

****These minutes have not been approved and are subject to change by the public at its next meeting****

The regular meeting of the Park Ridge Zoning Board of Adjustment has been called for Tuesday, September 21, 2010, at 8:00 pm in the Council Chambers of the Municipal Building.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: Mr. Brennan, Mr. Capilli, Mr. Hoskins, Mr. Martin,
Mr. Walker

Absent: Mr. Flaherty, Mr. Raman, Mr. Sandler, Dr. von der Lieth

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:

CASE: 10-08 Block 1003 Lot: 2	Application of <i>Ron Dema</i> , 94 Lafayette Avenue for 6' fence along Helvetia Street in the required front yard in an R-15 residential zone. Hearing was scheduled for July 20, 2010, due to notification problem, hearing was held August 17, 2010. Determination forthcoming this evening.
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WALKER: Mr. Secretary, do you have any additional items to be added to the record?

CAPILLI: Yes, I do. There are two additional items to be added.

Item 9 is the Board secretary letter dated 8/18/2010.
Item 10 is a revised fence location, which is undated.

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

WHEREAS, RON DEMA, (hereinafter referred to as "Applicant"), being the owner of premises known as 94 Lafayette Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 2 of Block 1003 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 variances from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of a six foot fence in various portions of the property; 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 James E. Drumm, Licensed Surveyor of the State of New Jersey dated December 23, 2009 illustrating the proposed location of all fencing; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on August 17, 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 variances;

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 94 Lafayette Avenue in the Borough of Park Ridge. The Applicant's lot is a corner lot located at the southwest corner of the intersection of Lafayette Avenue and Helvetia Street.
2. Applicant filed a request to permit the construction of a six foot high, white plastic fence to be located along the entire rear line of the property, along the entire northerly side lot line of the premises, and along the Helvetia Street property line up to a point where the fence would turn and connect with the rear building line of the existing dwelling located on the property. The precise location of all requested fencing was shown on the survey submitted to the BOARD.
3. Section 101-21 (E)(1) of the Zoning Ordinance of the Borough of Park Ridge provides that no fence in excess of four feet in height shall be located in any front yard. Several sections of the Applicant's proposed fencing thus violate the provisions of this section of the Zoning Ordinance. The entire fence along the Helvetia Street property line is situated in a front yard. The portion of the fence that extends from the Helvetia Street property line to the rear portion of the existing dwelling is situated in a front yard. The portion of the fence along the northerly side lot line that extends beyond a point thirty feet from Lafayette Avenue is situated in a front yard. Applicant thus requires three variances for sections of the proposed fencing.
4. Applicant testified that the proposed fencing is required to protect his children, to prevent animals from entering the yard and to provide privacy. The Applicant also noted that Helvetia Street is a small street that comes to a dead end at the rear lot line of the Applicant's property. Accordingly, no person would travel down Helvetia Street excepting the one resident located across Helvetia Street from the Applicant's lot. No person appeared to object to the proposed fencing, including the neighbor directly across Helvetia Street from the Applicant's property.
5. The BOARD finds that the Applicant faces a unique condition in that his property is a corner lot with one of the adjacent streets being a roadway with extremely limited use. It is unlikely that any person would ever travel on Helvetia Street other than the Applicant or the property owner directly across the street from Applicant. Moreover, the Applicant is not seeking to construct the fence along the entire Helvetia Street property line, but only to a point that is essentially parallel to the rear building line of the existing home. Applicant is thus fencing in his rear yard in a manner similar to that of a property owner not situated on a corner street.
6. The BOARD thus finds that there will be benefits resulting from the construction of the proposed new fence along the Helvetia Street property line. The fence will provide safety benefits and privacy for the occupants of the Applicant's home and will prevent deer and other animals from entering the property.

7. The BOARD further finds and concludes that there will be no negative impact from the proposed fence construction along Helvetia Street and extending to the rear building line of the Applicant's home. The BOARD does find, however, that there would be a substantial negative impact resulting from the proposed construction of a fence along the entire northerly property line. The fence would extend into the front yard of Lafayette Avenue, a street having far greater traffic than Helvetia Street. The fence would potentially block the vision of those traveling on Lafayette Avenue, particularly with respect to car, bicycle or pedestrian traffic leaving the Applicant's driveway. While 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 for the fencing along Helvetia Street, and while the BOARD specifically finds that the Applicant's proposed fencing along Helvetia Street will result in a benefit, the BOARD does not find that the construction of the fencing along the northerly property line will result in a benefit, particularly not a benefit that is outweighed by the substantial detriment that would result if the fencing were constructed. The BOARD thus finds and concludes that Applicant must construct the fence along the northerly side line in such a manner so that the fence turns at a point in line with the rear building line of the existing dwelling and connects to the rear of the existing dwelling, not extending same to Lafayette Avenue.
8. Finally, the BOARD also finds and concludes that the proposed fencing, as modified by paragraph 7 above, 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 variances to permit the construction of the proposed six foot fencing along Helvetia Street to appoint where same will turn and connect with the rear building line of the existing dwelling, BUT NOT A VARIANCE TO CONSTRUCT A SIX FOOT FENCE ALONG THE ENTIRE NORTHERLY SIDE LOT LINE OF THE PREMISES, 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.
- C. That Applicant modify the proposal, and submit a revised drawing to the BOARD, indicating that the fencing along the northerly side lot line will turn at a point parallel to the existing rear building line of the dwelling and connect to said rear building line of the dwelling.

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

ROLL CALL:

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

Abstain: None

NEW CASES:

CASE: 10-09 Block: 1909 Lot: 14	Application of <i>Robert Meister and Jacqueline Devlin</i> , 135 Morningside Avenue for variance to construct fence in required front yard (Chestnut Street) which exceeds permitted height of fence in front yard. Hearing scheduled for August 17, 2010, at applicant's request was postponed to September 21, 2010.
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WALKER: Is there anyone here to speak to this application?

CAPILLI: Mr. Chairman, I have the following items to be entered into the record.

- Item 1 is the application dated 7/22/10
- Item 2 is certification of service dated 8/05/10.
- Item 3 is legal notification dated 8/08/10
- Item 4 is proof of payment of taxes dated 9/15/10.
- Item 5 is the deed dated 7/29/04.
- Item 6 is the survey dated 7/14/04.
- Item 7 is a set of 5 photographs.

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

WALKER: Thank you, Mr. Secretary.

TEN HOEVE: Would you raise your right hand please? Do you swear that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

MEISTER: I do.

TEN HOEVE: Please state your name address?

MEISTER: Robert Meister, 135 Morningside Avenue, Park Ridge.

TEN HOEVE: Thank you.

BEER: Please take a seat, Mr. Meister. The black microphone will pick you up.

WALKER: Good evening. Would you like to tell us about your fence?

MEISTER: Yes, we have 2 medium size dogs that we would like to keep in. We have a lot of deer and coyote's that we would like to keep out. There is going to be a black chain-link fence.

WALKER: Going to be? On my way here this evening, I see a fence on your property, Mr. Meister without permit.

MEISTER: No, actually it is not. What happened was that the reason that I messed the last meeting was my mother passed away.

WALKER: I understand that.

MEISTER: And I was in Florida. Then my father asked to come up and stay with us. So, having the 2 dogs, and no fence, I decided that I needed to protect my father if he had to walk the dogs and protect the dogs. So, we put the fence up and.....

WALKER: Protect your father from what, sir?

MEISTER: He is 83 years old, and you know, with a dog on a leash, he could fall, but I put the fence up knowing that coming here, that if you wanted it to be removed, obviously I would have to move it, and the fence people know that too. They haven't given me a bill yet.

WALKER: That is not actually the positioning of the fence, it is the height of the fence that I think is what is in question.

MEISTER: That can be changed also. I just wanted, you know with my father being up here, I wasn't about to not put the fence up and worry about something happening to him.

WALKER: Are you new in the house, or are the dogs new or.....

MEISTER: The second dog is new. We got it about 2 months ago. I bought the house from my parents, who usually spend the summer with us, but my mother being ill, we didn't think that they were coming, and obviously, it was a last minute thing that he decided to come up.

WALKER: I don't have any real objection to the fence, as I looked at your property prior to it going up, I object to the fact that you are not respecting the authority of the town or this Board, you know, to grant you the right to construct it and just go ahead and do it.

MEISTER: I agree. You know I had 2 choices, you know, with my father coming, I had to put a fence up. I could have come in here and told you the reason, but then I thought that wasn't right, because I didn't want to have a pity thing. I figured if I come in and if you told me where it had to go, then it has to be moved. I mean I can't fight the town.

TEN HOEVE: One of the options, though, the Board could review your application and modify the application, it might have said, rather than having the fence so close to the street line, it could have been moved back, so that it wasn't as deep into the required front setback, or built in line with building line of the house, which would still give you an area that you could fence off to keep the dogs in. It might not have allowed the fence in that particular location, that you constructed, but might have allowed it someplace else, that would still meet your needs.

MEISTER: I do understand that, and I am perfectly willing to move the fence.

WALKER: How far from the street is it, Mr. Meister? Approximately how

MEISTER: It is 14 feet from the house.

TEN HOEVE: If it is 14 feet from the house, it is going to be 3 feet from the property line.

HOSKINS: Do you know how much grass is on the other side of the fence, the street side? Is it 10 feet, 8 feet?

MEISTER: I would say 8 feet.

WALKER: What is at the rear of the house? You know, what is on the other side? Are there fences on the other sides of your property?

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MEISTER: Yes, one is even with the front of the house, back about 6 inches. Because my father came up very quickly, the whole thing happened quickly. I had it surveyed and the fence put in within a week.

WALKER: What is the rear? Is it chain-link all the way around? They are only showing the parts that are required.

MEISTER: Yes.

TEN HOEVE: This is a chain-link fence?

MEISTER: Yes, black chain-link. We plan to do a lot of landscaping around it to make privacy.

WALKER: This is not on the application, but as long as you are here—I live on Wield Court, and pass your house practically, daily, and many times in passing your house, I have seen accidents at the intersection of Chestnut and Morningside, and part of it, I believe, is because of a bush that is on the corner of your property that blocks, if you are driving on Chestnut, towards Morningside, you can not see people coming from Kinderkamack Road down Morningside until you have jugged quite a bit out. Is there anything that can be done to trim or remove a bush like that?

MEISTER: Actually, almost in this whole fence thing, we have a lot of landscaping done, we had trees removed, because I also own the property next door. We have a lot of stuff taken out and actually, that was supposed to be taken out and it was just overlooked.

WALKER: Next door on Morningside?

MEISTER: Yes on Morningside, one house up.

WALKER: Is that the one that had the big old Beech Trees that died a couple of years ago?

MEISTER: Yes. We still have one over there.

WALKER: It was a shame that the 2 died.

TEN HOEVE: I have one question. You have a copy of the survey there, right?

MEISTER: Yes.

TEN HOEVE: It shows that the fence is 14 feet from the front of the house, and that the property line is about 18 feet from the front of the house, which means that you have roughly 4 feet between the fence and the property line. Do you see what I am talking about? Is that area flat? The 4 foot area, I mean, not the rest of the area between your property line and the curb line.

MEISTER: I am sorry, I don't understand.

WALKER: From your fence towards the street, is the property level or does it slope, is what he is asking.

TEN HOEVE: What I am asking is, that you mention that you wanted to do landscaping. If the Board were to require as a condition or approving this, that you provided specific landscaping along the fence, so that you wouldn't be able to see the fence, or it would limit the appearance of the fence from the street, would you be willing to do that?

MEISTER: Yes. We planned on doing that.

TEN HOEVE: Okay.

WALKER: Is part of the landscaping plan to remove that bush from the front corner? I am surprised that no one from the town has been.....I mean they are fender benders most of the time, but, quite a few accidents occur at that spot.

MEISTER: It is funny that no one has mentioned that.

WALKER: Really, I am surprised that no one has ever seen that.

TEN HOEVE: I have no further questions.

WALKER: I have no other questions. Is there anyone on the Board have any further questions?

HOSKINS: The fence that you put in is 5 feet high?

WALKER: Okay, we will discuss this later and you can call Mrs. Beer in the morning, and she will tell you where we go from here.

MEISTER: Okay, and again, I apologize. It wasn't anything like I was trying to sneak the fence in. I just had 2 choices of whether to stay and hopefully you would say okay, or I had to move it.

WALKER: Thank you for coming.

CASE: 10-10 Block 2009 Lot: 9	Application of <u><i>Maria & Bryan Nunberg</i></u> , 1 Hall Court for front and rear yard variances to construct additions to front and rear of existing house in an R-20 residential zone.
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CAPILLI: Mr. Chairman, I have the following items to be marked into evidence in regard to this application.

- Item 1 is the application dated 9/02/10.
- Item 2 is certification of service dated 9/11/10 and a waiver on 9/21/10.
- Item 3 is legal notification dated 9/10/10.
- Item 4 is proof of payment of taxes dated 9/21/10.
- Item 5 is the deed dated 7/28/1999.
- Item 6 is the survey dated 9/01/10.
- Item 7 is elevations dated 8/27/10.
- Item 8 is photographs, there is a photo-book undated.
- Item 9 is drainage calculations dated 8/25/10.
- Item 10 is site plan dated 8/25/10.
- Item 11 is the revised site plan dated 9/03/10.

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

WALKER: Thank you Mr. Secretary. Is there anyone here to speak to this application?

TEN HOEVE: You haven't built this addition yet, have you?

NUNBERG: No.

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?

M. NUNBERG: I do.

B. NUNBERG: I do

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TEN HOEVE: Would you each, please, state your names and addresses?

NUNBERG: My name is Maria Nunberg and my address is 1 Hall Court, Park Ridge, NJ.

NUNBERG: My name is Bryan Nunberg, and my address is 1 Hall Court, Park Ridge, NJ.

BOUCHARD: Richard Bouchard, 2 DeGraff Court Mahwah, New Jersey.

TEN HOEVE: Thank you.

WALKER: Okay, you can all be seated. Would you like to explain to the Board what additions you are making to the home?

BEER: The black microphone in front of you comes out of the holder. It is a traveling mic.

WALKER: Mr. Bouchard, before you start, I don't recall you ever testifying before us on this Board. Could you please give us your qualifications.

BOUCHARD: Yes, I am an architect registered in New Jersey and New York. I have been since 1979. I have testified before numerous boards in the county, numerous times over the past 30 some odd years.

WALKER: Okay, and our Attorney recognizes you as well, so we will accept you. Thank you very much. Please begin.

BOUCHARD: Okay, we have the existing house is a 2-story colonial style structure, as we said in the R-20 zone. The existing house has a central, formal entrance, living room, front to back on one side, existing dining room in this area on the left side, kitchen behind in this space.

What we are intending to do with these additions, is enlarge the dining room and expand the kitchen, get a mud room, and correct an existing design flaw with the front entry to the house.

This is still the existing interior dining room in this location, it is about 12 ½ by 11 ½ and it is small. You can only put like 8 maybe 10 people, if you pack them in there, with no additional furniture. So, it is tight. To enlarge that, we are going reverse the augmentation of the dining room to make it longer front to back, pushing it about 4 feet into the existing kitchen area. So, now we will end up with a dining room 16 feet by long by about 12 ½ in width. That should be plenty.

It puts it more in scale with the existing living room, which is tremendous. Then, behind that, we have taken out part of the kitchen. So, now, the existing kitchen, which is the original kitchen in the house, never been touched since it was built. It is going to be expanded towards the rear.

The basic cooking area of the kitchen will extend out 16 feet and then pushing a little bit further, with a bay area with windows for the breakfast table and additional 3 feet, for a total of 19 feet from the back wall of the house to the new rear wall of this bay area.

Additionally, to the right side there will be some doors to a deck and from the deck steps down to a patio area in the rear or steps down to the side yard, which runs along here. By the way, this house is on a corner lot, which runs hall court on the front and Sibbald Drive on the south side.

To the left of the kitchen, we will be constructing a new mud room space and some closets, hanging areas, and a new powder room and access to a deck that really just sort of a landing with steps down to the rear yard or down to the driveway.

In the front, existing conditions at the front door is that you open up the door and really you fall in to the front stairway that goes up to the second floor. There is very little space. There is almost no closet space for any kind of coat hanging. There is one hallway here, which brings you away from the kitchen, sort of, and then you have to cross through the dining room to get from the front entry into the kitchen, currently.

What we are going to do is take some of the space that we gain by turning the dining room to create another hallway, so, now we have halls on either side of the stairs, which will go straight back giving us more of a circular flow and keeping us out of the dining room with the day to day traffic. We are also going to pull the front door space forward somewhat, going out 6 feet from the existing line of the house and create a larger foyer, which will have closets on either side and then opens with the angled walls into a little bit of a larger space, so you can get back and forth when there are crowds coming in whatever.

The roof over this new foyer extends beyond the foyer area to cover, also, the landing for the steps. That goes out an additional 4 feet. There is a column on either corner and that, like I said, is a continuous existing roof. This area here, this roof line extends out, columns covering an open space in front of the actual new front door location.

Additionally, we are doing just general renovations on the exterior. They will be putting on new siding, new roofing. This will all be new stone and continuing the stone along the garage, put a peak on the front of the garage roof, which is now a very long low slope, a peak that sort of mirrors the peak that will be going on the portico.

In the rear, you can see the existing house in the background and the existing garage. This is a family room, but you have the deck, you have the breakfast area, with the bay. This is what is the stove right behind here, but this is the cooking area of the kitchen. This is the mud room next to it. Then the landing up.

On the Sibbald Drive side, this is the view into the existing garage, and then recessed behind that, is the door into that mud room and recessed further back is the kitchen expansion.

The view from the north, from the neighbor's side of the property, shows the existing house in the center, just renovated, new siding. The breakfast area coming out, these are the doors onto the deck. The deck extends out. That breakfast bay is here. Then, in the front, this is that foyer and covered entry area. The foyer, again, comes out about 6 feet another 4 feet or so, for the open portico.

I have indicated with this dotted line, where the garage, existing garage is, because we do extend about a foot and a half beyond the existing garage. There is a dotted line here to indicate that. I have copies of this drawing that I can hand out if you would like, because your copy of this sheet does not show this drawing here, so....it will take a second...

BEER: Matt, would you log that in for yourself and you can keep this one for your file.

CAPILLI: Okay, thank you.

TEN HOEVE: Mr. Bouchard, if I can just interrupt, maybe to just summarize a little bit and make it clear for the Board. You need a variance for the front yard on Hall Court. But, that is a minor variance because your existing house at its closest point, I guess, is 35.44 and you are going to be 33.88 at your closest point. So, the difference is negligible between 33.88 and 35.44 and that is only because of the foyer addition. Correct?

BOUCHARD: The foyer addition, but that really is only because of the open portico portion of it.

TEN HOEVE: Right, correct. So, that is one variance that is required. There is also a rear yard variance because you are going to be 33.74 from the rear yard at your closest point as opposed to the new, I believe 50 foot, or is it—50 foot requirement. I assume from what you are saying, is that you are doing this addition in this fashion because of the existing interior layout of the house. It is difficult or impossible for you to go into that side yard and still do a kitchen expansion and dining room expansion.

BOUCHARD: Well, basically, yes. There are a couple of odd things about this piece of property. First of all, we are pushing out to the rear and like we were saying, we are deficient by about 16 feet. But, if you stand in the rear yard and look back, first of all, their lawn extends quite a bit further than their property line actually is.

TEN HOEVE: That was going to be my next question. That is not residentially developed property, correct?

BOUCHARD: No, this is a brook and beyond the brook is Wield Court.

WALKER: That is town property.

BOUCHARD: Right, that is town property.

WALKER: There can never be a structure built on that lot.

BOUCHARD: Right. But, the appearance as far as the stairway, this may be crowding the rear yard. It appears just because of the way everything configured, is that their property goes another 20 feet or so, beyond the rear property line.

TEN HOEVE: Just my last question, for clarification, you need an additional variance that you were starting to describe for the front yard setback on Sibbald, and I wasn't clear what the current dimension is and what the proposed new dimension is going to be. What is the closest point right now?

BOUCHARD: On Sibbald, it is 37.56.

TEN HOEVE: And what will it be?

BOUCHARD: Well to the deck, in the front, that is not on the survey.

TEN HOEVE: I am just trying to find out if there is an additional variance. Is anything going to be closer to Sibbald than 37.56?

BOUCHARD: No.

TEN HOEVE: Okay, then no other variances are needed.

BOUCHARD: That is fine. So, if you actually look at the conditions here, by the time you have the town property, and then the street, and then the front yard setback of the house across the way, that house is probably 150 feet to the back of their breakfast area and it is heavily wooded.

WALKER: The lot is unique in that there is no neighbor.

BOUCHARD: Right, so that is good for us. Also, if you stand on Hall Court, and look around, this house, even though it is only 35 feet from the street, from the property line, is probably further away than most every other house on that street. In fact, the house across the street is much closer and the house next to us here, if you just eyeball across the front of their existing garage and look across, this house has an open porch, which extends about 2 feet further, I don't have exact numbers, but, it seems to extend about 2 feet further than our existing garage. So, although we are building this portico out, it basically is in line with their open porch, which extends across the front of their house, and is in keeping with just the neighborhood in general. It is not like we are

doing something that is going to be obtrusive and be out of scale or character with the neighborhood. It sort of blends in with everything else that is going on there.

MARTIN: Mr. Bouchard, I have a question. As you were taking us through the site plan, which you have in front of you, understanding you are not the author of the site plan, do you realize that this depicts a shed on the town right-of-way.

BOUCHARD: Yes. I have no idea what that is about.

TEN HOEVE: Is that your client's?

BOUCHARD: Yes.

MARTIN: Is it on the town right-of-way?

BOUCHARD: It is beyond the property line.

TEN HOEVE: But what I mean is, did they build that? Did you build that shed?

M. NUNBERG: Yes, we did.

TEN HOEVE: We can't approve having a shed on town property, certainly without having some approval from the Municipality, to put a shed on their property, and I don't think it is going to be easy to get that. We couldn't grant an application knowing that there is a substantial encroachment on Borough owned property.

I am not saying that the Board isn't going to look favorably on your request for the variances that you need, but, did you get a permit?

B. NUNBERG: We could just throw it on rollers and move it up to the property line.

HOSKINS: Is it a permanent structure?

B. NUNBERG: No, it is just a drop shed.

HOSKINS: Can it be moved?

B. NUNBERG: I imagine. It is on cinder blocks. It is 8 by 10.

BOUCHARD: It is small enough that it didn't need a foundation and didn't need a permit.

B. NUNBERG: They put it on PVC pipe and just roll it into the yard.

TEN HOEVE: It is not only on Borough property, it looks like it is probably encroaching into the Sibbald front yard setback.

M. NUNBERG: Honestly when we put the shed up, I remember it was right after we had Charlotte, so it is a little over 7 years. When we put it up, we were always told by the Gilligan's, that is who we bought the house from, and honestly he could see we had the original survey for the house. We just got the survey done from the original. We were always told that our property line was the Pine trees. The Pine trees are behind the shed. They said that is your property line. If you come into our yard, you can see that there is so much land.....

TEN HOEVE: It looks like you own it, but you don't.

M. NUNBERG: Right, and that is what we thought, so when we put it there, we thought that we had it on our property because we had it in front of those Pine trees. So, I am pleading ignorance on that, plus, it can be moved.

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TEN HOEVE: No, I am not suggesting that there was some intentional violation or something.

M. NUNBERG: We didn't know, we went by what we were told when we bought the house.

TEN HOEVE: Right.

BOUCHARD: In fact, that shows how large the property actually looks. There is a lot of space back there.

HOSKINS: How much soil is going to be removed for this addition in the back?

BOUCHARD: Let's see, I don't think they have done a soil movement.

HOSKINS: Approximately, can you give me an idea?

BOUCHARD: It is going to be a crawl space.

HOSKINS: So, that will be less soil.

BEER: The amount of soil might be listed in the drainage report.

BOUCHARD: He did drainage calculations. I don't think he has done a soil movement, has he? We are not changing the topography at all.

BRENNAN: Are you only taking down one tree?

BOUCHARD: The Weeping Willow.

TEN HOEVE: When a building permit is applied for, there is a site review that is done by the Borough Engineer, and she picks up, at that time, generally, whether there is a need for a soil moving permit. If so, she makes the people return.

HOSKINS: Personally, I didn't see anything. I was just asking whether there was a basement or not.

BOUCHARD: It will be minimal.

WALKER: Is there anyone on the Board that has any questions? Is there anyone in the audience who wishes to speak to this application?

HOSKINS: It is just my opinion, I have been past this property several times and outside of the shed, you property could stand this addition here. I don't see anything.

WALKER: Absolutely, this is a very nice plan.

BOUCHARD: Thank you.

WALKER: We will discuss this later and you can call Mrs. Beer in the morning. Other than moving the shed, I don't see any problem. Thank you.

BRENNAN: Just a quick question. Is that a seepage pit that is proposed?

TEN HOEVE: Yes.

BRENNAN: Is that required.

TEN HOEVE: It is something that their Engineer or Architect has proposed. I am going to include that in any resolution of approval. It is probably to accommodate the additional roof runoff from the addition.

BOUCHARD: It would be required.

BEER: Yes, it would be required.

WALKER: Yes, they did do drainage calculations. It is part of that. Thank you.

CAPILLI: for the record, there is one more item to be added to the record for this application. Item 12 is a revised architectural plan dated 9/18/10.

NEW BUSINESS:

None

CORRESPONDENCE:

None

APPROVAL OF MINUTES:

The Chairman entertained a motion that the July 20, 2010, minutes be approved as submitted. So moved by Mr. Martin and seconded by Mr. Brennan.

ROLL CALL:

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

Abstain: None

APPROVAL OF VOUCHERS:

None

DISCUSSION OF APPLICATIONS:

The Board discussed the application of Robert Meister and Jacqueline Devlin. The Board felt that the fence could be approved provided the landscaping is done. The Borough Planner will be requested to list what shrubs would be appropriate for the purpose of softening the fence appearance.

The Board then discussed the application of Maria and Bryan Nunberg. The members felt that the application could be approved but that the resolution must include the removal of the shed before a CO could be issued.

ADJOURN:

There being no further business to come before the Board, by motion of Mr. Martin and seconded by Mr. Brennan, carried unanimously, the meeting was adjourned at 8:45 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber