

****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, February 16, 2010, at 8:00 pm in the Council Chambers of the Municipal Building.

ROLL CALL: Mr. Martin, Mr. Capilli, Mr. Walker, Dr. von der Lieth,
Mr. Raman, Mr. Brennan, Mr. Flaherty

Absent: Mr. Hoskins, Mr. Sandler

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

PLEDGE OF ALLEGIANCE TO THE FLAG

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 19, 2010, setting forth a schedule of regular meetings by mailing of said schedule to The Ridgewood News and The Record on January 22, 2010, and by the posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereof and by filing the said schedule in the office of the Borough Clerk.

PENDING CASES:

<u>CASE:</u> 09-11 Lot: 9 Block: 1206	Application of <u>Nicholas and Rosanne Maselli</u> , 57 Braemar Drive for rear yard and Floor Area Ratio variances to construct addition to existing house in an R-10 residential zone.
--	---

Flaherty: We have a resolution in the affirmative.

WHEREAS, NICHOLAS AND ROSEANNE MASELLI (hereinafter referred to as "Applicant"), being the owner of premises known as 57 Braemar Drive, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 9 of Block 1206 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 rear yard variance and a floor area ratio variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of an addition to an existing 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, Applicant has submitted a survey and detailed plans for the premises prepared by William J. Martin, Licensed Architect of the State of New Jersey, dated June 10, 2009, together with photographs of the premises; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on January 19, 2010, 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 57 Braemer Drive within the Borough of Park Ridge. Applicant seeks to construct a two story (together with a basement area) addition affixed to the rear of the existing home as shown on the survey and architectural plans marked into evidence at the hearing.
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 somewhat larger than most lots located within the R-10 Zoning District, having a lot area of approximately 12,000.00. Applicant's lot is also a corner lot, located at the intersections of Braemer Drive and Leach Avenue.
3. By virtue of being located on a corner lot, Applicant's home was required to have a setback of at least 25 feet from both Braemer Drive and Leach Avenue. As a result, there are limited areas available for expansion of the existing home.
4. As indicated, Applicant seeks to construct an addition to the existing home on the site. The proposed addition will be located 28.3 feet from the rear lot line at its closest point. The Zoning Ordinance requires a 35 foot rear yard setback in the R-10 Zoning District. Applicant's addition thus requires a rear yard variance. In addition, the total floor area resulting from the proposed addition, as defined by recent amendments to the Zoning Ordinance, will result in a floor area ratio that is less than the 30% maximum permitted in the Zoning District, however, slightly greater than the maximum overall permitted floor area of 3,333 square feet. The addition will result in a floor area that is 61 square feet greater than the 3,333 square feet permitted in the District.
5. The BOARD finds that the Applicant's fact that the lot is a corner lot, coupled with the location of the existing dwelling on the lot creates a hardship as defined by the Municipal Land Use Law. The BOARD also finds the it would be very difficult for the Applicant to expand the existing dwelling without requiring some type of variance.
6. The BOARD further finds that the Applicant has taken measures to insure that the proposed addition will be aesthetically pleasing, will be in conformance with the dutch design of the existing dwelling and will not be inconsistent with other homes in the area. The goals and purposes of the floor area ratio requirement and rear yard setback 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.
7. The BOARD further finds and concludes that there will be no negative impact whatsoever resulting from the proposed new addition, the grant of the rear yard variance 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 fro the Zoning Ordinance of the Borough of Park Ridge will substantially outweigh any detriment arising therefrom.
8. 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 and rear yard variance to permit the construction of the proposed new addition 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 approvals to be granted by appropriate Borough Officials.

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

ROLL CALL:

Ayes: Mr. Martin, Mr. Capilli, Mr. Walker, Mr. Flaherty

Abstain: Mr. Raman, Mr. Brennan, Dr. von der Lieth

CASE: 09-12 Lot: 18 Block: 1001	Application of <u><i>Martina Sherwood</i></u> , 66 Colony Avenue for two side yard variances to construct an addition to existing house in an R-15 residential zone.
--	--

FLAHERTY: We have a resolution of approval for this application.

WHEREAS, MARTINA SHERWOOD (hereinafter referred to as "Applicant"), being the owner of premises known as 66 Colony Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 18 of Block 1001 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 two side yard variances from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of an addition to an existing home; and

WHEREAS, the premises are located in an R-15 Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant has submitted a survey of the premises prepared by GB Engineering LLC, Licensed Engineers and Surveyors of the State of New Jersey, dated November 11, 2009, together with photographs of the premises; and

WHEREAS, A hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on January 19, 2010, 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 66 Colony Avenue within the Borough of Park Ridge. Applicant seeks to construct a two story addition affixed to the rear of the existing home as shown on the survey and architectural plans marked into evidence at the hearing.
2. Applicant's lot is located in the R-15 Zoning District, a Zoning District that principally consists of lots having a required lot area of 15,000 square feet, a lot width of approximately 100 feet and a lot depth of 150 feet. Applicant's lot is extraordinarily unique in its shape and size, having a lot width of but 50 feet but a lot depth of nearly 240 feet.
3. Lots within the R-15 Zoning District are also required to have a minimum side yard setback of 22 feet. Applicant's existing home is currently but 16.05 feet from the southerly side lot line at its closest point. Applicant's existing home, therefore, fails to conform to the side yard setback requirements of the Zoning Ordinance.
4. As indicated, Applicant seeks to construct an addition to the rear of existing home on the site. The proposed addition will extend to the rear of the existing home and will not be situated any nearer to the side lot lines than the current home. The addition, as shown on the survey will be 11.44 feet from the northerly side lot line and 16.05 feet from the southerly side lot line at its closest points.
5. The BOARD finds that the very unique size and shape of the Applicant's lot, coupled with the location of the existing dwelling on the lot, creates a hardship as defined by the Municipal Land Use Law. The BOARD also finds that it would be impossible for the Applicant to expand the existing dwelling without requiring some type of variance by virtue of the exceptional narrowness of the lot.
6. The BOARD further finds that the Applicant has taken measures to insure that the proposed addition will not result in any more significant encroachments into required side yard setbacks and that the resulting dwelling will not be inconsistent with the size and design of other homes in the area. In essence, the Applicant has designed the addition to have a minimal as possible an impact on neighboring lots and the neighborhood in general.
7. The BOARD further finds and concludes that there will be no negative impact whatsoever resulting from the proposed new addition, nor the granting of the requested side yard variances. 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.
8. Finally, the BOARD also finds and concludes that the proposed improvement will not result in any substantial detriment to the public good, nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge in any way.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70, that the BOARD does hereby grant the Applicant's requested side yard variances to permit the construction of the proposed new addition 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 and 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 approvals to be granted by appropriate Borough Officials.

The Resolution was offered by Mr. Capilli and seconded by Mr. Walker.

ROLL CALL:

Ayes: Mr. Martin, Mr. Capilli, Mr. Walker, Mr. Flaherty.

Abstain: Mr. Raman, Mr. Brennan, Dr. von der Lieth.

CASE: 09-13 Lot: 28 Block: 902	Application of <u>W. Gregory and JoAnn Schack</u> , 2 Spring Valley Road for rear yard variance to construct addition to existing house in an R-40 residential zone.
---	--

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

WHEREAS, W. GREGORY & JOANN SCHACK (hereinafter referred to as “Applicant”), being the owner of premises known as 2 Spring Valley Road, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 28 of Block 902 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 rear yard variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of an addition to an existing home; and

WHEREAS, the premises are located in an R-40 Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant has submitted a survey of the premises and sketches of proposed improvements prepared by John J. Gilchrist, Licensed Architect of the State of New Jersey, dated October 10, 2009, together with photographs of the premises; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on January 19, 2010, 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 2 Spring Valley Road within the Borough of Park Ridge. A portion of the Applicant’s lot also extends into the Borough of Woodcliff Lake. Applicant seeks to construct a small addition affixed to the rear of the existing home as shown on the survey and architectural plans marked into evidence at the hearing.

2. Applicant's lot is located in the R-40 Zoning District, the Borough's largest single family zoning district. Applicant's lot is extraordinarily unique in its shape and size, having a very irregular shape and a lot area in excess of 45,000.00 square feet. The Applicant's existing home, however, is situated in the very rear portion of the lot, with the existing dwelling currently located 37.15 feet from the rear lot line of the premises at its closest point.
3. Lots within the R-40 Zoning District are also required to have a minimum rear yard setback of 60 feet. Applicant's existing home, therefore, fails to conform to the rear yard setback requirements of the Zoning Ordinance. The 60 foot rear yard setback requirement, however, is the result of a relatively recent restructuring of the Park Ridge Zoning Ordinance, a restructuring that for the first time created a 60 foot rear yard setback in the R-40 Zoning District.
4. As indicated, Applicant seeks to construct a small addition to the rear of existing home on the site. The proposed addition will extend to the rear of the existing home and will be 34.7 feet from the rear lot line at its closest point. The addition will be a one story addition and will provide an expanded kitchen area for the current home.
5. The BOARD finds that the very unique size and shape of the Applicant's lot, coupled with the location of the existing dwelling on the lot, creates a hardship as defined by the Municipal Land Use Law. Moreover, the BOARD is very cognizant of the fact that the Applicant's home is preexisting, nonconforming structure, a home that was constructed prior to amendments to the Zoning Ordinance necessitating the current rear yard variance. The BOARD also finds that it would be very difficult to expand the existing kitchen without requiring a rear yard variance.
6. The BOARD further finds that the Applicant has taken measures to insure that the proposed addition will not result in any significant encroachments into required rear yard and that the resulting dwelling will not be inconsistent with the size and design of other homes in the area. In essence, the Applicant has designed the addition to have as minimal as possible an impact on neighboring lots and the neighborhood in general.
7. The BOARD further finds and concludes that there will be no negative impact whatsoever resulting from the proposed new addition, nor the granting of the requested rear yard variances. 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.
8. 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 rear yard variance to permit the construction of the proposed new addition 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. Martin and seconded by Mr. Capilli.

ROLL CALL:

Ayes: Mr. Martin, Mr. Capilli, Mr. Walker, Mr. Flaherty

Abstain: Mr. Raman, Mr. Brennan, Dr. von der Lieth

TEN HOEVE: In the matter of Richard and Lynn Bosi, Case 09-10, is not going to be heard tonight. I realize that there is no one in the audience, but just for purposes of the record, there won't be any further notice provided. It will be carried to March meeting, which is on March 16, 2010, without any further notice.

NEW BUSINESS:

None

CORRESPONDENCE:

None

APPROVAL OF MINUTES:

The Chairman entertained a motion that the November 17, 2009, minutes be approved as submitted. So moved by Dr. von der Lieth and seconded by Mr. Martin.

ROLL CALL:

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

Abstain: Mr. Capilli

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

ROLL CALL:

Ayes: Mr. Martin, Mr. Walker, Dr. von der Lieth, Mr. Brennan, Mr. Capilli, Mr. Flaherty

Abstain: Mr. Raman

APPROVAL OF VOUCHERS:

None

ADJOURN:

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

Respectfully submitted,

Margot Hamlin,
Transcriber