

**\*\*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, November 17, 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, (8:30 pm), Mr. Walker, Dr. von der Lieth, Mr. Hoskins, Mr. Raman, Mr. Flaherty

Absent: Mr. Capilli

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

**NEW CASES:**

<b><u>CASE: 09-9</u></b> Lot: 16 Block: 1201	Application of <u>Gail and Gary Matthews</u> , 41 Fourth Street, for variance to widen driveway to residential house in an R-15 zone.
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WALKER: Mr. Chairman, I have the following items to be marked into evidence in regard to this application.

- Item 1 is the application dated 10/24/09.
- Item 2 is certification of service dated 10/28/09.
- Item 3 is legal notification dated 4/06/09.
- Item 4 is proof of payment of taxes dated 10/11/09.
- Item 5 is the deed dated 12/03/91.
- Item 6 is the survey dated 2/21/09.
- Item 7 is 5 undated photographs.

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

FLAHERTY: Thank you, Mr. Walker.

TEN HOEVE: Please raise your right hand. 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?

MATTHEWS: I do.

TEN HOEVE: Please state your name and address.

MATTHEWS: Gail Matthews, 41 Fourth Street, Park Ridge, NJ.

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FLAHERTY: Okay, Mrs. Matthews, thanks for coming in. You are looking for a variance to widen your driveway?

MATTHEWS: Yes.

FLAHERTY: Can you just take us through the application? We have the drawing that you submitted. A couple of the Board members had a chance to go by and take a look at the house. Have you already taken some trees down?

MATTHEWS: Yes.

FLAHERTY: Okay. If you could, just roll that up and we are going to take a look at our drawings. Just so I understand it, the current driveway that is to the side of your home..

MATTHEWS: The current driveway is straight into the single-car garage.

FLAHERTY: Okay, so does it curve around the side of your home at all, at this point?

MATTHEWS: Yes, it does, on the side of the garage.

FLAHERTY: So, the, I guess as we are looking at it, to the left side of the driveway, that is 5 feet off of the property line right now?

MATTHEWS: It is.

FLAHERTY: So, you are going to continue that line?

MATTHEWS: Correct.

FLAHERTY: So you have to remove those 2 trees just to run that?

MATTHEWS: Correct.

FLAHERTY: Do you have to widen your curb cut at all?

MATTHEWS: No. What we would like to do is leave the width of the driveway at the street, as it is now, and just basically widen a little bit kind of in the middle of the driveway, so to speak, so that we can still pull in and have the ability to kind of veer off to the left and put 2 cars, at least, side by side, to avoid the in and out and in and out, with 3 cars or more lined up.

FLAHERTY: Have any of the Board members had a chance to take a look at this application?

HOSKINS: I went by today and the trees are gone, right? The curb cut is to remain the same? How far are you, you said about the half the distance of the driveway would you make that curve?

MATTHEWS: Yes, I don't know if, well, the drawing shows the existing side drive to the left of the garage, we would just want to follow that line on the left, down to just a bit further and then curve back in to the existing driveway.

VON DER LIETH: The way it looks today, was that it is pretty much impossible to get 2 cars in there without having to go an get someone to move their car out and then move in.

MATTHEWS: Exactly. We are just trying to make it a little more functional.

FLAHERTY: Okay, does anyone on the Board have any questions for this applicant?

MARTIN: I just have one quick question. This proposed driveway addition, would it be continuous to the existing walkway? I am trying to look at the survey and the drawing at the same time. It almost seems like there is a walkway around the house to the left of the house?

MATTHEWS: Yes, to go into the backyard, that walkway, yes. That is the existing side drive, so to speak and that walkway comes off of that and hooks into a patio in the back.

MARTIN: So this is just continuous to the existing. It is a piece of the driveway and not just a walkway?

MATTHEWS: Yes, that area, like I said to the left of the garage is an existing driveway that has been there since we moved in 20 years ago.

FLAHERTY: It looks like you have plans to continue that Belgian Block. Is that your plan, to match the other side?

MATTHEWS: Well, we are going to have some sort of a retaining wall, is that what you mean?

FLAHERTY: Well as I look at the pictures, you have that kind of a white block down the right side of the driveway, are you going to run something similar down the new side?

MATTHEWS: Yes, we are going to have to remove where we excavate to widen, that will obviously loose the Belgian Block there. Then some sort of a retaining wall of natural stone, I was thinking we would do.

FLAHERTY: Okay.

WALKER: How many vehicles do you intend to park on this expanded driveway?

MATTHEWS: We have 3 currently, with a 4<sup>th</sup> probably in the near future.

WALKER: Is the garage functioning as a garage or is it storage?

MATTHEWS: Storage.

WALKER: It looks like you could go one parallel to the house, and then maybe 3 across twice. It looks like you could fit 7 cars plus the garage.

MATTHEWS: As it is now?

WALKER: No, as you are proposing. You are proposing 24 feet, 18 feet, 19 feet wide, plus the existing driveway. It looks like you could fit 3 across.

MATTHEWS: Probably.

WALKER: It is 44 feet long, so that is at least 2 deep, so that is 6 and then one parallel, that is 7. It is a very small house for that.

MATTHEWS: Well, there certainly would not be 7 cars at any, we wouldn't own 7 cars. We couldn't get them in and out over here.

WALKER: So the question is, why do we need that much driveway if we only have 3 or 4 cars?

MATTHEWS: Well, I think now, that we could go to the left of the garage, that is true, and we do that from time to time, but you still can't get that car out of the

driveway, without moving the one or perhaps 2 cars that are lined up, one in front of the other.

WALKER: Well if you widened the driveway to double what the existing driveway width is now, you would be able to fit 3 cars on the left, 2 cars in the driveway and possible one in the garage. You could fit 6 cars with half of the width of the extension that you are looking to do. So, it doesn't look like you just have a small home and a big parking lot.

MATTHEWS: My hope is to not make it look like a parking lot.

WALKER: That is what it is going to look like with all of that pavement.

MATTHEWS: This is as good as I could get, whether it would actually be, the excavated area, would be as large as it appears here. I am trying to make it as functional, with taking the least bit out as I can. This may show more than I really need. I don't really know how to answer you. Yes, maybe we could fit more cars than we would really need, but we need to do something to make it work now. So, perhaps something less than what is shown here would work, but I don't know what to tell you.

TEN HOEVE: The ordinance provides that the driveway can't be more than 10 feet beyond the width of the garage, is that correct?

MATTHEWS: Right and I thought that was the ordinance that I was applying for a variance for.

TEN HOEVE: Correct, I was just letting the Board know what the restriction is.

RAMAN: But there is already 18.86 feet, correct, as it stands now?

FLAHERTY: No, that is to the property line.

WALKER: No, it is 18.86 wide back here. Here is the existing.

TEN HOEVE: Can I ask 2 quick questions? The 2 questions that I have, that was my first question was going to be, how did that ever happen?

MATTHEWS: As I said, it was that way when we moved in almost 20 years ago.

TEN HOEVE: It is an asphalt driveway?

MATTHEWS: Yes.

TEN HOEVE: It has been that way since you bought the house? So, you don't know who did that or how it was done? My second question is you say is the garage functioning? Is there a garage door on it?

MATTHEWS: Yes.

TEN HOEVE: It is not being used for a car because you just have things in there?

MATTHEWS: Yes, 3 kids bikes, basketballs, footballs, skates, garbage cans, you know, the usual.

TEN HOEVE: Those were my only 2 questions.

FLAHERTY: Just so I understand the 10 foot thing.

TEN HOEVE: The concept is that the ordinance doesn't want large areas of front yards paved. So, that theoretically there is, assuming that this hadn't been approved on the side, and I guess that was done without anybody getting a variance or getting any permits to do that, because I don't remember any variance being granted for that.

Theoretically, you can come 10 feet out from the garage and pave that area so that you would have access for 2 cars side by side. That is what the ordinance contemplates.

BOGART: In this situation, the difficulty that she is having is that you can't pull out of that second space, because when she turns it is on such an angle that you would bump into the car parked in front of the garage. I think that there is some in between here, where you could potentially assist the resident and provide some maneuvering area to get a second car or third car in there.

WALKER: Without having this entire area getting paved over?

BOGART: That would fit. You may be able to modify the design a little bit.

MATTHEWS: That is what I was saying. I mean my intention is not to come all the way down near the street and then curve in. As I said, this drawing may be a little more than I intend, but ....I just want enough room, as you say, to park maybe 2 cars side by side, perhaps a third, if that could happen and be able to get anyone of them around the others without having to move 1 or 2 of the others.

WALKER: Do you know how wide the curb cut is at the street, currently? I can't tell from any of these photos.

MATTHEWS: It is at least 16 feet. It may be a little more. You know that they just did the curbs there. They ripped out some of the Belgian Blocks on each side, so it appears to me now, that it is a little wider than it was before. I don't have the exact dimensions.

MANCUSO: It scales roughly 11 or 12 feet.

WALKER: On the drawing?

MANCUSO: Correct. It is a scale.

FLAHERTY: It seems to flare out.

MATTHEWS: It definitely flairs out.

MANCUSO: I am taking it from the existing driveway. The crosshatched area here.

BOGART: What the Chairman is discussing now, is that if you were to come off of the garage, you wouldn't need a variance. I think you would still be able to pull that car out. Have you looked at that option? The driveway would be 22 feet wide plus you would have that 3<sup>rd</sup> parking area.

MATTHEWS: When this started, I wanted someone to tell me how wide it needed to be to do just what you described.

TEN HOEVE: We can't do that. In other words, the Board can't design the project for you.

MATTHEWS: I understand that. Do you want to tell me what I can do and then I will work around that?

FLAHERTY: As Mr. Walker points, was just pointing out here, if the driveway came 10 feet to the left of your home, you would not need a variance. So, you would have your existing driveway now, which obviously we can't tell you to take that driveway up, but the part that you are going to expand, say in front of your garage, and to the left of the garage, if you made your driveway 10 feet to the left of the side of your home, it wouldn't require a variance. Can you come up and take a look at this?

MATTHEWS: I walked this out a million times, and I just don't know how I can make the cars work.

FLAHERTY: Here is your side and you can come 10 feet this way. So, obviously this is already paved. So this area here would not be thin, you would have 2 car widths here, so you have one car, two, three, four, it would take a 5<sup>th</sup> car to block your exit. With 4 cars, you would have no problem.

TEN HOEVE: This entire area would then not be paved.

WALKER: You would save this much for being unpaved. If this is not 18 feet wide, would suggest going to that. I don't know what is there now, I can't tell, but you could access the street from both lanes probably if you are 18 feet.

FLAHERTY: If you are 12 feet now, you could cut your curb cut 6 feet wider this way.

TEN HOEVE: It is going to be 2 feet less than that dimension.

FLAHERTY: You could have a 20 foot wide driveway and then the driveway at the end can only be 18 feet. You can keep all of this and it doesn't require a variance. You may have been thinking of this already, as you said you just kind of drew this up. Perhaps you weren't even thinking of going this far out.

Can you see the point that some of the Board members are making. That would seem like an awful lot of paved property in the front of your home and I am not putting words in your mouth, but maybe you weren't thinking along those lines of how much pavement you might have in front of your home. It might not be attractive looking.

MATTHEWS: No, that is not what I want. I certainly don't want it to look like a parking lot. That is fine, you know, but you put a car here and you have 2 here, you still have to move something and I realize that is, you know, we all have to move things around. I understand that.

WALKER: You are looking to park 3 wide, then?

MATTHEWS: Not necessarily, but the people that I had in to give me estimates and, you know, discuss all of this, said that probably I would be able to do that.

TEN HOEVE: There are many homes in Park Ridge where people have to move cars in and out. If you have 4 cars and.....

MATTHEWS: I understand that and if this is what I get approved for.....

TEN HOEVE: I think what the Chairman is saying, is that if you do this, you wouldn't need to come back. You wouldn't need an approval. If you modify the plan, so that you were no more than 10 feet beyond the width of the garage, out that way, in essence doubling the size of the existing driveway, you wouldn't need a variance and you wouldn't have to come back. You could just do a revised plan and submit it to the Building Department.

FLAHERTY: And, keep in mind, you can also widen the bottom here. If you want to think about this, and this is something that you can work with, just go for it. If you insist on taking it wider, than, I am sorry to say that you will have to come back next month.

MATTHEWS: I don't want to come back next month, so we will just do it this way.

FLAHERTY: You don't have to decide right now.

TEN HOEVE: You can let Ms. Beer know sometime during the next week or two.

FLAHERTY: Did you want to take this?

TEN HOEVE: It might be a good idea to take that.

MATTHEWS: So I would have to submit a new plan showing that.....

TEN HOEVE: Not to us. If the Building Department looks at it and they confirm that you are no more than 10 feet wider than the existing garage, I suspect that they will tell you that you can have a building permit without coming back before the Board.

FLAHERTY: Thank you. Is there anyone in the audience wishing to speak to this application. Okay, thank you Mrs. Matthews.

**PENDING CASES:**

<b>CASE: 09-8</b> Lot: 1 Block: 1517	Application of <b><i>Park Ridge Properties, LLC</i></b> , 27 Hawthorne Avenue, for Use variances 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. Hearing begun October 20, 2009, carried to November 17 <sup>th</sup> for revised maps.
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HUNTINGTON: Good evening ladies and gentlemen, for the record, I am Russell Huntington, from Huntington, Bailey, in Westwood. Since we were here last, there have been some amendments made to the architectural and engineering plans. All, we hope, in furtherance of some good suggestions from the Board.

I would like to have our Architect and our Engineer walk you through that, if I may.

WALKER: Let me add some items to the record.

- Item 13 is an emailed engineers report to attorney dated 10/19/09.
- Item 14 is revised plans dated 10/28/09.
- Item 15 is storm water runoff calculations dated 10/28/09.
- Item 16 is revised elevations dated 11/09/09.
- Item 17 is a planner's review dated 11/16/09.
- Item 18 is a FAX to the applicants attorney with the planner's review 10/16/09.

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

HUNTINGTON: Perry, if I may.

TEN HOEVE: For the record, this is Perry Petrillo, the architect for the project, and he has been previously sworn in.

HUNTINGTON: Perry, can you tell the Board what changes were made from these drawings and the last drawings?

PETRILLO: Yes. Really, the changes that occurred were with the elevations, mostly in the impacting of the Madison Street elevation. What we have done is sort of taken the previous elevations as it was presented to the Board and .....

MARTIN: Mr. Petrillo, could you speak into that black microphone?

PETRILLO: Absolutely. The previous elevation that was presented before the Board, had a basically consistent roof line, a gabled roof extending down Madison, off of the existing structure.

What we have done is taken that roof line and broken it up on the easterly side. It is a little more sympathetic. I think that it is, it helps us in the impact of the structure and transitioning to the residential zone. Instead of the end that is facing the railroad tracks or facing East, instead of that being a gabled façade, we have hit that and then came out the front with a gable that sort of matches with what we have at the rear. Then, we have also added 2 small dormers up top, just to break up that roof line across on Madison.

That is really the changes architecturally. The other thing that changed on our submittal was on our first sheet. We took off our bulk table so that the bulk table that is on Mr. Eichenlaub's drawings will be the schedule, not ours, because there were some inconsistencies on them.

HUNTINGTON: Are there any questions of Mr. Petrillo?

PETRILLO: Just one other thing, quick. What we also did, was part of the Board's comments last time, we just put a note on there that our little dados and shed roofs across the front will not impact the setback, so they will only be 1 foot 3 inches in depth.

HUNTINGTON: Just for the record, Perry, the revision date of the drawing that we are looking at is 11/09/09. It is drawing A-3.0.

PETRILLO: Correct.

FLAHERTY: Are there any questions for the architect?

HOSKINS: I am just curious. How does, on the proposal it is all apartments with no retail underneath, how does that address to the master plan of the zone? Does it effect anything?

PETRILLO: From our standpoint, because of the location of the site, at the edge of that zone, and given the properties that abut around it, and given the size and the shape of the site, having streets on both sides, we found it to be unfeasible for retail on the first floor. Given the fact that it is already developed with residential, we see this as just enhanced residential, basically improving on the status quo, rather than trying to do retail on the first floor of a small site and then have no parking.

HOSKINS: Okay.

BOGART: Mr. Chairman, I don't recall, was there testimony given on what is going to happen in the existing structure during the renovations that occur and will occur in the units and modifications that being planned?

HUNTINGTON: There was some discussion of that last time.

PETRILLO: I think we did discuss it last time. The first floor, there definitely will be some renovations with regard to we are losing the one studio apartment that is there and then the existing, there is one existing 2-bedroom apartment that is there, that needs to get reconfigured slightly inside. Basically the goal was that all the apartments would get new windows, and new exterior siding and so on and so forth. So, that will all be an upgrade. In terms of how far it goes on the interior, I don't think we have gotten to that point yet, to decide, you know, are they getting fully refurbished or not and whether or not they remain occupied during this whole thing. There is another piece of that. They are rented at this point, so I don't know that the owner is looking to put them out, to redo what he is doing.

BOGART: That was my main question was, how far the renovations were going to go into the building. Are there going to be new bathrooms or kitchens for the existing apartments and is it possible to do this renovation while the existing units are occupied?

PETRILLO: Obviously the one unit that goes away, has to become unoccupied. The unit that gets reconfigured on the first floor, more than likely, somewhere along the

line, that will have to become available to do the renovations and I think what Mr. Moschella was saying, based on occupancy whether they other tenants stay or whether they will move out, will be when he would be renovating those apartments.

MOSCHELLA: There will only be 2 apartments left that have to have the bathrooms and kitchens have to be taken down.

BOGART: Is the plan to renovate those as they become available?

MOSCHELLA: Right now, no, but eventually yes. They have leases.

BOGART: Do you know when the leases are up on them?

MOSCHELLA: They all have about 9 months left.

FLAHERTY: So there are 3 one bedroom apartments?

MOSCHELLA: There will be 3 one bedroom apartments that will have to be addressed only. The studio is getting cut off, the 2-bedroom has to get redone because we are taken the kitchen and bath off of that right now, as it sits. So, that will be redone from a 2-bedroom, probably to a 1-bedroom.

FLAHERTY: So, how do you work that? Do you have to ask that tenant to leave?

MOSCHELLA: Provisionally, yes.

FLAHERTY: So you have to ask 2 tenants to leave?

MOSCHELLA: The studio, there is no problem with them.

FLAHERTY: So you just don't renew it.

MOSCHELLA: Well, I have to give proper notice, I just can't throw them on the street. The same with the 2-bedroom. You have to give proper notice.

PETRILLO: So, it is a timing type of thing that has to be addressed as we move forward.

TEN HOEVE: Well, the studio is not a problem because you are permanently removing that from rental, so that you can give them a 2 month notice and that is it. But, what is happening with the 2-bedroom?

HUNTINGTON: The 2-bedroom is more than likely going to become a 1-bedroom on the first floor, because part of that is effected by what we are removing to develop that whole side of the building.

TEN HOEVE: Unless you have the cooperation of the tenant, even if it is a month to month tenancy, I don't think you are able to remove them.

HUNTINGTON: We understand that these tenants have substantial rights. We are not asking to Board to, even by implication, alter those rights at all. That would be eventually one of the steps that the developer will have to deal with, is, how to interact with those tenants in a way that it works. We are not asking you to curtail their rights at all. We understand that they have rights and that we have to treat them carefully and appropriately.

I just don't think that it is part of the site plan application itself. It is a field of planning considerations.

MANCUSO: If I may just clarify that then, the ultimate goal is to have 4 one bedroom units, because that is what you parking plan is currently reflecting.

PETRILLO: Four 1-bedroom units in the existing piece, correct.

MOSCHELLA: We are squaring that off.

VON DER LIETH: How many apartments are in that existing structure right now?

MOSCHELLA: There are 5 apartments there right now, a studio, a 2-bedroom, and 3 single bedroom apartments.

VON DER LIETH: And they will be turned into four 1-bedroom apartments.

MOSCHELLA: Right.

VON DER LIETH: So, then the occupancy would, aside from that one that is leaving, the one unit that is going to be gone, the occupancy will also change, correct? If it is going from .....

MOSCHELLA: It is going from a 2-bedroom to a 1-bedroom. So, I would assume more than likely it will change, but I can't tell you that right now.

FLAHERTY: I guess the first thing would be, you are talking the existing structure would say, have siding and windows to match the new building that is being put up and that is going to happen all at the same time.

MOSCHELLA: Correct.

PETRILLO: The material will all be consistent as if it was all done at one time. It is just phasing that interior piece per tenant occupancy and how they are....

HUNTINGTON: Might that be something, Marc, you would do when you had a turnover, when you had a vacancy?

MOSCHELLA: Yes.

HUNTINGTON: Next I would like to call Mr. Eichenlaub to continue with his testimony. He has been previously sworn in.

FLAHERTY: Oh yes, for the record, Ms. Eisen has joined the meeting.

HUNTINGTON: Mr. Eichenlaub did you make some changes to the site plan since our last appearance?

EICHENLAUB: We did, yes.

HUNTINGTON: What is the revision date on the new plans?

EICHENLAUB: October 28, 2009.

HUNTINGTON: Can you tell the Board and the public what plans that you made, what changes?

EICHENLAUB: The first one is the old revision on Sheet 1, which is our current sheet simply. Sheet 2 was expanded on from not just the existing condition, but also a demolition plan. The Board's Engineer requested that we provide a demolition plan. So, we simply, what we simply did is we took our existing condition map and we indicated those items on the map, on the site, which would be removed. What that did is, it freed up and took a lot of the notes off of the proposed site plan and that simply on Sheet 3 is simply proposed what is being proposed.

So, all of the demolition work is called out on our sheet number 2. Going to sheet number 3, which is our actual layout and grading drainage plan, there were quite a few changes in fact. Based on our last meeting, we provided for a bicycle rack with access sidewalk to it. That bicycle rack is located on the left side of the driveway into the site, off the building, off the South side of the building.

We took our handicapped space, as you will recall, the actual handicapped space was space number 1. We have shifted everything, we have shifted the handicapped space one space to the East. Basically what that did, it allowed us to line up the access isle with the entry into the handicapped apartment. As you recall, last time, that wasn't lined up as well. So, that change was made. There was a 5<sup>th</sup> light fixture on site proposed, or being proposed along the southerly parking stalls, which provided for additional illumination of spaces 8, 9, 10 and 11.

We also provided for additional sidewalks. What we now have is a sidewalk off of the East end of the site. The sidewalk actually extends out into the railroad right-of-way property. One of the sidewalks runs along the easterly side of the building for access to the sidewalk, the public sidewalk, on Madison Street. We also have an extension of the sidewalk due East to the sidewalk along the railroad station. To access that one would go through a gate at that sidewalk. There is a safety latch on that gate similar to what one would have on a safety latch for a pool. In other words, a person would have to be tall enough to lift the latch, open it and it closes automatically and the latch is closed.

We do propose a fence along that entire run. I noted on the review letter that I received, today, from the Board's Planner, that suggested we match the fencing to wrought iron style, but aluminum along the easterly side of the railroad. In fact, we do provide for a detail on our detail sheet that is identical to that fence. That fence was measured, and those measurements are shown on our drawings. So the fence that we are proposing along the easterly side of the walk, we turn to the back of the dumpster pad and then an extension to the southeast corner of the property, will match that fence along the easterly side of the railroad track exactly.

We also have provided for the street lighting along both Madison and Hawthorne Avenue. There was a question at the last meeting about one of the trees. The tree located at the southeast corner of the property, basically straddles the property, but the majority of it is on our property. I went back out there. The tree is, for the most part, dead. The top section of the tree is actually broken off and it is leaning into the railroad right-of-way, so we are proposing to remove that. That has been indicated on Sheet 2 of the demolition plan.

Also revised are our calculations for parking. We still require a variance. We now show the correct number of units, 10 units. Based on Park Ridge's Zoning Ordinance we would require 17 spaces. Based on the RSIS Standard, we would still require 19 spaces. We are proposing 13, one of which would be the handicapped space. So, based on the RSIS standards, we would require a variance of 6 spaces.

HUNTINGTON: Would you say, Rick, that the proximity to the railroad, the bicycle rack, and the location of this facility, within kind of a walking environment, somewhat mitigates the parking variance?

EICHENLAUB: I think that is what, yes, I mean I feel comfortable and I know my client feels comfortable with what is being proposed. Again, we have the railroad adjacent to us the railroad station. We have public transportation in the way of buses a block away. We are right in the downtown, so anything within the town is accessible by foot.

HUNTINGTON: Those are the kinds of criteria that are frequently advanced for affordable housing or for downtown, you know, smart growth type of developments?

EICHENLAUB: Absolutely, yes.

HUNTINGTON: Are there other changes to the map that you haven't mentioned?

EICHENLAUB: Well, again, for the most part, we have, I will go to the landscape plan. We have provided for additional landscaping as requested at the last meeting.

This is simply the soil erosion plan. As you recall, we had a lawn area in the southeast corner of the property, that has now been changed to a landscaped area. We have provided for a tree planting at the southeast corner. We have large grasses, ornamental grasses, along the fence line, and then we step down towards the parking lot with smaller plantings and then ground cover, which will allow us to utilize this area for snow removal in the winter months, and not damage the plantings.

We have provided for a, still a ground cover growth, but, something that is going to grow to a height of about 15 to 18 inches. Were it to be impacted by snow, the branches are such that they will simply bend over and then rebound after the snow is melted. We have plantings around the bicycle rack to buffer that from view of Hawthorne Avenue.

In the Planner's report, they suggested that we provide for additional and mix our plantings along the foundation, both on Hawthorne Avenue and Madison Street. That has been done, and at their request, we have also provided for ground cover between those plantings and the public walkway, so that would not be strip of grass, but rather simply ground cover or a Juniper ground cover.

Again, as you will see, we now show the additional lighting along the South side of the property and we have provided for, on our detail sheet, we have provided for a dumpster enclosure. It will be a 6 foot dumpster enclosure. The dimension is not shown, but it will be a 6 foot enclosure and we have provided for the aluminum fence detail, which if you took the dimensions as we show here, they are identical to the fencing that exists now on the East side of the railroad.

For the most part, that is it. We have also added the handicapped parking dimensions and details as requested by the Engineer in their previous review.

HUNTINGTON: Because we include variances as part of our application, I think that it is important to discuss impacts if you can. If we can just walk through some of those? Looking at the existing conditions, this isn't exactly "Walden's Pond", where we are proposing this site, at the moment, is it?

EICHENLAUB: No, no it is not.

HUNTINGTON: It is already fully paved, more or less wall to wall?

EICHENLAUB: It is close to 100% impervious, yes.

HUNTINGTON: On the existing facility I notice an absence of landscaping or any other amenities that would mitigate the visual appearance?

EICHENLAUB: Really, the only landscaping that we have is a row of unkempt hedges along Hawthorne Avenue. Those hedges will be removed and replaced with new landscaping.

HUNTINGTON: And the building itself, would you characterize it as being rather dated?

EICHENLAUB: Pretty much so.

HUNTINGTON: The footprint of the existing building including the one story section, more or less matches, although not quite as large, as what is being proposed?

EICHENLAUB: Certainly the western portion of it, the western half of the existing building, that footprint will remain. As you move to the West, the footprint would extend further to the South and then as we get all the way to the East end, it would extend out southerly beyond what is there now.

HUNTINGTON: There is a building there now, it is going to be a larger hopefully, and certainly nicer looking building in the same location.

EICHENLAUB: Absolutely.

HUNTINGTON: There is pavement all in front of it now?

EICHENLAUB: To the South, correct.

HUNTINGTON: There will now be landscaped, controlled, properly configured pavement?

EICHENLAUB: Correct, and there is no delineation of parking, on the parking lot now. As you said it will be controlled. The spaces will be delineated. We are providing for landscaping where landscaping doesn't exist now.

HUNTINGTON: We have fencing that will tie into the rest of the community appearance at that location?

EICHENLAUB: Yes, it will mirror exactly what is to the East side of the railroad and it will separate us as residential from the railroad.

HUNTINGTON: I noticed on your detail sheet that there were those colonial lanterns?

EICHENLAUB: They are the standard style lanterns that the municipality uses along Broadway, Kinderkamack, Park Avenue, and we have used in the past on other sites.

HUNTINGTON: Would it be accurate to say that the site has already had all of the negative impacts represented there without any of the positives?

EICHENLAUB: I would say that, yes.

HUNTINGTON: Do you think that the development of this site as proposed would add positives from aesthetics and the rest of them.

EICHENLAUB: Oh, absolutely by 100%. As I indicated the last meeting, one of the big things is that while we are actually decreasing the impervious area. We are providing for additional green space. We are breaking up the pavement with landscaping and where runoff is not controlled now, we will be controlling it with the improvements that we propose to install on site.

HUNTINGTON: These improvements and standards, would you say that they are more homogeneous with better practices in Park Ridge, than what is there now?

EICHENLAUB: Oh, absolutely.

HUNTINGTON: Do you see any engineering problems from this, any adverse impacts from drainage, from ingress, or egress/

EICHENLAUB: I think, certainly, what is being proposed here is a far, far better configuration and certainly is going to remove, now, what is the oldest building in this entire area, replace it with basically new, and bring most of the improvements up to standards.

HUNTINGTON: And that, all of that with inherently beneficial uses as part of that?

EICHENLAUB: Yes.

HUNTINGTON: I have no further questions.

VON DER LIETH: I have a couple of questions. In regards to the affordable housing, I know affordable housing doesn't mean that you are not going to have a car. I am banking on maybe 1 or 2 of the residents in the 2-bedroom or 3-bedrooms would have a car. I mean they live in the Pascack Valley, it is tough to get around.

EICHENLAUB: Of course.

VON DER LIETH: With that being said, with that many units with the parking the way that it is right now, in terms of during the day on the street.

EICHENLAUB: There is no parking. There are signs posted along the East side of Hawthorne Avenue. There is no parking allowed.

VON DER LIETH: That is what I was going to say. Where do you think they will park?

EICHENLAUB: There is parking allowed on the East side, which would be the southbound direction. We have the municipal parking lot across the street from us and again, what we envisioned is, we have enough parking for 1 space for each unit with 3 additional spaces. The way that we look at it is whoever rents this, they are going to have to understand that have space for 1 car. Now if they have 2 cars, or, I don't know, if a husband and wife and an older child move in there, they have 3 cars, this is not the place for them. They are not going to have space for their cars.

VON DER LIETH: They are not going to be able to park in the Borough lot.

EICHENLAUB: No, we are not looking to have that.

VON DER LIETH: No, I know, but I am just saying that they need some place to park.

EICHENLAUB: Right, so they will not be renting from this location.

HUNTINGTON: I think implicit in putting housing at a location like this is it ideally suits the life style of people that won't have 2 cars and it is the appropriate place to put affordable housing and small unit housing because people are not condemned to use their automobiles, such as they would be when it is off, many times it is stuck off in some remote corner of suburbia, and you force everybody to have a car. They can't go out for a loaf of bread without a car.

FLAHERTY: There is parking out on Madison, is that what you said?

EICHENLAUB: No, there is no parking, actually there is no parking around the perimeter of our site. There are posted "No Parking" signs. There is parking on Hawthorne Avenue, but in the southbound direction.

VON DER LIETH: The other thing I was going to ask about was the current, I know you were mentioning the current landscaping, there are going to be a lot of improvements there. For instance, when there is only like one row of hedges on that spot right now?

EICHENLAUB: Presently.

VON DER LIETH: Is that the town's hedges or is that the property owners hedges.

EICHENLAUB: No, they fall on our property. They are overgrown hedges that barely provide any screening to that parking lot. Basically all of the landscaping that presently exists, including the trees that are on site, are going to be removed. As I indicated, you can see 3 of those trees actually fall out in the parking lot right now. The other tree that we were looking to try and save, as I indicated at the last meeting, is the one located at the southeast corner of the property, and after going out there after the last meeting and looking at it myself, I said there is no point in saving this. This thing is leaning over. The top is all rotted out and at this point, we are providing for additional trees, at this location along with extensive landscaping, we will take it down at this point.

The tree located on the East side of the property is being removed because of its proximity to the new structure. There is one tree out along Hawthorne Avenue, that is being removed because of the shifting of the driveway entry to the South. So, we have the 5 trees on site and the one within the public right-of-way that is going to be removed. We are taking down the one in the right-of-way, but we are replacing with additional shade trees out along the public right-of-way.

VON DER LIETH: I am concerned about the upkeep of the new building, in terms of since the old building was kind of run down, you know it isn't kept up that well. I know it is new construction. Would it be let go or would it be.....

EICHENLAUB: No, no, I mean my client, certainly it would be their intention, this is a brand new building, when my client took ownership of this building it was already run down and it was his desire to come in and, again, we have been in front of the Board once before with an application, we are back here with, I think, a much more reasonable application and it certainly is his desire to keep this thing up, and keep it looking good.

MOSCHELLA: I own 11 Park Avenue and I renovated that 5 years ago. You are more than welcome to take a look at it.

TEN HOEVE: There was a list of items at the last hearing. I think that you have covered many of them, but some I still didn't hear any testimony on. I think that there was a request for a maintenance plan for the drainage system.

EICHENLAUB: Right, I will give that to the Engineer. What it is, we have a closed system. The only inlet on site is our trench drain, at the entry to the site on the driveway. That will discharge into our seepage pit beneath the parking lot. Both of these pits have lids on them. Those lids can be removed. We would recommend that it be done once in the spring, or at least once in the spring and then in the fall, after the leaves are fallen. All it is, is a sucking out at the bottom, in the event that there are any leaves in the bottom.

TEN HOEVE: So we could cover that as a condition in a resolution of approval, that you would be willing to include.

EICHENLAUB: Yes, and again, it is not an operation that is going to take all day to do either. It is a quick operation.

TEN HOEVE: Just some way to enforce it. These are rental units, so the same owner is going to own it. We will put a condition in the resolution. Is that satisfactory, Eve?

MANCUSO: Yes, that is exactly my concern. French drains are notorious for clogging and silting up. Since it is a closed system it ultimately will get into that seepage pit system and initially it will work just fine, but over the course of a couple of years, if it is not cleaned out periodically, the system will fail.

EICHENLAUB: Right and there are companies out there that will come in less than an hour, they drop a vacuum hose down there and just suck up any of the smaller twigs. We are not talking about large stuff, but smaller twigs, leaves, anything like that,

grass or anything that may have gotten down there. I say once in the spring to handle the sediment that may have gotten in there during the winter months, and then in the fall to remove any type of leaves or anything that may have gotten in the drainage system.

TEN HOEVE: There was also mention that, I think your client had said that a phase one environmental study had been done and you were going to present that to the Board.

HUNTINGTON: We have been unable to find it. We went back to the bank, and the bank says that they do not have one, so if the Board feels that it needs a phase one, then that would be a condition of an approval if we are fortunate enough to get it.

TEN HOEVE: Was it done?

HUNTINGTON: It was not done. There were 2 properties at the same time from the same seller and the confusion was that we got the phase one on the other property, and apparently the bank felt that there was no need for one on this property. So, we thought we had one but we didn't.

TEN HOEVE: I defer to the Engineer again on this.

MANCUSO: I would suggest that it be done due to the nature of the existing commercial part of the building, being a garage type of building. There were probably oil tanks inside there and I don't know if there was any services of vehicles that was occurring at that location. You might have the pits down below. Having only seen the exterior, you know better than I what went on inside.

HUNTINGTON: We have no objection to doing that. We just had hoped to find one that we could bring here and have it be done and be free. It didn't work out that way.

TEN HOEVE: Okay, there was some mention of contacting the railroad with regard to access to that property.

MANCUSO: There is actually something that we had worked with Madison Square, the property owner on the East side of the tracks, the Borough became involved in helping the negotiation meeting with NJ Transit, because there is an existing lease agreement through the Borough that would help facilitate the applicant to gain permission to put the sidewalk in. The applicant alone on their own, it would be doubtful if NJ Transit would entertain it as an individual applicant, but if they team up with the Borough, there is more of an opportunity to actually implement the sidewalk in that location.

HUNTINGTON: If we were fortunate enough to obtain an approval, the kind of provision that I would think would be reasonable to include, would be language that says that the applicant commits themselves to be willing to do this work and to make a good faith effort to cooperate, and so forth, to the satisfaction of whatever official in Park Ridge would want to interface with that, but that it not be something where we are handcuffed to the railroad and they won't let us do it and then we can't meet our conditions, if we got to that point, with the town.

BOGART: Mr. Chairman, when we did Madison Square, I had actually initiated conversations with the railroad to get that lease agreement and I would be willing to forward the plans down to get some additional feedback, but I do not want to do that until the Board saw all of the plans for the new sidewalk and had their feedback. Once the Board acts on this, I would be willing to once again, email the plans down on behalf of the applicant and the Borough to see if they would move forward with this and our lease agreement.

FLAHERTY: Thank you. That is a great idea.

BOGART: When we did Madison, though, is they had an alternative plan, that if the railroad is not going to agree to the lease agreement or the encroachments, that we

had to have some alternative plan on file or some options that we could move forward to in case it didn't work. The applicant, I think, doesn't want to come back before the Board with a revised plan, if just by chance if something were to occur.

HUNTINGTON: I wonder if they would not let us do. What we are talking about, I gather, is this stuff here and this piece right there. If they wouldn't let us do it, and to be very clear, we stand willing to do it and willing to demonstrate to anybody's satisfaction, a good faith effort to do it, I just wonder if they would choose to not let us do this, whether we need a Plan B, or whether it just means that it is not as convenient as you would like it to be. I am not sure what the Plan B would be within that setting.

EICHENLAUB: Well, Plan B would be what we had proposed at the last meeting. We do not have this sidewalk extension and we do not have this sidewalk along the East side of the building. We do have this sidewalk, which is servicing the entry to this unit here. We basically would be back to the plan we presented to you a month ago, without these sidewalks. Again, all of the other changes would be maintained except for these 2 sidewalks.

BOGART: You would still have the fencing and the landscaping.

EICHENLAUB: We still provide you with the fencing. Alright, one of the things at the last meeting, it was requested that we might provide or entertain the idea of providing for a bench along the sidewalk. I have talked with my client. My client has no problem with that. We tried to get the information on the existing benches down around the station itself, I couldn't get that in time for this submission. We, at this time, if these sidewalks were to go in, we agree that we will provide for one of those benches, if indeed it is the Borough's desire, as well as Transit agreeing to that.

BOGART: I would suggest that if Transit doesn't agree to it, maybe we could move it on to the site itself, somewhere.

FLAHERTY: Okay. We will wait and see what Transit says.

TEN HOEVE: There was a question concerning putting sight distance numbers on the plan, was that done?

EICHENLAUB: They were. They are on.

BOGART: I saw them.

TEN HOEVE: Okay. Those are my only questions.

FLAHERTY: Okay, any other questions from the Board, or from our professionals? Yes, Eve.

MANCUSO: I have a couple of questions. On the lighting plan, I see that you did provide the Borough standard for the lights that go on Madison and Hawthorne. Is it your intent to use that same standard on site for the parking lot?

EICHENLAUB: Yes.

MANCUSO: I also noted that along the sidewalk, there isn't any lighting shown. Is it Mr. Petrillo's intent to put lights in that area?

EICHENLAUB: That is what I had to testify to at the last meeting. Because our sidewalk, the space between the parking lot and the building is sidewalk, that area there would be illuminated by the fixtures on the building. You have 3 different entrances here. We do have the light at this corner, meaning the northeast corner of the parking lot. We also have a light at the northwest corner of the parking lot in the vicinity of the bicycle rack, which illuminates 1 and 2 and 4 and 5. The rest of the area and the sidewalk itself would be illuminated by the fixtures on the building. I don't have what

those fixtures are and I know that Mr. Petrillo doesn't either, but certainly they are going to be enough to illuminate both the sidewalk and those remaining couple of spaces.

MANCUSO: When those fixtures are chosen, I would think that they would be architecturally consistent with the rest of the beautiful building that you are designing.

PETRILLO: Absolutely.

MANCUSO: If you could just put a detail of that on the plan, it would help.

EICHENLAUB: I would have no problem with that.

MANCUSO: There is one other item. Regarding the trash enclosure, we would appreciate that you understand it is going to be enclosed on 4 sides. It has to be very clearly shown on the plans, because we had an instance on another application.....

EICHENLAUB: We show it around all 4 sides and then we show the gates on the front.

MANCUSO: But on the detail sheet as well.

EICHENLAUB: You want a detail of the gates as well?

MANCUSO: Yes.

EICHENLAUB: Okay, alright.

MANCUSO: Yes, 4 sides with the enclosing gate.

EICHENLAUB: Okay.

MANCUSO: Thank you.

FLAHERTY: You got to be specific about that now...

MANCUSO: Very specific about that, yes.

BOGART: Do you have an irrigation plan for the landscaping?

EICHENLAUB: I don't show any on the plan. I will be honest with you, with the amount of landscaping that we are now proposing, I am sure my client is going to want to do that. He is not going to want to be out there with a hose everyday, specially along the front of the building, a misting type system.

BOGART: Because it is a rental property, I just want to make sure that it will be maintained properly.

FLAHERTY: Okay. Are there any other questions or comments from the Board? Is there anyone in the public that wishes to speak to this application? Please come on up. Just one moment please. Did you have a question?

RAMAN: Yes, one quick question. That sight distance line looking South on Hawthorne, are you looking through some trees. I mean those trees are supposed to be the ones that .....

EICHENLAUB: Yes, but the trees that we are talking about, okay, the plantings that we are proposing are low growth plantings here. They will not interfere with anything. There are no trees in this area here. I have a clear sight all the way down to the intersection with Park Avenue, looking to the South.

RAMAN: I thought you mentioned some trees that were taller that .....

EICHENLAUB: Well, there are shade trees along Park Avenue, but all of the growth to canopy it, is well over 8 feet above, and my line of sight is at 3 ½ feet. So, there is, yes, at one point you have a 4 or 5 inch obstruction due to the stem of the tree, yes, but I mean you are going to see a car at either side of that anyway.

RAMAN: That is all.

FLAHERTY: Okay. Did you have a question? Could you come on up? I will need your name.

TEN HOEVE: We do need to have you identify yourself and get it on the record. That is why that black microphone has to be used. If you are going to testify, I just need to swear you in quickly. 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?

MC CUSKER: I do.

TEN HOEVE: Just state your name and address.

MC CUSKER: John McCusker, 3 Webb Court, Park Ridge. I am not an expert in any of the details on the engineering or anything like that. My new address is 3 Webb Court. My old address was 75 Madison Street, which is right across the street. It is more of a statement than anything else.

What you are going to get, probably, is a nice new structure, but you are probably going to get more of the same. What you see is what you get no matter how long you own this place. It is like a complete lack of maintenance and overcrowding. I don't know how many people live in there, but it is what I observed from 3 years living across the street.

To the Board, I would say, before you grant something like this, understanding what you are granting and make sure that it is not more of the same.

FLAHERTY: Could you just get a little more specific?

TEN HOEVE: What do you mean by more of the same?

MC CUSKER: You have seen the property, right?

TEN HOEVE: Do you mean more of the same exterior appearance of the property?

MC CUSKER: I mean the grass, the lawn, is probably the length of this room, It is not mowed. It is just the different standards. I mean I have standards for my home. It is great he is probably going to make a lot of money. It sounds great, but how many people are going to be living in that. I mean, I have seen what goes on in this house and there are people passing keys through the window. There is probably 60 people living in there, so it is what it is. I am not going to sugar coat it. That is what it is.

MOSCHELLA: I beg to differ. The place gets inspected every 6 months, by the Building Department, by the Board of Health.

MC CUSKER: Okay, I mean I don't believe it. I lived right across the street.

MOSCHELLA: You are more than welcome to come the next time.

TEN HOEVE: Your objection is to the number of tenants who are in the existing building.

MC CUSKER: To be quite honest with you, I don't know what they are. But, I can tell you that the amount of people going through that house....that is part of the reason that I moved. I mean it is horrible piece of junk.

TEN HOEVE: I understand that, the physical part is what he is testifying is going to be substantially improved. What I didn't understand was the....we can ask the applicant. Was there extraordinary numbers of tenants who were occupying the units that exist now?

MOSCHELLA: Not that I am aware of. We are inspected by the Borough every 6 months, by the Fire Inspector, and they make sure of hot and cold running water, the Building Department comes in. One gentleman lives in the bottom apartment. There is a husband, wife and child in another apartment on the right. The studio is 2 gentlemen.

MC CUSKER: You are only fooling yourselves.

FLAHERTY: Okay, Mr. McCusker, we appreciate your feedback to the community, it is as valued as any other opinion. How long have you owned the building, sir, I am sorry?

MOSCHELLA: 4 ½ years.

FLAHERTY: Okay, 4 ½ years.

MC CUSKER: 4 ½ years and that is what you are going to get with the new structure, exactly what you have now. It is just going to be newer with the same amount of people going through and the same standards, I think, in terms of maintenance stuff.

HUNTINGTON: For most of those 4 ½ years, we have been in front of this Board, seeking approval for some plan or other that would involve the demolition or replacement or refurbishing of that building. It has obviously been Mr. Moschella's desire to eliminate or substantially upgrade the building. It has been reflected in 2 sets of, although unapproved, substantial bonifide filings before this Board.

The other thing that I would suggest, just as a comfort, perhaps, to Mr. McCusker, if not the Board, is that because this will be affordable housing, 5 of those units will be essentially under the control, to some extent, of the Municipality, because they have monitoring rights over who lives there and how many people live there and so forth. Of course, those tenants in the affordable structure, are entitled to quietness and enjoyment of their units. So this property becomes, not public, but it becomes a property on which the Municipality has a little bit more interest than if was purely private.

FLAHERTY: What branch or department of the Municipal government monitors it?

HUNTINGTON: You would have a housing officer. Probably you already have one.

TEN HOEVE: Brigitte can answer that.

BOGART: Lyn just, Lyn Beer just took the course and the test, and she apparently passed the test to become the Municipal Housing Officer. The Borough has also hired a woman to process the marketing applications for the units, so, Miss Vega, I think her name is, plus Lyn will be working together to make sure the tenants comply with the income standards and they meet all of the requirements, the State requirements, and that the units are properly marketed and that the tenants are randomly picked from the pool of applicants that we receive. So, there will be the 2 of them that will be in charge of the units.

FLAHERTY: It seems that some of those are some administrative tasks that will be monitored. I guess just following up and say that Mr. McCusker's concern, as the building is rented, and years down the road, 2, 3, 5 years, who, for lack of a better work, polices a COAH apartment to make sure that there are not too many people or keys being handed in an out the window and things like that? Do you know?

BOGART: It would be the Borough's responsibility. Ultimately it is our obligation, the Borough's obligation that they satisfy through the applicant. We are responsible that the units meet the building code. We are responsible that the tenants meet the COAH standards and we are responsible that the apartments are being upgraded and marketed and we are responsible that they remain deed restricted.

FLAHERTY: So when you say that it is the Borough's responsibility, back to that first question, is there a particular department that would be looking at the apartments, a department in the Municipal government that looks at these buildings 2, 3, 5 years down the road?

BOGART: Lyn Beer now has that responsibility to head up any inspections that are necessary and the administrative processes that are necessary in order to insure that the Borough's standards are met and our obligations are met and that we are satisfying COAH requirements.

HUNTINGTON: All of those safeguards are superimposed on all of the rights that one already has to inspect because it is a multiply dwelling, periodic inspections.

TEN HOEVE: The Department of Community Affairs would conduct inspections. I think it is every 3 years.

MOSCHELLA: I think it is every 5. They just came 2 months ago.

HUNTINGTON: I would suggest that without conceding that there is any kind of a problem there now, although it is reasonable that minds could differ about that, and apparently have, that this is more likely to be a solution. I mean this appears to me to be a solution rather than a creation of a new problem. It is an obsolete dated building that has outlived its usefulness for the most part and has worked its way down the food chain, no matter how well intentioned the owner may be, now it is going to be completely renovated and added to and modernized. That is what we are looking for.

BOGART: May I ask, does the applicant intend to extend the lease terms? You had mentioned month to month leases, now you are going to have .....

MOSCHELLA: While we renovate the apartments, yes. I don't know what I am doing with building. I don't want to give them crazy leases. Leases are usually year to year.

BOGART: So the ultimate goal would be to eliminate the month to month leases?

MOSCHELLA: Yes.

TEN HOEVE: It makes no difference. My understanding of the landlord tenant laws, such that unless it is an owner occupied premises, a 2-family owner occupied, if you have someone who is in a rental unit, on a month to month basis, unless that tenant commits one of 8 statutory violations, you are not permitted to discontinue that lease, unless you are going to permanently retire the apartment from the rental market.

MOSCHELLA: Correct, and if you change the use, they have one year's notice.

TEN HOEVE: Change the use meaning?

MOSCHELLA: If you knock it down. You could put the Post Office there.

TEN HOEVE: Well, if you are going to retire the unit from the rental market in any capacity, move in yourself, do anything so that the unit will never be rented again, then you can evict that tenant. But, short of that, or committing one of the 7 or 8 statutory violations, it doesn't matter if a tenant has a 5 year lease or has a one month lease, the tenant stays.

HUNTINGTON: The tenant stays, but I think what you will likely see in a situation like this, is the building in fact, moves up the food chain and then over time the tenants you get are the kind of tenants that you would always hope for in the town, anyway. These are the people who could commit to long term leases and put up security deposits, and those kinds of things.

This building will become more competitive in the rental market and people more akin to the neighborhood or to the neighbors, if indeed there has been difficulties as this gentlemen refers to, may end up someplace else because this building has become pricier now then it has been in the past.

FLAHERTY: Mr. Moschella, you seem up on the rental market, how do you see the rental, the monthly rents in your proposed building as compared to what you charge now? Would it be substantially more?

MOSCHELLA: COAH is COAH. The state tells you what you can charge. But, there will still be 2 apartments that I will have totally renovated.

FLAHERTY: Do you know what the COAH rate is?

MOSCHELLA: For COAH, for a 1-bedroom apartment, I think it was \$480.00.

FLAHERTY: \$480.00, and what do you charge for your 1-bedroom unit now?

MOSCHELLA: \$1,050, which is cheap. Along Broadway it is \$1,600.00, by the VFW, which is fairly new. That is on the high end.

FLAHERTY: Okay, any other questions or comments, from the Board or from the audience? Okay, well we thank you for your time the past 2 months and we will spend the rest of the evening debating the application and you can call the office in the morning.

HAMLIN: Lyn will not be back until Thursday.

FLAHERTY: Okay, so Mrs. Beer will not be in until Thursday, if you could then.

HUNTINGTON: Thank you for your time, we know that most of you are volunteers. Thank you very much.

<b>CASE: 09-04</b> Lot: 4 Block: 903	Application of <i>Esty Street</i> , 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. Approved by voice vote. To be memorialized at November 17 <sup>th</sup> meeting.
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WHEREAS, ESTY STREET PARTNERS, LLC, being the owner of premises known as 86 Spring Valley Road in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as designated as Lot 4 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 for a variance to permit the erection of a mounted sign on the westerly façade of the existing structure located at said premises; and

WHEREAS, hearings were held before the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, pursuant to notices required by law, on September 21, 2009 and on October 20, 2009; and

WHEREAS, the BOARD has carefully examined the application and all materials submitted in support thereof, and has carefully considered the testimony provided in connection therewith;

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

1. Applicant is the current owner of the described premises. Applicant operates a restaurant at the premises known as “Esty Street”. The premises consist of a two-story building, a structure that is hidden from view from most angles except for the front west façade where the Applicant seeks to erect the proposed sign.
2. Applicant has provided the BOARD with a survey of the premises, sketches depicting the proposed sign, and photographs of the restaurant site, including photographs depicting the existing sign located in the front of the building (all of which were marked into evidence at the aforementioned hearings). There is currently a sign located on the premises, a sign that fronts on Spring Valley Road. Applicant seeks to erect a second wall mounted sign on the west façade of the building. Said sign will be identical in size, color and appearance to the existing sign.
3. As detailed on the specifications submitted to the BOARD, the proposed sign will be approximately 68.2 inches by 44.01 inches. The sign will contain two colors. The sign will not be internally illuminated, but will be lighted by one 50 watt bulb.
4. Applicant requires three variances from the Zoning Ordinance of the Borough:
  - a) Section 101-39(B) of the Zoning Ordinance permits each business to have one wall mounted sign except in cases where a building fronts on more than one street.
  - b) Section 101-39(B) further provides that a second sign, if permitted, may not have an area exceeding 1/3 of the maximum area of the permitted sign.
  - c) Section 101-41.2(E)(2) further provides that the maximum letter size for a sign not exceed two feet.
5. Applicant presented the testimony of a licensed Planner of the State of New Jersey. Said Planner indicated that there would be no negative impact resulting from the sign since screening exists between the restaurant and the residence directly to the west, screening that included a wood fence and a row of pine trees. Said Planner further testified that the proposed sign would advance the goals and objectives of the Municipal Land Use Law. Said Planner testified that the sign will reveal the location of the restaurant to individuals traveling in an easterly direction on Spring Valley Road and will result in a safety benefit.
6. Several residents appeared and asked questions with regard to the proposed sign and voiced concerns with regard to the location of the sign and lighting of the sign. The Applicant agreed, in response to the questions, that the sign would not be internally lighted and that the sign would not be lighted by more than a 50 watt light bulb.
7. The BOARD finds that the location of the sign will provide a benefit in that it will better disclose the existence of the restaurant and result in a safety benefit. The BOARD further finds that the sign will not have any adverse impact on the neighborhood or any surrounding properties. The BOARD finds that the sign will achieve the goals and objectives of the Municipal Land Use Law.
8. The BOARD specifically finds that the proposed sign will not result in any substantial detriment to the public good nor will same impair the intent and

purpose of the zone plan and 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 the N.J.S.A. 40:55D-1, that the BOARD does hereby grant Applicant's request to construct the proposed sign subject to the following condition:

- A. That the proposed sign be lighted by no more than 50 watt lighting.
- B. That Applicant construct the proposed sign as set forth on all plans submitted to the BOARD and that the sign not be constructed in such a fashion so as to exceed the scope and extent described and set forth on all documents submitted and described in all testimony presented to the BOARD.

The resolution was offered by Mr. Raman and seconded by Mr. Hoskins

**ROLL CALL:**

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

**NEW BUSINESS:**

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

**WHEREAS, Wai Yip International Corporation, 83 Broadway, known as Lot: 7 of Block: 1902, on the Tax Assessment Map of the Borough of Park Ridge, has posted a cash escrow in the amount of \$5,000.00 for Landscaping and a Gate for the Trash Enclosure; and**

**WHEREAS, Applicant has requested a return of her cash escrow; and**

**WHEREAS, the members of the Zoning Board of Adjustment have reviewed and inspected the site at various times during 2009; and**

**WHEREAS, the Zoning Board of Adjustment have unanimously agreed to accept the trash enclosure gate as constructed and the landscaping as planted;**

**WHEREAS, applicant has outstanding vouchers owed to the Board Professionals in the amount of \$1,513.75; and**

**WHEREAS, applicant has submitted in writing a letter dated, November , 2009, granting permission to deduct the amount owing \$1,513.75 from the cash escrow of \$5,000.00 on deposit.**

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment that the remaining cash escrow of \$3,486.25 be returned to Wai Yip International Corporation.

The resolution was offered by Mr. Walker and seconded by Mr. Hoskins.

**ROLL CALL:**

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

**VOUCHERS:**

<b>Burgis Associates, PP</b>	
Esty Street	\$548.75*
Esty Street	72.50
Wm. Spencer –	910.00
Park Ridge Properties	893.75

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

The Chairman entertained a motion that the Board recommend payment of the vouchers to the Mayor and Council, subject to receipt of funds. So moved by Dr. von der Lieth and seconded by Mr. Raman.

**ROLL CALL:**

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

**APPROVAL OF MINUTES:**

The Chairman entertained a motion that the September 15, 2009 minutes be approved as submitted. So moved by Dr. von der Lieth and seconded by Mr. Raman. Carried unanimously.

**CORRESPONDENCE:**

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 *Park Ridge Properties, LLC*. The members all felt that the proposed would be a great improvement to the existing conditions. They felt that the only area of concern was the parking. The Planner stated that the State specifically suggest that townships grant parking variances for sites such as this, that are adjacent to mass transit, that are adjacent to the central business district.

The Planner also stated that there is sufficient evidence on the record that would warrant the approval of this parking variance. The members were concerned about occupancy limits on those COAH units. The Attorney was not aware of an enforceable restriction in that regard. They felt that to allow this variance would satisfy the Borough's COAH obligation for the present time.

The members felt that all questions from the Professionals for the previous month's meeting had been met and that a resolution of approval should be drawn for the next meeting.

**ADJOURN:**

There being no further business to come before the Board, by motion of Dr. von der Lieth and seconded by Mr. Raman, the meeting was adjourned at 9:45 pm.

Respectfully submitted,

Margot Hamlin,  
Transcriber