

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

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:** Mr. Sandler, Mr. Martin, Mr. Walker, Dr. von der Lieth, Mr. Hoskins, Mr. Flaherty

Absent: Mr. Brennan, Mr. Raman, Mr. Capilli

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

**COMPLIANCE STATEMENT:**

The Notice for this meeting required by Section 3(d) of the Open Public Meetings Act has been provided by the adoption of a resolution by the Park Ridge Zoning Board of Adjustment of January 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 thereat and by filing the said schedule in the office of the Borough Clerk.

**PENDING CASES:**

No pending cases

**NEW CASES:**

FLAHERTY: Case: 09-10, Lot: 5, Block: 1702, the application of Richard and Lynn Bosi, has been postponed to next month. If anyone is here to address that case.

<b><u>CASE:</u></b> 10-01 Lot: 6 Block: 2006	Application of <u>Julianne and Philip Iocono</u> , 28 Wield Court for rear and side yard variances to construct an in-ground swimming pool to an existing house in an R-20 residential area.
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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 2/07/10.
- Item 2 is certification of service dated 3/02/10.
- Item 3 is legal notification dated 2/26/10.
- Item 4 is proof of payment of taxes dated 3/11/10..
- Item 5 is the deed dated 6/15/2000.
- Item 6 is the survey dated 1/26/10.
- Item 7 is 6 undated photos.
- Item 8 is the Board secretary's letter dated 2/18/10.
- Item 9 is Board secretary's letter dated 3/11/10.

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

FLAHERTY: Thank you Mr. Walker.

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TEN HOEVE: Anyone who is testifying, 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?

P. IOCONO: I do

J. IOCONO: I do

CIGOL: I do

TEN HOEVE: Please state your names and addresses and your professional addresses?

BEER: Excuse me, would you pull the microphone over, it seems to have spun around.

J. IOCONO: Julianne Iocono, 28 Wield Court.

P. IOCONO: Philip Iocono, 28 Wield Court, Park Ridge.

CIGOL: Robert Cigol, Professional Land Surveyor, 211 Main Street, Butler, NJ.

FLAHERTY: Okay, thank you very much. We do have the plans. Do you want to take us through the application, if would?

P. IOCONO: Yes, Robert will go first and then we will answer any questions after.

CIGOL: I am Robert Cigol, Professional Land Surveyor in the State of New Jersey. I am principle owner of a 12 person land surveying firm, located at 211 Main Street, Butler, New Jersey. I have 28 years experience in surveying and licensed in 1997.

SANDLER: Excuse me, I may be the only one, but I am having difficulty hearing you from over here. I don't know if the microphone is on or not.

CIGOL: I am the person who prepared the plans that are before you tonight. I have testified and been accepted as a professional witness before numerous boards throughout the state, the city of Clifton, the city of Passaic, the city of Paterson.

TEN HOEVE: As a surveyor?

CIGOL: As a Professional Surveyor.

TEN HOEVE: We will certainly qualify you as a surveyor.

CIGOL: The application before you tonight, is for a proposed in-ground pool, located at 28 Wield Court, Lot: 6, Block: 2006. The subject property is located in the R-20 single-family residential zone. The existing conditions of the site creates 4 existing nonconformity conditions from the required zoning requirements of the R-20 zone, and are outlined as follows.

The required lot area is 20,000 square feet. We are at 15,136.85 existing now. The required lot depth is 160 feet, and we are at 98.17 existing. The minimum front yard requirement is 40 feet and we are at 35.49 feet existing. Forth, the minimum rear yard to the principle building is required to be 50 feet, and we are at 35.11 feet currently existing.

These 4 existing nonconformity conditions will not be modified and will require a variance from this Board. The proposed in-ground pool is a fiberglass construction, being 14 by 32 feet, in a relative kidney shaped pattern. The proposed water surface area will be 375.43 square feet, with a maximum depth of 5 ft. 10 in.

The general requirements of Chapter 101 for swimming pools, requires that the pool follow the following design requirements.

1. That the pool be located 20 feet from all property lines.
2. That the paved surface areas surrounding the pool be located 15 feet from all property lines.
3. That no part of the pool extend past the rear wall of the main building.
4. That the pool be not closer to any building than the maximum water depth.
5. That all accessory equipment shall be located at a minimum of 15 feet from all property lines.

The applicant is proposing that the inground pool be placed in the northerly portion of the property. This area at its best, is the most level portion of the entire site. It is most compatible to the design requirements. The general topography of the site slopes downward from the northerly to the southerly with an elevation difference of 3 ½ feet.

The placement of the pool in the northerly area will create design waivers. The first being that the placement of the pool 20 feet from all property lines. It is proposed that the pool be located 18.70 feet from the northerly property line, resulting in a variance of 1.3 feet and the placement of the pool from the easterly property line at 12.13 feet resulting in a 7.87 foot variance.

The second design variance is related to the paved surface area. The required distance is 15 feet. The plan calls for 8.44 feet from the easterly portion of the property line resulting in 6.56 foot difference between the 15 feet.

Thirdly, the placement of the pool will result in the pool extending beyond the rear building line by 2.91 feet. At its best, this is the most compatible location for the pool, that would minimize the impact to re-grading the entire site. But, I can't testify to the grading at this point.

TEN HOEVE: Before any questions, you mentioned a couple of times that you are seeking design waivers. They are actually 3 variances, because they are in the Zoning Ordinance.

CIGOL: I stand corrected.

FLAHERTY: So the fact that the pool is 2.91 feet in front of the back of the house, that does require a variance?

WALKER: Yes. The easiest question of all is, instead of orienting the pool east to west, why isn't it north to south, which looks like you could easily fit into an area in that rear yard and require no variance of any kind. Three feet of topography is not that much to level off.

CIGOL: I understand that, sir. First, I would direct that question as to the placement of the pool to my clients wishes. Being that there is 35 feet for the pool, from the existing rear yard setback now, 6 foot off of the line would still create a rear yard setback, because the pool is 14 feet and we have to be 20 feet from the rear of the lot, so that only leaves us 14 feet to work with. We would still have a variance for setback.

TEN HOEVE: If you had a pool this size.

CIGOL: Correct.

TEN HOEVE: What is the distance between the rear of the house and the property line?

CIGOL: 35.11.

FLAHERTY: Okay, so lets breakdown the application. I know you went through some numbers. I jotted them down and I just want to make sure. Let's talk about the rear yard variance. Could you just run those numbers again. It needs to be 20 feet.

CIGOL: Correct, and your paved area surrounding the pool need to be 15 feet from the rear line.

FLAHERTY: Okay, and you are asking to put it at .....

CIGOL: What you have before you now, is 12.13 feet for the pool, and 8.44 feet for the paved surface area. Sliding it more westerly would have pushed it more into the side yard of the building, and I was trying to minimize the impact.

FLAHERTY: What is the length of the pool?

CIGOL: 32 feet in length. 32 X 14.

VON DER LIETH: So, you would be looking at roughly the same numbers if the orientation of the pool came a bit from what it is now east to west, to north to south, roughly in the same ballpark.

P. IONOCO: In that same location.

VON DER LIETH: Roughly the same location, what Mr. Walker was saying before, if you just turned it around. I am just curious what number would be.'

CIGOL: If we have 35 feet and take away 6 feet, because the pool is 5 foot 10 inches from the principle building, the depth of the pool, that leaves us 29 feet. 14 feet minus that would leave us 15 feet or 15.11 feet from the rear line, which would still require a variance from this Board, of approximately 4.3 feet.

TEN HOEVE: It would be a little bit further from the line. It would be about 16 feet instead of 12.

CIGOL: It would be 15.11, but yes almost 16 feet.

WALKER: Would the measurement be from the overhead line, John, or the building itself?

TEN HOEVE: Well there are 2 requirements, it is 20 feet from the pool and 15 feet from the walkway. The Ordinance requires that you be both.

WALKER: No, with the measurement to the pool, from the house to the pool, be from the overhang or from the building itself. It looks like the overhang could be 2 feet.

CIGOL: Yes, he is correct, sir. My 35.11 is from the overhang. I took the closest architectural feature to the rear line for setback purposes.

TEN HOEVE: That would change that. If anything, you gain 2 feet if you are considering it to the building.

WALKER: It could make a difference.

CIGOL: Excuse me, sir. My client will testify as to why he wants the pool placement where it is.

P. IOCONO: Originally we put this pool in the location that we did, so that we could fence it off for safety reasons, just because we put it more towards the back of the house. We were looking to try to fence it off to try to isolate it from the rest of the yard. We have a gate that goes across toward our back neighbor and their children come across also, so we wanted to fence this off and keep it separated with a separate gate. That is why we put it in the location that we currently have it.

FLAHERTY: Okay, so let's just run those numbers on the side variance then. Again, you are looking for 20 feet for the pool and 15 feet for the patio and the proposal has you at 18.7.

CIGOL: 18.7, which is a 1.3 foot variance and the concrete would be at 15. It wouldn't require a variance.

TEN HOEVE: Could I ask one other question?

FLAHERTY: Yes, sure.

TEN HOEVE: Was the only reason that you didn't move the pool nearer to the front, because you have a greater variance for the encroachment beyond the rear line of the building?

P. IOCONO: I was trying, in placing the pool there in compliance with your zoning regulations.

TEN HOEVE: What I am saying, is if you did, just a question, if you moved it forward, you would eliminate, you would still need the variance, because you are extending beyond the rear building line, but you would eliminate the need for the 20 foot variance from the rear line.

P. IOCONO: Correct.

FLAHERTY: So it would actually be a much smaller variance on the side and no variance on the rear.

TEN HOEVE: Well it would be the same on the side lot line, but it would be none on the rear and it would be a little greater in terms of the extension into the front or side yard.

FLAHERTY: What is the plan to have running in front of the pool parallel to Wield? Would you have a fence there, I assume.

J. IOCONO: There is a fence there now.

FLAHERTY: There is a fence there now?

P. IOCONO: Yes. The whole yard is fenced in, but we wanted to kind of fence it in so it is isolated from the rest of the back yard. I don't want the kids going near, so we tried to keep it to the side.

TEN HOEVE: The other question I was going to ask, did you explore a smaller pool, or is this already a small pool?

P. IOCONO: Yes, it is not very big. There is one smaller size, but we would still need a variance.

FLAHERTY: Okay, so you looked at the options and say having one in the back or moving it in different directions, or rotating the pool or a smaller size pool, that you have considered all of these options, and this is what you think was the best.

WALKER: Is there any issue with moving it more towards the front of the property, to get it away from that rear lot line?

J. IOCONO: The only reason why I wanted it back a little bit further, is that I do have 2 kids that I felt that I could see more of it from the entire yard, as opposed to the front, not that I would ever have them back there by themselves, but.....

P. IOCONO: We took a picture from directly in the back of our yard, and in one of the pictures, you have them, you can see the whole location of the pool from there. We just thought that was the best location for us.

FLAHERTY: How about the house to your rear, how close is that home to the property line?

P. IOCONO: That is the other thing. It is out of sight. I have photos that I can show you here.

HOSKINS: I think the house behind them is aligned with the house on this side.

FLAHERTY: What can you tell us about the empty lot next to you? Do you own it?

J. IOCONO: No, we do not own it. It is a double lot from Morningside. The owner doesn't live there. The lot is just overgrown.

FLAHERTY: It seemed like it had been cleared out recently.

J. IOCONO: It was, but there are still dead trees lying there.

WALKER: On your neighbor's property that is behind you, their house is offset. Their house is a little further south on the property than yours. What is the property between the driveway and the end of your lot, your northerly lot line? What is that area?

J. IOCONO: There is the other neighbor's side yard. They are kind of like catty-corner to our back yard.

P. IOCONO: In the summertime, it is all grown in because that is a garden. Our neighbor's back yard, here, that we are looking at, that is a garden there and that grows in and they also have a tree there and a shed in the back corner here.

TEN HOEVE: Do you know how close the house is, that is shown here in this picture?

P. IOCONO: To the left, the north?

TEN HOEVE: Yes.

P. IOCONO: The McManus's.

TEN HOEVE: How close is that house to the property line?

P. IOCONO: They are about 36 feet.

CIGOL: I did locate both houses that you are referring to, Lot 1 and Lot 4. Lot 1 is about 36 feet from the line. I apologize that is not on the plans here.

TEN HOEVE: There is a framed shed that is shown as being 5 feet off of the line. Is that the brown shed that is shown here?

CIGOL: Yes, that is the brown shed. In front of that shed is their driveway and their house is more diagonally located off further away.

J. IOCONO: There is actually 2 driveways.

MARTIN: What was the rear setback on Lot 4?

CIGOL: Oh, that is much further, that is about 55 feet. Excuse me if I stand corrected, I thought he was referring to Lot 1, the house directly behind us. That was 36 feet. It is positioned more behind the property to the right, the south.

FLAHERTY: Is there anyone in the public who is here to comment on this application? Are there any other questions or comments from the Board? Has anyone had an opportunity to visit this site or do any Board members feel that they would like to get out there if they haven't seen it?

HOSKINS: I was by there today.

FLAHERTY: I appreciate the value that a pool brings to your home. We are presented with a few issues that we need to kick around here. So, if there are no other questions or comments.

WALKER: Just one question. This is standardized pool, I mean it is a form or something? It is 14 by 32, it is not something that they could make 13 x 20 or something?

P. IOCONO: No, it is prefab.

FLAHERTY: We discuss the applications afterwards, the members of the Board, and you can call for some feedback tomorrow morning. When you call Mrs. Beer, we may have some feedback or ask for some time to go and look at the property again. If you could do that and please follow up with Mrs. Beer in the morning. We will let you know.

P. IOCONO: Do we come back at the next meeting or do we.....

TEN HOEVE: It may or may not be necessary. Give Mrs. Beer a call in the morning.

FLAHERTY: Thank you for your time.

<b>CASE:</b> 10-02 Lot: 11 Block: 2206	Application of <u>Albert Kranzo</u> , 1 Crossley Place for rear yard and building coverage variances to construct new larger garage to existing house in an R-15 residential area.
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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 2/24/10.
- Item 2 is certification of service dated 2/25/10.
- Item 3 is legal notification dated 3/05/10.
- Item 4 is proof of payment of taxes dated 3/11/10.
- Item 5 is the deed dated 9/15/00.
- Item 6 is the survey dated 2/19/10.
- Item 7 is elevations dated 2/16/10.

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

FLAHERTY: Okay, thank you Mr. Secretary.

TEN HOEVE: Would anyone who is testifying please raise your right hands? 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?

KRANZO: I do.

TEN HOEVE: Please state your names and addresses.

KRANZO: Dawn Kranzo, 1 Crossley Place.

KRANZO: A. Kranzo, 1 Crossley Place, Park Ridge.

BRUNO: Joseph J. Bruno, 29 Pascack Road, Park Ridge.

FLAHERTY: Okay, thank you for coming in. Again, we are looking at a rear yard variance and building coverage variance. Does someone want to take us through the application?

KRANZO, A: Basically we just want to build a garage to house both of our cars, some yard machinery, my motorcycle. We need the variances to do it.

FLAHERTY: Okay, so you have a single-car garage there now, and you to knock that down and make it roughly twice as big?

KRANZO, A: Yes.

FLAHERTY: Okay, so breaking it down, we are looking at a rear yard and building coverage? Can you take us through the numbers?

BRUNO: I can take you through that. First I would like to submit 2 sets of photographs that are both the same.

WALKER: I will mark one set as Item 8, 3 undated photos.

KRANZO, A: They were taken today, for the record.

BRUNO: The lot is located in the R-15 zone. It is undersized in 2 respects which directly impact the variances that are being requested. The required lot area is 15,000 square feet. The lot presently is 10,508 square ft. The required lot depth is 150 feet and the present lot depth is 84.76 feet. There are 2 variances that are being requested 1 is for rear yard setback. 35 feet is required, we are proposing 25.4, which as you can see from the plan lines up with the existing rear wall of the garage.

The maximum permitted building coverage is 20% of the lot. We are proposing 21.1%. I would respectfully state that is amount is diminimous and is directly related to the fact that the lot is almost 4,500 sq. ft. deficient in lot area, in terms of what the requirement is.

If you look at the survey prepared by Chris Mantel, you will see that the existing dwelling located to the rest of this property, is south of where the proposed garage addition would be, and that dwelling fronts on Clifford Drive, so even though the yard to the west of this house, the subject property is by zoning code definition, the rear yard, it is effectively the side yard as viewed from the adjacent dwelling. Take that coupled with the fact that the dwelling adjacent is south and forward of where the proposed addition is. There is no negative impact on that structure.

WALKER: I will hazard a guess here, and say that anything that you wanted to do with this house would require some type of a variance, am I correct?

BRUNO: That would be correct. We always look to come up with something that won't require a variance, but sometimes it just isn't possible.

TEN HOEVE: The driveway is already double wide, isn't it?

BRUNO: The driveway is already double wide. We are proposing no change whatsoever to the curb cut. As you can see, there is just a slight bit of flare to meet the new front corner of the garage.

WALKER: The rear yard setback, already exists.

BRUNO: That is correct. We are not proposing to come any closer than what is already existing. You will see from the west elevation, which is the rear, that the wall plate height is not going to be raised at all. We are going to come off of that existing

plate height. So, we, in consideration for the fact that we are requesting relief for the setback, we are not raising that wall plate. We are going to keep it where it is.

FLAHERTY: Okay, I saw this afternoon that you have a shed there, and that will be the trade off. You are going to get rid of the shed? Is that the plan, to remove the shed?

KRANZO A.: It wasn't the plan, because my wife keeps all of her potting stuff in that shed. I kind of lost the shed.

FLAHERTY: So, the shed will be removed?

K. KRANZO: We haven't had that discussion yet.

TEN HOEVE: Does that shed comply with the Zoning Ordinance?

KRANZO, A: When I put that shed up, they told me that as long as it was, I think, 5 feet or 4 feet from the property line and less than 100 sq. ft., it didn't need a variance.

HOSKINS: Is that where it is now, 5 ft from the line?

BRUNO: I will let you know in a second, Tom. According to the plan, it is 5 ft.

TEN HOEVE: This will provide an additional enclosed parking area, which is a benefit, correct?

KRANZO, A: Right.

TEN HOEVE: Right now you just have 1 place to put a car.

KRANZO, A.: Yes, that is correct.

FLAHERTY: Is there anyone from the public here to speak to this applicant? Is there anybody else on the Board with a question or comment?

MARTIN: I just have 1 question. John, maybe you can answer this. It is not on the survey and it is not on the plan, do you have any idea what the distance from Lot 10 to the northern most property next door? Do we know the distance between that property line and the house on Lot 10, because the one picture I saw, shows the neighbors house pretty close to the property line.

BRUNO: I could tell you, but I would only be guessing. There is no variance there.

MARTIN: No, I am just curious.

WALKER: I drove by there this evening on the way here, and the houses are all properly on their lots as they currently exist.

HOSKINS: I didn't think that there was a problem.

WALKER: No, there isn't. They are squarely in the middle of each lot. They all are.

FLAHERTY: Okay, if there are no other questions, or comments, the Board is going to discuss the application tonight and you can call Mrs. Beer in the morning as well.

KRANZO, A.: Thank you

KRANZO, K: Thank you

**CORRESPONDENCE:**

League of Municipalities re: March 2010 – distributed

**APPROVAL OF MINUTES:**

None

**APPROVAL OF VOUCHERS:**

**John Ten Hoeve, Jr.** \$609.50  
Lollipop Day Nursery School

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

**ROLL CALL:**

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

**Abstain:** None

**ANYONE IN THE AUDIENCE WISHING TO BE HEARD:**

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

**DISCUSSION OF APPLICATIONS:**

The first application to be discussed was that of Albert Kranzo. The member felt that it does need a variance but it is running along the same line as presently exists. There was no one on the Board who had a question about the application. Attorney advised to draw a resolution of approval for the next meeting.

The Board then discussed the application of Julianne and Philip Iocono. Some members felt that they would like to see it moved forward on the lot. The members felt that the applicant should be advised to move the pool more forward, which would avoid some variances. Other members felt that the side where the pool is proposed, is open space and that a privacy buffer should be planted. The general consensus was that approval could be granted based on the plantings being put along the westerly rear lot line to the PVC fence. The attorney will speak to the Borough Planner to ask her recommendation for the proper plantings to use.

**ADJOURN:**

There being no further business to come before the Board, by motion of Mr. Martin and seconded by Mr. Walker, the meeting was adjourned at 8:40 pm. Carried unanimously.

Respectfully submitted,

Margot Hamlin,  
Transcriber