

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 July 19, 2011, at 8:00 pm in the Council Chambers of the Municipal Building.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: Mr. Flaherty, Mr. Galdi, Mr. Hoskins, Mr. Raman (8:10 pm), Mr. Sandler, Dr. von der Lieth, Mr. Walker

Absent: Mr. Brennan, Mr. Capilli

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

COMPLIANCE STATEMENT:

The Notice for this meeting required by Section 3(d) of the Open Public Meetings Act has been provided by the adoption of a resolution by the Park Ridge Zoning Board of Adjustment of January 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, we have two cases that will not be heard tonight. One is Case 11-13, Application of Felix Rizo. The other one is Case 11-17, Application of Park Ridge Board of Education. If anyone is here for those, they will be heard tonight. I think that they are carried until next month, August 16th.

NEW CASES:

<u>CASE:</u> 11-12 Block: 2201 Lot: 19	Application of <i>Richard and Sharon Browne</i> , 106 Oak Street for variance to construct a patio in the front half of the side yard in an R-20 residential zone. Hearing postponed from June 23, 2011 for Notice to be sent to Montvale residents.
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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 5/26/2011.
- Item 2 is certification of service dated 6/11/2011 for Park Ridge others undated.
- Item 3 is legal notification dated 6/10/2011.
- Item 4 is proof of payment of taxes dated 6/07/2011.
- Item 5 is the deed dated 4/01/2010.
- Item 6 is the survey dated 4/22/2011.
- Item 7 is Board secretary letter dated 6/07/2011.
- Item 8 is the Board secretary's letter dated 6/20/2011.
- Item 9 is Board secretary's letter dated 6/27/2011.
- Item 10 is Board secretary's letter dated 7/14/2011.

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

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?

BROWNE: I do.

TEN HOEVE: Please state your name and address.

BROWNE: Richard Browne, 106 Oak Avenue, Park Ridge, NJ.

TEN HOEVE: Thank you.

VON DER LIETH: Okay, Mr. Brown, could you do us a favor and just take us through what you would like to do?

BROWNE: The reason that we are here is basically because we are looking to construct a side yard patio, extending from the back corner of the property towards the front of the property, which it is my understanding that you can not exceed the back half line. The patio, which we are trying to build, would exceed the back half into the front of the yard by about a foot to 2 feet, to meet the existing slate patio that is already been there and it is my understanding that it was approved originally, when the construction was done on the renovation for the previous owner.

VON DER LIETH: Okay, so the variance is for encroaching in the front.

BROWNE: Encroaching in the front by about

BEER: The front half of the side yard.

VON DER LIETH: The front half of the side yard?

TEN HOEVE: 101-21 says that no accessory uses or structures can be located in the front half of the required side yard. That is the reason that variance is required.

WALKER: The rear of the home is 12.8 feet from the rear property line? So there is no possible way to put a deck or patio behind the home.

BROWNE: Basically, our hardship and our understanding is that since we do not have a back yard we felt that by having a patio on the side yard would not infringe on any of the other owners properties and asking for a variance to go further back or further to the right. We are looking to maintain our boundaries in both the back and side yard, but at the same time just to extend to meet the patio to make it look proportionate and honestly, my opinion it is better for the overall viewing of the rest of the block.

VON DER LIETH: How is that?

BROWNE: Because otherwise, you are going to see 2 separate patios that is going to leave a gap, which is going to not be very attractive, I don't think.

VON DER LIETH: The 2 separate patios, that is going to meet up, like you said, with that slate, the one that is there now. How long has that been there?

BROWNE: I moved in, I purchased the house in April of last year. It is my understanding that was built in 2001.

VON DER LIETH: So how about around and near the proposed patio, do you have plans for some bushes or landscaping? What is that going to look like?

BROWNE: I don't know if you have seen the house, but there previously was a lot of overgrown brush, which we basically cleared out so that we could figure out the space and understand the property lines and boundaries. Our intention is to continue and put trees along the right hand side of the property, along that right hand side of the property along that stone wall that you see. Because, just as much as our neighbors would like privacy, so would we. So we do intend on putting up other types of trees such as like arborvitae, green giants, to block the rest of the block, so that we do have the privacy and so do they.

VON DER LIETH: So, those bushes or landscaping will be put on your property line or, I realize that the stone, it looks like the stone wall is actually on the neighbor's property.

BROWNE: The stone wall is the neighbor's property, which if you notice in the front corner, does infringe upon ours, which we are fine with, we don't mind that. We would be putting it on our property line.

FLAHERTY: Right up against the stone wall?

BROWNE: Well, no, because the stone wall toward the back right corner of the property, is actually the neighbor's property. So, we would keep it within our property.

GALDI: Would you have any type of landscaping in the front section of the yard?

BROWNE: Well, there is, in the front right corner, trees already there. Our intention was not to necessarily bring trees across the front, which would possible only infringe, our neighbor would be the only ones, across the street, that would be able to view, unless people are walking down the street. The house is situated on an odd shaped lot, and it kind of faces a dead end. So, there is only one possible neighbor that would be able to see us, and if I had even mentioned to them, that if they were concerned about it, I would be more than happy to put trees in the front. But, my intention was not initially to do it, but if that was the requirement, I would do it.

VON DER LIETH: So you have already spoken to the neighbors?

BROWNE: Oh, I have spoken to every neighbor.

WALKER: It is a ground level patio?

BROWNE: Yes.

TEN HOEVE: I just have one question, are each one of those, would appear to be steps, entrances to the home? Are there 3 doors?

BROWNE: Yes.

TEN HOEVE: I am just curious, why are there 2 right, virtually next to each other on the side of the house?

BROWNE: That is just the way that it is. They are there now.

TEN HOEVE: It was that way when you bought it? It is not a problem, I was just curious.

BROWNE: It basically just goes right in to the yard. The way that the yard is situated, since we don't have a back yard, we actually have a table in on the side of the house already. So, we are just looking to basically make it look nicer.

TEN HOEVE: Do they both go into the same room?

BROWNE: Yes.

TEN HOEVE: Both doors into the same room?

BROWNE: All 3 doors.

TEN HOEVE: All 3 doors?? There is no problem with it.

BROWNE: That wouldn't have been my preference, but you know... ..

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of July 19, 2011 – Page 4

TEN HOEVE: You were here last month, but there was a technical notice violation, so we had mentioned that if the Board is likely to approve this, perhaps they can act upon it tonight, so that if you want to get a building permit, you can do that after tonight's meeting. Is that correct?

BROWNE: That is my understanding.

TEN HOEVE: Okay, you can call Mrs. Beer, if no one else has any questions or comments, you can call Mrs. Beer tomorrow and find out what happened.

BROWNE: That is fine.

VON DER LIETH: By the way is there anyone here to speak to this applicant? No, okay.

BROWNE: Thank you. I appreciate your time.

CASE: 11-14 Block: 2406 Lot: 8	Application of <u>Mark and Carol Quinn</u> , 18 Grobel Place for front yard variance to construct roof over existing steps to create portico 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 6/17/2011.
- Item 2 is the deed dated January of 1994.
- Item 3 is the survey dated 5/06/2011.
- Item 4 is the proposed portico drawing, undated.
- Item 5 is certification of service dated 7/18/2011.
- Item 6 is the legal notice dated 6/28/2011.
- Item 7 is proof of payment of taxes dated 6/28/2011.
- Item 8 is the Board secretary's letter dated 7/13/2011.

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

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?

QUINN: I do.

TEN HOEVE: Please state your name and address?

QUINN: Mark Quinn, 18 Grobel Place, Park Ridge.

VON DER LIETH: Mr. Quinn, I see we are here for a portico, roof over existing steps. Can you take us through a little bit of what you want to do?

QUINN: Yes, there is a gutter over the front porch and ultimately it gets ice and snow even if I clear it off, and ultimately drips onto the front porch and we get ice. So, we want a little portico to keep that from happening, and just for cosmetics on the front of the house.

GALDI: How far is it going to project?

QUINN: Just to the porch. It won't exceed the size of the porch. My existing porch is nonconforming. That is what they tell me.

TEN HOEVE: Steps can encroach 4 feet into required yard, other, eaves, windows, can encroach 2 feet. It looks like this one doesn't encroach more than 4 feet. If it is 26.9, it is a 30 foot setback, so it would only be encroaching 3 feet into that, or 3

point something. That doesn't mean you wouldn't need a variance to enclose it. When you are going to cover it, it is only the steps that can encroach 4 feet.

VON DER LIETH: This is not covering the steps, it is just covering the

GALDI: Is there going to be any work done to the steps themselves? Are the steps in good shape?

BROWNE: Yes, the steps are in good shape.

GALDI: There is no structural work to be done?

BROWNE: No.

VON DER LIETH: You just don't want ice on them?

BROWNE: Right, I want to keep the ice off of my steps.

VON DER LIETH: Are there any other questions? Is there anyone here to speak to this application? No, okay. You can call Mrs. Beer in the morning.

CASE: 11-15 Block: 2405 Lot: 3	Application of <u>Anthony and Virginia Cipriano</u> , 5 Seibert Court for front and side yard 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 6/17/2011.
- Item 2 is certification of service dated 7/15/2011.
- Item 3 is legal notification dated 7/08/2011.
- Item 4 is proof of payment of taxes dated 6/14/2011.
- Item 5 is the deed dated 10/06/1989.
- Item 6 is the survey dated 6/21/2011.
- Item 7 is elevations dated 6/17/2011.
- Item 8 is the Board secretary's letter dated 7/13/2011.

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

VON DER LIETH: Thank you, Mr. Walker.

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

A. CIPRIANO: I do

V. CIPRIANO: I do.

BRUNO: I do.

TEN HOEVE: Please state your names and addresses?

V. CIPRIANO: Virginia Cipriano, 5 Seibert Court, Park Ridge.

A. CIPRIANO: Anthony Cipriano, 5 Seibert Court, Park Ridge.

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

VON DER LIETH: Mr. and Mrs. Cipriano, can you do us a favor and just go over what it is that you would like to do? Joe, if you are going to do it first, Go with Mr. Bruno.

BRUNO: What I would like to do, if I may, I have 4 packets of photographs, they are all identical to hand to the Board, if I may.

TEN HOEVE: Just mark one as evidence.

WALKER: Item 9 will be photographs.

BRUNO: I just wanted to take the Board through the home. It is in the Seibert Court development. It is a fairly standard ranch. You come into the home, enter the living room, there is a dining room and kitchen, 3 bedrooms, and a common bath.

What the Cipriano's would like to do is that they would like to create a master bath, if you will. So, that they can have some privacy. Also, have a space for a laundry, so that Mrs. Cipriano doesn't have to go down the stairs to the basement, to the laundry and to have some additional closet space, because closet space in the house is very, very tight.

We have 2 variances that are necessary. One is for front yard setback. The front yard setback is along the northerly line of Seibert Court. We are required to have 30 feet and we are proposing 23.1. So there is a variance condition there as well as the side yard setback requirement is 18 feet and we are at 12.3.

The addition was designed for the end of the house for a number of reasons. One was that directly adjacent to the bedroom and it afforded the best spatial relationship between the bedroom and the bathroom and the closet and it also allowed expansion of the son's bedroom which is adjacent.

The other benefit to locating the addition in this spot, is that it built, probably 95% of it's footprint area is built over the existing driveway. So, that even though we are adding building coverage, which is well within the permitted, even though we are expanding the building coverage, we are not really expanding the impervious coverage because we are building over asphalt anyway. The cars would still access the garage by driving beneath the addition.

It was also more beneficial to designing the addition like that is because you can see that the house is located on the bend and to build out to the rear of the house, would really create a larger encroachment into the required side yard setback as well as eliminate valuable green space.

I have another drawing that I would like to show you and I am holding it up and it is orientated the same as my architectural floor plan. You can see that I have plotted out the required side yard and front yard setbacks, and what I shaded in pink on the drawing, is the portions of the proposed addition that are encroaching into the front and side yard setbacks. You can see that the corners, which represent about, maybe, between 25 and 30% of the total floor area, is what is actually encroaching. The bulk of the proposed addition is conforming in terms of its setback.

Part of the project is to upgrade the look of the home, new shutters, new siding, stone as well, and above the existing addition, at the proposed addition, I am sorry, we are proposing a hip roof so that from the north elevation, the apparent, even though we are compliant with the height, the apparent height of the addition is lower than it would be if we just showed a straight gable. So, we are doing a number of things to sort of alleviate the fact that we are asking for a variance.

Now, I handed out 4 packets of 5 photographs each. The first one is a view of the subject property looking towards the garage, which is where the addition would be. That is taken from Seibert Court. You can see that there is a lot of vegetation on both sides.

The second photograph is a view of the subject property looking east towards the area of the proposed addition, likewise, there is a lot of vegetation there. So, the lot itself is very well landscaped and that will continue to be the case.

Photograph number 3, is the view looking west from the subject property, just to give you a flavor of the neighborhood. The Seibert Court neighborhood has a lot of homes that are fairly modest and fairly still original. People have done minor upgrades, but nobody has really done major additions and the Cipriano's want and need to build an addition that will allow them to continue to live in the home.

Photograph number 4 is a view of the house directly across the street from where the proposed addition is, so you can see the prominent part of that home is the garage as well.

The last photograph in the set, is a view looking northeast from the corner of the existing house in the area of the new addition and you can see that there is vegetation there as well. That is another very prominent part of the neighboring house. It is just a side door there and no windows or anything of that nature for views.

VON DER LIETH: Mr. Bruno, I am sorry. So, the addition is basically adding on, the master bedroom is already there, you are just adding on to it and putting in a master bath and a laundry room in the closet? Just basically more of a living space for them upstairs?

BRUNO: Yes, basically we have a master bath and then in the sort of entrance foyer between the master bedroom and the master bath, is a linen cabinet and a laundry and then there is also access to the closet around the back. There is also provisions to extend the son's bedroom as well, within that addition.

WALKER: Mr. Bruno, the garages, are the garages just going to be deeper?

BRUNO: No, the garages are staying the same. So, in effect, the cars can actually park beneath the addition.

WALKER: Oh, so that is going to jut out?

BRUNO: The garages are staying put. They are staying in the existing spot that they are in now.

VON DER LIETH: It is going to cantilever out?

BRUNO: No, there will be stone structural piers to support the addition.

WALKER: So how far is that going to jut out?

BRUNO: 10 feet 4 inches. The house will not be any wider. It will be longer, and it will still comply with the, it will still be within the maximum permitted width of the building.

WALKER: I have to ask, why not a second floor addition instead of expanding out?

BRUNO: At this stage of their lives, to go up wouldn't make sense. Also it would be a much bulkier addition. It would be much more imposing on the neighbors, to do that.

BROWNE: Also, I have Osteoarthritis, and I didn't want the stairs.

BRUNO: We are trying to keep the construction modest. It is not a lot that would really, even though a floor area ratio standpoint, it could work, but it is not really a preference for this lot at this particular time.

WALKER: You addressed another concern of mine. The hip roof, I was concerned about the height of that off the ground. Even though it is not over 30 feet, it would look imposing with the existing.

BRUNO: Yes, that was the intent for that. Incidentally, just so it doesn't get lost as a reason, a portico roof by the front door, which is supported off of the house by brackets, there are no columns.

FLAHERTY: Would moving off the other side of the house be an option, and would that have not, or would it have required a variance?

BRUNO: Going off the other side of the house was not an option, because since the needed it for the bedrooms, it wouldn't work for them because at the other end of the house is the kitchen and the dining room and that would have still necessitated a front yard setback variance.

WALKER: Does the portico itself require a variance?

BRUNO: The portico itself, is the corner of the stair platform is right at the setback variance, so if it would, it would be a matter of 6 inches or so that is still in the encroachment that the addition proposes.

GALDI: There is no basement?

BRUNO: There is no basement. It will be open to below. The cars can park beneath it.

GALDI: So, the garage door stays in place. It doesn't get moved. There will be a 10 foot overhang?

BRUNO: That is correct.

FLAHERTY: I did drive by today, so that park where the cars park, is tight to the neighbors property line, so you come out 10 feet and then you are not going to have anymore impervious space or coverage, than you do now, but the run off from the 10 foot extension, have you made some plans? Is that going down to the driveway and out to the street or.....?

BRUNO: As with all of my projects, the construction plans will show a seepage pit for the roof runoff. That would actually be an improvement over what is there now. What is there now anything that falls in that area falls on the driveway. So, now, with crating a building that will have a roof and we are collecting the water into a pit. We are actually improving the drainage by doing the addition.

GALDI: That pit would take care of the whole roof, not just the addition, I would imagine.

BRUNO: Well, yes, at this point the house is so, the house is of such size that to design a pit to take the whole house versus the addition, is not much, because you are not going to get probably a 200 gallon pit. That just wouldn't be worth the excavation. From a drainage standpoint, this will be much improved.

GALDI: At this point, you don't know where that seepage pit would be located?

BRUNO: No, not at the moment because I want to work it in with the Cipriano's landscaping, because it is very well landscaped. We will, of course, have to comply with the minimum setbacks from the property lines for it.

TEN HOEVE: That is reviewed by the Borough Engineer, when the building permit is granted.

BRUNO: The most advantageous place, usually, for this is in the front lawn, because it is an open expanse and it is easily accessible for excavation equipment and it is no where near anybody's property line. You know that I have been doing this for long enough to know that there is always, the neighbors come out of the woodwork after an

addition has been done, “oh, we never had flooding until he built his addition”, we won’t have that here, because of the drainage situation will be addressed.

VON DER LIETH: Does that size addition usually present that much difference in water runoff?

BRUNO: In this case, there will be no difference in water runoff, even if we didn’t do a pit, there is no difference in runoff because the addition is covering asphalt, which drains anyway, so by putting the pit in, we are greatly going to improve whatever. We will, in a sense, be eliminating water generating from the driveway that drains onto Seibert Court.

VON DER LIETH: Just one other question. I am picturing this thing, It is overhanging the garage doors, now they are recessed in, are there like 2 pillars at the end?

BRUNO: Yes, there are pillars here that are showing on the elevation.

VON DER LIETH: Right, so they are just like 2 pillars and it is open in between to the garage doors. It almost looks like the bottom of a deck, per say. Okay.

BRUNO: Yes. There will be lighting beneath there, so that it is not a.....

VON DER LIETH: Okay, are there any other questions by the Board members?

RAMAN: This picture is the adjacent dwelling, correct?

BRUNO: Yes, that is the property that is directly adjacent to where we are proposing.

RAMAN: Adjacent?

BRUNO: Yes, to the north and east.

VON DER LIETH: Thank you very much, Mr. and Mrs. Cipriano and Mr. Bruno. You can call Mrs. Beer in the morning, and find out how it went.

CASE: 11-16 Block: 1202 Lot: 13	Application of <u>Nathaniel Bargmann</u> , 8 Leroy Place for rear yard variance to reconstruct existing shed utilizing same footprint in an R-10 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 6/24/2011.
- Item 2 is certification of service dated 7/07/2011.
- Item 3 is legal notification dated 7/08/2011.
- Item 4 is proof of payment of taxes dated 6/23/2011.
- Item 5 is the deed dated 4/03/2008.
- Item 6 is the site plan dated 6/07/2004.
- Item 7 is 10 undated photographs.

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

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?

BARGMANN: I do.

TEN HOEVE: Please state your name and address.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of July 19, 2011 – Page 10

BARGMANN: Nathaniel R. Bargmann, 8 Leroy Place, Park Ridge, New Jersey.

TEN HOEVE: Thank you.

VON DER LIETH: Okay, Mr. Bargmann, do you want to take us through what you would like done or want to do?

BARGMANN: Sure. There is an existing barn, shed, on the lower portion of, there is actually 2 lots there, 12 and 13, it is actually one lot now, 13. It is a very old barn. It is rotting and I want to rebuild it.

HOSKINS: It is the one in the back right?

BARGMANN: Yes.

HOSKINS: How big is the one that is there now?

TEN HOEVE: The plan says that it is 24.89 by 21.63.

HOSKINS: Okay.

WALKER: Is that the second shed existing? I see another shed on the property.

BARGMANN: Yes, there is one up top, which is just a very small garden shed.

WALKER: What is the purpose of rebuilding this one?

BARGMANN: For storage.

WALKER: Are we allowed 2 sheds on one piece of property?

TEN HOEVE: There isn't any restriction that I know of, with regard to the number of sheds. The restrictions are with regard to the size and the distance from property lines.

WALKER: We have a limit to accessory structures, no?

TEN HOEVE: I don't think that there ever was a number of accessory structures. Obviously, some lots have lots of accessory structures, pools, decks, cabanas, patios, etc. There isn't a specific restriction against the number of sheds.

LUDWIG: What could be in question is setbacks and how it is categorized. A shed would be a 5 foot setback, assuming it is under 150 square feet. For the sake of size comparison, if it was a detached garage, of 325 square feet it would be a 10 foot setback. If it was a detached garage up to 450 square feet, which is the largest it would be a 20 foot setback.

This is approximately 537 square feet, so it is actually larger than the largest detached garage that we currently allow. That would be a 20 foot setback. There also is a height restriction, which is currently at 12 ½ feet. I mean I don't know how tall this is, but I would based on the size it is higher than 12 feet.

Again, I guess the question we will all have to clarify is what kind of a structure is this? How much setback is appropriate for something this size.

RAMAN: Are you tearing it down and rebuilding it or are you just repairing it?

BARGMANN: It is rotting, so I am going to have to tear down what is falling down.

RAMAN: All the way down to the slab?

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of July 19, 2011 – Page 11

BARGMANN: There is no slab. There are cinder block sides. On the one side of the shed, there is a concrete pad, but it is above the grade for the other part. So, I wanted to make that even. So, that portion, I would think because of footings and whether or not it can be underpinned, it would have to be replaced.

RAMAN: Okay. There is no slab under it right now?

BARGMANN: There is no slab, only on the right hand side as you look at the shed. It is dirt.

TEN HOEVE: There are several issues that...one of the arguments that can be made here is that this is an existing nonconforming structure, and that the applicant is seeking to maintain or repair an existing nonconforming structure. The Zoning Ordinance does permit you to do that.

Another factor to take into consideration is that, from the looks of this, while it is labeled a storage shed, it must have at one time been a garage, because it has a private right-of-way with a dirt driveway that accesses the building. Is that true? Was it originally a garage?

BARGMANN: Not from my knowledge.

TEN HOEVE: Because, as the Zoning Officer pointed out, shed are limited to no more than 150 square feet. They can only be 5 feet from a property line. You can move up to accessory structures that are much larger, but those need to be a greater distance. The largest detached garage being a 20 foot setback requirement. So, then, if you were doing this as a new application with nothing ever there before, you might have to comply with those limitations. But, this is apparently, a pre-existing nonconforming structure, it must have been built some time prior to the zoning ordinance providing for any of these restrictions.

VON DER LIETH: So, he could repair it.

TEN HOEVE: He can maintain and repair. If it burned down, you couldn't rebuild it without getting a variance. If it were completely destroyed, you couldn't rebuild it without getting a variance. Obviously, the fact that it exists and has existed for a long time, is a factor that the Board could consider even if it did fall down or burn down.

VON DER LIETH: The setback right now is what?

TEN HOEVE: I couldn't read that either. It looks like 5 feet, 4.74. Five feet on one side and 4.74 on the other side.

BARGMANN: Yes, because it is on an angle to the property line.

VON DER LIETH: The square footage of this building as it is right now, if you were to rebuild it, would have to be at least 20 feet.

RAMAN: Did you consider the fact that trying to repair this, if it doesn't have proper foundations and it has a cinder block wall, you might be putting a lot of money and to conform with the new ordinances, you might have to move away, but you have a more permanent structure. I haven't seen any photographs, from what you are describing, it is in pretty bad shape.

BARGMANN: Yes, it is dangerous. I think the tipping point for me was finding my son climbing on the roof and so that was really what kind of drove me to say that I have to change this. So, moving it 20 feet in towards the property would really take away, from my estimation, from the property. There used to be a tennis court there and that is an open field where all of the kids come and play away from the busy street. So, moving it, from my perspective, just didn't make any sense.

RAMAN: You wouldn't have to move it that much. Again, looking at this thing, maybe about another 10 feet. You could flatten it out. There are other things that you can do, but if it is in such disrepair, I am just wondering apart from the variance part of it, whether you are putting good money into something that, again, the foundations may be bad.

VON DER LIETH: Sid this is something that

BARGMANN: Presently there are no doors on it, but I want to put a door on it so that I can lock it. (Everyone talking to each other with microphones on)

GALDI: What kind of floor were you going to put in it.

BARGMANN: I was going to put a concrete floor in it. I don't know the height, but it is going to conform, just where it is right now, I am not going any higher or any lower. I am basically, it is going to look the same thing, without windows or anything else.

GALDI: Except as the gentleman said, it would likely be more than 12 feet, based on the size.

LUDWIG: If it is 25 by 18 feet, you have to have a pitch and it is going to be more than 12 feet.

TEN HOEVE: Is the size critical, Mr. Bargmann, in terms of

BARGMANN: It looks like the height is 13 feet.

TEN HOEVE: Is the size critical? In other words, if the Board were to consider this and grant the variance to allow something that might be greater than that which is permitted under the Ordinance, because it is replacing a pre-existing structure, but not 22 by 25 feet. Is that something workable at all.

BARGMANN: Yes, I think that is workable. Certainly the side portion, from my perspective, because there is a concrete slab there and there is a difference and the ground, I need to make them level. If I had to loose something from the side yard, I don't think I am going to miss much at all.

VON DER LIETH: In order for him to keep it at that 5 feet away from the property, he would have to cut it more than half. Right, I mean it can't be more than 150 square feet.

TEN HOEVE: I think, unless I misunderstood what he was saying, it think that he is saying that he would be willing to relocate it, but he didn't want to relocate it 20 feet from the property line.

LUDWIG: Not entirely, but if he came 10 or 15 and made it a little smaller, he wouldn't really loose any of the open field.

TEN HOEVE: That is where I was going.

WALKER: What is behind that storage shed, on your neighbor's property?

BARGMANN: Which way are you going? Towards Ridge Avenue, or are you going

WALKER: I can't tell from the survey here, east, behind the shed.

TEN HOEVE: Directly behind the 4.5 foot yard.

BARGMANN: Right there I have a fence there, a black chain link fence and then my neighbor has a off set garage.

TEN HOEVE: Accessed by that private right-of-way?

BARGMANN: No, they would come off of Pascack, so that is Julie Pintak's property.

LUDWIG: Have you spoke to a contractor or an architect as far as the condition of what can be saved with this building? I mean from those pictures it looks like there is not a lot that is conforming to current building codes.

BARGMANN: I have not talked to a, I did talk to an architect. He sketched me up some potential drawings. Took a look at it and the underpinning looks to be challenging but still we run the risk of it falling down.

LUDWIG: As it currently stands. I am just saying once you start changing the structure, you are going to have to comply with current building practices. You are probably going to need a foundation of some type. If this has no foundation, adequate foundation, you are not going to be able to get a permit to reconstruct it. So, I mean I am just wondering if you have thought of the idea of more or less abandoning the repair and just go to another structure with a more setback, possible smaller, one that would be safer and built to current standards.

BARGMANN: You know I didn't give that much thought, only because the way the barn is situated on the property, it just fit in. I didn't want to loose any of the property going towards where the old tennis courts were. I the way that I thought about it was that if I could do it in its existing place, it would work best for me.

TEN HOEVE: You have 125 feet from the driveway to the barn, according to the survey. So, if it were moved, as someone suggested, 5 or 10 feet, you are still going to be 115 or 120 feet away from that driveway. It is notOh, it is already to the property line.

RAMAN: Right now it is kind of square. You can make it rectangular, you could probably.....that is what I was also suggesting, that if your foundations are bad and you try to make a repair on it, it might move on you and then you know if you put in whatever money there might be a chance that it is going to be damaged sooner or later. Like you said, underpinning is expensive. You might want to do a cost comparison of moving it to where it is not offensive and doesn't take up so much space, get the area that you feel is sufficient, and then not have to deal with this.

BARGMANN: If you are talking about moving it up, towards Leroy?

FLAHERTY: Towards the home.

BARGMANN: There is a rock wall that goes up that dirt drive, so I would have to redo all of that. I would have to cut that back and then do the wall and expand the width of that driveway, so I am encroaching in on the field area, the old tennis courts. I am using a lot of usable space that my kids are

GALDI: Is there no place on this lot that you can relocate something that is 20 by 20, 15 by 22, something like that? Something of the scale that is usable, is there no place that you could move it where it would not materially reduce the enjoyment of your field?

BARGMANN: Yes, I just don't see where it would go.

GALDI: We don't have a survey that shows us these things.

TEN HOEVE: Another alternative that the Board can consider is if it were left in its current location, but just made a little bit smaller, by cutting off the rear portion of the building, so it would have a little more setback. If you took 5 feet off, you would be 10 feet off of the property line, something along those lines.

GALDI: You are right now, 5 feet off of the property line, if you cut off that right side by 5 feet, now you don't have a 25 foot width, but a 20 foot width, you are keeping the left side in its space. You are now maintaining that, not infringing any further on the 125 foot space. Now, what you have done, is given up a little bit in the storage space but you gain a little bit of offset, but as Bob was saying, now you start to have to dial into all of the new building codes, but you are going to have to do that anyway.

TEN HOEVE: If you just look at those pictures.

GALDI: You wouldn't have to worry about the rock wall.

WALKER: Are you trying to salvage any of this structure? Isn't this just going to be a knock down?

BARGMANN: Pretty much. I am going to save some of the wood because it is all antique.

WALKER: You can pretty much do whatever you want here, but you are going to need correct footings and you know.

TEN HOEVE: If I understand what Mr. Bargmann is saying, I think he is trying to say that he wants to use the pre-existing nonconforming location and structure to argue that I am really just going to be rebuilding it, so give me a break and let me.

WALKER: Why don't we just move it 5 feet off of the property line and build it.

VON DER LIETH: Is that something you would be open to doing?

BARGMANN: Yes.

VON DER LIETH: Like saying, just like Mr. Ten Hoeve said 10 foot off.

BARGMANN: So it is 10 foot from the line.

TEN HOEVE: So you are going to be reducing the nonconformity. Just make the whole thing 10 feet off of the line.

BARGMANN: So what you are saying that if I am 10 feet off, I can put my footings in.

VON DER LIETH: You are basically just chopping off 5 feet of the structure in the back end.

LUDWIG: And if the height is within the 12 feet, you would be reducing another variance requirement. If you make the structure 20 feet width, your height will not be as high.

WALKER: Let's make it clear. Are we reducing the size of the structure?

TEN HOEVE: Yes you are going to reduce the size of the structure and the height. You are going to move it in so that it is at least 10 feet. You are not going to extend it nearer to the home.

WALKER: So it will be 21 by 20.

TEN HOEVE: Well he would have to submit whatever the exact dimensions are, as long as it is no nearer to the house and at least 10 feet off of the property line everywhere.

BARGMANN: It sounds reasonable.

WALKER: And you will get some use of it.

VON DER LIETH: Are there any other questions from the Board? Mr. Bargmann, if you do want to go ahead with it, you will have to submit a revised plan to us so that we could go over it one more time and just dot the I's and cross the T's.

RAMAN: Also some elevations at that point, showing the rock wall.

VON DER LIETH: so, basically, just get in touch with your contractor, or architect and try to figure out what you want to do in terms of the plan and schedule another, he would have to come before us again, wouldn't he?

TEN HOEVE: If the Board wants to see any additional renderings, yes. If you just want a survey that shows the new location, we could act on it as long as he submitted it before the next meeting, whichever the Board preferred.

LUDWIG: What we are saying is that you need to get in touch with your surveyor and advise him of what your plan is on what you want to do and have him put it on here, so that we would see an official survey of the property. If you did that, I guess you wouldn't have to come back.

BARGMANN: Okay. Thank you very much.

PENDING CASES:

CASE: 11-11 Block: 1017 Lot: 3	Application of <u>Naren Ramineni</u> , 196 Pascack Road for front yard variance to remove existing patio and construct a covered porch on the existing house in an R-10 residential zone. Hearing held June 23, 2011. Determination forthcoming this evening.
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VON DER LIETH: We have a resolution in the affirmative for this application.

WHEREAS, NAREN RAMINENI (hereinafter referred to as "Applicant"), being the owner of premises known as 196 Pascack Road, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot: 3 of Block: 1017 on the Tax Assessment Map for the Borough of Park Ridge, has applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE seeking a front yard setback variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of an open porch attached to the single family dwelling on the premises; and

WHEREAS, the premises are located in an R-10 Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant has submitted a survey describing the proposed improvements to the premises prepared by P & M Surveying Inc., Licensed Surveyors of the State of New Jersey, dated April 15, 2011; and

WHEREAS, Applicant has also submitted architectural renderings describing the proposed improvement prepared by Joseph Bruno, Licensed Architect of the State of New Jersey dated May 31 2011; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on June 23, 2011, upon due notice as required by law; and

WHEREAS, the BOARD has carefully considered the application and all testimony and evidence submitted in connection therewith;

WHEREAS, no person appeared in opposition to the requested variance.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact:

1. Applicant is the owner of premises known as 196 Pascack Road in the Borough of Park Ridge. The Property is corner lot situated at the intersection of Cascade Street. The Applicant's property is thus subject to the R-10 front yard setback limitation of 25 feet for the portion of the property fronting on Pascack Road as well as Cascade Street.
2. The Applicant's home currently fails to conform to the Cascade Street front yard setback limitation. Applicant's home is currently but 6.5 feet from the Cascade Street front lot line at its closest point. The Applicant thus faces a unique condition with regard to the location of the home on the lot.
3. Applicant and Applicant's architect testified that a concrete patio is currently located at the northeast corner of the home, a patio that also encroaches into the required Cascade Street front yard. While not a close to the lot line as the nearest point of Applicant's dwelling, the patio does extend the existing front yard encroachment.
4. Applicant seeks permission to construct a covered porch in the area of the existing patio, removing the existing patio in its entirety. The covered porch, as shown on the submitted architectural renderings, will be situated so that it is 8.8 feet from the Cascade Street lot line at its closest point and 10.64 feet from the Cascade Street lot line at its farthest point. As stated by the Applicant's architect, the covered porch will be constructed in a manner so as to "square off" the existing home. No portion of the porch will be nearer to the Cascade Street lot line than the existing dwelling.
5. Applicant stated that the proposed porch was being constructed for several reasons. Initially, Applicant's religion requires that the northeast entrance to the dwelling be covered. Applicant stated that when he recently purchased the dwelling he determined that it would be necessary to construct some covered entranceway to the dwelling in the northeast portion of the home. Applicant further testified that the covered entrance would provide a safer, more secure means of ingress and egress, an entranceway that would be protected from the elements. Finally, Applicant's architect testified that the proposed covered porch would constitute an aesthetic improvement to the dwelling and would replace an existing less attractive entranceway and patio.
6. During testimony, the Zoning Officer noted that the proposed roof failed to comply with the minimum roof slope requirements of Section 101-17 of the Zoning Ordinance of the Borough and that an additional variance was required by the Applicant. Applicant's architect acknowledged that the slope of the porch roof did not comply with the Section, however, asked that the BOARD grant a variance, noting that an increase in the slope would require the Applicant to eliminate a bedroom window and opining that the proposed slope constituted a superior architectural feature since it enabled the design to tie into the existing garage peak and would result in a roof that was no higher than the existing garage. The BOARD Planner also confirmed that the proposed slope did not violate the intent and purpose of the cited Section.
7. The BOARD finds that substantial reasons exist justifying the requested front yard setback variance and roof slope variance. The Applicant faces a unique hardship by virtue of the fact that the lot is a corner lot and the location of the existing improvements on the property. The extent of the proposed encroachment is minimal in light of the existing encroachment of the dwelling. The proposed porch also will replace an unsightly existing condition and result in an aesthetic improvement to the property. For reasons stated above, the roof slope violation does not violate the intent an purpose of the Ordinance provision creating minimum roof slopes. The BOARD finds

that the requested variances may be granted pursuant to either traditional hardship standards or flexible (c) standards.

8. The BOARD further finds that there will be no negative impact flowing from a grant of the requested variances. The BOARD finds that the grant of the proposed variances will have no negative impact whatsoever. The decision to grant the requested variance will not result in any substantial detriment to the public good, now will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge in any way.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70, that the BOARD does hereby grant the Applicant's requested setback variance and roof slope variance to permit the construction the proposed open porch subject to the following conditions:

- A. That Applicant construct the proposed improvements as set forth on the revised final plans submitted to the BOARD.
- B. The within approval is specifically subject to the review of all construction plans by the Borough Construction Code Official and the Borough Fire Official to make certain that the proposed manner of construction complies with all applicable building and fire codes.
- C. All improvements shall be constructed in such a fashion so as not 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.
- D. That Applicant comply with all Borough Ordinances and State Statutes with regard to the application for building permits and that the construction of the proposed improvements be in compliance with all applicable codes with all required approvals to be rendered by appropriate officials. Nothing contained herein shall be construed to represent an approval of the specific building plans submitted by the Applicant, said approval to be granted by appropriate Borough Officials.

The resolution was offered by Mr. Walker and seconded by Mr. Hoskins.

ROLL CALL:

Ayes: Mr. Galdi, Mr. Flaherty, Mr. Walker, Mr. Hoskins, Mr. Raman

Abstain: Dr. von der Lieth, Mr. Sandler,

NEW BUSINESS:

None

CORRESPONDENCE:

None

APPROVAL OF MINUTES:

The Chairman entertained a motion that the April 6, 2011 minutes be approved as submitted. So moved by Mr. Hoskins and seconded by Mr. Walker. Carried unanimously.

APPROVAL OF VOUCHERS:

None

DISCUSSION OF APPLICATIONS:

The Board discussed the application of **Richard and Sharon Browne**. The members felt that there was a unique situation due to the odd shaped lot creating a hardship due to the positioning of the house on the lot. They felt that he had no choice as to where to locate the patio and authorized the Attorney to draw a resolution of approval for the next meeting.

The next application to be discussed was that of **Mark and Carol Quinn**. The Board felt that there was no problem in granting the application. Attorney advised to draw a resolution of approval for the next meeting.

The application of **Anthony and Virginia Cipriano** was the next one to be discussed. The Board felt that this was another example of an odd shaped lot with the dwelling crooked on the lot. The Board felt that due to the extreme hardship of the property, that the variance could be approved and Attorney advised to draw a resolution of approval for the next meeting.

The application of **Nathaniel Bargmann** was then discussed. The Attorney advised that a resolution could be drawn requiring the 12 foot limitation on the roof height, and that it has to be 10 feet from the property, no wider than it currently is, and no closer to the house. The Attorney was advised to draw a resolution of approval for the next hearing.

VON DER LIETH: I would like a motion to memorialize a resolution for Case 11-12, the application for **Richard and Sharon Brown**, for the patio.

The motion was made by Mr. Galdi and seconded by Mr. Flaherty.

ROLL CALL:

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

Abstain: None

ADJOURN:

There being no further business to come before the Board, by motion of Mr. Walker and seconded by Mr. Hoskins, the meeting was adjourned at 9:00 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber