

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

The regular meeting of the Park Ridge Zoning Board of Adjustment has been called for Tuesday, February 15, 2011, at 8:00 pm in the Council Chambers of the Municipal Building.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: Mr. Capilli, Mr. Flaherty, Mr. Galdi, Mr. Raman, Mr. Sandler, Dr. von der Lieth, Mr. Walker

Absent: Mr. Brennan, Mr. Hoskins

Also Present: John Ten Hoeve, Jr., Board Attorney
Brigitte Bogart, Professional Planner
Lyn Beer, Secretary to the Zoning Board
Robert Ludwig, Zoning Officer

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 18, 2011, setting forth a schedule of regular meetings by mailing of said schedule to The Ridgewood News and The Record on January 24, 2011, 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.

VON DER LIETH: Before we begin tonight, I just wanted to let anyone know that if they are here for **Case: 10-14**, the application of *Felix Rizo*, that will be postponed until March 15th. Also postponed to March 15th, is the application for *South Maple Associates*, and I think that is it.

PENDING CASES:

CASE: 10-15 Block: 708 Lot: 2	Application of <i>David Alvarez</i> , 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. Hearing begun December 21, 2010, continued to January 28, 2011 and carried to February 15, 2011 for revised plans.
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WALKER: I have another item to add to the record.

Item 12 is revised plans dated 1/30/2011.

VON DER LIETH: Mr. Alvarez, if you would be kind enough to, we are familiar with what has been going on here and I can see that you have some revised plans. If you could just take us through what was revised as per the Board's recommendations, that would help us a lot, okay?

TEN HOEVE: For the record, you are still both under oath and you were previously sworn in. Just state your name again.

DEPIPPA: Robert DePippa. What we did, was, we reduced the size of the garage and left the existing garage. We eliminated any addition to the existing garage and then, also, by doing that, we did reduce the Floor Area Ratio, so now we no longer require that variance. That was one of the things.

Mostly we worked on the garage. We left it as it is. We are not increasing the garage at all.

VON DER LIETH: I can see that, I mean really you did, you changed the things that we wanted to change. Thank you very much. We were going over some of the Board members and myself, going over some of the numbers here. Not that it is that big of a deal, we were just wondering maybe there might have been a typo or a mistake, down where it says a new addition to the house, where the total square footage for first and second floor, Mr. Flaherty what.....

FLAHERTY: What caught our eyes was that those numbers don't seem to add to what you are claiming that they add up to. As the Chairman said, it doesn't seem to be a, I don't even know that it is going to effect, or whether or not it is going to require a variance but those numbers don't seem correct. We were just thinking that you have made so many changes to this plan that it hasn't caught up.

Did you update the drawings but not the numbers?

DEPIPPA: Actually I think what happened I added in the updated the actual numbers but they are added up incorrectly. That is actually a lower number than the 1771.

TEN HOEVE: Yes, it is 1,530.

DEPIPPA: I updated the 2 plans but when I added..

WALKER: It is 1,531 there and it is 1,566 when he adds it up.

DEPIPPA: Okay, I can revise that. It is actually a lower number.

WALKER: It is a little over 1,566. It is still lower than the 22%.

VON DER LIETH: Your total for the home, is that now is that 3,312?

DEPIPPA: No, it is 3,912.

VON DER LIETH: Okay, so again, the numbers, cause if you 1,541 plus 1, 771, you see those 2 numbers up above, that would come to 3,312, which is slightly over the 22%, which I believe would require the variance.

DEPIPPA: The first floor is actually the 947 plus the 679. So, that is the 1,626, and the second floor is 594 plus the 852, which is 1,531, that would be the total square footage of the house. So it is actually a little under the 3,192. So we are still under the 22%.

WALKER: So that section below, the existing new house, first floor is 1,626, and the second floor is 1,566, total 3,192. We are saying that is correct, that is the correct numbers?

DEPIPPA: Yes, that is the correct numbers. The other ones need to be adjusted.

TEN HOEVE: The 1,566 is correct?

DEPIPPA: It is a little bit higher than the number of the 2 together, but it is still falls under the

TEN HOEVE: I understand that, I just want to know which is correct.

DEPIPPA: Yes, the 1,566 is the full footprint of the house.

RAMAN: The 594 plus the 852, that is only 1,446, I think. So that is quite a bit lower than the 1,566.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of February 15, 2011 – Page 3

DEPIPPA: I think that you are right, my numbers come to 3,072, either way, we are going down. So it is okay.

VON DER LIETH You guys have been through quite enough. Okay, does any other Board member have any comments or questions on this? Nothing?

GALDI: I just want to clarify something. Mr. Depippa, I believe you said that you have reduced the size of the garage. Then you said you are not touching the garage. Which is the case?

DEPIPPA: Originally we were putting an addition on the garage and we have completely eliminated the addition to the garage.

GALDI: So the garage remains exactly as it is?

DEPIPPA: Yes, it remains exactly as it is, we are not adding any square footage to the garage.

GALDI: No Breezeway?

DEPIPPA: No. We eliminated the breezeway. It is no longer attached.

VON DER LIETH Thank you very much Mr. Alvarez. If nobody else has any.....

WALKER: The existing basement, shouldn't the basement be counted in the calculations, the Floor Area Ratio calculations?

DEPIPPA: The definition is that no basements or a detached garage in the Floor Area Ratio. I read it.

VON DER LIETH Okay, Mr. Alvarez, thank you very much. You can call Mrs. Beer in the morning just to find out.

DEPIPPA: Again, we will fix the numbers.

TEN HOEVE: If the Board approves this it will just be a condition of the resolution.

VON DER LIETH Thank you very much for coming back like that. Thank you.

DEPIPPA: Thank you.

VON DER LIETH Before we move on to the next case, I would just like to talk to the Board for a second. I would like to have a motion to deny without prejudice the application of Joseph Careccio.

A motion to deny the application without prejudice for the application of Joseph Careccio, was made by Mr. Flaherty with a second from my Capilli.

ROLL CALL:

Ayes: Mr. Sanders, Mr. Galdi, Mr. Raman, Mr. Walker, Mr. Flaherty,
Mr. Capilli, Dr. von der Lieth

Abstain:

WALKER: Dr. von der Lieth, for the record, I missed one item for the record on the last application. There was a Board secretary's letter dated January 26, 2011, that was Item 11.

VON DER LIETH Okay.

NEW CASES:

CASE: 11-03 Block 1706 Lot: 1	Application of <u><i>Emile Barros</i></u> , 102 Maple Terrace for rear yard coverage to construct in-ground swimming pool and oversized, in width at street frontage, driveway variances in an R-20 residential zone.
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VON DER LIETH How are you this evening?

TEN HOEVE: Would you 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?

BARROS: I do.

BARROS: I do.

TEN HOEVE: Please state your names and addresses?

BARROS: Emily Barros, 102 Maple Terrace, Park Ridge.

BARROS: Anthony Barros, 102 Maple Terrace, Park Ridge.

TEN HOEVE: Thank you.

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

- Item 1 is the application dated 1/25/2011.
- Item 2 is certification of service dated 2/04/2011.
- Item 3 is legal notification dated 2/04/2011.
- Item 4 is proof of payment of taxes dated 1/26/2011.
- Item 5 is the deed dated 8/14/2009.
- Item 6 is the survey dated 12/09/2010.

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

VON DER LIETH Okay, Emile, I am sorry, would you go ahead and take us through what you would like to do here, please?

E. BARROS: Sure, we would like to put the in-ground pool in the backyard, with a patio that is going from the back door of the home to around the pool. I think that the code is 20 feet from the property line, and we are within all of the codes. But, now, I guess, the rear yard coverage is over, the 10%. I believe that it is at 24%.

VON DER LIETH Is that due to the patio?

E. BARROS: Yes, due to the patio.

BEER: Rear yard coverage.

TEN HOEVE: Are you saying that the pool is 20 feet from the rear lot line?

E. BARROS: I believe so, yes.

TEN HOEVE: It says 15 on the survey that you gave us, to the patio. Is it a 5 foot patio?

A. BARROS: Yes.

TEN HOEVE: It says 3 feet.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of February 15, 2011 – Page 5

E. BARROS: Well I guess yes, than.

TEN HOEVE: That wouldn't comply then.

E. BARROS: Correct. I believe the ordinance is 20 feet from the rear yard.

TEN HOEVE: The pool has to be 20 feet from any lot line.

E. BARROS: Any lot line?

TEN HOEVE: And that is the base of the pool, not the walkway. The walkway be 15 feet, but the pool has to be 20.

E. BARROS: Okay.

TEN HOEVE: You would either have to move that, or, ask the Board to grant you a variance to permit it.

E. BARROS: He is saying that it is only 18, and it has to be 20. Okay, so then we would need to fix that.

WALKER: I think that you are far enough from the house to bring it 2 feet closer to the house without any problems.

E. BARROS: Okay.

A. BARROS: Right, that was our intention all along was to have it at least 20 feet. We have plenty of room back there, so we are going to situate it where we are not on or impeach on any 20 foot barrier. So, I think this was an oversight on or behalf. We should have checked it. It definitely can fit back there within the 20 feet on each side of the pool, so that is something that can easily be fixed. We can resubmit. We can adhere to that.

TEN HOEVE: Did you prepare this survey yourself, just draw on an old survey?

E. BARROS: It was taken from the original.

TEN HOEVE: I understand that, but who put the pool on there?

E. BARROS: The Engineer.

TEN HOEVE: A licensed Engineer, in the state of New Jersey?

E. BARROS: Yes.

TEN HOEVE: Okay, then he could probably, one of the things that the Board will require, regardless of what the ultimate configuration is, some sort of a certified, "as built", survey. So, that it will show precisely where everything is constructed when it is constructed, to make sure that the pool, itself, is no more than 20 feet from rear lot line, and to make sure that the patio area is no more than 15 feet from rear lot line.

E. BARROS: Okay.

TEN HOEVE: Do you, I don't see anywhere on here where the pool equipment was going to be.

E. BARROS: It is going to be on the side of the house by the chimney, by the back, on the left side of the home.

TEN HOEVE: Okay. Behind the chimney but against the house?

E. BARROS: Correct.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of February 15, 2011 -- Page 6

TEN HOEVE: The ordinance also requires that any pool equipment has to be at least 15 feet from any lot line, and that it has to be screened either with landscaping or board-on-board fencing.

E. BARROS: Okay. We have 22.48.

TEN HOEVE: Again, I am just saying that whenever.....

E. BARROS: Would you like to see that on the new

TEN HOEVE: On the "as built" survey, it is going to have to show exactly where that is, if the Board agrees to approve that. It is just another condition that is not shown on this survey anywhere.

E. BARROS: Okay.

WALKER: I see that there is also a driveway issue? What is that?

E. BARROS: The driveway was said to be 18 feet, I think which is what the code is, and the masons, for whatever reason, made it 20 feet and now we have this beautiful paved driveway, that we had no idea until our builders told us on the final inspection that it was too large.

WALKER: I am sure that they charged you for the 20 feet.

E. BARROS: So, now we are here before you asking for those 2 feet.

VON DER LIETH That is over 22 feet away from the property line, the end of your driveway? There is 22 feet between your driveway and the neighbor?

E. BARROS: Yes.

TEN HOEVE: Where is your garage?

E. BARROS: It is right in front. It is in the front of the house.

TEN HOEVE: If you look at the survey, is the garage, the entire dimension of that 20.75 feet?

E. BARROS: Correct.

TEN HOEVE: Is it a 1-car or 2-car?

E. BARROS: 2-car, with one door.

TEN HOEVE: So, it really the driveway curb cut that we are talking about here?

E. BARROS: Yes that is correct, we are talking about the curb cut.

WALKER: It is pavers?

E. BARROS: It is pavers.

VON DER LIETH So the builder should tapered that down at the end of the property line. I guess we can talk about that later. I just want to back up to the backyard. Originally you guys are here tonight, did you need a variance, for too much coverage in the backyard? Is that, am I reading that correct?

E. BARROS: Yes.

VON DER LIETH You do?

BEER: It is only 10%.

A. BARROS: It is only 10% that is allowable and we are going to be 24%. So it is going to be over.

BEER: That is the only variance.

E. BARROS: We are going to be over the 10%, that is without even blinking. But, the one thing that we should have been more certain of, and we weren't, unfortunately was, the pool will definitely be within the 20 feet restriction that we need to be.

This calculation, unfortunately was not done properly and that is our fault. We should have looked at this a little closer, but we can make sure that is the case, because we do ample room back there. Right now there is nothing back there. It is just dirt and snow.

VON DER LIETH Right, to move it back just the 2 feet.

TEN HOEVE: What is the lot coverage requirement?

BOGART: 40.

TEN HOEVE: And impervious?

BEER: Impervious is 40.

BOGART: Are you talking about building coverage?

TEN HOEVE: Yes.

BOGART: 18.

TEN HOEVE: Just so that the Board knows, the Planning Board has recommended modifying the Zoning Ordinance to eliminate the rear yard coverage requirement. An Ordinance has been drafted but hasn't been adopted yet. It has been bouncing around for a while. It is just something to consider in connection with the rear yard coverage request. It still would require a variance at this time.

VON DER LIETH It would require a variance because it is too close to the back?

TEN HOEVE: No, they are going to correct that.

VON DER LIETH Because they haven't changed the rules, yet, on the coverage?

TEN HOEVE: No, total coverage.

VON DER LIETH So, with regard to the coverage, did you guys take any steps to maybe a tank or a drywell, did you put in for.....

E. BARROS: We do have, in the back? We do have. Yes there is, and we have a huge seepage pit in the front of the house, also.

VON DER LIETH So, the seepage pit was put in, it is a new construction, that was put in, in anticipation of the pool?

E. BARROS: The builder did that because they knew all along we were going to put a pool in there, so they put plenty of seepage and there is a dry well in the back also. There is plenty of seepage in both the front and the rear of the house.

TEN HOEVE: Just so you understand, the Planner is doing some calculations, because there may be additional variances required for impervious surface coverage. There is an Ordinance that provides, in this Zone, you can't have more than 40% of the lot covered with any impervious coverage, meaning the water can't drain through, so that includes your patio, your pool, and all of the house area.

WALKER: John, they are well within. It is not even close.

TEN HOEVE: They are okay?

E. BARROS: Our Engineer just showed us a more recent sketch, not that this matters at this point, but this one does, in fact, have the 20 feet from the rear. I don't know if there is more recent one. We could still draft something else up that would be more recent. This one does have the 20 feet.

TEN HOEVE: That is okay.

VON DER LIETH I don't think that will be necessary right now. I think the only thing that the Board has to discuss is that variance for the curb cut, and some of the survey issues.

TEN HOEVE: Another question that I had is, where is fencing proposed? That is not shown on the survey either?

E. BARROS: The fence is going to go around the perimeter of the property and then from the front of the house to each side yard.

TEN HOEVE: That is not shown here.

VON DER LIETH It is right here.

E. BARROS: That is already completed, and when the Spring comes, and hopefully if we can have a pool, all the equipment back and then we are going to put the proper fencing for the front of the house.

SANDLER: But it does not show it on this drawing.

E. BARROS: No, it does not.

SANDLER: That is his point. Is there a walkway along the side of the house, on the right side?

E. BARROS: No, not right now.

SANDLER: Will you have a walkway on the side of the house, on the right side?

E. BARROS: I believe so. Yes.

A. BARROS: We are going to have something that continues into the back along the patio. Right now, our builder has held off on doing that because, in anticipation for the pool to be built, we are going to have all sorts of machinery back there. So, instead of putting a paver walkway, that would get ruined, he basically said we will leave it as is, and then eventually what we are going to do, is, probably, based off of the same pavers that we have in the driveway, just continue it to the back.

GALDI: That is not shown, right now, and since it is not shown, it is not included in your calculations, the 24%?

E. BARROS: So, what you are asking of us.....

GALDI: You are going to be putting in pavers in an area that is not now paved.

E. BARROS: So, what you are asking of us is you would like to see the calculations for the paver walkway, the pool equipment, and then the fence, to show the fence? Is that correct?

WALKER: I don't think it is necessary. The impervious coverage number is 40%. I did a quick calc, and it is 28, so the paver walkway is not going to get it to 40.

TEN HOEVE: My recommendation to the Board would be, if they are going to approve this and they will discuss it later, that they require an "as built" survey, showing the fence, showing the pool equipment, showing the precise location of the pool and insuring that no variance is required for the pool equipment, that it is at least 15 feet from the property line, that it is screened with either a board-on-board fence or landscaping and that the fencing is shown as well, as I had said.

VON DER LIETH Is that something that is conditional, John, or

TEN HOEVE: It can be, but I would rather have the "as built" rather than a survey showing where it is going to be, because occasionally contractors have come in and built pools which aren't precisely where they were shown on the survey submitted to the Board. If it is an "as-built", it is going to have to show precisely where it was actually built.

RAMAN: John, shouldn't they put that on the drawing now, so they don't get into trouble with the builder doing something wrong?

TEN HOEVE: Yes.

CAPILLI: It is both a guide for the builder and something that says that you can do it.

TEN HOEVE: They can do that, but this is a hand drawn document.

RAMAN: When they apply for the permit, they should have a correct drawing.

TEN HOEVE: Yes, you are right.

BEER: That will happen at the next stage.

TEN HOEVE: That can be a condition of the resolution, as well, if it is approved.

E. BARROS: Okay.

VON DER LIETH So we can discuss that tonight, based on those conditions. Hopefully everything will go well. So, again, you can call Mrs. Beer in the morning. We will discuss it tonight after the meeting is over.

E. BARROS: Okay. Thank you so much for your time.

VON DER LIETH: Before we go on, there was no one in the audience, tonight, that wanted to speak on that case? I just wanted to get that out of the way. There is no one, thank you.

CASE: 11-01 Block: 1312 Lot: 10	Application of <u>Irma McDarby</u> , 5 Wortendyke Road for building coverage, impervious coverage, side yard setback, rear yard setback and Floor Area Ratio variances to construct addition to existing house in an R-15 residential zone.
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WALKER: Mr. Chairman, I have the following items to be marked into evidence in regard to this application.

Item 1 is the application dated 1/26/2011.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of February 15, 2011 – Page 10

- Item 2 is certification of service dated 1/26/2011.
- Item 3 is legal notification dated 2/04/2011.
- Item 4 is proof of payment of taxes dated 12/15/2010.
- Item 5 is the deed dated 7/27/2010.
- Item 6 is the survey dated 9/30/2010.
- Item 7 is elevations dated 1/06/2011.
- Item 8 is Board secretary letter dated 2/10/2011.

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

TEN HOEVE: Will you both be testifying? Raise your right hands 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?

BRUNO: I do.

MC DARBY: I do.

TEN HOEVE: Please state your names and addresses?

MC DARBY: My name is Irma Mc Darby. I live at 5 Wortendyke Road, Park Ridge.

BRUNO: Joseph J. Bruno, 21 Pascack Road, Park Ridge, New Jersey.

VON DER LIETH: Hello, Mrs. Mc Darby and Mr. Bruno, how are you?

BRUNO: I have 4 identical photographs.\

TEN HOEVE: Just mark that as one exhibit.

WALKER: Item 9 is a series of photographs that are undated.

BRUNO: The photographs with the snow were taken today.

VON DER LIETH: Okay, Mr. Bruno, would you like to take us through, what is being proposed here?

BRUNO: Yes. Mr. Mc Darby came to me. She had lived in the house for approximately 32 years. She says that she had rented it for that period of time and she recently purchased it back in the Fall.

She wishes to expand the first floor slightly, to accommodate a covered front porch entrance way and a foyer. I will just get up and take you through the house very quickly. It is a small house, so it shouldn't take long.

There is a driveway to the northwest corner of the property, which will remain. There is an existing 1-car garage, a very tiny entranceway, a laundry room and a hallway that leads to a kitchen, dining area, 2 bedrooms, a bathroom, a living room and, what I call on the plan, an existing sunroom. On the second floor there is one bedroom and one bath.

TEN HOEVE: Are you within 200 feet of this. Did you get notice, you have to step down. You can't participate. For the record, Mr. Raman has recused himself from this application.

BRUNO: Behind the garage there is an existing greenhouse structure and in the back behind the laundry room, there is an existing enclosed porch, which will be removed. At the second floor, as I said, there is an existing bedroom and a bath. What we are proposing to do is as follows. As I mentioned before, a covered front entry porch, which is open on 2 sides, an entrance foyer with a closet, and a reconfiguration of the

first floor living spaces to the right for a more open floor plan. Right now, it is sort of a maze of hallways and spaces that are pretty much, you know, little boxes.

At the second floor, we want to do renovations to the existing bedrooms, reconfigure the existing bathroom and modernize it as well as add another bedroom. The variances are as follows: The minimum side yard setback requires 18 feet and we are proposing 14.2 feet to the front corner of the proposed covered porch.

Minimal rear yard building setback required is 45 feet and 40.6 feet is proposed. Minimum rear yard deck setback required is 20 feet and we are proposing 15.6 feet. Maximum building coverage permitted is 20% and 27.65% is proposed. As you can see on the site and building data, a chart that I show on page number one of the drawings. This represents a slight reduction from the 28.33% which is the existing building coverage.

WALKER: How is that going down?

BRUNO: On my exhibit, on the floor plan in the upper left hand corner, you will see that large rectangle is framed in orange, that is the existing covered porch in the back that is going to be removed. So that is a larger area than that covered front porch and foyer that we are proposing in the front.

TEN HOEVE: You say a covered porch, is it an enclosed porch?

BRUNO: It is a screened in porch. It has a roof and screened walls on it. So, the size of that structure that is being removed, is larger than the structure in the front that we are proposing to add.

FLAHERTY: What is the floor made out of, the one that you are taking down?

BRUNO: It is a stone floor.

FLAHERTY: Is that coming up?

BRUNO: That is coming up. Yes, because that is the area where we are proposing to construct a wood deck. The wood deck, since it does not have a roof, is not counted in the building coverage calculations according to the zoning code.

Maximum impervious coverage permitted is 35% and we are proposing 44.65%. The maximum floor area ratio permitted is 25%, and we are proposing 35.02%.

TEN HOEVE: How is, maybe you could back up a little? The impervious coverage is increasing from 39 to 44?

BRUNO: From 35 to 44.65%.

TEN HOEVE: It says 39 on your zoning data.

BRUNO: Oh, I probably have a type-o on my attachment here that I am reading from.

TEN HOEVE: What is causing it to go from 39 to 44 if you are eliminating the entire porch?

BRUNO: Well, we are expanding the driveway slightly. The curb cut is staying the same, but we are widening the driveway in the front, so we could get cars parked side by side.

TEN HOEVE: So the impervious coverage is a result of the driveway, not a building coverage change?

BRUNO: Well it is actually both, because we have the deck, the deck that we are proposing.

TEN HOEVE: How much are you enlarging the footprint of the dwelling, if at all?

BRUNO: The net increase, no, the footprint of the dwelling is being reduced.

TEN HOEVE: By virtue of that covered porch being eliminated, and there is no other increase in the footprint anywhere else?

BRUNO: That is correct.

TEN HOEVE: Just run one other by me, you say that the existing front yard setback is 25 feet. The problem is there is no survey that shows the....

BRUNO: The survey was included in the package.

TEN HOEVE: Okay, I have that but it shows the 25 feet to the open porch that you have.

BRUNO: No, well that 25 feet is shown, there is an entrance vestibule in the front, that is where the 25 feet is. It is shown on Mr. Lanthelm's survey. That will be eliminated as the entrance to the home, because it just doesn't make sense to have it there.

CAPILLI: That is going to become the library?

BRUNO: Correct.

TEN HOEVE: But, I guess, what I don't understand is, if I look at the survey that is shown on your sketch, are you reducing that front yard setback?

BRUNO: No, I am showing.....

FLAHERTY: You are removing the stairs.

BRUNO: We are removing the masonry platform and stair and that stone walkway.

TEN HOEVE: Okay, but it shows 25 feet to the.....

BRUNO: To that front vestibule.

TEN HOEVE: Right, and isn't that going to continue to remain 25 feet?

BRUNO: That is going to continue to remain, yes.

WALKER: Are you going to leave that doorway there?

BRUNO: No, the doorway is coming out. On the floor plan, we show it as a library, and I will just turn to the elevation sheet quickly.

TEN HOEVE: All that I am asking is for purposes of the zoning data sheet, the front setback is going to remain 25 feet.

BRUNO: The existing, but I do, on my zoning data sheet, I also have to show you what the front yard setback to what we are proposing is.

TEN HOEVE: Okay.

BRUNO: It would be where.....

TEN HOEVE: But that complies. You are leaving an existing, non-compliant condition?

BRUNO: Correct.

TEN HOEVE: That is not clear from reading the zoning data sheet. You would think from reading this that you are eliminating it.

BRUNO: Oh, no, no, we are not. On the zoning data sheet I put the setback to what that which we are proposing to go with the new.

TEN HOEVE: Right, that is all that I am trying to clarify.

WALKER: So you are taking a bunch of shrubbery out there. It looks like a tree is right in the area where you are going to be expanding.

BRUNO: All of that overgrown landscaping will be removed and it will be redone. Everything is just so overgrown. I think if you look at the first photograph in that series, which was not taken today, you can see everything is just way overgrown. That large evergreen to the right. That obviously can stay, but all that overgrown shrubbery right in the front of the house will be removed.

We have a lot that is a little less than half in terms of lot area that is required. We are required to have a 15,000 square foot lot and we are at 7,168. It has existed that way for many, many years. There is really nothing that Mrs. Mc Darby can do about that. I mean basically it is the size of the lot is what is driving the variances. I mean, even the increase in total floor area is only 265 square feet. We are not trying to create a monstrosity of a house. We are not trying to create what is colloquially known as a "McMansion". As you can see by the front elevation, the house will remain, in terms of its mass and scale, very much the same as you see it now. Of course, new roofing, new siding, new windows, because the house is in desperate need of updating.

If you look at the rear elevation, which is the east, the left hand side is where we propose to construct a dormer to accommodate that second bedroom. So, it is very, what I would say, a very quiet addition. The existing ridgeline will remain the same. We are not increasing the height of the house at all. We are not increasing really increasing the mass of the house at all.

TEN HOEVE: Are those 3 doors on the east elevation, are each one of those a door?

BRUNO: Here we have, these are the double French doors, that would go from the kitchen to the deck.

TEN HOEVE: And the door that is right next to that?

BRUNO: The door over here is to the laundry room. That is actually a location of an existing door, obviously a new door, but that laundry room is in the same exact spot as the present one and we will maintain that door, so that can be used as a mudroom as well.

VON DER LIETH: The same thing is going for the side yard setback and you are just basically taking a non-conforming situation and making it better, even though it, well I mean from 2.7.

TEN HOEVE: It is staying 2.7.

VON DER LIETH: It is staying.

BRUNO: That is staying 2.7, but the construction that we are proposing will be 14.2.

TEN HOEVE: Right, but normally these plans would show the existing condition remaining, not changing to a new dimension. The same thing with the rear yard. If you look at this and say 14.6, and 40.6, it is still going to remain, the closest portion of this house to the rear yard will still be 14.6. And the closest point of this house will still be 2.7 to the side yard.

BRUNO: We are not asking for a variance for, we are not required to ask for a variance for that which already exists, we need to ask for a variance for that which we are proposing, and that is why I have it.

TEN HOEVE: I understand that. I am not saying that you do.

BRUNO: No, no, I just want to get that clear for the record. The Board needs to know how close the lot lines what we are proposing is. The survey clearly shows the other dimensions.

FLAHERTY: Okay. You make an interesting point about the size and shape of the existing lot. Is it consistent with the other lots in the neighborhood?

BRUNO: From what I can see, the lots are pretty much all over the place, but they are larger. This is one of the smaller lots. You can see that I took a photograph of the house directly across the street.

FLAHERTY: That is why I ask. The one across the street seems like it is much bigger.

BRUNO: Yes, it is apples and oranges.

TEN HOEVE: How old is this house?

MC DARBY: It is 60 years old.

TEN HOEVE: I am just trying to figure out how the house was built 2.7 feet from the side line.

BRUNO: Well, 60 years ago, specially in this part of Bergen County, it was much more rural back then. If you look, I have the, if you look at photograph number 5, you will see that is a view along the easterly line of the subject property, and I put that in there to illustrate that the area where the deck would be is opposite where that framed garage in the photograph is, and if you look on Mr. Lanthelm's survey, he also shows that framed garage on the survey and then to the right of the garage, is open yard, so the only structure that would be possible impinged by the new addition, is that garage which looks to be, as we mentioned at 2.7 feet off of the property line on the property that is neighboring us to the east.

WALKER: The property to the east, is that on Glendale?

BRUNO: That I believe faces Glendale.

WALKER: This subject property is the only home that actually faces Wortendyke on that side of the street, right?

BRUNO: Yes. So, obviously, you can see this is a very difficult site, but it wasn't Mrs. Mc Darby's intent to try and build a large house here. We are trying to update it and make it more livable and to make it a more reasonable dwelling. To have one bedroom and one bathroom on the second floor just doesn't work.

VON DER LIETH: Mrs. Mc Darby, have you talked to any of your neighbors that are right behind where the deck is going to go? Has anyone talked about that?

MC DARBY: I talked to the lady who lives in the on that property, but we didn't discuss that, the only thing that I was concerned about was her dogs.

TEN HOEVE: It looks like the deck is going to be right up against the garage. Is that true?

MC DARBY: No.

WALKER: It is not right up against it.

TEN HOEVE: Well, I don't mean that, I meant.....

VON DER LIETH: But they wouldn't be seeing anything on the deck, I mean the garage would be their blocking.

BRUNO: Right, the garage would be between, their garage is between their back yard and Mrs. Mc Darby's deck.

VON DER LIETH: Is there anyone here tonight that wanted to comment on this case? No? Do any other Board members have any other comments or questions regarding what was presented here?

BRUNO: If I may, I would like to turn your attention to photograph number 3 in the sequence, which is along the northerly property line of Mrs. Mc Darby's property or the southerly line of the neighboring property. That proposed covered porch and that foyer, would be behind the holly tree to the right of where Mrs. Mc Darby's car is. So, you know, it technically does not conform with the requirement of the side yard setback, it will not impact on the neighboring property at all. I mean, unfortunately the existing garage is 2.7 feet off of the property line, and that already encroaches and probably cause the new addition to not even be noticed.

I am pretty much building to the bare bones minimum here to make this house more reasonably livable.

VON DER LIETH: It is very nice. No comments?

TEN HOEVE: What did you say the total increase in the square footage was?

BRUNO: To the entire house will be 265 square feet.

TEN HOEVE: And that results in a 4% FAR increase?

BRUNO: We are going from 31.34 and we are going to 35.02%. I apologize for the fractions.

WALKER: That includes the second floor addition? It is only 265 feet extra?

TEN HOEVE: Because there is a removal.

BRUNO: There is a removal there, yes. The second floor, the proposed second floor expansion is only 205 square feet.

WALKER: Really?

VON DER LIETH: Are there any further questions? Okay. Mrs. Mc Darby, thank you very much. Mr. Bruno, thank you very much. We will discuss this case tonight, and you can call Mrs. Beer in the morning. Just give her a ring and talk to her to see how it went.

BRUNO: I will probably hand out and listen.

VON DER LIETH: You are more than welcome to.

VON DER LIETH: Let the record show that Mr. Raman has returned. Welcome back Mr. Raman.

CASE: 11-02 Block: 2303 Lot: 25	Application of <u>Lawrence and Donna Kenyon</u> , 6 Fairview Court for a wider driveway with apron extension beyond the 10' permitted by ordinance in an R-15 residential zone.
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TEN HOEVE: 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?

PETRILLO: Yes.

KENYON: Yes.

TEN HOEVE: Please state your names and addresses.

KENYON: Donna Kenyon, 6 Fairview Court, Park Ridge, NJ.

PETRILLO: Mark Petrillo, 632 Long Hill Road, River Vale, NJ.

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

- Item 1 is the application dated 1/25/2011.
- Item 2 is certification of service dated 1/31/2011.
- Item 3 is legal notification dated 2/04/2011.
- Item 4 is proof of payment of taxes dated 1/26/2011.
- Item 5 is the deed dated 9/09/2009.
- Item 6 is the survey dated 10/12/2010.

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

VON DER LIETH: Donna, do you want to take us through this?

KENYON: Sure. What we are trying to do, we have a 2-car garage, and the driveway is in front of the house, so it blocks the front door. We have 17 year old, so we actually have 3 cars for the 3 drivers.

The driveway is not big enough. My husband actually hit my car backing out, when I was parked there. So what we are trying to do, we are leaving the apron the same size, and we want to come to the side of the garage, just past the black and come out 16 feet. The reason that we want 16 feet, if it was 10 feet, we wouldn't even be here for a variance, we would pass the permit process. But, we want 16 feet so that you can open up the doors without hitting the garage or whatever.

The lot covers, my neighbor is 60 feet away from us, so.....

VON DER LIETH: It is. So, it would be 60 feet away from the proposed 16 feet?

KENYON: Yes, 63.8, from the proposed.

VON DER LIETH: Okay.

FLAHERTY: Is the plan to make it the same material as the driveway is now?

KENYON: Well, you know, the driveway there is like block, when you first come in.

FLAHERTY: Belgian Block?

KENYON: The Belgian Block will be the same. We are just going to extend it up. The apron is going to stay the same, but when you come up half the block, because we don't know where the builder got the block from, so we are going to keep that the same. We will extend it out past, once you get past the block, then we will extend it out to come up and around to the side of the garage.

PETRILLO: There is a paver apron, that won't be touched. We will relocate the Belgian Block to outline the driveway and then the macadam will be the same material that is there now.[]

VON DER LIETH: And you are going to the side of the existing driveway? You want it to the doors? Or no?

KENYON: Our garage

PETRILLO: Yes, it would be to the left of the garage. As you pull in to the left as it is indicated. The garage doors are on the north facing side.

FLAHERTY: There is no plan to increase the curb cut.

PETRILLO: No, the curb cut is at maximum. There is nothing that we can do.

TEN HOEVE: Just tell me again, why the 16 feet was required?

PETRILLO: Comfortably speaking a 10 foot parking space, if you ever parked in one and tried to open your door. On one side you hit one car and on the other side you hit another one. At 16 feet, you can park comfortably. You can open your door. It is going to be adjacent to the dwelling so when you open the passenger door you don't want to be opening the door and hitting the dwelling. Also, on the driver's side, to be able to park in the middle and open the door and step on pavement, and not a lawn area, 16 feet is actually the most comfortable width, to park a midsize car and open the door and step on pavement and not step on anything.

VON DER LIETH: As of right now, it is a squeeze, pulling out of the existing driveway right now, if there is car parked.....

KENYON: It is awful.

VON DER LIETH: It looks like it would be kind of tough to do that.

PETRILLO: This would alleviate a lot of problems.

KENYON: This way, too, you know my son doesn't have to park his car in the front. The mailmen have to walk around the cars to get to the mailbox and to get to front door and deliveries have to go around the cars. So, this way, they can park on the side of the garage and not be in the way.

VON DER LIETH: You also have to jockey cars sometimes, right?

KENYON: This would make it a lot easier.

TEN HOEVE: How many cars do you currently have?

KENYON: Three. I have a 15 year old as well, so there will be 4 in not to long. That was a big consideration.

VON DER LIETH: With the additional blacktop, here, how many cars could you get or additional cars—like say at the time you need 4 cars, is it possible to get the 4 cars comfortably on there? I mean I understand it is never going to be comfortable.

KENYON: Once my 15 year old get his license, we would be back to kind of where we are now, but we won't have 2. I mean like right now it is really difficult, and my 17 year old, is going to college in the fall, so we are hoping it is not as big of an issue.

PETRILLO: Also, the way it is allocated, the space, you are using the cars parked against infrastructure, it doesn't look like a parking lot. You don't have one car caddy-corner, another car on a diagonal. It makes it a little more pleasing to the eye. This is the least, I guess, obstacle alternative while still keeping everything looking not like a parking lot.

CAPILLI: Are the garages used now for holding cars?

KENYON: Yes, only 2 cars, mine and my husband's.

PETRILLO: Yes.

CAPILLI: Some people use the garages for other things.

PETRILLO: Storage, yes.

KENYON: Oh no.

PETRILLO: If they leave the kids bicycle in the driveway, no one is going out.

VON DER LIETH: You can conceivably get in, with the new extension of the driveway, one car pulled up and one car pulled behind it and actually have 2 more easily going back and pulling into the garage doors, without any problems. Okay, alright.

FLAHERTY: So off the Belgian Block, have you considered any landscaping or bushes?

KENYON: Yes.

PETRILLO: Yes, in the future, there is plenty to develop. There is screening along the back perimeter that they plan on doing.

KENYON: Yes, we just didn't know. We had to see how the driveway was going to go but we don't know what is going to happen, but, we thought about doing like a gazebo, but we wanted to get the driveway in and see how that looked and see how the space was before we made any plans to get any thing else put in.

WALKER: I was just wondering why the garage faces the way that it does instead of the original driveway being built where you are proposing this.

KENYON: I can tell you why it is. He had it made and he brought it in. The builder, he had the house built. It was one of these like in a magazine, where it is built off site. This was the model that he picked and that is how the garage was, because personally, if we had chosen it, I would have put the garage facing where I am going to put the parking lot. It makes no sense to have the garage where it is at.

PETRILLO: He tried to create a courtyard feel, but he didn't have the building envelope to do that. So, now once he realized it he is stuck saying here is a big square, figure it out.

KENYON: It doesn't make sense. But, short of taking the garage off and redoing all of that, this was the easiest solution.

PETRILLO: Yes, they can't put the doors on the side.

VON DER LIETH: Okay, Donna, the Board will discuss, I mean if anybody else has any comments, please let me know now. No, okay. Thank you very much. We will discuss this tonight and please call Mrs. Beer in the morning.

KENYON: Thank you.

VON DER LIETH: While we are waiting for the next applicant to arrive, we can take care of some agenda items.

APPROVAL OF MINUTES:

The Chairman entertained a motion that the December 21, 2010 minutes be approved as submitted. So moved by Mr. Flaherty and seconded by Mr. Walker.

ROLL CALL:

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

Abstain: Mr. Galdi

VOUCHERS:

Burgis Associates:

Lollipop Day Nursery School \$ 93.75

Lollipop Day Nursery School 362.50

Brooker Engineering

Lollipop Day Nursery School 477.50

John E. Ten Hoeve, Jr., Esq.

Lollipop Day Nursery School 115.00

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

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

ROLL CALL:

Ayes: Mr. Sandler, Mr. Galdi, Mr. Raman, Mr. Walker, Mr. Flaherty, Mr. Capilli, Dr. von der Lieth

Abstain: None

TEN HOEVE: I wanted to mention, we had changed the April meeting date and one of the conflicts, it was not being able to be held on the 26th, because it was Passover. I think that Jake had suggested that we not do it between the 18th and 25th, when schools were closed. Are people going away that week? The only reason I ask, is, I have an opportunity to take a vacation on the week of the 14th. If it is not going to conflict with anybody else's schedule, and there was some other date we could use, then I would... I thought maybe Jake, you were.....

FLAHERTY: No, the meeting was scheduled for the 19th, that is the week that the Public School's are closed. So, I thought that we only had an option to go the week prior. You are saying now that the room is available April 26th?

BEER: No. The Mayor and Council meet on the second and fourth Tuesday. So, the 12th and the 26th have meetings.

TEN HOEVE: My only question was if people were going away or not, that week of school closing. If no one is, then I would ask that the Board consider leaving it on the 19th. If people are, then certainly not, I wouldn't. That was my only request.

BEER: It is also the first night of Passover.

TEN HOEVE: Oh, that is the main reason?

BEER: Yes.

VON DER LIETH: Yes.

BEER: I generally try and avoid that out of consideration.

TEN HOEVE: Of course, no question. Was that the only day that week that was available?

BEER: Yes. The 20th is occupied. The 18th is occupied. The 21st is Board of Health. That week is solid.

VON DER LIETH: I am just wondering if there is anything else the week after. The week of the 25th. Is there any availability then.

TEN HOEVE: Yes, there was a reason why we couldn't do it on the 26th.

VON DER LIETH: That is Mayor and Council.

BEER: The 27th is Planning Board.

VON DER LIETH: Does it have to be a Tuesday that the Zoning Board meets? Can we meet on Monday the 25th?

BEER: The court meets on Monday, but I think that they are the first and third, so the 25th might be open.

TEN HOEVE: Well if that didn't conflict, and the Board was willing to change that, that would be great.

FLAHERTY: I think that it is best that we avoid the week of the 18th for a number of reasons. So, if we can all agree, it gives us a couple of months to work on the schedule for a Monday instead of a Tuesday. Monday the 25th seems to work for me.

TEN HOEVE: Yes, I would not want it to be held during Passover anyway.

BEER: I will check and see if the room is available.

TEN HOEVE: That would be great and I would appreciate that.

BEER: Brigitte, are you available on Monday?

BOGART: I am.

BEER: Okay.

TEN HOEVE: Thank you.

CASE: 11-04 Block: 604 Lot: 44	Joint application of the <u><i>Borough of Park Ridge & Dean Albanis</i></u> , 176 Colony Avenue for Minor Subdivision with Use variance and impervious coverage variance to subdivide property and grant ingress and egress easement to Borough for access to site in an R-20 residential zone.
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MANCINELLI: Good evening, Mr. Chairman.

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

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of February 15, 2011 – Page 21

- Item 1 and 1a is the application dated 1/26/2011.
- Item 2 is certification of service dated 2/02/2011.
- Item 3 is legal notification dated 2/04/2011.
- Item 4 is proof of payment of taxes dated 2/07/2011.
- Item 5 is the deed dated 12/10/1986.
- Item 6 is the minor site plan dated 1/10/2011.
- Item 7 is Planner's review dated 2/08/2011.
- Item 8 is the Engineer's review dated 2/14/2011.

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

MANCINELLI: Mr. Walker, what was Item 2?

WALKER: Item 2 was certification of service dated 2/02/2011.

VON DER LIETH: Mr. Mancinelli and Mr. Albanis, do you want to take us through what is going on?

MANCINELLI: Yes, this is a joint application with the Borough of Park Ridge, and the property owner, Dean Albanis. This is a furtherance of the acquisition of the rear portion of this lot, presently where the Peppercorn's restaurant is. It is pursuant to the Borough's previous award of open space funding.

The Mayor and Council, last year entered into a contract with Mr. Albanis. We are in the process of going through lengthy regulatory processes with the State and the County. As part of that process, we need to get a approval from the Board with respect to the minor subdivision proposal, before this Board as opposed to the Planning Board, because of the non-conforming use of the pre-existing, non-conforming use of the restaurant in a residential R-20 zone.

I am sure all of you know the site and I am not going to belabor what we are doing here. The way that I hope we can proceed is to just give a very brief overview and then after speaking with the Borough Planner, she has done a Planning Analysis. I think that she is going to give the Board a history of the open space program, the Master Plan. That supports the development and the acquisition of the open space. Then, I have Mr. Albanis here, and I will just conclude with him and ask him a few questions with respect to any impact, if any to the site and the then there are some contractual terms between the Borough and Mr. Albanis, that have to be, if the Board was to act favorably, have to be reflected in the resolution of approval.

With that being said, what the Borough seeks to do here is to acquire the rear portion of this property. It is a little over an acre in size, and proposing that a 2-lot minor subdivision and as a result of the fact of the non-conforming use, we are faced with a "D" variance analysis even though there is no development proposed for Lot 44, which will remain where the restaurant operates, with all the site improvements.

We have the need for a technical variance under the "D" analysis because of the non-conforming. Additionally, a "C" variance is triggered for Maximum Impervious Coverage percentage. Same reason because of the elimination of some of the lot area, which the Borough will acquire. We have now created a technical variance as well. Again, the argument will be that it is technical in nature. There is no development being proposed.

Normally what I would do, is give the Board an overview of the zoning requirements, what exists and what is being proposed. But, since our Planner a wonderful job in her review letter, she and I spoke earlier and I think it would probably be better, at this point in time, if Brigitte would give the Board an overview, particularly focusing on the open space issues that are happening. Correct me if I am wrong, I believe that it is 2003, so this has been an objective of the Borough for several years and hopefully after this process, maybe in another month or two, optimistically, we will get the DEP to sign off on what they are reviewing and then get the funding released from

the County as well. So, unless the Board objects, I would like to have the Planner continue at this point.

TEN HOEVE: One quick comment, one question. None of the area that is being subdivided is currently utilized in the restaurant, at all, is that correct?

MANCINELLI: That is correct.

TEN HOEVE: It is not used for parking. It is just wooded land.

MANCINELLI: Wooded area, that is correct. And what I failed to mention, also, and I am sure that Brigitte will bring it up. Mr. Albanis simultaneously, as part of the contract conditions, is going to grant the Borough a 40 foot wide access easement off of Spring Valley Road, which I don't have the exact measurements, a little over 7,000 square feet. When the Planner is done presenting and presenting her report, I will ask Mr. Albanis some questions that have to concern the contract terms in summation.

TEN HOEVE: That was my second question, so I will wait to here from Mr. Albanis.

BOGART: Do I need to be sworn in?

TEN HOEVE: 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?

BOGART: I do.

TEN HOEVE: For the record, you are Brigitte Bogart, the Borough Planner.

BOGART: As the Borough Attorney stated this project has been in the Borough's Master Plan document since 2003. Where it was identified, the back portion of the property was to be acquired for preservation purposes. The reason for it was because it was connected to, not only Borough owned land, but also a Borough owned right-of-way, and then some adjacent vacant parcels that are environmentally constrained.

In 2006, the Borough amended their open space plan, and actually took it a step further and not only identified this parcel, but also a connection to Spring Valley Road, as part of an overall comprehensive Municipal wide trail system. With the acquisition of this parcel and the connection to Spring Valley, the hope that you will be able to create a trail system that runs from Spring Valley Road down through forest through this property and then connect into Colony and eventually the pool.

So, basically, as the Borough Attorney said, we are looking to acquire about a little less than an acre of land and then you have the adjacent easement, which will be used for access purposes. The easement runs from the back portion of the property all the way along northern most property line. I think it is 40 feet in width, to Spring Valley Road.

As was stated earlier, there are 2 variances required. One because of the existing non-conforming use, technically because we are taking land away from the restaurant and actually intensifying that non-conforming use, although we are not technically increasing the use or intensifying it at all. That is a D-2 variance for expansion of that non-conforming use.

Then secondly, because we are taking some open space away, we are actually increasing the impervious coverage percentage, because it is the percentage of the lot area. Again, technically not proposing any addition or any impervious coverage. I just want to walk you through these statutory criteria for the "D" variance and the impervious coverage variance.

In order for this Board to grant the "D" variance for the expansion of the non-conforming use, we have to prove that specials are met. One of the purposes of the

Municipal Land Use Law have been furthered by this application or this proposal. In this case, the sole purpose of this application is to promote one of the goals and intents and purposes of the Borough's master plan document. Right there, we have met special reasons.

Further, for an expansion case, you don't have to necessarily go to the full extent of the Use variance, and a typical D-1 variance when we hear cases for Use variances. We just have to talk about how the expansion of this use will fit and make this use more appropriate in its setting, and by allowing for the preservation of that back piece of the property, we are preserving the northern portion of the property adjacent to the residence forever. So, I think that by subdividing that back portion and creating that natural buffer, that will remain in place, is making that use more acceptable in its setting.

So, I think that with those two, we satisfy the positive criteria of the D-2 variance. We also have to address the negative criteria, and I am sure that the Board is fully aware of that, making sure that the proposal does have any detriment to the public good and has no detriment to the Borough's master plan or zoning ordinance. The public good portion, obviously, is satisfied by providing public open space lands for the Municipality. Obviously, it is not going to do any detriment to the master plan since this is a goal of the master plan.

Given the fact that we have addressed the negative and positive criteria, I feel that the Board could grant the D variance or the D-2 variance for the expansion of a non-conforming use.

The impervious coverage variance is much more simple. Obviously, we see "C" variances all of the time. We just have to prove that the benefits of the variance outweigh any detriments. In my report, I outline a number purposes of the Municipal Land Use Law, that are furthered by this application including that it is going to guide Municipal action to the appropriate development or non-development of the land. It encourages establishment of open spaces and preservation of the environment.

The benefits of forwarding the goals or furthering the goals of the master plan outweigh any detriments that could potentially be associated with an impervious coverage variance. Typically, with impervious coverage variances, you worry about aesthetics, drainage issues, and stuff like that. But, the fact here is that we are not adding any impervious, we are just preserving open space by unfortunately taking it away from the applicant's property, so it is a technicality, but I think that overall, both of the variances could be granted without any detriment to the master plan or any detriment to the zoning ordinance.

VON DER LIETH: If I am not mistaken, Mrs. Mancuso's engineering report, she had no concerns.

MANCINELLI: Before I ask Mr. Albanis a few questions, I just want to remind some of you that may have been here when there was a prior application, with this site, at one time the applicant attempted to subdivide, and develop that property, which was met with opposition. If the Board was to act favorably on that, there is another objective here and the concerns of those residents that would be impacted, that there be no future development, in the rear of that property. So just to echo the Planner's comments with respect to the objectives and the criteria.

TEN HOEVE: Mr. Albanis, before you testify, 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?

ALBANIS: Yes.

TEN HOEVE: Dean Albanis, 176 Colony Avenue, Park Ridge.

MANCINELLI: Mr. Albanis, you and your wife are the owners of that property, is that correct?

ALBANIS: Yes.

MANCINELLI: You and your wife are parties to a contract for sale with the rear portion with the Borough of Park Ridge, is that correct?

ALBANIS: Yes.

MANCINELLI: Before I ask you some specific questions regarding the terms of that arrangement, you heard the Planners testimony, and would you agree that as a result of this subdivision, that there would be no intensification of the use of the property in its present form?

ALBANIS: Yes.

MANCINELLI: Specifically, there are certain conditions in the contract, is that correct?

ALBANIS: Yes.

MANCINELLI: One of the agreements that was part of that contract, is that the Borough has agreed that they will only use the easement area that you are providing, solely for ingress and egress to the rear property, is that correct?

ALBANIS: Yes.

MANCINELLI: You have prohibited the Borough from developing anything on that easement area with respect to parking or other development, is that correct?

ALBANIS: Yes.

MANCINELLI: You understand that there would be a trail design with respect over that easement area?

ALBANIS: Yes.

MANCINELLI: And that the Borough had agreed to maintain it and insure it and be responsible for any expense associated with that?

ALBANIS: Yes.

MANCINELLI: You have also made agreements with the Borough that with respect to any future proposal that you would have for what will remain of Lot 44, that for purposes of zoning criteria, the effected easement area, 7,000 square feet and change, 7,975 square feet, would still be available to use for purposes of bulk calculation?

ALBANIS: Correct.

MANCINELLI: You also agree though, that in the event that you were to seek some additional development, you would have to comply with the Borough's zoning code with all other respects and prove any case that you might have, is that correct?

ALBANIS: Yes.

MANCINELLI: The only other question that I have with respect to the, I think I covered it with regard to the insurance, and the liability issues, again for certain requirements that the Borough undertakes in that contract?

ALBANIS: Correct.

MANCINELLI: And you have made arrangements and agreements with the Borough with respect to any future impact with property tax assessment valuation, is that correct:

ALBANIS: Correct.

MANCINELLI: I have no other questions of Mr. Albanis.

VON DER LIETH: Is there anyone here tonight to speak to this applicant. Please come forward.

TEN HOEVE: Are you going to testify or just ask a question?

PAGANELLA: Just want to ask questions.

TEN HOEVE: Please identify yourself?

PAGANELLA: Pat Paganella, 260 Spring Valley Road, Park Ridge. The question that I am asking is the letter reads that it is going to be for open spaces. Does that mean that it will be as it is right now, wooded land? Or, will it become a playground or whatever, in the future?

TEN HOEVE: The Planner can probably answer that question the best.

BOGART: There is no intention right now to make it a playground area. Right now the Borough just wants to preserve it because it is environmentally constrained. The only goal or potential objective in the master plan document, is to potentially put a trail through there, a very minimal impact. It would be only 3 or 4 feet wide, maybe some signage. We talked about doing plant identification and educational process system, something like that, no active recreation.

PAGANELLA: Okay, so I understand a little better. My property borders that property and I have been that way for something like 46 years. So it is hard to adjust that there is going to be something back there. So, I get it, I am just trying to be objective.

TEN HOEVE: As you heard when Mr. Albanis was testifying and as Mr. Mancinelli asked, there have been prior applications to develop this property, to put a house on that property. This will prevent that from ever happening. This will make this used purely for passive recreational purposes, as the Planner said, some sort of a nature trail walking through the woods. There is really no other use that could be less offensive, I would think, from your perspective, than what is being proposed here.

PAGANELLA: Like I said, it is just curiosity. I am wondering why the town would spend money to take the woods.

TEN HOEVE: Because they were given the money in a grant. They were given the money.

MANCINELLI: Also, the voters, I guess back in '03, approved an open space tax, so some of the monies being used come from the residents, the tax payers, over the last several years.

PAGANELLA: If something develops and I am talking also for my neighbor, he couldn't make it, from 254 Spring Valley Road. Will there be some trees or something to give me and my neighbor some privacy?

MANCINELLI: I don't know if you heard correctly, there is no proposed development. It is going to stay in its natural pristine condition, perhaps subject to a walkway trail only. So, you have enough buffer area.

PAGANELLA: Okay, that is it.

VON DER LIETH: Is there anybody else here? Please come up.

MANCINELLI: You have to identify yourself.

PADILLIO: Joseph Padillio, 213 Alberon Drive. So far everything I have heard has been very, very comforting. I was wondering if you could describe roughly the route of this trail?

BOGART: It has not been planned out yet. There is no intention to do within the next several years. Right now, the Borough just wanted to preserve the land and if there is a point in time where the Municipality decides to put a trail in there, there will be public hearings. You will be aware of the full design process.

PADILLIO: Just final clarification, if this goes through, there will never be any houses built back there?

BOGART: Right.

PADILLIO: Have a nice evening, thank you.

WALKER: Mr. Albanis, what changed your mind from trying to develop that piece of property with a home to decide to sell to the Borough, I am assuming for less.

ALBANIS: The Borough of Park Ridge.

TEN HOEVE: His application have been denied.

WALKER: I understand, but I think that there were things that could have been done to it. Just asking.

MANCINELLI: Subsequent to that application, some DEP reps, came down that further restricted the property.

TEN HOEVE: Do you need DEP approval?

MANCINELLI: Yes, we are actually and correct me if I am wrong, we are waiting for the DEP to sign off with the environmental study that was done as well as the survey study that was done. I think part of the process, if the Board was to act favorably, that information has to get shared with them and then we have also through the County a funding process so there is still some regulatory hurdles.

TEN HOEVE: I assume that they are going to require some sort of conservation easements of some kind.

MANCINELLI: Yes, in fact, the Planner and I, today, discuss that and the County is going to require.....

BOGART: Mr. Albanis has an overall contract with the DEP with everything that is required.

MANCINELLI: In fact, late this afternoon, a sample language was emailed to me, which I haven't even looked at yet, but that is part of the process as well.

VON DER LIETH: Are there any comments from the Board members regarding this application?

FLAHERTY: I think that it is a great opportunity for the town. I look forward to seeing some plans and to think we can get all the way to the pool from there, it is a grand plan. I do have a question. Do you know where there is going to be parking? You said that there is an entrance from Spring Valley Road. Is there going to be a parking area there? Or, is it strictly a bicycle path?

BOGART: At this point in time, we have no plans for parking.

FLAHERTY: Even if it is just a bicycle walk area, it is a great opportunity for the town.

MANCINELLI: With respect to the Borough contract, and Mr. Ten Hoeve, I think that I should share that with you, and then when you draft a formal resolution, you could make a condition of that.

TEN HOEVE: I will make need the conditions from you. This is a go and we don't even need to discuss it. I can prepare the resolution.

VON DER LIETH: If Brigitte gives the okay, I am fine with it.

DISCUSSION OF APPLICATIONS:

The Board discussed the application of David Alvarez. The members felt that he had complied with all that was asked of him. The attorney was advised to draw a resolution of approval for the next meeting with the condition of the numbers being corrected. All members were in agreement. The attorney advised that the conditions of the resolution be met before permits are issued.

The application of Irma McDarby was then discussed. The Board felt that the dwelling would be more pleasing to the eye with the application being approved. The attorney advised that the FAR variance is a "D" variance and requires 5 votes. It is different from the normal bulk variances. The attorney also advised that the property is incredibly small for the R-20 and that this well below the maximum floor area for that zone. They also felt that the house would fit in well with the rest of the neighborhood in terms of size.

Some members felt that it would be a welcome upgrade to the neighborhood. They felt that it looked like the applicant was asking for a lot of variances but some of them were less than the pre-existing condition. The attorney was advised to draw a resolution of approval for the next meeting.

The application of Lawrence and Donna Kenyon was the next to be discussed. Some members felt that they understand the need. They did feel that it was wide, leaving a possibility of parking 2 cars there. They felt that the uniqueness of the property and the orientation of the garage makes this an unusual and justifiable condition. Some members felt that it was a lot of pavement to look at.

Some members suggested a condition of approval could be made based on bushes of a certain height be put in. The attorney said there was an option of making it less than the 16 but more than the 10 feet. Some members also stated that the neighbor who would have the most visibility to the proposal was noticed and did not come in, so probably doesn't have a problem with it.

The Attorney advised that the purpose of the ordinance limiting the width to 10 feet beyond the garage, was intended to prevent parking lot in front yards. The Board felt that more than 10 but less than 16 feet would allow for a car to park without bumping anything. They felt that the uniqueness of the property and the distance from the property line. The Planner suggested that the resolution should include the provision of plantings along the rear. The general consensus was that a resolution could be drawn for a driveway 13 feet wide with a condition for 2 or 3 bushes on the north side of the driveway apron.

The next application to be discussed was for Emile Barros. The Board decided that the only variance required would be for the rear yard coverage, which is in the process of being changed by the Planning Board. The Attorney advised that an "as built" survey would avoid any change in side lines. The property is large enough for the pool to be placed correctly to the side lines without variances.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of February 15, 2011 – Page 28

The attorney was advised to draw a resolution for approval for the next meeting with the condition of an “as built” survey being submitted.

ADJOURN:

There being no further business to come before the Board, by motion of Mr. Flaherty and seconded by Mr. Walker, the meeting was adjourned at 10:00 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber