

+**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, December 21, 2010, at 8:00 pm in the Council Chambers of the Municipal Building.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: Mr. Martin, Mr. Capilli, Mr. Sandler, Mr. Walker,
Dr. von der Lieth, Mr. Hoskins, Mr. Raman, (8:05) Mr. Flaherty

Absent: None

Also Present: John Ten Hoeve, Jr., Board Attorney
Brigette Bogart, Professional Planner
Eve Mancuso, Borough Engineer
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 thereof and by filing the said schedule in the office of the Borough Clerk.

FLAHERTY: Two cases that were on the agenda are not going to be heard tonight. That is the application of Felix Rizo, 33 Midland Avenue, and the application of Joseph Careccio, 65 Glendale Road. They have been postponed until next month.

PENDING CASES:

<u>CASE:</u> 10-13 Block: 1103 Lot: 6	Application of <i>James Babcock</i> , 47 Midland Avenue for Floor Area Ratio, building coverage, rear setback, front setback variances to construct an addition to existing house in an R-15 zone. Hearing began November 16, 2010, continued to December 21, 2010 for Board to conduct a site inspection.
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FLAHERTY: Would Mr. Babcock, or do you have anything to add to the application tonight?

BRUNO: Yes, there are a couple of things. Mrs. Beer, can you hear me alright?

HOSKINS: Use the black microphone.

BRUNO: Okay, much better.

BEER: Please identify yourself.

BRUNO: Oh, Joseph J. Bruno, Architect. I have 2 things. One is a letter from Azzolina and Feury. They are the engineering firm that prepared the survey, regarding the permit by rule. According to the Lawyer, there is no impediment to further developing the site, so I will handle this as an exhibit if I may.

I also took a photograph of the subject property looking east from North Fifth Street, which you will see in the foreground and to the right, the stream and the embankment. That was the subject of the conversation last month, where there was some speculation as to whether the property behind the subject property could be developed.

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TEN HOEVE: You can mark those as the next 2 exhibits, when you get them.

WALKER: Item 9 will be 2 undated photographs, and Item 10 will be the applicant's engineer's letter.

BRUNO: For the Board's information, the photographs were taken yesterday, December 20th.

TEN HOEVE: While the Board is looking at that, I have one question. The owner occupied portion of this will be the first floor, correct?

BRUNO: That is correct.

TEN HOEVE: No improvements are being provided to the second floor.

BRUNO: Other than the, the property owner has, I believe, a permit out. Why don't you tell the Board what you are doing there?

TEN HOEVE: By that I mean, expanding?

BRUNO: Oh, no. They are doing some renovations, the bathroom I believe, and the kitchen cabinets. There will be no expansion whatsoever on the second floor.

TEN HOEVE: No increase in the floor space on the second floor?

BRUNO: That is correct. There will be no increase.

FLAHERTY: Okay, so one of the reasons we had the applicant come back was so that some of the Board members could pay a site visit. Have any of the Board members had a chance to visit the applicant's home and yard? Do you want to offer any feedback on what we had some concerns about, the backyard and the stream area? Are there any comments?

HOSKINS: I was there today and I was on Fifth Street in front of the house and it is my opinion, I don't see too much of a problem.

FLAHERTY: Is that land in the back, is there any chance that it would be developable?

HOSKINS: In the back of the house?

FLAHERTY: Yes, where that stream runs.

HOSKINS: I wasn't looking really on the other side of the brook. I was looking on the Babcock side. I don't think that they can do anything on the other side of the brook.

CAPILLI: The house directly across from that house was affected by one of the storms because of the development at the top. It just totaled the house. I mean I guess it was condemned actually. Then it sold.

WALKER: That was on Fifth, wasn't it?

CAPILLI: Yes on Fifth across the stream where there backyard is below and it directly across from that.

WALKER: Isn't that house across closer to the same level as the stream.

BABCOCK: Almost grade level with the stream. It was Mistretta's house.

WALKER: The stream is significantly below his house.

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CAPILLI: Have you see the worst swell in that stream and how far it comes up?

BABCOCK: I have been with the Fire Department and we have pumped them out for years.

CAPILLI: How far is the end of your property line to the normal stream line?

BABCOCK: Oh, way back. I don't know if you walked by my property, 150 to 200 feet.

CAPILLI: The only concern in looking at this, is, are you putting a basement on this or is it going to be on a slab, or a crawl space?

BABCOCK: No, I am not putting any basement. Just the existing grade is going out, no more excavation. The basement is staying the way it is, the same size as it is now.

HOSKINS: Would you say the drop from the end of that falls right to the brook maybe 25 feet? What would you say?

BABCOCK: Maybe 100.

RAMAN: No, no, he is talking about the vertical? How deep?

MARTIN: I was out there yesterday, during the day time, again, this month and I looked last month, I don't see any problem either. I think the outside cosmetic work in addition to the addition contributes positively to that area of the neighborhood and I think as far as its potential for floor issues, I think we would all need an ark if the water got in Mr. Babcock's backyard.

BRUNO: One of the things that I would like to offer, is that due to the size of this, the project, the project will fall under the jurisdiction of the site plan ordinance. So, the Engineer will have to prepare a site plan addressing grading and drainage. Of course there will be a seepage pit with pitch depending on what the Engineer designs. That would be reviewed by the Borough Engineer, of course.

WALKER: I was there as well. It is a large lot. It is surrounded by a great deal of Borough property, surrounded on 3 sides, I believe, of Borough property. It doesn't look like anything could be built on the lower side, which is behind. The side that is west is Borough property. It is the same lot and the stream runs through.

FLAHERTY: Okay. I think we all have, a number of us had a chance to clear up some of the possible misconceptions that we had about the applicant's property. Is there anyone here in the audience to speak to this application tonight? Okay, I think we have enough information and feedback, so we thank you for coming back.

RAMAN: Was there letter also?

FLAHERTY: Yes, this is from the engineering firm.

MANCUSO: Mr. Flaherty, may I just ask the applicant one question? I notice that you have a very wide driveway. It is actually in excess of the Borough Code for driveway width. Is there any consideration of perhaps reducing the width of the driveway?

BABCOCK: It is a 2-car garage. We planned on leaving it the same width that it is now.

MANCUSO: You are allowed to have the width as it approaches the garage doors, sufficiently wide to accommodate entry into the garage, but as it approaches the curb, the gutter line or curb line, the maximum width should come down to about 18 feet. The Code requires that it tapers down.

BRUNO: I understand your question. Let me see if I have the survey here.

MANCUSO: I didn't know if there was any consideration, since you are having such extensive work done on the home, if there was any consideration to have that comply with the Code.

BABCOCK: Oh, instead of having that.....

BRUNO: Yes, we can take the, leave the curb cut on the east side where it is, and then bring the curb cut on the west side or to the right, as you are looking at the house from the street, and bring that in.

MANCUSO: I haven't visited the property, so I would have to rely on you. Is that physically okay? Are there grades involved in any way?

BRUNO: The site in the front of the house is fairly flat. So there would be no grading impediment for that. We can take the curb cut on the right hand and bring it in towards the east and then just make sure that we have the full width. We just have to be a little careful. We may not be able to get it down to the 18 feet, because the driveway is shallow. The house, of course, is at that point is only probably about 21 or 22 feet from the front lot line. To make the transition may be difficult.

In a normal ordinance compliance setback situation, that would not be a problem, but in this case it may very well pose a problem, but we can certainly see how far we can bring it in. Maybe not into compliance with the 18 feet, but bring it in as much as possible, when the engineer is working on the site plan.

MANCUSO: That would be helpful. Then you can landscape it appropriately.

BRUNO: Right, the biggest issue will be the transition from the curb cut to the full width of the 2-car garage. But, we can address it.

MANCUSO: Thank you.

FLAHERTY: Sid, any questions on the letter?

RAMAN: No.

FLAHERTY: Okay, I think that we have enough. Thank you for coming in tonight, and you can call the office in the morning.

NEW CASES:

CASE: 10-15 Block: 708 Lot: 2	Application of <u>David Alvarez</u> , 145 North Avenue for Floor Area Ratio, front, side and rear yard variances to construct additions to existing house in an R-20 residential neighborhood.
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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?

ALVAREZ: I do.

TEN HOEVE: Please state your name and address.

ALVAREZ: David Alvarez, 145 North Avenue, Park Ridge, NJ.

TEN HOEVE: Thank you.

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ALVAREZ: Thank you to the Board. Thank you also to Mrs. Beer for organizing me for this. This is my first time doing this.

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

- Item 1 is the application dated 11/30/10.
- Item 2 is certification of service dated 12/07 and 12/08/2010.
- Item 3 is legal notification dated 12/10/2010.
- Item 4 is proof of payment of taxes dated 12/15/2010.
- Item 5 is the deed dated 07/18.2006.
- Item 6 is the survey also dated 07/18/2006.
- Item 7 is plot plan, site plan and elevations dated 11/16/2010.
- Item 8 is 6 undated photographs.

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

FLAHERTY: Okay. I was wondering if you would like to take us through what you are looking to accomplish.

ALVAREZ: Yes. I purchased this home in 2006. I had never been a homeowner before. I love the community of Park Ridge and my wife and I decided to start a family here. We have 2 children. We bought a Cape Cod that is relatively 1,200 square feet. The property is 150 by 100 deep.

You know, marriage for 6 years, we have 2 children now. We have one on the way, it is due May 30th. We want to provide a bigger home for our children. The Cape Cod is typical half floor on the upstairs, which houses 2 bedrooms. Downstairs is just the living room and a kitchen and 2 bathrooms.

At this point, we feel that it is a little too small for what we want to accomplish for the family.

FLAHERTY: Just so I know, these photos that you have included, in the application, you say River Vale.

ALVAREZ: There is a house on Brook Avenue in River Vale. It is a center hall colonial. Based on the look of the house, the frontage, the windows, the setup of it, I think it is a beautiful home and we want to model that it into the house. Also we looked at our street and it would fit perfectly.

FLAHERTY: Okay. So, just I don't know if any of the Board members have seen the street, you are saying that other homes on the street have been developed similar to that?

ALVAREZ: Yes, North Avenue, for what I know, it is across from Bear's Nest. If you go down the street, there is approximately 6 new homes. They are all center hall colonials. They vary from 4,000 square feet to 6,000 square feet. I happen to own the smallest house in the whole 2 blocks, approximately 2 block radius.

FLAHERTY: Okay, so the idea is to increase the size of the home. The application is calling for a Floor Area Ratio, front, side and rear, so you are going over in every direction. Have you looked at other options that might not require as many variances?

ALVAREZ: Yes, I did. The only option that we see, is growing sideways. In other words, the house is not going to be any deeper, than it is now existing. Unfortunately, because it is only 100 feet deep, you are looking at 33 feet on the rear yard and I believe the frontage.....so, the rear yard is going to stay the same, we are just going along with the existing foundation and the front as well.

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By doing it, we just end up with a very thin backyard. We are not adding to it. We are just going to use the side as a side yard.

FLAHERTY: How about from the front. You are currently 33.8, so you want to go about almost 3 feet closer that way?

ALVAREZ: Yes, the 2 feet is not the actual outer wall, it is just the entrance. Based on what the architect stated to me, is that we have to show what the roof for the entrance is. In other words, you know, you put the little canopy over the door where you enter. So he said that the measurement has to go from the tip of the roof, not the actual wall.

The actual wall that we are going to build is exactly in line with the existing wall.

FLAHERTY: Interesting. Okay so if we are looking at the side, that is a little bit of a different story. So you are going from 19 feet down to 9 ½ feet. You are proposing to be 9 ½ feet off of the property line?

ALVAREZ: On the side? On the side yard?

FLAHERTY: Yes.

ALVAREZ: Yes, that is the garage. What we are doing is, we have a detached garage, which is close to the rear property and close to the side yard property, so by touching it we have to go for a variance for it, because it is non-conforming the way that it is now.

What we are going to do is attach it to the house.

TEN HOEVE: Your home is not currently 19 feet from the property line. That is the existing detached garage, right?

ALVAREZ: Yes.

TEN HOEVE: And that basically almost conforms, because detached garages can be 20 feet from the side line.

WALKER: That is not the way that the survey reads.

TEN HOEVE: Okay, what does it show?

WALKER: It shows that the garage is practically on the line. 19 feet is the dimension from the existing home. That is practically on the line.

TEN HOEVE: Okay, then that doesn't comply.

WALKER: I am wondering why, I mean what kind of condition is that detached garage? Because if you could knock that down, and add a 2-car garage to the side where you have 72 feet, you practically wouldn't need to see us.

ALVAREZ: You know that I would love to do that. Unfortunately, to me it is a safety issue with my children. I want the side yard to be just a playground. I want to keep them away from the cars as much as possible. Since we have a detached garage to the side of the property, all I want to do is attach it to the house. I think that the 19 feet that we were discussing before, is the width of the driveway. In other words, the width of the garage itself, I think, from what I understand.

WALKER: The way that the survey reads, it is the dimension from the corner of the front of your house to your property line. That is 19 feet, so if you add a garage that, I don't know what the width of it is, if you are going to add a garage that is 12 feet wide, then you are going to 7 feet.

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FLAHERTY: Okay, the drawing calls for 9 ½ feet, being 9 ½ feet off of the property line, when 22 feet is required.

TEN HOEVE: Mr. Chairman, may I ask one other question?

FLAHERTY: Yes.

TEN HOEVE: On the sketches that you have shown, what is the area behind the garage?

ALVAREZ: Just a little landscape.

TEN HOEVE: No, no, what I mean is, it looks to me like the garage is extremely deep.

ALVAREZ: The proposed garage?

TEN HOEVE: Well, yes, the proposed garage, if I am looking at this correctly, extends from perhaps 10 feet back from the front portion of the house and then for another, unfortunately I can not read the numbers on my plan. They are just too small for me to read.

HOSKINS: It is 18.8.

TEN HOEVE: Okay, but it continues all the way to the back. How far is that? It looks like it goes for 40 feet or more.

ALVAREZ: I think it is, from what I read, it is 26.4 plus 16.6. So somewhere around 40 feet.

TEN HOEVE: That is my question. You are not going to use that all for parking cars. Are you going to be parking them front to back, right?

ALVAREZ: Yes. We are just going to enter the front of it. The existing garage now, it is relatively probably 4 feet away from the house. So, we want to bring it closer to the house and we want it to be closer now where you could open the door and enter the house. That is why he did it that way.

TEN HOEVE: No, my question is why is it 40 feet deep?

ALVAREZ: I think that the architect tried to accomplish that. In other words, you will be able to park the car and enter the house. That is basically it. The garage now is detached, so in order for us to bring it without knocking it down, we will have to just basically stretch the wall all the way to the house. That is why it is a little long.

TEN HOEVE: It looks on your plot plan, as if that area that I am talking about extends far to the rear of the property and way past the house.

ALVAREZ: I think that he was just probably trying to salvage the existing walls and foundations and you know.....

TEN HOEVE: No, no.

VON DER LIETH: Right, but if you walk inside the garage, and I looked at the back wall, is that back wall all the way back?

ALVAREZ: Yes. The back wall we are not touching at all. We are not touching the back and we are not touching the side to the

TEN HOEVE: What I don't understand, is my question is, what is the proposed use of that area?

ALVAREZ: It is a garage but I think.....

TEN HOEVE: A 40 foot deep garage? 43 feet?

ALVAREZ: I don't even know at this time what the garage is or what you need for a 2-car. All I need is a 2-car garage. I think from the architectural point of view, what he did here, based on what I am looking at, is he is trying to salvage the existing foundation, by bringing it closer.

TEN HOEVE: But what I am saying is you need a variance because, I am assuming that is the portion that brings you within, again, I can't read the numbers, but you need a rear yard variance because the requirement is 50 feet and you are 30 something, it looks like.

FLAHERTY: Currently 38 feet.

TEN HOEVE: The reason is because you are all the way back with that gigantic garage. That is the part that I don't understand. Why is it

ALVAREZ: The garage is already there. In other words, the garage is a complete garage and what we are trying to accomplish is to have a 2-car garage and bring it to the front of the house.

VON DER LIETH: What Mr. Walker said before, regarding just getting rid of the existing garage and just like cutting that on the plan in half, that way you could still park your cars in there and walk right into the house. Do you know what I mean?

ALVAREZ: If we do that, do you still need a variance or that would be in compliance?

TEN HOEVE: Well, you are getting rid of one of your variances but you are still very, very close to the side lot line and Mr. Walker's other question was why not put it on the other side where you have plenty of room and you are not going to need that side yard variance. If you did that, you would eliminate the rear yard variance and the side yard variance.

FLAHERTY: It would eliminate the more dramatic of the 2 rear yard variance, which you are looking for. The garage, the requirement is 50 feet and you are looking to go 10 feet, so that is an exceptional.....

WALKER: I am following the survey here because it says 9 ½ feet, but the proposed 1-story garage addition appears to be on the property line. It is showing 9 ½ feet and I don't see it in the 2006 survey and I don't see it on the survey that is on the proposed plan.

RAMAN: It looks like it is about 2.8 feet.

WALKER: The old one and when you add something to the front of it, it is even closer than 2.8 feet.

ALVAREZ: I think that the 9 ½ feet that I was talking about is the rear. The rear, if you look at the rear wall of the garage, which is the existing now, it is 9 ½ feet from the actual property line from the rear neighbor.

WALKER: But we are talking about the side.

ALVAREZ: Then the side, the existing one now is 2 feet. What I am looking at this is what he did, he added it and made it a little wider at the entrance, by bringing it even closer to the property.

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TEN HOEVE: That doesn't show on your schedule. In other words, it shows that you, it doesn't show that you need a variance to permit you to put a building somewhere around 2 feet from the side line.

ALVAREZ: You know, I don't know. All I know is we need a variance for that and we need a variance for the rear and the garage.

BOGART: I think that it actually .8 feet.

WALKER: Yes, the schedule is wrong.

MANCUSO: Mr. Chairman, may I add something. It appears that he needs a height variance as well. If you look at the sketches.

WALKER: It claims not to.

MANCUSO: I believe that is incorrect.

WALKER: Being that the one measurement is incorrect, I would believe that it is incorrect.

FLAHERTY: He is proposing 31.87 feet. You are seeing a different height according to the drawing.

MANCUSO: The drawing submitted, that is labeled PA-3, that was prepared by the architect, that says front elevation on the left side, there is a string of dimensions there, and if you follow the measurement for height, our height now can not exceed 32 feet at any face. If you look at that far left elevation, it looks like the topography drops down, so it greatly exceeds. It looks like we are up to about 36, if I can read that number properly.

So, the average may, in fact, be 32, but that left face, I don't even know what direction this is, because there is no North arrow on it.

FLAHERTY: Just so I am clear now, the property, as you said, the grade kinds of shifts down. You are just measuring where the dirt meets the house to the roof, that is how you determine the height.

MANCUSO: It is actually 6 feet away from the face of the building at that building wall. You have 32 as an overall dimension on an average, in addition to that, you have any face of the structure can not exceed 32. What the Borough was trying to avoid is specifically on sloped properties, that the down hill side doesn't have a dimension that greatly exceeds that 32. So, to avoid it, the portion of the structure that is on the down hill side of the sloping lot has to have a staggered roof line, so no points along that face exceeds the 32 foot height.

WALKER: I don't remember that the slope is that severe on the left hand side of that house. Are you excavating so that you can get a basement exit?

MANCUSO: Well that was the next question, because, I think that you hit the nail on the head, drawing PA-1 does show a basement with full walk out doors. Then again, there is not topography submitted, so I believe you would need to have a detailed topographic survey to determine how the structure fits with the existing conditions.

WALKER: Which is why they didn't put the driveway on the left hand side, because they want to excavate it for

ALVAREZ: No, with the driveway, the primary reason for that, we are going to have 3 children and we don't have a back yard. I mean it is 100 feet deep is how the property line is. So, even I didn't attach the house now, you still don't have a back yard. You have a side yard. That is where you want to put the swing set and spend time with

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them in the summer, and want to keep them away from the cars. That is my biggest concern with that.

Since we have a detached garage already, to the right, and my neighbor's garage is to the right, so it will kind of be the same way. I think it works to keep it and it is a safety concern on my behalf.

WALKER: How far is your neighbor's house from the property line?

ALVAREZ: If you look at the little slope here, that we are discussing, that would be the left of the house, so we are facing the house. The garage is to the right.

WALKER: Right, how far is the neighbor to the right of the house?

ALVAREZ: My neighbor from the right, the fence to the wall is about, I would say between 75 and 100 feet. My other neighbor her garage to my wall is about the same, between 75 and 100 feet to my wall.

FLAHERTY: I am trying to get a feel for the Board members up here. As this is currently proposed, what is the initial feedback on this application?

BRENNAN: There are a few problems, I don't see us approving a building structure that close to the property line, number one. Number 2 is if he is excavating another exit in the basement, I don't think that would fly.

CAPILLI: Mr. Alvarez, we are not trying to tell you how to make your plans up and draw you dream home, but it just seems like there is a lot of other configurations that... I understand your safety concerns with the kids, and the traffic for sure, but is there a possibility that the architect could maybe throw out some other scenarios that might not require these.....

ALVAREZ: I think what we should probably do, you know, from the wall of the house to the fence is relatively 20 feet, so I would have to find a way to fit a garage in there, since we have a detached garage already, in the corner, which is 9 feet to the rear of the neighbor and 2 feet to my neighbor to the right.....

TEN HOEVE: The fact that you have a detached garage there, though, doesn't entitle you to put an attached garage on your house and put it as close to the property line. You don't have some right to do that by virtue of the existence of that detached garage. I think that some of the Board members are saying there is so much land on the other side, that you should explore the possibility of putting it on the other side, so you wouldn't be having this very significant encroachment to the side yard. I think what the Chairman was asking, how the Board feels in connection with the application to see if the applicant wants an opportunity to redesign the plan and come back or have the Board vote on the application as it is currently configured.

FLAHERTY: The question was as much for me to get some feedback, as it was for you. You could allow us to vote on your application tonight. I don't know that you would want that to happen, or you could confer with your architect. The Engineer did bring up some other issues about no topography being submitted and the height issues. '

MARTIN: Above the physical issues there is inconsistencies in the data between what is stated on the schedule on PA-1 and what is shown in the individual drawings. So, I think the architect.....

WALKER: There are a number of things that someone has to go over this compliance table. The Floor Area Ratio numbers are incorrect. The side yard measurement is incorrect.

MARTIN: I think that the architect has some issues that he has to address on the plans as well.

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CAPILLI: You have enough property to do what you want to, to accomplish what you want. It is just the configuration that.....

ALVAREZ: The other thing, you know, with me, is that I am trying to build a house for the family, of course, and bring it up to date. I bought the house for \$520,000.00 in 2006. I am trying to redo the house and bring it up to date, so we could provide the children with comfort. I want to do it as reasonably as possible, without, obviously, I spoke to a few builders and they said it is a no brainer, you know, level it and we build it on the other side of the property. That is, you know you are looking for another half a million dollars.

WALKER: You don't need to level the property. You can't build a structure that close to the property line in this or practically any other town in Bergen County. I say that without fear of contradiction.

ALVAREZ: Sure, I have don't commercial development, but I am new at residential. This is my first house and lessons greatly to learn. What about the option of just leaving the garage where it is now, and we can focus on the house instead? I don't have to attach the garage. In fact, I like it the way that it is. My wife, of course, you know, has a different opinion and I agree with her, parking.....

WALKER: Without the garage addition, most of the other stuff is going to be fine.

FLAHERTY: The front is really not a..... height, is one.

MARTIN: Irregardless, you need to call your architect because he did you a great disservice with what he has provided for you to bring to us. There is all kinds of data issues.

WALKER: At least 3 errors.

MARTIN: Plus, whatever he provided you to give us is illegible.

TEN HOEVE: Yes, that is a significant problem for the Board. We can't read the plan. I can't even read the numbers to check the numbers.

WALKER: What is the width of the current garage?

ALVAREZ: It is about 17 feet.

WALKER: Isn't there anyway that you could widen it because 21 or 22 feet is a 2-car garage width. So if it is 17 now, you have enough room if you go back out...to add to the left of the garage...

ALVAREZ: That is an option, yes.

TEN HOEVE: You need to explore these options because you might be able to eliminate the FAR variance, which is a significant variance. It is a (D) variance and it requires 5 votes, rather than just a majority vote.

If you speak to your architect and you do change the garage around so that you are leaving the existing one, you might not even need an FAR. I don't know, I didn't do any of the calculations. Probably not.

FLAHERTY: So, and the height issue that has been brought up....

ALVAREZ: With the height, can...she seems to know what she is talking about. Obviously I have to meet with the architect and go over everything with him and get it to at least 99%. I think this looks like a 70% at this point. I can't thank you enough to be here during the Christmas season. I am busy also and I appreciate your time.

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The height issue, the way that the property is on a down slope. Does it go from the actual basement floor, to the roof? Is that how you measure the height?

MANCUSO: The height is measure from 6 feet from the base of the structure out to the ground. You have 2 different dimensions. You take the average around the whole perimeter and at the back of the yard there is a picture that illustrates where you should take those elevations. So you have an average, and the average can't be more than 32, but in addition to that average, any face of the structure measured from that ground elevation, to the peak of the house can not be more than 32 feet.

So, in the instance where you have a down hill sloping property, the roof has to also be staggered and follow the grade down. You can call into the building department and they can go over it. You can call me and we can go over it.

ALVAREZ: I will come over, no...

MANCUSO: You are welcome to.

ALVAREZ: No, I will go over everything with him and have him do some research on this, to make sure that we get it right.

MARTIN: You might want to bring your architect with you next time.

ALVAREZ: You know, I think that would be smart to do. I mean I love the town, and I live here and I serve with the Board of Health, and I have 2 restaurants in the community, not in Park Ridge. My intention is obviously to stay here and raise my family here and provide them with a nice house comparative with today's standards.

By all means, I don't want to cute with this stuff. It is what it is and I am going to try my best to work around the perimeters of it. So, thank you.

WALKER: You have a nice lot. There is plenty of room to have a nice home.

ALVAREZ: Yes, thank you very much.

FLAHERTY: Okay. We will see you next month. You don't want us to vote on this tonight, I assume?

ALVAREZ: I don't think it is a good idea.

FLAHERTY: I don't think so either.

ALVAREZ: If anything in the plans themselves are not accurate, that could be an issue down the line. So, I want to get those numbers right for starters, and then I want to reconfigure that garage. I think that we could do something that would fit 2 cars that is not scary looking.

FLAHERTY: Confer with your architect and let us know.

BEER: We meet again on January 18th. I will send you a letter with deadlines for what to do if you are going to revise anything.

ALVAREZ: Mrs. Beer, you were very helpful, so I will come and see you and touch base with you. I will bring the architect next time for more specific questions and we will do a full set of plans also, so they are readable. That is important. Thank you very much.

CASE: 10-16 Block: 1603 Lot: 5	Application of <u>South Maple Associates</u> , 62 Park Avenue for modification of prior Board of Adjustment approval to relocate dumpster, add shed, modify landscaping and parking lot in the Neighborhood Business District
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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 11/30/2010.
- Item 2 is certification of service dated 12/10/2010.
- Item 3 is legal notification dated 12/10/2010.
- Item 4 is proof of payment of taxes dated 12/15/2010.
- Item 5 is the deed dated 5/09/1986.
- Item 6 is the survey dated 11/29/2010.
- Item 7 is 12 undated photographs.
- Item 8 is a letter of denial from Zoning Officer dated 11/08/2010.

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

FLAHERTY: Thank you.

TEN HOEVE: Will your witness be testifying? Just 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?

GROWNEY: I do.

TEN HOEVE: Please state your name and professional address.

GROWNEY: Gerald Growney, Jr., 4 Burkhart Lane, Old Tappan, NJ.

TEN HOEVE: Thank you.

BELL: My name is Allan Bell of the Law Firm of Jacobs and Bell. I represent the applicant. Essentially, just very briefly, this is a mixed use building. It is commercial on the first floor and apartments above.

My client, over the course of time, the refuse has grown. The size of the dumpster has grown in order to keep the refuse contained. The refuse doesn't really fit in the dumpster area that was originally approved by the Board. So, what he is proposing, is to create a new dumpster area that would be hidden by, partially by a rock wall and then by screening by arborvitae. It would also be easier for the garbage truck to get in and out and out and to the dumpster, than it currently is. That is all that is being proposed.

What I would like to do, with the Board's permission, is just ask Mr. Growney some questions to explain what he proposes and to go through the pictures so that you can visualize it.

FLAHERTY: Okay.

BELL: Mr. Growney, what is your relationship to South Maple Associates?

GROWNEY: I am the operations partner.

BELL: It is a corporation?

GROWNEY: Yes.

BELL: You are authorized to appear on its behalf?

GROWNEY: That is correct.

BELL: South Maple owns the property in question?

GROWNEY: Yes.

BELL: When this project was originally approved, the dumpster area was contained on a concrete pad shown on the site plan prepared by Robert Vicari?

GROWNEY: Yes.

BELL: Over the course of time, can you tell the Board what has happened that causes you to make this application?

GROWNEY: We purchased the lot from the Borough of Park Ridge and we had a site plan approval with the building and part of the site plan was the container location, which has been there, okay, since approximately 1987. It was about a 3 yard container. In those days, and moving forward, probably close to 15 years, we had a cable pickup and it worked to a degree, then as time marched on, and we have a very active tenant in there, Phil Mania, who has come before the Board on other items, we to lease a 8 yard container, which is picked up by a fork truck.

Everything is located on the southeast corner, which is the high side of the parking lot because there is about a 10 to 12% pitch all the way to the west wall, retaining wall of the property. Basically, the truck backs in and maneuvers and picks up the container. Right now, the container has been sitting out there past the curb line, which is on the parking side, pavement side. So, we would like to recess it into the hill, okay? Being that it is an 8 yard container, we want to use a natural stone wall around it, because picking up 8 yards tends to, sometimes the truck is a little careless and bangs against things. So, and also put a fence, okay, a decorative fence in front of it so it is completely hidden, or as much as I can with the fence.

We want to use the existing pad, or the old container location for 2 operations. One is we want to, and there is a picture in my application.

BELL: I will go through the pictures with you in a second.

GROWNEY: Okay, alright, because the activity that he has over there, he has a very active beauty shop, and in the winter time, I don't want to say this, a lot of female drivers, so, we have difficulty maintaining the lot. We have to salt it and sand it, okay, very quickly to maintain it on a timely level. So, we want to put a shed up so that we can keep the sand and salt in there for ready use. Then the rest of it will be used as an area because when a container, and I have an 8 yard container, sometimes it is an overflow. So this way I can put the overflow in a contained area, a gated area and it would work with the garbage operation.

BELL: You took various pictures of the site and the existing container, is that correct?

GROWNEY: Yes.

BELL: And the proposed shed?

GROWNEY: Yes.

BELL: Do those pictures fairly represent the conditions as they exist today and the shed that you would be just talking about?

GROWNEY: Yes.

BELL: These are the copies of the photos that were submitted to the Board?

GROWNEY: Yes.

BELL: Can you tell the Board what is depicted in the photos on page 1?

GROWNEY: Okay, it shows where the container is right now and on the top and the bottom, and it actually shows the relationship between the existing container area versus where the 8 yard container is right now.

BELL: How about the photos on page 2?

GROWNEY: Page 2 is taken from Maple looking west. You can see that there is a grade in it. That crown of that southeast corner is approximately about 4 ½ feet above the pavement lines.

BELL: And the next page?

GROWNEY: Again, this is looking, lets say, more or less south, southwest to show you the area where basically the container would actually fit in. Of course, we would have a gate in front of it and there would be landscaping. We would completely envelope the whole area, which would bring it up to, because the last time, really, the original landscaping was there up to about a month or so ago, maybe 6 weeks ago. The last is the type of shed we would like to put. It is kind of decorative and it would fit into the scheme, because it is a residential area behind us.

BELL: Okay, I have no further questions of this witness.

BEER: Mrs. Mancuso we could share the photos down at this end.

TEN HOEVE: I have one question. Is your witness aware of the fact that the Planner and Engineer are women?

GROWNEY: Well, I have 4 daughters. So, I live with 5 women.

WALKER: My question is why didn't the surveyor give us the entire lots?

GROWNEY: Well it hasn't changed. It is the original site plan.

WALKER: Well it says existing parking lot will remain. How many parking spaces are there?

GROWNEY: There are 28. It has never been changed.

WALKER: How many apartment rental units are there?

GROWNEY: There are 6.

WALKER: Six and how many spaces do they have?

GROWNEY: Well they have 1 ½, originally it was 9 spaces.

WALKER: Nine, so there are 19 spaces and it is only the beauty shop?

BELL: There is also a drop off cleaner.

WALKER: So it is a very, very busy parking space.

GROWNEY: Oh, I will say. He went through a major renovation.

WALKER: There seems to be, you have the 8 yard container on site now?

GROWNEY: Yes.

WALKER: There seems to be debris laying around in addition to the 8 yard container?

GROWNEY: That is correct.

WALKER: Couldn't you get additional pickup on the container during the week?

GROWNEY: I have it twice a week.

WALKER: Couldn't you get it 3 times a week?

GROWNEY: That is true, but also I have to educate the tenants.

WALKER: How much garbage could 7 or 9 apartment generate?

GROWNEY: What about the commercial with the boxes? That is the big problem. The don't collapse the boxes.

TEN HOEVE: Can I ask one question, just quickly? How many spaces did you say there are on the site?

GROWNEY: There are 28.

TEN HOEVE: I have a copy of the original resolution, which says there were 36.

GROWNEY: Then I am wrong, okay. I went by memory. I don't have a copy.

WALKER: I don't think there are 36.

GROWNEY: No, I don't think there are 36, maybe there are 32.

TEN HOEVE: This is a resolution that was adopted in January of 1987, South Maple Associates. The decision was March of 1987. It indicates in here, that the applicant testified the site will contain 36 parking spaces, more than the number required for either a commercial or residential use.

GROWNEY: I made an error. I went from memory.

WALKER: I don't think that there are 36.

TEN HOEVE: I ask that just because the plan doesn't show how many parking spaces there are. We don't have a copy of that 1987..

GROWNEY: I can get a copy of that. I have it at home. Tomorrow you will have it.

BRENNAN: What is actually the requirement if they were going in front of the Board now?

TEN HOEVE: I am not sure. It would be determined by the number of units and the floor area of the commercial space. Let me just see if I can6 apartments, each containing 836 square feet. So there are 6 residential units?

GROWNEY: Correct.

TEN HOEVE: It doesn't say, I don't have the application...

GROWNEY: It is approximately 4,700 square foot footprint.

TEN HOEVE: Eve, can you tell me what the.....

BEER: They need 9, I think for the units, John, 1.5 for each.

TEN HOEVE: Obviously, at the time there were, the requirements may have been different, because the conclusion of the Board in 87 was that there were more spaces than were required and the resolution also noted that they were complimentary uses,

because the residential parking was going to be in demand at a time when the commercial parking wasn't in demand. Are these, is the location of these proposed structures going to take away any parking spaces?

GROWNEY: No. The whole footprint stays the same. The curb line doesn't even change.

TEN HOEVE: One thing I didn't understand, you are currently using the storage shed for refuse, is that what you said?

GROWNEY: No, no,

TEN HOEVE: Okay, well that area you have a container of some sort that.....

GROWNEY: I have nothing in there.

TEN HOEVE: You have nothing?

GROWNEY: Right. There is a concrete pad where I keep sand and salt under canvasses.

WALKER: He wants to take this dumpster and embed it into the dirt and use the existing pad, that existed before, for a shed.

TEN HOEVE: A shed, okay.

WALKER: What is generating all of the trash? Six apartments couldn't fill this dumpster.

GROWNEY: It is the commercial.

WALKER: Does the dry cleaners clothing.....

GROWNEY: It is the hair shop.

WALKER: That much hair goes in to it.

GROWNEY: I don't stand there. I don't know. Ladies, maybe you can help me?

WALKER: He is a reasonable guy. Can't you just explain to him about breaking up the cardboard? Other than that you would have to raise his lease because you will have to pay for another garbage pickup.

FLAHERTY: I am trying to get a feel from the Board members, is this something that we feel that we can vote on tonight, or does it warrant a site visit?

MARTIN: I took a look at it. The thing that bothers me about it, I don't see a need for a shed, in addition to the garbage.

VON DER LIETH: However, the shed may look better than a tarp covering the salt and sand.

GROWNEY: It is just sand and salt. That is all that I want to use it for.

VON DER LIETH: I know, but a tarp as opposed to aI would rather have a shed because normally it is a good looking shed.

TEN HOEVE: Who does that actual work?

GROWNEY: I have a super that lives upstairs. You have to maintain that driveway.

TEN HOEVE: I just wondered if it was a commercial operation.

GROWNEY: I had that, but he lives right there so he does the sidewalks for the school kids.

MARTIN: I mean, the shed aside, I can't see why you can't just increase the size of the existing concrete pad and put the new dumpster that is sitting out in the parking lot right now, on that concrete pad.

BELL: The problem with that is the maneuvering of the truck. By putting it where we are proposing it, the truck would back in and just pull up to the dumpster and lift it up. Otherwise, it has to make a turn that is pretty tight to line up with the holes for the dumpster and it becomes a real problem.

MARTIN: I mean I don't see a huge amount of spatial difference from one to the other.

WALKER: You said he can practically reach this dumpster from the street in other words?

GROWNEY: No, no, he backs in, and he doesn't have to make a tight "K" turn against parked cars in the front and back. He can just come in and pickup. We have gone from a 3 ½ yard to an 8 yard. The trucks increase accordingly.

VON DER LIETH: So you are taking the parked out of the equation by putting it on an angle here.

GROWNEY: That is right. If I did, again, and I do respect his opinion, I would have to probably maneuver something, take a space out or something. He backs into the lot and makes one sweep in, picks up with the forks and turns his wheels and pulls out. He may go in a maximum of 30 feet from the street.

HOSKINS: I have a tendency to agree with what Eric said about the shed. The shed will look better than a tarp.

FLAHERTY: The drawings indicate some shrubbery that is supposed to go in around this. Is that something would get written in to the resolution?

TEN HOEVE: If I have some direction from our Professionals, that could be done.

FLAHERTY: Mr. Brennan, do you have anything to add?

BRENNAN: I absolutely have no problem with this.

FLAHERTY: Okay. We are going to vote on it tonight. We will discuss it and you can call the office in the morning. We certainly, I can guarantee, we will want to make sure that the shrubbery part of the ...

BELL: What my client is proposing is 6 foot high arborvitae. We will certainly be happy to submit a plan showing that to your Board Engineer.

TEN HOEVE: Brigitte, do you have any recommendations in that regard?

BOGART: I think that the arborvitae does the job. However, I think that the dumpster looks like it is a little bit higher than the 6 foot.

GROWNEY: I will put 8 feet in. If you say, look the top of the bush has to just past the crest of the dumpster, I don't have a problem with that.

WALKER: You also said that you were going to embed the dumpster into the dirt.

GROWNEY: You can see we have redone the whole site. We ripped up all of the pavers, we put new landscaping, pruned the trees, etc.

FLAHERTY: Thank you for coming in. You can call the office in the morning.

PENDING CASES:

CASE: 10-12 Block: 1603 Lot: 5	Application of <i>Phillip Mania d/b/a Mania Hair Studio</i> , 62 Park Avenue for variance to construct and install awnings with signage over windows and door in a N.B.D. zone. Hearing held November 16, 2010. Determination forthcoming this evening.
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WHEREAS, PHILIP MANIA, trading as Mania Hair Studio (hereinafter referred to as “Applicant”), being a tenant in premises known as 62 Park Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 5 of Block 1603 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 permission to place awnings/signs on the aforementioned premises; and

WHEREAS, the premises are located in the NB Neighborhood Business District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant has submitted various sketches of the proposed awnings; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on November 16, 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 application;

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 a tenant at 62 Park Avenue. Applicant testified that his business currently occupies most of the building in which the business is located and that the business has taken over space previously occupied by individual, separate tenants.
2. Applicant stated that signage for the prior tenancies had been provided by box signs located in front of the portions of the building occupied by each individual tenant. Applicant now seeks permission to erect awning signs containing only the name of the Applicant’s business.
3. Applicant testified that the proposed signs would comply with the specific requirements applicable to the NB Zoning District. Specifically, Applicant testified as follows:
 - a) The signs would be of the same material and would be uniform in color, shape and design as shown on the sketches provided.
 - b) The awnings would have a minimum vertical clearance of seven feet and would extend from the building far less than the minimum six feet required by the ordinance.

- c) The signs would not involve more than the maximum of four colors stated in the ordinance.
- d) The lettering on the awnings would identify only the name of the Applicant's business.
- e) The awnings would not obstruct access to any window or door, would not encroach into the required setback and would not project nearer than three feet from the curb line.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE that the BOARD finds that the proposed awnings, as testified to by the Applicant, comply with the requirements of the Zoning Ordinance for the NB Zoning District and hereby grants approval for the construction of said awnings subject to the following conditions:

- A. That Applicant construct the proposed awnings 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 awnings 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 Dr. von der Lieth.

ROLL CALL:

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

Abstain: Mr. Brennan, Mr. Capilli

NEW BUSINESS:

None

CORRESPONDENCE:

None

APPROVAL OF MINUTES:

The Chairman entertained a motion that the October 19, 2010, minutes be approved as submitted. So moved by Mr. Hoskins and seconded by Mr. Brennan. Carried unanimously.

DISCUSSION OF APPLICATIONS:

The first application to be discussed was that of *South Maple Associates*. The members felt that a full site plan should be submitted and see if there are other options that could be suggested. Other members felt that the shed was excessive and other means

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should be found for storage. The members felt that no decision could be made without complete information. The Board felt that a plot plan should be drawn up with the landscaping and done the right way and at that time they could make a decision.

The attorney advised that the vote could be taken at the next meeting and memorialized if the site plan is submitted and approved by the members.

ADJOURN:

There being no further business to come before the Board, by motion of Mr. Hoskins, and seconded by Mr. Martin, the meeting was adjourned at 9:20 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber