runs the entire, or almost the entire, frontage along Madison Street. The northwest corner of the structure will remain. So the existing nonconformities in the sense that we have a 2.1 foot offset from the frontage along Hawthorne Avenue, and we have 1.6 feet off of.....

MARTIN: Excuse me can you speak into the microphone please? The black one.

EICHENLAUB: This front corner, the variances which presently exists for the offsets, will remain. Those are unchanged. Presently, the building itself runs all the way to the easterly property line, which per your code, is actually the rear property line. The rear property line on a corner lot, is opposite the shorter of the 2 frontages. The shorter of the 2 frontages is along Hawthorne Avenue. So, we have taken the easterly property line as our rear lot line and the southerly property line as our side lot line. But, again, at present, the existing building runs right up to the existing lot line. So we have a zero offset for our rear property line, and the actual offset from the corner, which is the northeast corner of the existing building, is 1.3 feet.

Now, again, the proposed building is going to be squared off at the northeast corner. We will have a substantially greater offset at that corner. The offset off of Madison Avenue, to the front of the building, is still approximately 1.3 feet. We are just projecting that frontage and continuing with it. But, at the actual corner, the offset is much greater than it presently is, because we have squared off the building. We have the closest point of the new addition, to the property line, is at this corner, which approximately 80% of the depth of the building back from Madison Avenue and that is 1.8 feet from the property line.

Again, enough room to get around the building on our property. As I indicated there is an extension of the building in a southerly direction, on our lot, so the new addition is going to extend back approximately another 30 or 35 feet into the site. The actual building footprint is increased over what presently exists, but the amount of impervious area has actually been decreased.

Presently, the coverage, and I will go through the existing nonconformities. With regard to lot depth, we have 96.72 feet, that will remain unchanged. That actually goes along with the property. There is no way to change that. The existing frontage on Madison Avenue, as I have indicated is 1.3 feet. The existing front yard setback on Hawthorne Avenue, is at 2.1 feet. We also have an existing dwelling width, maximum dwelling width, within the zone we are allowed 30%. We have up to 44%, on Hawthorne Avenue. We have, with regard to our building coverage, we have 30.32 %, where 25 is allowed. So, existing presently, we are over. We have an existing nonconformity. With regard to the impervious coverage.....

TEN HOEVE: May I just interrupt for a second? Did you say that the building coverage is 30.23?

EICHENLAUB: The building coverage is 30.32.

TEN HOEVE: Okay, I must be looking at an earlier plan, because it has 39.57. That is the plan that we have?

EICHENLAUB: Oh, I am sorry. I am going through the existing. Right now I am just going through the existing conditions and what the existing nonconformities are. That is on page 2.

TEN HOEVE: I understand.

EICHENLAUB: I think what you were looking at is possibly page 3.

TEN HOEVE: Right.

EICHENLAUB: Again, just to finish up with the existing nonconformities are, as I indicated the maximum impervious coverage, we are allowed 85%, we are at 95.62%.

The maximum building height, we allowed 35 feet and we are slightly over that at approximately 36 feet. Floor area ratio as it presently stands is at 71.91 and the maximum density units per acre, we are 22.51. That is based on the existing 5 units.

If we flip over to sheet #3, this is our layout, or proposed layout of the improvements on site. As I indicated we are holding the northwest corner of the building. There will be no change there with our offsets off of Hawthorne Avenue and Madison Avenue. We are cutting back on the building at the northeast corner, again, the offset from Madison Street will be approximately 1.3 feet. Along the rear property line, which is our East property line, we will have offsets of 1.8 and 1.9 to the building corners. That is further to the rear of the building towards the parking lot.

DOYLE: Those offsets are actually greater than what the existing building provides?

EICHENLAUB: Well, at present there is no offset. We are right on the property line with the building. So.....

DOYLE: You are saying that there will be an offset.

EICHENLAUB: There is a clearing between the building itself and the property line under those conditions. There are a number of variances that we are seeking, with regard to again, the lot depth, we have 96.72, where 100 feet is required. Again, there is no change there. That is an existing nonconformity. The front yard on Madison, we are 1.5, and the frontage on Hawthorne Avenue is at 2.1. Again, existing nonconformities and we are seeking variances for those two.

Our side yard, again, as I indicated, with regard to setting up the rear and side yards for a corner lot, our side yard is the southerly lot line and our building is set off of that southerly property line at 51.5 feet, where 15 feet is required. The rear yard requirement is 15 feet, and again we have 1.8 feet at the one corner of the building. So, we are seeking a variance for that.

With regard to the maximum dwelling width, again, we are allowed 30% and we are seeking 89.79% along Madison, so again, that would be a variance. The maximum building coverage, where 25% is allowed, we are seeking 39.57%. So, it is an increase over what we presently have. With regard to the building height, again 35 is permitted and we are maintaining the 36 feet that we presently have. The maximum floor area ratio, given the fact that we have now an increase in the building footprint, along with the extension of the second floor over our new footprint, and there is a small portion of basement within the building, we are at 116.27%.

Finally, the maximum density..... where 12 is required, calculating this out, we end up with 49.53, therefore, there is a variance for the density.

DOYLE: It seems as though the variances that are required are in the same categories as the existing nonconformities, although with different calculations in some of the areas?

EICHENLAUB: That, basically, that is correct. The building has increased in footprint size, so, the building coverage is increased but the total impervious area has decreased.

DOYLE: Alright, if you can turn your attention, please, to some of the specific engineering considerations. Let us talk first about drainage, with respect to the present versus the proposed impervious coverage.

EICHENLAUB: At present, the drainage from the site is uncontrolled. Roof drainage as well as the parking lot to the South side of the building simply runs off uncontrolled from the site. What we are looking to do and they are proposing, is that the new parking lot area will be curbed, what presently is not. We will curb it and we will elevate the parking so that everything drains towards Hawthorne Avenue. At the mouth

or entrance of our driveway, we are proposing a trench drain across the width of that opening, so they flow from the parking lot will be picked up within that trench drain. That will then via a pipe, be conveyed to a seepage system within the parking lot.

DOYLE: There is no seepage system there?

EICHENLAUB: There is no seepage system there now.

DOYLE: And, there is no curbing there?

EICHENLAUB: There is no curbing there now either. The roof leaders, as well, will be picked up from the new building and directed into that seepage pit system. Again, what we have is that in the event that this system should fill up, we have it so that the trench drain is lowest at the southerly corner. It would simply fill the system, back up into the trench drain and then simply run out at the gutter on to Hawthorne Avenue.

The thing to remember is that there is no control of runoff now. The system is designed to retain the entire flow from a 25 year storm on site, so there is a considerable improvement. The 100 year storm is actually reduced to approximately 60% of what it would be today.

DOYLE: So, without any question, in your professional opinion, the drainage that is proposed is a tremendous improvement over what is there now.

EICHENLAUB: Big time, big time improvement. That is correct.

DOYLE: Let us talk next about utilities.

EICHENLAUB: Okay, again, the utilities, the building would be serviced by utilities within Hawthorne Avenue and Madison Avenue, we have water supply, that we are looking to come off of. On Hawthorne Avenue, we have a sanitary system that we are going to tie into on Madison Avenue, and we have gas and electric also being serviced off of Hawthorne Avenue.

DOYLE: And that largely remains unchanged?

EICHENLAUB: Yes, it is pretty much the way that it is now and again, those services will be upgraded with regard to the new structure.

DOYLE: What about traffic? What kind of impact would you see?

EICHENLAUB: Again, at present what we are maintaining our driveway cut on Hawthorne Avenue as it presently exists. It is being shifted slightly to the South in order to accommodate our layout, our new layout of parking. Presently, the parking on site is unmarked. The parking, as they presently park, is along the southerly property line and there are some cars, as they pull in, facing in the easterly direction along the easterly property line.

DOYLE: The current parking is, actually the way you describe it, is haphazard as opposed to what is proposed?

EICHENLAUB: More or less, it is not defined. There is no defined parking spaces on site.

DOYLE: And with the propose new project?

EICHENLAUB: With the proposed project, we would have parking along the southerly property line and we would also have parking along the North side of the parking lot facing into the building. The split would be, we have a total of 13 spaces, 5 of which would be along the building on the North side of the parking lot, and the other 8 would be along the southerly side of parking lot, facing our neighbor to the South.

TEN HOEVE: May I interrupt again? I may be misreading the plan, I thought it said provided 15 spaces including one handicapped.

EICHENLAUB: That is correct. There is only 13, when we initially laid it out, we had 15, but they didn't work and unfortunately that was not caught before the plans were made. There is only going to be 13 spaces.

WALKER: I only see 12 on the elevation that I am looking at. Because, there is 4 against the building including the handicapped place.

EICHENLAUB: There is 5, are you looking at the architectural?

WALKER: I am looking at the engineering.

EICHENLAUB: Right, I believe it is page 3 of 6 on the Engineering plans. The 5<sup>th</sup> spot is to the far easterly position. The architectural plan was simply schematic when the footprint of the building was established to show where the parking area would be. We took that and refined it on our Engineering plans.

So, we have 5 along the northerly side, one of which is a handicapped space. The other 8 would be again, along the southerly portion of the parking lot.

DOYLE: How about lighting?

EICHENLAUB: Lighting, we have proposed the typical light fixtures that Park Ridge uses to illuminate the train station, Depot Square, and along the streets we have 4 structures. Two are located on the East side and 2 on the West side of the parking lot. Again, it was brought up by the Engineer, that one of our light fixtures actually cast light on to adjacent property. That adjacent property would be railroad property, in fact, right in this location, of our 2 easterly light posts, there are light fixtures on the railroad property along the walkway along the tracks there. So, basically it would just be a merge of the 2. I mean that we can blacken that out, but, again, it is not residential property. It is simply the railroad property.

DOYLE: How does that compare with the lighting that is there presently.

EICHENLAUB: Oh, there is some lighting on the building, but not much. There is no lighting, no free standing lighting on the site now.

DOYLE: So, again, with the parking lighting and also the trains, the lighting situation will be greatly improved from what it is now?

EICHENLAUB: Oh, absolutely. I mean, basically, the only lighting that this South side of the existing parking lot gets, is from our neighbor to the South. They do have lighting in the back of their parking, which is adjacent to ours. The back of their building, they have building mounted light fixtures that actually does cast some light onto our property. Again, it is not a harmful light. It simply provides for a little bit of illumination within the parking area on the South side of the parking lot.

DOYLE: That area would be more illuminated?

EICHENLAUB: That is correct.

DOYLE: Is landscaping addressed?

EICHENLAUB: Yes.

DOYLE: Why don't you talk briefly about that?

EICHENLAUB: Just to finish up, the 4<sup>th</sup> sheet is simply the soil erosion plan, which is a requirement. This project will go down to Bergen County Soil

Conservation District, for their approval. It is typical details for tracking pad, silt fence, and soil erosion measures.

Our 5<sup>th</sup> sheet is the, what we refer to as our lighting and landscaping plan. You can see the 4 light fixtures that we have proposed at the corners of the parking lot. We have foundation plantings around the entire perimeter of the building, except for the sidewalk that runs the middle half of the building on the South side. That is where the entrances are. The East, West and North side of the building all have foundation plantings. There is a mix of Yews and there are some Euonymus. We have Juniper. We also have a dumpster pad, which is located to the far East side of the parking lot. We have surrounded that with arborvitae for screening purposes, along with enclosure.

Because this is residential, we have provided for some grass areas at the southwest corner of the building and some additional grass areas, as minimal as it may be, there are grass areas at the far interior East end of the parking lot.

DOYLE: Can you give your opinion to the Board as to whether you can see any negative impact whatsoever, from an engineering standpoint, if this proposal were to be granted?

EICHENLAUB: I think from an engineering standpoint, it is a big time improvement over what presently exists. Again, the big improvement would be there for the drainage, where runoff is allowed to leave the site uncontrolled, all of our runoff from the site, will now be controlled through the sense that we have, we will be collecting runoff from the roof via gutters, downspouts, and that would be piped into a detention system and the fact that the entire parking lot would be curbed. That will be channeled towards Hawthorne Avenue and it will be intercepted by the proposed drainage structure that we are proposing at the mouth of the entrance. So, in that respect, this certainly is a big time improvement, engineering wise, with respect to drainage.

Environmentally, we have reduced the impervious area on site. Albeit, less than 10%, it is still an improvement. We have lessened that. With that, we have created additional green space. The trees, as I indicated, if you have gone by the site, the trees are now located within the parking lot area itself, so the pavement is right up to the trunks of those trees. In fact, there is a tree located at the southeast corner of the site, that was a double stem tree. One of those stems was removed years ago, and again, that entire section of the tree is beginning to rot out. The stem, with a branch that has been left is leaning towards the railroad. So, that would be removed and again, just the fact that something rotting like that could go at any time, that is an improvement as well.

The fact that there are some improvements along Madison Avenue, with new sidewalks, we are proposing dropped curbs at the corner for handicapped purposes, which don't exist. The majority of the improvements being made are certainly improvements in the way of engineering, from an engineering standpoint.

WALKER: The southern boundary is going to be Juniper?

EICHENLAUB: Yes, all hedges.....

WALKER: The plant list only calls for 4.

EICHENLAUB: Yes, I apologize again, that is one of the problems with CAD. I believe that there is 24.

WALKER: It looks like 45 actually.

EICHENLAUB: I am sorry 45 along the South side of the parking lot. The table itself is incorrect. It should be a 45.

WALKER: I just wanted to be sure I had it right.

DOYLE: Does anyone have any questions of Mr. Eichenlaub?

FLAHERTY: The current site, you have mentioned a couple of times, you think that the drainage will be improved. Is it an issue now? Has there been flooding?

EICHENLAUB: No, but again, it is not uncontrolled. It simply runs off of the site. With all of our sites that we work on today, one of the big issues is controlling runoff from our sites. When water comes off of the site, uncontrolled, it runs down Hawthorne Avenue and is picked up by existing drainage structures on Hawthorne Avenue. That is piped directly down into and gets into the Pascack Brook. What we are doing is we are limiting the amount of water that is getting down there now and helping with the flooding conditions.

FLAHERTY: So there are two 1,000 gallon pits?

EICHENLAUB: That is correct. They were designed for volume. We have not checked the permeability of the soils yet, because in order to do that we would have to dig up and excavate within the parking lot area. We understand that we have to do that, but that is something that we would do at the time of construction.

FLAHERTY: So, it might be that you have to make it 3 with that.

EICHENLAUB: We may have to increase the perimeter of the base stone to increase the area of permeability, so that the system would drain within a certain amount of time, again, it would probably be about 48 hours.

FLAHERTY: Is there a formula that you use to come to that?

EICHENLAUB: Yes, what we would do is, we would go out, perform our excavation and we would take a soil sample. That soil sample would be sent to a lab and we would get a permeability rate of that soil, so many inches per hour. In other words, the water percolates through the soil at a certain rate. Based on that rate and the amount of stone area, we would then be able to calculate how fast that pit would drain.

FLAHERTY: I am more intrigued by say the square footage of the roof, is there a formula that would say due to the square footage of the roof, the runoff that is going to come from that roof, down the downspout, and into that pit, is there something that you use to figure that out?

EICHENLAUB: Yes, we basically have formulas. We have tables and charts that we use to determine that flow, the rate of flow, the intensity of flow, from that impervious area. Because it is an impervious area, it is basically 99% of the flow hitting that roof area, would be collected, where grass areas it is more like 35 to 40%. But, the pavement area and the roof area would be close to 100%, 99%.

WALKER: The portion of the building that is going to be demolished currently contains 1 dwelling unit and a garage. Is that correct?

EICHENLAUB: Well, I know that it is a garage and there is one, maybe there is more... I think the architect can comment on that. There is at least one or a portion of one.

MANCUSO: Mr. Chairman, if no one else has a question, I would like to ask a question?

FLAHERTY: Please Eve, thank you.

MANCUSO: I did prepare a letter dated October 15<sup>th</sup>, and Mr. Eichenlaub has responded to the bulk of the issues, but I still have a few questions if I may. The second page, sight distance from the driveway, have you analyzed that yet?

EICHENLAUB: Yes, in fact, once I got your memo, which I will review, the sight distance from our driveway, looking in a southerly direction towards Park Avenue,

we have a full line of sight to Park Avenue and that distance is 280 feet. The speed limit along Hawthorne Avenue is 25 MPH. There is no parking posted along the easterly side of Hawthorne Avenue, so we don't have to worry about our line of sight being obstructed by parked cars.

So, we do have unobstructed view from cars coming from the South in a northerly direction, and again, we have sight distance all the way out to Park Avenue. In the northerly direction, we have a sight distance in excess of 500 feet. So, again, with regard to sight distance, I see no problem from our site at all.

MANCUSO: Okay, would it be possible just to add those numbers to the plan?

EICHENLAUB: Sure, I have no problem putting those lines on there.

MANCUSO: That would be great, thank you. Number 2, was regarding the width of the sidewalk to the South of the dwelling, from the off loading area of the handicapped ramp, I noticed that it is labeled as 4.5 feet. I couldn't quite tell if that was from the building face to the outside of the curb or the inside of the curb.

EICHENLAUB: That is from the building face to the outside of the curb.

MANCUSO: I would just not that for ADA 90 degree turning motions you might want to check the chart. I believe that you need a 5 by 5.

EICHENLAUB: You are correct, but they do have, where they do permit a greater slope and that could be reduced certainly when you can't get that 5 by 5 area in. As you will note, one of the waivers that we are seeking is with regard to the driveway isle. Because of our limitations on the southerly portion of the site, we have 18 foot parking stalls, and we have a driveway isle of just over 19 feet. So, you know, again, to increase that we would have to take away from that or to add additional width to that sidewalk, we would have to reduce that isle width area.

MANCUSO: Or, reduce the width of the building.

EICHENLAUB: Correct, our handicapped stall is, and again I will let the architect point that out to you, but the handicapped accessible unit is located right off of this handicapped isle. If it would help, what we could do is, we could certainly shift this one isle over, so we would have a standard parking stall for number 1, our handicapped stall would be shifted one stall to the East and then our accessibility isle would be located directly in front of that entrance.

MANCUSO: So it would be a straight run right into the building. That might work.

EICHENLAUB: We can adjust that accordingly.

MANCUSO: Okay, so that is something that you can look at as well?

EICHENLAUB: Yes.

MANCUSO: Number 3 was just a general note about I see you have a detail for the concrete curb and you have a detail for Belgian Block curb, just so you differentiate which is which. I am assuming that this Belgian Block within the site?

EICHENLAUB: No. Belgian Block is along Hawthorne Avenue. The curbing on site is concrete. So, the Belgian Block detail that we show is a dropped curb detail and that is along Hawthorne Avenue. There is Belgian Block now along Hawthorne Avenue and we are looking to maintain that, obviously.

MANCUSO: Okay. Number 4, lighting plan, you did mention lighting and you did show a lighting plan and a lighting detail. Is there any proposal to add the ornamental lighting, the Borough standard lighting, along Madison, as well?

EICHENLAUB: At this time, we weren't proposing it. This is something that has to be discussed with the Board, because we are not proposing it.

MANCUSO: As we have the ornamental lighting on the eastern, the southeastern corner, the development there, with the condos, as well as by the Borough parking lot? For consistency through that Madison Street streetscape, I think it would look very nice and offer the level of lighting that is necessary for residential use, that it would be considered. I will defer to Brigette on that.

Number 5 is just a detail that I am sure can be addressed. Number 6 is a detail and number 7, I think during your testimony I had noted number 7, that a demolition plan should be provided, but I think that during your testimony you did offer that the existing unit plus the garage was the portion of the building to be demolished. But, we will wait to hear from Mr. Petrillo, to get all of the details on that.

Number 8, since you are doing the demolition of some portion of the structure, have you investigated any type of asbestos shingles, asbestos pipe coverings, things of that nature, that might have to be remediated?

EICHENLAUB: That phase one, again, my client might be able, I think at the time of the purchase of the building, I think that was reviewed. I wasn't involved in that. I think that my client would best be able to answer that. We have not done, our office has not done a phase 1.

MANCUSO: Okay, we will save that question for someone else then.

MOSCHELLA: That was required for a mortgage.

MANCUSO: Right, generally it is for this type of property.

DOYLE: So that has been taken care of.

TEN HOEVE: Maybe you could just pull that out and present it to the Board and show it with some testimony that there is no problem.

MANCUSO: If there are any old oil tanks that may have served the structure years ago, that have been abandoned but not pulled, things of that nature. Number 9 is regarding, again, lighting to some degree and the railroad corridor improvements, the development on the East side of the tracks, again, they did pavers and they did benches, ornamental lighting. Your site has existing concrete walks, which provide a nice pedestrian link from Madison down South going towards the station, toward Park. I believe that they are in good condition. I looked at them awhile ago. I didn't go back and look at them just recently, but I remember on the first application, they were in good condition. I don't imagine that they have deteriorated that much.

In terms of lighting and again, consistency of design, for that corridor, we would ask that you consider doing also landscaping, perhaps benches and things of that nature.

EICHENLAUB: Okay, after we discussed that earlier, Eve, I went out and looked at it. Presently, there is a walkway right along the rails, the tracks. Between that walkway and our property there is some lawn area. It looks like they are doing some construction there, maybe some piping, with signal pipes, you know, conduit. The majority of Maple scrub growth is all on the railroad property. All of that property between the sidewalk and the fence that exists does not belong to us. We have very little property, in fact, along that easterly side, so I don't know where benches, are you talking about doing work on the railroad property itself?

MANCUSO: Actually, what the Borough has is a lease agreement back with the railroad and that is how we accomplished the improvements for the other condo development, as well as some work that is anticipated with the pedestrian link from Madison down to Park on the East side. So, just as I said, to make it consistent, I was

wondering if that is something that you would consider for your project as well, to tie in that last quadrant, so the 4 quadrants would work together?

EICHENLAUB: It would have to be something that I would discuss with my client.

MANCUSO: I realize that since the walkway is existing, there is no need to build a second walkway and I know that there are rather large, I guess they are control boxes, for the gates and things like that. There isn't much room available, but anything that could be done to enhance it, I think would be a real benefit.

BOGART: I am just going to interrupt for 1 second. On the site plan, it shows that there is a wire fence, it looks like it is on the railroad property? That is not going to be removed?

EICHENLAUB: In all actuality, I believe that the wire fence and most of that has been removed. That was on the railroad property, since this survey was done, so it was more recent. You can see that there has been some work done in there. That is all new lawn area. The stockade fence on our property is in a state of disrepair and it being removed.

BOGART: And no new fences being put up?

EICHENLAUB: Not at this time. Again, being that this is residential, and there may be some younger children, we may entertain the idea of putting up a fence, obviously, to prevent anybody or any younger children from walking out into the railroad area.

WALKER: Is that not required?

EICHENLAUB: No, the property to the South of us is not fenced either, and they are residential.

BOGART: The only reason that I bring it up is because Eve had mentioned about some sort of connection or linkage to the site or at least along the railroad would be, I think, appropriate if a fence is going up, is there anyway we could potentially get a gate or sidewalk?

EICHENLAUB: Sure, I don't see that as a problem at all.

BOGART: From the parking lot, otherwise any resident of that building would have to walk all the way around the building to the front, so I think it would be appropriate.

MANCUSO: Okay, just note number 10, any sidewalk or curb damage along Madison, needs to be replaced. That is pretty standard. Same thing for the existing for the existing road. Any roads damaged during construction would be repaired or resurfaced.

EICHENLAUB: We do have a note on our plans, note 21, that indicates: "All improvements not scheduled for replacement, the improvements being the sidewalks, curbs, roadways, which are damaged by the contractor's operation, shall be replaced by the contractor and his or her own cost." So, we have covered that.

MANCUSO: That is great. Thank you. In terms of storm water management, Mr. Eichenlaub did present a lot of testimony regarding the proposed drainage and I agree with him that it is an improvement over what is currently existing, but if he could take his whole narrative and put it in a nice report, that would be great.

EICHENLAUB: No problem we will get that to you.

MANCUSO: And, as he noted, perk tests will be done to confirm his assumptions made during the design. That is typically done, actually during construction because we wouldn't want them to go in and disturb all of the pavement and interrupt the parking that is currently existing. What they do generally is when the construction starts they go through they do the soil test and if slight modifications are needed, we do it at that time.

The only thing that I note is a maintenance plan for those seepage pits should be considered so the owner knows that periodically they need to be cleaned out and inspected and make sure that they are still a viable system.

Just one minor point about some grading, if you could just look into that just at parking stall number 6, there. It is just a minor problem.

EICHENLAUB: It will be taken care of .

MANCUSO: That is the report that I prepared.

TEN HOEVE: I have a couple of additional questions. You briefly mentioned the parking situation. The plan is obviously changed since this was based upon 11 units and there are going to be 10 units? So, I guess your requirement under the Park Ridge Ordinance comes down to 17, would that be correct?

EICHENLAUB: I guess, yes.

TEN HOEVE: And your requirement under the, I guess it is RSIS standards, are probably 19?

EICHENLAUB: Again, I would have to discuss it with Perry Petrillo, the Architect.

TEN HOEVE: Do you want to make any comments or provide any testimony with regard to why the applicant believes that the number of spaces proposed, 13, are adequate as opposed to the 17?

EICHENLAUB: Again, the 13 spaces, what that is going to allow is each unit will have 1 parking space. Again, in the lease agreement, it is going to be agreed upon that anybody renting these units can't have any more than 1 car. Three of those, again, on of them, if the handicapped apartment or unit has a vehicle, then that handicapped stall would be allocated to them. If not, that would simply be left vacant. That would leave us 2 other spaces for visitors on site.

There is parking allowed for visitors along Hawthorne Avenue on the West side, and there is the commuter lot to the North of us, and further to the North of us, they continue to allow parking along Hawthorne Avenue.

Again, based on the fact that we have the 10 units, we only have 13 spaces, each unit would have one space allocated.

TEN HOEVE: Even, I guess that there is going to be testimony that there is going to be at least one 3-bedroom unit?

EICHENLAUB: I believe that still remains.

TEN HOEVE: And even that will be limited to one car?

EICHENLAUB: Each of them. That is how we set it up, yes.

TEN HOEVE: Okay, so there is going to be some additional parking testimony, I guess, by the architect, or is that it?

EICHENLAUB: I don't believe so, no. He is just going to comment on the layout of the building and the units themselves.

BOGART: I think the parking scenario warrants the connection to the train station, given the fact that they are going, apparently, to be relying on mass transit. So, I think that design and gate and sidewalk and design element that the applicant can provide would be appropriate given the parking area that is required.

TEN HOEVE: Okay. How many trees are going to be removed from the site?

EICHENLAUB: Three

TEN HOEVE: Three, and you mentioned that there are some waivers required. I know that one you mentioned was the traffic aisle width.

EICHENLAUB: That is correct.

TEN HOEVE: Do you have those on the plan?

EICHENLAUB: I do, they are listed at the top, within note #23. Under "parking". Oh, I am sorry, #24, "additional parking variances requested". Parking located.....

TEN HOEVE: Oh, I see it, okay. The 90 degree parking aisle width, less than 24 feet.

EICHENLAUB: That is correct.

TEN HOEVE: And there aren't any additional waivers other than the ones that are listed?

EICHENLAUB: We have touched on all of them.

TEN HOEVE: I have no further questions.

BOGART: The density proposed is obviously less than the 49.5 that you have on the plans.

EICHENLAUB: That is correct. That will be changed.

BOGART: That has been revised. Your plans also indicate that there is a variance required for floor area ratio. I don't believe that is applicable.

EICHENLAUB: Yes, there is no, the floor area ratio is not applicable in this zone, so.....

BOGART: I just wanted to clarify, because that is another "D" variance, which you don't need. I believe Mr. Ten Hoeve was correct. I think that the parking requirement is going to be reduced to 17 spaces.

I agree with Eve, if you could look into providing lighting fixtures along the streetscapes. I think that would be appropriate, especially given the fact that it is a residential building and they will be exiting right on to the street, as opposed to a central lobby.

The other thing that I had mentioned is if you could provide a dumpster enclosure detail on the plans. We have recently had an issue with one of the dumpster enclosure details. If you could just indicate that it is fully enclosed, 4-sided dumpster enclosure, board on board fence be utilized.

EICHENLAUB: Okay. Obviously, the front face would be gates, swing gates.

BOGART: Can we get board on board on the front gates?

EICHENLAUB: I don't see a problem with that.

BOGART: With regard to the landscape plan, we had a number of comments. Will you be revising the plan with regard to those comments?

EICHENLAUB: Yes. We went through your, I think that there were 5 or 6 comments, 2 of which were corrections of ours, that were typo's.

BOGART: What I am most concerned about is just breaking up the variety of plantings, intermingling with different varieties of the plants, just so we don't get a lot of hedge rows.

EICHENLAUB: We could, probably, I believe that it would probably be Ed from your office. I will talk with Ed.

BOGART: Okay. My other concern is the driveway aisle width at 18 feet, particularly with space #13. Can a car actually back out of that space?

EICHENLAUB: Well, yes, we looked at that. Yes, this striped area here, we have an additional, form 13 we actually have an additional 5 feet before we hit the dumpster. So, there is a back end of the vehicle can be backed up... to accommodate that, I can probably reduce, not probably, I can reduce and push the curb line back approximately 2 feet in this area here, which would give us additional back out area.

BOGART: Yes, I think that would help. The other thing in the landscape comments was that you provide additional shade trees along the streetscape. I know if we are asking for additional lighting fixtures, now you have to play with the design, but I think that you should look at providing an equal amount of lighting fixtures as shade trees.

EICHENLAUB: Yes, I stand corrected, also, Mr. Ten Hoeve, there is an additional shade tree along Hawthorne Avenue, that will be removed to accommodate the shift in the driveway. That is not on the property, but it is a tree that is going to be removed.

RAMAN: The note says 5 trees.

EICHENLAUB: Well, there is the 3 that I talked about, and then there is one over in the corner here, and if I am not mistaken, a portion of that has already been removed. So, that may also have to be removed. Again, there has been work in this area since our survey was done. I will have to check, I don't know that this has been removed yet or not. It actually straddles the property. It is on the property line. If it has not been removed, it would be our intention to remove that because it is right at the corner of our building.

BOGART: If we can't fit additional street trees along the streetscape, is there any potential of putting it in the rear along the railroad right of way.

EICHENLAUB: On the railroad right of way itself?

BOGART: On your property, but along.....

EICHENLAUB: We do have, if you look at the plan, we do have a new planting in this area here. This area was simply left over as grass area, because it is a nice little grass area. We didn't want everything to be planted where they have no use of any lawn area, so we kept it, but we can put another tree in that area also.

BOGART: They are not really going to use the 10 feet.

EICHENLAUB: We can't put anything big up there, because of the location of the building. There is not a lot of room in that area.

BOGART: No, but it is open towards the East side.

EICHENLAUB: Again, that is where I believe the signal boxes are in this area as well, just off of the building, the existing building.

BOGART: If you would just look into those.

TEN HOEVE: Before you go on to your next witness, just to maybe summarize some of the things that you are going to either look into or amend the plan, so we make sure that you have them at the next meeting. You are going to look into the Park Ridge lanterns or lighting questions, provide the dumpster enclosure detail as was requested, discuss with your client, the fence and the gate issue along the railroad property, maintenance for the seepage pit, provide some of the calculations for density and some of the other changes based upon the number of units, the parking, etc., discuss some of the other improvements along the railroad property in light of the lease agreement that exists in some of the other parcels, see if your client is willing to do some of that.

The Engineer had a whole list of things, which included some benches and other Madison Avenue improvements, come up with the phase 1, calculations on the plan for the site distances and look into the last item of the added trees.

EICHENLAUB: Correct.

TEN HOEVE: Just so you have a note of all of those. Thanks.

DOYLE: Are there any other questions of Mr. Eichenlaub? Okay, I would like to next call Mr. Petrillo, and I see that we have been joined by Mr. Huntington and I would certainly be happy to pass the baton, if he would like to take over, otherwise I will continue. Mr. Petrillo would you .....

TEN HOEVE: We will have you sworn in. 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?

PETRILLO: I do.

TEN HOEVE: Please state your name and professional address.

PETRILLO: Perry Petrillo, Perry M. Petrillo, Architects, 9 Park Avenue, Park Ridge, New Jersey.

TEN HOEVE: Mr. Petrillo has appeared before the Board a number of times and he doesn't need to be qualified.

DOYLE: Thank you. Good evening Mr. Petrillo. You have your architectural plans up there on the board. If you could stand off to the side so that we can see, and briefly describe for the Board members the design and the appearance of the proposed building going through both the portions that will remain existing and the proposed addition.

PETRILLO: First I would like to start out and just say that the schedule that we are showing on here, to sort of disregard that and follow Rick's. We kind of did our due diligence prior to Rick's getting deep into the survey and so on and so forth. So, his numbers would be what you would be following regarding the bulk table.

With regard to the existing structure, there is portion, as Mr. Eichenlaub stated, of the existing structure that is coming down. Basically, it is the piece that runs along Madison or fronts Madison. Adjacent to the 2-story structure, which we are keeping, is a piece that runs full depth, right about here, which is an existing 1-bedroom apartment.

Also, a portion of that is part of a 2-bedroom apartment within the existing 2-story structure. The goal is to keep the 4 apartments within the existing structure and loose the one 1-bedroom apartment that basically is an appendage along the side. The rest of the structure going this way or East on Madison, is a multi-car garage and I believe just a commercial area. So, basically, we are loosing the 1-bedroom, a portion of the 2-bedroom apartment, and that piece of the multi-car garage that is there.

The existing structure as it stands today, is tired. It has sort of seen it's wear. So, basically our goal is to take that structure, renovate that and add on to it. Our piece that we are adding going East on Madison, again, contains one 3-bedroom apartment, two 2-bedroom apartments and two 1-bedroom apartments along with a studio apartment.

If we take our existing structure, again, which has 4 existing apartments, which will remain. Adjacent to that, facing Madison, or entering from Madison would be a 3-bedroom apartment. You come in off of Madison, to the living space of that apartment and then the second floor of that apartment extends over the studio apartment to the rear. So, your 3-bedrooms are upstairs and run a full front to back and the first floor piece is fronting on Madison.

As you move to the East, these 2 apartments, one loaded off of Madison and one loaded off of the parking lot at the rear, are both 2-bedroom apartments with a first floor and a second floor. No, I am sorry, those are 1-bedrooms. Yes, I stand corrected. Our 1-bedroom apartments in between. The 2 apartments at the end or the eastern most side of the property adjacent to the railroad tracks are the two 2-bedroom apartments, which again, first floor, and second floor above.

If we just look at the blowups quick, you can get an idea of the 1-bedroom apartment here, and it is a typical apartment. You have a small or a living space on the first floor, with a living area and a kitchenette and then a 1-bedroom upstairs with a bathroom. The studio apartment on the bottom sheet, is basically just that, a studio apartment with an accessible bathroom and yes, that is the apartment that we sort of deemed our accessible unit.

As we proceed on to sheet A1.1, you have basically our 2-bedroom or 3-bedroom apartment, first on the left side of the sheet, this being the entry level portion of that 3-bedroom unit, with the living and the kitchenette on the first floor and then 3 bedrooms upstairs, one facing Madison and 2 facing the rear of the property or the parking area.

The next up is the 2-bedroom units, which again, living space on the first floor, a little bit larger living space on these units with the 2 bedrooms upstairs and the bathroom upstairs and then the second 2-bedroom unit here, which is pretty much the same, just a little configuration due to the footprint.

I think that covers our units. So, we have those 4 types units. Did I miss the 1-bedroom. This was the 1-bedroom. So, you have these 2 are similar. The two 1-bedroom units are exactly the same except just reversed on each other.

With regard to the elevations and context of the street, what we have tried to do here is really work with the scale a little bit. I know that some of the Board members were on the Board with the prior application that we had, which was a little bit more of a larger structure, more in line with the multi-family or multi-unit structure that is on Madison, the newer structure.

This structure, what we have tried to do is basically maintain the scale and originality of the structure that is there, just sort of redoing it and giving it a facelift. Then continue off of that with our units on Madison and basically the rear facing the parking area. What we have tried to do, again, is sort of break the scale down. We have some little shed roofs across Madison and some entry point gables and our little door entry points.

To me this sort of makes a transition from what is on the other side of the tracks or the eastern side of the track, the multi-family unit coming West on Madison as you

sort of enter the residential neighborhood, heading down Hawthorne and even if you continue across Madison. So, the scale of this seems to work and sort of carry across and mesh between the two. Yes it is a little larger than a normal residential unit that you would find on Madison or Hawthorne, but I think in terms of when you look at what is adjacent to it, it is substantially smaller in scale and substantially more sympathetic to what is happening in the residential zone.

So, the structure itself that exists, if you were on Hawthorne today, this is exactly what you would see. Basically it is just getting a total facelift. If you were on Madison today, this is the main structure right here. The existing piece, this piece right here, is all coming down. That would be all new.

Again, the same idea was happening at the rear of the building. Again, break down the scale a little bit so that it is user friendly, and it has a little sympathetic scale to pedestrian with the entry points at the doors and an additional gable there, just breaking up the façade somewhat and creating a scale that fits, I believe, the zone.

WALKER: Back to 1.1, the WC, is that water closet or walk-in closet? What is that?

PETRILLO: On the plan?

WALKER: On the plans.

PETRILLO: Those are walk-in closets.

WALKER: They are closets, they aren't toilets?

PETRILLO: No.

VON DER LIETH: Are there any storage units for any of these people.

PETRILLO: There are not. The units, when you get in to the 2-bedroom, and the 3-bedroom units, I believe that the living space is ample on that first floor, that if they wanted to park a bike in there or something like that, they could do it.

WALKER: There are currently bikes in the parking lot, with only 5 units. There are bikes, barbeque grills, that type of paraphernalia.

PETRILLO: Maybe part of the discussion with my client is maybe we install a bike rack or something like that out back, that would afford somebody to have a place to lock up their bike and so on and so forth.

BOGART: That would work.

MOSCHELLA: There are no cars there.

WALKER: There were 3 or 4 cars there at 7:30.

PETRILLO: So, overall just in summation, I think the goal from a exterior point of view, is to really create something that fits the neighborhood, give what is there a total facelift and create something that is sympathetic to what is happening on the western side and sympathetic to what is happening to the East with the multi-family unit that is existing today.

MARTIN: I was just going to ask what you guys are shooting for in terms of young professionals getting on the train. I mean, I didn't know, are they rentals, they are not condos, correct?

PETRILLO: They are rentals, correct.

MARTIN: I am just curious what, I know you would like to get anybody in there, but you know.....

HUNTINGTON: Speaking from a Mount Laurel standpoint of view, when you turn units over to a municipality for Mount Laurel, there is a screening process that is usually delegated to a consultant for the municipality. They would make the selection as to eligibility and who the tenants would be. Typically in other affordable units around the county, contrary to maybe even the goal of affordable housing, you don't get the poor and downtrodden. You are likely to get young, hopefully upwardly mobile, office workers and teachers and police officers and so forth. But, it is not our choice.

FLAHERTY: Could you just identify yourself for the record.

HUNTINGTON: Oh yes, I am sorry. I am Russell Huntington. I am also an attorney for the applicant. Thank you.

DOYLE: Just briefly, in terms of the aesthetics, this portion that exists now, can you compare for the Board the way that looks now, versus the proposed addition on the Madison frontage?

PETRILLO: Basically what is there today on the Madison frontage is the backside of that garage space. So, you have no fenestrations or some small, really small fenestrations, no access points, no doors, nothing of that nature. So I think that what we have done is sort of taken something that is facing the interior and is really no better on the interior side, and giving it a point that it addresses the street now. It has a street façade. It is user friendly and that is not just user friendly from one side, but it is user friendly from both sides. What is there today is, as I said earlier, is tired and dilapidated.

WALKER: Are any improvements going to be made to the interior of the remaining structure or just the exterior?

PETRILLO: There will definitely be some improvements made to the first floor, because we will get into that when we have to rework that one apartment. We haven't gotten into, with the client, how far we want to go with that yet. That is yet to be decided.

WALKER: All the heating and cooling will be in the attic space? Is that how it is going to be handled? I didn't see anything on the exterior.

PETRILLO: Most likely that was our goal. The only, the thought was yes, we do something with something with some attic spaces, which we have in all of the units except for our studio. So, we will have to do a closet unit or something of that nature there.

BRENNAN: Is the roof being taken off of the existing structure that is remaining?

PETRILLO: The existing structure will also get re-roofed. The frame will stay, obviously, but it would be re-roofed and all of the siding on the entire building would go and everything would be resided to be contiguous and consistent.

BRENNAN: You haven't identified what demolition inside that building would occur yet? Are you gutting it out totally? Are these people staying during construction?

PETRILLO: No. The one 2-bedroom has to be disturbed so they will probably have to vacate, yes.

DOYLE: Mr. Petrillo, in closing, can you give your professional opinion from an architectural standpoint, as to the visual impact on the neighborhood of the proposed improvement versus the existing structure including the garage portion?

PETRILLO: The visual impact for the neighborhood and the whole area is, without a doubt, positive. You are taking a structure, again, that is on Madison, that really doesn't address the street at all. It is basically a blank wall. It is, again, tired and dilapidated and taking an existing structure or the main element of that existing structure and refurbishing it and sort of giving it new life. I think that overall the elevation, the materials, all coming together with a scale and proportion, is all a positive impact, specifically for even just a pedestrian walking down the street.

I think the nature of the facility just lends itself to that character.

DOYLE: Okay, thank you Mr. Petrillo. I know that there were some questions that some of you folks had for the Architect and we would certainly be happy to entertain those.

MANCUSO: Just to clarify one point, with your height variance, I note on the plan that the height variance is only for the existing part of the dwelling. Is that correct?

PETRILLO: That is correct. Our intention is the new roof will meet the ordinance. But, I will be honest with you, the existing may meet it. We couldn't shoot it exact. We have basically worked backwards and worked with the pitches and got to where we got to and we think that we are pretty close. But we wanted to show what we think is the worst case scenario. That is what it is. But, the intent is that whatever we are adding, we will meet the ordinance, and we will make it meet that ordinance.

BOGART: So, the 5 new units area going to be deemed strictly for COAH?

PETRILLO: Five of the six new units will, correct.

BOGART: They meet the bedroom distribution requirements for COAH and the size requirements?

PETRILLO: Yes. Initially they started laying this out. We were playing around with 1-bedroom units and Mr. Moschella came to us said that, I am not sure who he had the conversation with, with the Housing Authority, who the comment came through, but they asked for a distribution of units sizes. So the one 3-bedroom, the two 2-bedrooms and the one 1-bedroom is not something that we sort of happened upon, that was sort of asked of us to see if we could do that and that is where that distribution came from.

BOGART: My second question pertains to the overhangs that you have identified on the elevations, on the front of the doors, they are not shown on the engineering drawings. I didn't know, I mean you don't have a lot of room in that front yard setback. Are they actually going to encroach into the right of way or how big are they? Are they actually against the façade?

PETRILLO: Right now, we have them so that they do not encroach into the setback. We are using that 1.3 feet, which is tight. If the Board would allow, I could see that extending maybe to 2 feet, at least, overhang. So, at least you could stand on the stoop and sort of be covered.

BOGART: That is my concern. They are going to be too small, especially for the height of the façade and to do anything.

PETRILLO: They are shallow, yes.

BOGART: I am not sure that this Board can do anything about granting an encroachment into the public right of way, though.

TEN HOEVE: We can't do that. That has been a subject of litigation, recently, that I had in Paramus, and Judge Harris ruled that a Zoning Board lacked authority to grant any encroachment into an existing right of way.

PETRILLO: Okay.

BOGART: So we are stuck with it. Given that, is there any way that we could modify the, I think the southern elevation looks great with the 2 peaks, is there anyway that we could modify the northern elevation to maybe 2 peaks or something along those lines?

PETRILLO: Yes, what is driving the southern elevation was just the natural building footprint, which comes back out at you on the back side. The front side, we were sort of tied into that setback arm that we are adhering to. I can get together with Mr. Moschella and see if we can play around and.....

BOGART: I am just concerned for the little, while they look good on paper, when in reality they are going to be so very short. I don't know if it is going to break up the façade enough to really get that impact that we would hope for.

I think the new parking requirement, I just did it quickly based upon your testimony, is 19 for the RSIS Standards. Maybe you can confirm that once you go back and look at it.

PETRILLO: I will take a look at it.

BOGART: I think that was it. Thank you.

FLAHERTY: For the record, Mr. Brennan had to leave the meeting. (9:35 pm)

RAMAN: I have one last question. The people who will be coming on the Madison Street side, when they park, they will be walking down on the driveway, am I reading that right?

PETRILLO: They come out to the driveway, correct.

RAMAN: It is a little bit dangerous, isn't it? They could have grocery bags, or whatever, they have to come all the way around. Wouldn't a provision of another somehow to connect it?

EICHENLAUB: In this area here? Sure, I mean we can provide that but again, that sidewalk would really only service this one parking stall, to be perfectly honest with you, unless we had a sidewalk, an "L" shaped sidewalk paralleling along the edge of parking stall 1 and then along the building. Right now there is a bulkhead for access to the small basement area in this corner of the building. That is to remain, so the sidewalk doesn't run around to this corner of the building. So, any new sidewalk serves these spaces here would be just as easy for them to walk out to this space. We could provide, if the Board so desired, a sidewalk, an "L" shaped sidewalk paralleling space 1 and along the southwest portion of the building.

RAMAN: Again, it is only from a safety standpoint. I think this is a variance also, the entrance way is narrower than normal, correct?

EICHENLAUB: It is. The driveway width is 19 also.

RAMAN: Then you have a trench drain, which is a metallic object, so that in the winter you could have little bit of a slick type surface that if you actually walking on it, back and forth.

EICHENLAUB: You have that in the summertime also.

RAMAN: So, I mean it just seems like a bunch of things coming together over there.

WALKER: Do they walk around on the railroad side? Is there room that they could walk to the parking lot?

EICHENLAUB: That is for the landscaping. Actually there is enough room to squeeze between the property line and the corner of the building, but certainly not for access to the residents themselves for access around to the front on the Madison Street.

RAMAN: Do the Engineers have any comment on that?

MANCUSO: Sure, yes. I generally agree with you. I am in favor of sidewalks for the pedestrian safety, but in this instance, there is such a limited area for landscaping and green area, it is sort of a trade off that you have to decide which you would prefer. I am not really that concerned with safety from this parking lot in particular, because it is such a small size. You do have a sidewalk when you come out of the units. I believe that there is only, what 3 units, accessing the back and then the other units are going to come in from the front as well. Of the 3 units, one of them is the studio. So, I think in terms of pedestrian activity, it is going to be limited in the back. Those that are trying to access the front of the lot will probably walk out to Hawthorne and then just come around on the Hawthorne sidewalk up to Madison, or as Mr. Eichenlaub stated, potentially squeeze past the corner and take the shortest route.

It is a trade off between landscaping and green space versus a little additional piece of sidewalk.

BOGART: We were just talking quickly about this lease agreement that we have with the railroad and the sidewalks that we have been providing there, and I think maybe we should look a little bit into providing a sidewalk going around the other way on to the railroad property, especially since we have the opportunity to do that and they have been willing to work with us during the recent past. I think that would be the shortest way around the building.

MOSCHELLA: How would you put a fence to fence that off then?

BOGART: Across the way, what they required was basically just a fence immediately along the property line.

MANCUSO: That is part of the lease area. The fence on the property to the East is actually on the railroad right of way property.

BOGART: The sidewalk is on this property.

MANCUSO: Correct. That is part of the lease agreement. We just had to hold a dimension, I believe it was 15.5 from the tracks.

BOGART: That is exactly right. I think it would help you guys out also, because it would give you better access.

MANCUSO: It will just give you that much more area to work with, to facilitate pedestrian circulation around the building.

BOGART: I think it was Perry who did the initial concept plan for that sidewalk design and it was the 15.5 that we had to work with. They came back and approved the original concept plan. This is going back 4 or 5 years now, but I think that you could look into the same type of design option. I think it would work and benefit everybody.

EISEN: I have a question about storage space. On page 2 on the engineering plans, you have basement storage area. It says basement storage, 2,906 square feet.

EICHENLAUB: There is a basement area.

EISEN: Is that a standup area?

EICHENLAUB: Yes, you can go down there and stand up. It is not under the entire footprint of the building. It is located in this area and we are looking to maintain that?

EISEN: Could you possibly utilize that space for storage areas for individual apartments?

EICHENLAUB: I don't know. I don't believe that we have the, I mean I haven't been in to look at it, not that it would matter. I don't believe that we have the area down there. I guess if somebody wanted to use it to store some bikes or something in the winter time, that could be done, but to provide storage area for each of the individual units, 10 units, there is certainly not enough area to divvy it up.

EISEN: Currently what is there?

MOSCHELLA: The boiler is downstairs, the meters are downstairs. That is it. One person put 4 tires down there once. No one has asked for it. It is available and accessible. It is open.

EISEN: So there is some storage area?

EICHENLAUB: If somebody wanted to, yes. Again, like I said, to divvy it up to 10 areas for them to use for storage, I don't believe that there is enough room down there for that. If one of the residents or even a couple of the residents say, listen it is winter time, I want to put my kids bicycles down there, that could be done.

FLAHERTY: Are there any other questions from the Board? We thank you. We have had actually quite a bit of information given to us tonight, and Mr. Ten Hoeve had read off a number of questions and issues that we expect you will be able to come back next month and discuss with us. Are there any other requests of the Board right now, of what our applicant may .....okay, we are going to be discussing the case later on tonight.

TEN HOEVE: Probably not at any length. We will want to see what those changes are in terms of, probably half of them were technical items, and the other half were actual design changes that you are going to have to discuss with your client to decide whether he is willing to make those.

DOYLE: Does the Board have any feeling about the necessity to bring back a planning expert in addition to Mr. Eichenlaub and .....

TEN HOEVE: If our Planner doesn't think that it is necessary, and I don't think that she does, then I don't think that is essential unless any Board members have a different opinion.

DOYLE: Okay, thank you very much ladies and gentlemen.

**NEW BUSINESS:**

None

**CORRESPONDENCE:**

New Jersey Municipalities Re: October – distributed

New Jersey Planner Re: September/October - distributed

**APPROVAL OF MINUTES:**

The Chairman entertained a motion that the August 18, 2009 minutes be approved as submitted. So moved by Dr. von der Lieth and seconded by Ms. Eisen. Carried unanimously.

