

****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, August 16, 2011, at 8:00 pm in the Council Chambers of the Municipal Building.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: Mr. Brennan, Mr. Capilli, Mr. Flaherty, (8:03), Mr. Galdi, Mr. Hoskins, Mr. Raman, Dr. von der Lieth

Absent: Mr. Sandler, , Mr. Walker

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

PENDING CASES:

<u>CASE:</u> 11-17 Block: 1601 Lot: 15	Application of <u>Park Ridge Board of Education</u> , 85 Pascack Road to utilize existing house as the Board of Education offices necessitating a Use variance in an R-20 residential zone. Hearing postponed from July 19, 2011 for Notification of property owners within 200'.
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KOVAC: I believe that with regard to the Use variance, our presentation here today, notwithstanding the correspondence that we have received by way of a memo in July, from Peter Burgis, which suggested to you that the variance that we were seeking was a D-1 variance. I have had a consultation with Mr. Burgis. I did receive a late e-mail form her, which I don't know if it has been provided, it basically agrees with the analysis that we had presented to her, that perhaps in this instance because of a case known as Lochner and the area in which we are situated, that really what we are going to be applying for is a D-3 variance, which may be known as a soft D, if you will.

It is a variance associated with conditional use because of the following reasons. We are immediately adjoining the existing campus at the school property. Under a case known as Lochner, known as the Lochner Document, where an undersized lot where the proposed use adjoins an existing parcel and you have them then unified by way of ownership, in a sense, that law acts that the adjoining lot line melts, if you will to create a conforming lot. That benefits us in this instance because it takes us out of the realm of a separate detached lot and places us on the same campus with the school and gives us the opportunity to proceed as a conditional use or seek conditional use variances.

I would suggest to you an easier burden for the Board of Education to meet, because all of the special reasons that you are used to hearing about by virtue of it being a conditional use. As the members of the Board know, there has already been a determination that this use can fit within that zone, in this instance the R-20 zone. It does require us to have additional standards, but, again, I would suggest to you that the standards that we would normally be obliged to meet, are really applicable to the placement of the entire school.

To try to bring this to, in a nut shell, if you will, imagine, if you will, that the lot line did not exist, and what the Board of Education was attempting to do was simply extend the existing school, brick and mortar, over on to the new lot, and just put administrative offices in there. I would suggest to you that notice to the Board of Adjustment members, who have no problem, I don't know of a single school that doesn't have administrative offices contained within it somewhere. For all intent and purposes, it continues to conform to the conditional use standards. We are prepared to address and present testimony to address any issues that may be raised.

I would suggest to you that the fact that we are just going to use the existing structure, no other intellectual exercise need be gone into in this instance. We are prepared to address any of the concerns that were raised by any of the municipality's professionals. This evening with my, I have Superintendent Gamper. I have our Architect, Linda Menzes, and I also have Chris Lantelme. I don't know what your pleasure is. If you would like everyone sworn in mass, or as they come up and give testimony, we can do that.

TEN HOEVE: Before I do that, just a couple of procedural issues. I assume that you are asking for either variance if the Board should determine that this is a D-1 and not a D-3.

KOVAC: Certainly.

TEN HOEVE: Was it your statement that the Planner had concurred and considered this to be a D-3 rather than a D-1 variance?

KOVAC: Yes. I will present, it is not in any form, what happened by way of background, I received Ms. Burgiss's correspondence memo to the Board, back in July, when she distributed it to the Board members, July 19 and July 20. At that point in time we had prepared a correspondence back to Ms. Burgiss, outlining what we believe the appropriate analysis was under this circumstance, taking into consideration the Lochner Doctrine. I can present that correspondence to you. I don't know if that is part of your package.

BEER: It is not part of our packet.

TEN HOEVE: This is from you to her?

KOVAC: From me to her.

TEN HOEVE: Did you get something back from her to you?

KOVAC: Received that back by way of today, after another email to her, asking whether or not she had an opportunity to consider the analysis that we had presented. She wrote a very nice letter back to me. I am just looking for it right now throughout by papers. Give me a moment and let me see if I can find that. May I present that to you?

TEN HOEVE: Sure.

KOVAC: I just didn't want the one to come after the other.

TEN HOEVE: You can just hand that up to Matt, to be marked into evidence.

CAPILLI: That would be item 15, a letter from.....

KOVAC: It is an email response with today's date.

CAPILLI: To Mr. Kovac.

KOVAC: I do have extra copies of that, if that would help members of the Board.

TEN HOEVE: I don't know if that is necessary.

VON DER LIETH: That will be fine.

TEN HOEVE: Anyone who is going to testify, I will swear you all in at once to make it simpler. Just stand and 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?

LANTELME: I do.

MENZES: I do.

GAMPER: I do.

TEN HOEVE: Please state your names and addresses.

GAMPER: Bob Gamper, 436 Demarest Avenue, Oradell, NJ. Superintendent of Schools.

MENZES: Linda Del Noble Menzes, Architect, 299 Park Avenue, Park Ridge.

LANTELME: Chris Lantelme, of Lantelme Kurens & Associates, 101 West Street, Hillsdale, NJ.

TEN HOEVE: Thank you.

VON DER LIETH: Okay, so please you could take us through what you would like done and it would also help if you can explain any extenuating circumstances or hardships as to why this needs to be done. It would help some of the Board members in determining.

KOVAC: Let me bring up the Superintendent first and he will give you background over what we are doing, before we get into the hard data. Can you briefly give the Board the benefit of your background pertaining to the district and what this project is intending to achieve.

GAMPER: The present project is intending to achieve moving the administrative offices out of the high school and into the house that we have purchased. The house will contain the Superintendent, and my 2 administrative assistants, and also the Business Administrator, Mr. Wright, and he also has 4 assistants that work with him. So, there will be a total of 8 people housed in that location.

KOVAC: Does this represent any new hires? This is basically people that are presently employed and work in the district elsewhere?

GAMPER: Correct. They are all presently employed by the Park Ridge Board of Education. They are all housed in the high school, in various offices and the house will allow for an extra classroom to be opened in the high school and also will be able to free up some office space for other professionals inside the building.

KOVAC: Specifically, what type of, in general, what type of improvements do you seek to do? We are going to get into hard data a little later, but in general, can you describe for the Board what is proposed?

GAMPER: What is proposed is the Business Administrator and his main assistant would be on the second floor. On one side of the first floor would be, myself, in an office, and then a conference room next door, with the 2 assistants out front. Across on the other side, on the first floor, would be the other 3, the bookkeeper, accounts payable, and so forth would also be on the other side.

There would be a total of 2 people housed upstairs and there would be 6 people housed on the first floor.

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KOVAC: In general, what would be the hours of operation, and is there a difference of hours of operation from season to season? Could you also explain that?

GAMPER: For the most part, 12 months of the year, the hours of operation are from 8 am to 4 pm. There are a dozer or so night meetings that happen each school year that would take place, committee meetings, usually, with myself, the Business Administrator and Board members.

KOVAC: How many times, in a month, would you say, during the course of a year, would you have evening meetings at that facility?

GAMPER: I would say that we average 3 to 4 evening meetings at the facility, per month.

KOVAC: These would not be full blown Board of Education meetings, but these would be committee meetings?

GAMPER: No, the Board meetings would still be held in the Media Center of the high school or in the little theater of the high school. These would be committee meetings consisting of 4 or 5 people.

KOVAC: Occasionally, would some professionals be making some presentation to the Board?

GAMPER: Correct, a consultant may be coming in and speaking with the committee or Board committee and so forth.

KOVAC: Are there any other uses that you would see the building be put to?

GAMPER: Just general daily operations, you know people coming to meet with me or conference with me, someone who is coming to meet with Mr. Wright, the Business Administrator, and so forth, but nothing outlandish, that is for sure.

KOVAC: You explained that this will free up a classroom in the existing high school building?

GAMPER: Correct, it does allow us to free up one additional classroom in the high school. It also, the plan is to move the Department of Special Services into the offices that we are presently in, which will allow for a private entrance through the back parking for parents. The Child Study Team do meet with parents frequently, so it would give that group of students and their parents access to school in a much easier way with parking and so forth.

KOVAC: Can you also describe the interior renovations that are proposed with the new and existing structures.

GAMPER: The existing structure for the most part, is going to remain the way it is now. There will be some minor renovations to access inside the conference room and bathroom with a door between. It is 2 bedrooms that are going to turn into my office and a conference room. There will be some minor renovations on other side, just to make it a little more accessible for people that are coming to visit or also more useful for us when we are there, to house the people that are working there and also people that are visiting.

KOVAC: Has there been an increase in the numbers that requires or drives this move to free up the classroom space?

GAMPER: One of the main goals that I have been talking about, the Administrative team, is to be able to offer more electives, more classes to our high school students, to give them more options, give them more opportunities. Classroom space, as you know, or people in my business know, is gold. So, one classroom space may not

seem like a lot, but it is still 8 different classes that can be housed during the course of the day, so it is valuable.

KOVAC: In addition to the individuals that would be working there on a daily basis throughout the course of the year, do you anticipate that there would be visitors to this area.

GAMPER: Yes, during the course of the day, there would be visitors, staff members, parents would be visiting Mr. Wright or myself. There might also be people, vendors, consultants, from the outside that would be visiting during the course of the day.

KOVAC: Any type of traffic by way of deliveries, those types of things, to give the Zoning Board of Adjustment a flavor of what happens at the administrative offices?

GAMPER: There wouldn't be so much deliveries, large trucks, nothing really more people coming in single cars, parking and meeting with us. It would not be, by any means, a truck route so to speak, or anything like that.

VON DER LIETH: So it is basically much easier to access for people to get to, then the current office is?

GAMPER: Yes. Right now, people who want to visit either myself, or Mr. Wright, have to drive around to the back of the high school, which is extremely difficult. This actually, is nice, because now people that are coming to visit us can park at the house, they don't have to drive around the back of the high school where we have students walking and staff walking and so forth. It is actually a lot safer having our offices outside of the high school. The traffic flow actually, in terms of safety for the students, I think will be greatly improved, if in fact, we could move our offices to the house.

KOVAC: By safety, you mean, I guess during the normal course of the days, when someone comes to see you, in the existing facility, if there are students present, then these guests are advised to walk through the halls to get to you.

GAMPER: Correct, some visitors will go to the main office of the high school and they have to be given directions or escorted down to the Superintendent's office or the Business office. Some of them will drive around back and double park. Just giving them directions to the house, where we will have ample parking for visitors. Certainly it will improve the quality of life for everyone, especially the people that are visiting.

KOVAC: At present, there are no plans to house students or conduct classrooms for students for educational purposes in the administrative facility.

GAMPER: None whatsoever.

KOVAC: That will be it for the presentation of the Superintendent. We do have more people to talk about the physical layout.

GALDI: Your current office will be vacated and the Department of Special Services will go there?

GAMPER: Correct.

GALDI: Where is that currently?

GAMPER: Right now, the Department of Special Services has an office, which is really a classroom that has been renovated upstairs, in the floor above me, above the Superintendent's office. They would move down. The Director of Special Services, the Supervisor of Special Services, our Student Assistance Counselor, will also be there, which will give him a private office. A lot of times we have students who are willing to speak to him but they are standing there in the hallway as other students are walking by.

This will give students a private place to wait to speak with the Student Assistance Counselor.

GALDI: Would that create another classroom then, where they vacate.

GAMPER: No, Mr. Yerdra's office is a small office. It is not capable of housing students.

GALDI: Didn't you say it was going to generate a classroom, though?

GAMPER: The Department of Special Services office is a renovated classroom and would return back to a classroom. That is the only change, I should say, that is going to create the classroom space.

GALDI: That is the one classroom that is going to be generated?

GAMPER: That is correct.

CAPILLI: I mean is this a move to help get some of the 6th graders out of this building, to push some of the 6th grade out of the elementary schools. This isn't going to help that whatsoever?

GAMPER: In the long run, the extra classroom would, but right now that is not the motivation. I understand that was a point of discussion, before my arrival, last July, but at this point, this one classroom is certainly not going to be a situation that will bring the 6th grade students to the high school. That is not even on the table.

VON DER LIETH: Is there anybody in the public have a question for the Professionals tonight. Is there anyone here to speak on this application? No questions, okay. Would you like to present your next Professional?

KOVAC: Yes. The next witness is our Architect, Linda Del Noble Menzes. Ms. Menzes, you have a photo board that I don't believe it was marked. This consists of approximately 16 pictures. Is that correct?

MENZES: Yes.

KOVAC: I ask you to give us the benefit of your qualifications, with regard to architect.

MENZES: I am a licensed Architect in the state of New Jersey, and also a licensed Planner in the state of New Jersey.

KOVAC: Have you qualified as an expert to provide testimony before Zoning Boards of Adjustment, and Planning Boards in the state of New Jersey before?

MENZES: Yes.

KOVAC: Approximately how many times?

MENZES: Oh, 50 times, maybe. I have been here before.

TEN HOEVE: Yes, I think you have testified here before. That is fine.

KOVAC: You accept that she is qualified?

VON DER LIETH: Yes, we do. You can take the mic, if you like, off of the stand. Just so we pick up everything.

KOVAC: Just if you could just explain, this is a photo board that you have prepared. Is that correct?

MENZES: Yes.

KOVAC: This is approximately 16 photos depicting various locations in and about the site?

MENZES: Yes.

KOVAC: To your understanding, they accurately and appropriately represent the site as it exists today.

MENZES: Yes.

KOVAC: Okay. Can you describe what is depicted here?

MENZES: Okay, I will just go through the series of pictures. This is looking at the site itself, with the school next door. This is looking down Pascack Road, south of the site. I don't know if you guys can see these that well, but they are kind of small. This is looking north up Pascack Road, where you see the school on your right, and then, just each view. This is across the street, looking up Johnsvale. This looking at the school, again looking at the site, with the school in the background. This is the southeast corner, which is that blue house that is across the street. This is looking up Wampum Road, as you can see, as the grade goes up towards the intersection of Pascack and Wampum. This is, again, looking a little bit further down, again, showing the grade as it goes up. This is the side view of the house. This is looking down the street towards the school, in the background. This is looking easterly along Wampum, down by the school parking lot. This is, again, down by the bottom of the hill. This is the back view of the house with the school in the background and you can kind of see how close the school is to it. Then there are 2 more views of that.

KOVAC: May I ask if you can describe the document that you have on the board. This was represented to the Zoning Board of Adjustment, with regard to our application, Ms. Menzes?

MENZES: Yes, these are the 3 floor plans. The cellar plan, which we are doing nothing to. The first floor plan, where we are doing some minor modifications. Then the second floor, actually, the second floor here is where we are also doing no renovations at all. The only thing that we are doing on the first floor is, we are taking the 2 offices, or 2 bedrooms that were in the back and we are opening this up in between and making an office, for Dr. Gamper, and a conference room, open up a reception area. We are making an accessible lav.

In the front, there are actually 2 kitchens in this building. It was a 2-family house. We are just keeping the one kitchen as a break room. The other kitchen, we are just removing, and opening it up for an open office area.

KOVAC: Are you proposing a lift area?

MENZES: We have kind of, we are not sure exactly where we are going to put the lift, but we are going to put it on the inside. We have struggled with getting it on the outside and creating ramps and everything. Chris Lantelme will address that a little bit more, but what we have decided to do, is to come in at grade level, which is really the cellar plan and create a lift on the inside. Whether it is along the stair or some other kind of a lift to get us to the first floor.

KOVAC: That will make it handicap accessible?

MENZES: Yes.

KOVAC: And part and parcel of that was, as a result of revising the other site and improving the physical address later. The exterior allows you, basically, to, in my

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words, downgrade in sense, the number of improvements that were originally proposed. Is that correct?

MENZES: Yes. Greatly. You, probably if you saw the old site plan, we really struggled with that, how are we going to get the people into this building. So, yes.

KOVAC: The improvements made to the existing structure, they won't expand the footprint of the existing structure, whatsoever. Is that correct?

MENZES: No.

KOVAC: Are there any exterior improvements to the building itself, as proposed?

MENZES: No.

KOVAC: Any additional lighting that is going to be proposed on the exterior of the building?

MENZES: No.

KOVAC: Any other improvements that are designed for the existing structure?

MENZES: No.

KOVAC: What is your understanding of the existing use of the structure, prior to the Board's purchase?

MENZES: Residential.

KOVAC: Conforming residential?

MENZES: No. It was a 2-family.

KOVAC: Is it your understanding that based on the current Zone Plan, that it is a nonconforming use?

TEN HOEVE: There are no 2-family zones within the Borough.

KOVAC: Your understanding was that the use was a 2-family?

MENZES: Yes.

KOVAC: And that is what makes it a nonconforming use?

MENZES: Yes.

KOVAC: And in this instance, this will eliminate that nonconforming use?

MENZES: Yes.

KOVAC: There is no intention of use by the Board of Education, as a residential facility, whatsoever.

MENZES: No.

KOVAC: This is only going to be an office, that is associated strictly with the school purposes?

MENZES: Yes.

KOVAC: You are familiar, are you not, with the D-3 conditional use standards is that correct?

MENZES: Yes.

KOVAC: Can you briefly describe what those are to place on the record before the Zoning Board of Adjustment standards for the D-3 variance.

TEN HOEVE: Are you qualifying this witness as a Planner as well as an Architect?

KOVAC: Yes.

TEN HOEVE: I wasn't aware of that. I am not sure that the Board was aware of that either. Maybe some additional questions would be appropriate with regard to the Planning aspect of her experience and practice.

KOVAC: She did testify before that she is a licensed Architect and Planner.

TEN HOEVE: I did hear that. I would like to ask her a few questions with regard to that.

Does your practice involve Municipal Planning, to any significant extent?

MENZES: No.

TEN HOEVE: Have you ever testified before Boards solely as a Planner?

MENZES: Solely? No.

TEN HOEVE: Were you basically grandfathered in at the time, when all architects and engineers were grandfathered in, when the original Planning Statute was adopted?

MENZES: I don't know if it went back that far, but yes, because of my license as an Architect, I was granted a license.

TEN HOEVE: Have you studied, have you taken any significant courses in Planning, other than your architectural courses?

MENZES: In recent years? In the last 30 years since I graduated?

TEN HOEVE: Yes.

MENZES: No.

TEN HOEVE: This Board, I am not trying to give you a hard time. This Board has generally not accepted someone simply because they are a Licensed Planner, as some engineers, many engineers are and as many architects are. I am not sure it is that significant. I didn't want to get into this until later. I am not sure that I agree with the D-1, D-3 position that you are taking, but I don't really think that it matters that much. I think that it is pretty obvious from the nature of your application, that this is a very inherently beneficial use, that you are replacing a pre-existing, nonconforming, 2-family use, and from what I understand, permanently abandoning that, so no argument can ever be made that it would in the future be used as a 2-family use.

KOVAC: That would be so.

TEN HOEVE: I think that you have more than established, already, the positive aspects that would be required, whether it is a D-1 or whether it is a D-3 variance. I think that the only considerations, or at least I would advise the Board, that the only consideration that it should take into account, are any of the site details, and whether they

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could even arguably have some negative impact that could possibly outweigh the positive benefits.

So, my suggestion would be to have the testimony focus on that if the Board is willing to agree with that position.

VON DER LIETH: Agreed.

KOVAC: Let me withdraw the Architect, then, and get to my site person. Chris, could you put your board up.

TEN HOEVE: I think that Mr. Lantelme has also appeared and testified here in the past. Is that correct?

LANTELME: I don't think that I have been in Park Ridge.

TEN HOEVE: You haven't?

LANTELME: No.

TEN HOEVE: I have seen you places.

LANTELME: You have probably seen me in plenty of places.

KOVAC: Why don't you give us, briefly give us the benefit of your experience, your training and you licenses?

LANTELME: I am licensed in New Jersey as a Licensed Engineer and a Licensed Surveyor. In New York, as a Licensed Surveyor and in Connecticut as a Licensed Engineer. I have been a partner, and I am now the sole owner of Lantelme, Kurens, Associates for about 15 years. I have practiced Engineering for.....

VON DER LIETH: That is more than enough, thank you.

KOVAC: If I can ask you to briefly describe the work that you have done on this particular project?

LANTELME: Okay. I am just going to walk over here. I know that you all have a drawing that this is a highly abbreviated version of what you have in front of you. I think that I can explain pretty quickly, the differences.

KOVAC: Has this been submitted to the Board?

LANTELME: Not this particular revision.

KOVAC: The modifications that you made in this instance, where they made in direct response to the information that you received the Zoning Board of Adjustment, Professionals?

LANTELME: Not really, they had a lot of questions, and there were some issues that were going to be very expensive to construct, and we really just decided that we didn't need as much parking and we didn't need want to deal with 6 foot high retaining walls. From a technical standpoint, it is a much simpler site plan. That is really the reason.

KOVAC: Why don't you go through how this changed.

TEN HOEVE: Are there copies of this that are available for the Board to take a look at while you are testifying, or not?

LANTELME: I do have copies.

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TEN HOEVE: That would be great. Matt you could just mark that. Did you mark the photo board? Just enter that as Architect's photo board.

CAPILLI: The photo board will be Item 16. Item 17 will be marked as the new Engineer's plan.

TEN HOEVE: If I might suggest, maybe you will focus on the changes that have been made to this plan from the prior one.

LANTELME: Okay. Just a very brief description of the property. One of the reasons why we did do the changes, it is a very steep hill here. The retaining wall were getting a little bit out of hand. What we had to do, the gyrations that we had to go through to get a handicapped parking spot, with ramps that got us up to the top level in front of the building, was unsightly, and very expensive.

So, let me say that the main thing that we did was, we eliminated the handicapped parking space, which was initially pushed up into the front lawn of this building. We put it on the existing driveway, that is there now. We also had, I believe it was 4 parking spaces, up on this upper level. So, this upper level was going to have 4 parking spaces and a ramp up to the handicapped section.

What we did, essentially, is we made the first half of the lot, no changes. The existing retaining walls that are there, will remain. The only parking space is going to be the handicapped space, which is in the existing driveway.

KOVAC: When you refer to the first half of the lot, that is the front of the residence?

LANTELME: From Pascack Road south. From a site standpoint, the big change is the parking lot in the lower end. That will allow us to have 14 parking spaces. Now the retaining wall, the maximum height of the retaining wall is 3 feet. It just simplifies it. If you look at the first drawing and this drawing, it simplifies the layout. It simplifies the engineering that is involved and that is pretty much it.

VON DER LIETH: It greatly improves the aesthetics, then also?

LANTELME: Totally. When you look at the house now, it would look the same from Pascack Road. This parking lot is on the lower level, down Wampum and you would have to drive down Wampum to see these changes.

KOVAC: Are there any walkways to be proposed at the site?

LANTELME: There is a walkway, that just connects the lower parking lot up to the existing driveway so that you are not walking up Wampum Road. That is it.

KOVAC: Are you familiar with where or do you have an idea of where refuse collecting might be located on the site?

LANTELME: That will be inside.

KOVAC: There won't be any exterior dumpsters on the site?

LANTELME: No.

KOVAC: Based on your understanding they will be able to contain any refuse that might be generated from this site?

LANTELME: That is my understanding, yes.

KOVAC: Any additional lighting that is being located at the site?

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LANTELME: There is no lighting on this site plan. The engineer has not seen the site plan. I know that the engineer is not here, today. We can obviously conform to anything that they want. Right now, there is no lighting on this.

KOVAC: Has there been any drainage calculations taken in regard to the site?

LANTELME: Yes, we did do some rough calculations. Drainage is not shown on here, but we will have to put seepage pits. We are increasing the impervious area. There is going to be seepage pits, basically to pick up the lower parking lot.

KOVAC: Based upon your understanding that the applicants desire to increase this, there would be no problem conforming to the engineer's requirements for the drainage?

LANTELME: No there will be no issues with the drainage.

KOVAC: As far as you know, there would be no problem making that a condition of approval is that was the Zoning Board's desire?

LANTELME: No problem.

KOVAC: There is also going to be some striping with regard to the handicapped lane, is that correct?

LANTELME: Yes, there will. There will be signage. The signage isn't shown on here, but we have to put up signage.

KOVAC: How many handicapped stall will there be?

LANTELME: One.

KOVAC: I have no further question.

TEN HOEVE: Before the Board asks questions, could you take a look at the July 13th Brooker Engineering letter, and just maybe go through that and tell the Board which one of their concerns have been satisfied by the changes to the plan and whether any of the concerns have not been addressed by your plan?

LANTELME: First comment, storm water management, should be shown on the plan, drainage calculations. That hasn't been put on the plan yet, but we intend to.

Post, fence and guide rail locations associated with the walk location.....

TEN HOEVE: I assume that is no longer necessary.

LANTELME: There really shouldn't be any. We had very high wall before. House grade and slope elevations should be shown throughout the site. We do show that. We show the slope of the new parking area. Number 4, structural calculations for the retaining wall. If they want calculations, we will give it to them. Less than 3 feet, I said less 4 feet for insurance.

The plan indicates parking on the front yard on Pascack Road. That is no longer there. Parking areas are required to be curbed. We will put curbing on the lower parking lot, but not on the existing driveway.

TEN HOEVE: There is nothing on the existing driveway, other than that one handicapped space, you said, right?

LANTELME: That is right. They are recommending to put curbs along Wampum Road. That is not on this plan and we prefer not to do that. Handicapped should be dimensioned, we dimensioned it. This is wide enough for a van. Handicapped ramps, 9, is now not applicable. Number 10, with of walls, that is not applicable any

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more. Lighting plan should be submitted, right now we are not showing lighting on there.

KOVAC: You indicated that you would comply with whatever recommendations is made by the Engineer.

LANTELME: Right. Soil erosion and control plan. That is a separate plan and we will do that. All construction details should be provided. I think that we have done that but whatever else she wants to see, we can take care of that.

TEN HOEVE: Thank you.

GALDI: Can I ask for clarification on the signage that you refer to. Is that marking signage, or building signage?

KOVAC: Handicapped. You are obliged under the law, to provide a handicapped sign in addition to striping. The Engineer testified before that he didn't give you a signage detail. You will see that on the sign, but we will be more than happy to do that and to comply with the placement of that sign.

TEN HOEVE: It is standard provision in the resolution would be that if you wanted any other sign, they would have to be compliant and you would have to make an application to the Zoning Board.

KOVAC: We have no objection to that.

GALDI: What was the reason that you didn't want to put curbs in?

LANTELME: Along Wampum Road? There is no curbs on that road now. It is just to blend in with the rest of the street. One of the reasons, one of the things, that this site plan does, that the other one really didn't do, is to really try to blend in with what is there now. Curbs would be that big of an objection, we just don't feel that it is necessary on that street, just because there are none on that street. Directly across it is just edge of pavement.

VON DER LIETH: Are there any other questions from the Board?

CAPILLI: Snow removal, that parking area takes up almost the whole footprint in the back. So, with removing snow, you would have to actually move it to another spot or take up some of the parking areas.

LANTELME: There is some area for snow and we are over on parking. The Planner's report had a parking requirement of 9. We have 13 plus a handicapped, plus there is some room. If you had a really heavy snow, it is going to have to be put somewhere else. For most snows, for New Jersey, around here, we shouldn't have a problem.

CAPILLI: Other than this past season.

GALDI: On the subject of sidewalks, it will now be more people visiting this building, then prior, on Wampum, it is a fairly narrow road with really current provisions for pedestrians. You have not addressed the sidewalk subject or do you feel that it is not necessary or it doesn't work on the site.

LANTELME: We do have a separate walkway internal to the site, to get from the lower parking lot to the driveway and up to the building. It is over here and they come up next to the building. It is a very steep road and so it is possible to put sidewalks, but it is a pretty big liability on a road that steep. When there is snow and there is ice, you are constantly salting it to make sure that it is clean. We feel that is more of a hazard than anything else.

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We do accommodate for our own site, which they would be walking internally, rather than have to go out on the street. We lost a parking spot, actually, to do that, because we did want to keep it contained.

GALDI: Is there a walkway between the school and this new administrative building. I don't know that I have seen that?

LANTELME: There is not. You would have to come through Pascack Road.

GALDI: There is a chain-link fence that is shown on the drawing right now, but there is no way for a teacher or a student to go from the school to the new admin offices, in any easy way. They have to actually walk through the parking lot, it looks like, up that...

LANTELME: There are 2 ways. There is a fence along the way and actually our earlier version did have stairs that brought, where you could access the walkway along the side, from the lower parking lot. We got rid of that. If someone wanted to come from the high school, they could either walk up the sidewalk that is right along the existing property line, and go into the front door. It would come up to Pascack Road on that sidewalk, and come in the front door. Or, they could go down the fire land and walk up Wampum.

So is that what you are asking, if we have a direct.

GALDI: Yes, that is what I am asking. I am thinking of the cold temperatures in the Winter and the teacher walking all the way around and more risk of slipping on the sidewalk. That is all.

VON DER LIETH: Brigitte, did you have any questions that you wanted to ask, or were they already answered?

BOGART: Most of my report was addressed with the revised plans. The one remaining item was the sidewalk issue, Particularly since I know that there are a number of students and people that walk up Pascack and cross at that intersection there.

My only other remaining question, was with regard to the lot mergeration. You indicated through your attorney that the lots are considered merged. Is that part of the application, of merging the lots and moving the lot line?

KOVAC: My understanding is that by action of law it has occurred. I don't know

TEN HOEVE: Lochner versus Campolli deals only with zoning aspects. I think the Planner's probably asking you, and zoning has nothing to do with actual division, subdivisions, re-divisions of lot lines for municipal purposes. So, are you asking whether he is going to merge them into one tax lot and block? Is that what you mean?

BOGART: Yes.

KOVAC: That is our intention. Again, I think, to the extent that this is really seen as an extension of the campus, which goes back to the debate that we have between a D-1 and D-3. As far as we are concerned, the undersized lot as a matter of law, it becomes merged. It is a matter of designation for tax purposes, we can certainly do that. I think that becomes a greater burden on the Board of Education. If for some reason you wanted to sell this property now, I think I have to come before someone and get a subdivision.

TEN HOEVE: Correct. But, that is if you do an actual re-division of the land and it would require you to submit either a subdivision map or a subdivision, re-division deeds. I think that is your.....

KOVAC: I don't know what the concern is.

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TEN HOEVE: Well, I think that is your preference, if I am.....

BOGART: That is correct. As stated, this goes back to the D-1 versus D-3 argument. If we are approving Administrative Office space on a separate lot, I don't believe that you could argue a D-3.

KOVAC: I don't think it fit. I think we would have to merge that lot. I think in a sense, the worst analogy would be to think of it as an accessory use to a conditional use. I don't think that you can have a separate office here without somewhat a difference office. Really like I said before, in my opening remarks. The way the Board of Education envisions this right now, is that is part and parcel of our campus. If you would extend the existing building, knock down the structure, and put administrative offices in there, I don't think anyone could dispute that we could at least proceed in that fashion.

The fact that we are using the existing structure, I think protects the Board in a sense, if that is the concern, that after tomorrow we decide that we don't want this office, somebody else comes into the office, it is one of the reasons why we, in good faith, were going along with the D-3. I think it protects both parties in that instance.

TEN HOEVE: The bottom line is that you will submit whatever documentation is necessary to create one tax lot.

KOVAC: Absolutely.

VON DER LIETH: Are there any other questions from the Board members?. Is there anyone in the audience that would like to ask Lantelme some questions regarding his testimony? Yes.

CARROLL: Tim Carroll, I live at 15 Wampum Road. Is there any tree, is there a large tree on that lot that is going to be removed?

LANTELME: There are several trees that are being removed, for the lower parking area. They are shown on this plan.

TEN HOEVE: One of them is partially down. At least when I looked at it tonight.

CARROLL: The ones that are being marked there. So are any new trees going to be planted?

LANTELME: No, we don't have any plans for that.

CARROLL: Basically the trees are all being taken out for the lower lot which is being developed with 13 spaces?

LANTELME: That is right.

CARROLL: Trees and cars generally don't mix?

LANTELME: Not there.

CARROLL: Alright, the drainage plan for this parking lot.

TEN HOEVE: The only problem is that we need to get this on the tape.

VON DER LIETH: Would it be possible for you to come up?

TEN HOEVE: You are only asking questions, you don't have to be sworn in. But if you could just state your name and address again?

CARROLL: Tim Carroll, 15 Wampum Road.

TEN HOEVE: Thank you.

CARROLL: I will go with the tree issue again. The drainage plan, there is a drainage basin or sewer system at the edge of the parking lot. Is that being used for drainage from this parking lot?

LANTELME: No, our drainage system has to work on its own. So, we will have seepage pits and a drainage grate for that lower parking lot. We may put an overflow into a manhole that is sitting in that fire lane, that I believe is hooked up to that drain. But, we have to do the calculations. We have to size the seepage pits for our own drainage.

CARROLL: I would ask that you take a look at that drain because it is collapsing. I am not sure if it is actually usable.

KOVAC: Is that on the Board of Education property?

CARROLL: It is in that parking lot, right next to my lot.

LANTELME: I think that I know what you are talking about. I think I saw the drain. It is a catch basin. It looks like it is in that parking lot, yes. We won't be using that. We have to stand on our own. We would like to do an overflow if it is possible. Our drainage system has to be able to collect all the water that we are creating.

VON DER LIETH: Any statements from the audience regarding this application? Are there any other questions that want to be asked right now? No, okay, thank you.

KOVAC: That completes our presentation, except for, perhaps some closing remarks that I may have, with regard to the D-1, D-3 variance, if you think it is necessary.

TEN HOEVE: I don't think that it is necessary. The only concern that I think the Board needs to address, is whether it wants to have the revised plan and some of the comments that have been made reviewed by the Borough Engineer, before it makes a final determination.

KOVAC: We would have no problem with that. Again, we have been straight forward to comply with any of the recommendations that are being made by the Engineer, and that is awful risky on my end.

TEN HOEVE: You don't even know what they might be.

KOVAC: I don't know what they might be to make those condition of approval satisfied. Again, it is a timely issue for me, because, obviously, the site improvements of the exterior are the most time consuming at this point.

TEN HOEVE: My suggestion is probably, since this plan hasn't been reviewed by the Engineer, is to have the plan reviewed. First of all, the way this Board operates, they would not make a determination tonight under any circumstance. What would happen is they would deliberate later this evening. They wouldn't come to a conclusion. They would suggest that a resolution be prepared, and this Board doesn't adopt memorializing resolutions, it adopts only one resolution, which is the Board's finding. So it is always adopted at the subsequent meeting.

This would give the Borough Engineer an opportunity to look at the revised plan, and perhaps speak to the Engineer, if necessary, make certain that the conditions were all acceptable, and if so, the Board could probably still act at the next meeting, without delaying it for 2 months.

KOVAC: I have no further comments.

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TEN HOEVE: If that is all acceptable to the Board.

KOVAC: If that is the Zoning Board of Adjustment's pleasure, that is fine.

VON DER LIETH: Okay, that sounds like a plan.

BEER: Mr. Lantelme, do you have an extra copy that I can get to our Engineer?

LANTELME: Yes.

BEER: Thank you, Chris.

VON DER LIETH: Mr. Carroll, do you have something else to add?

CARROLL: I just wanted to ask, what would be the allowable long term use this lot, now that it is being approved for this variance? The gentleman suggested that for instance, they could just extend the building, the high school building, and build an office there.

KOVAC: My comments were, and you are correct, that is an actual reflection of what I said. My comments were made for the, what I would suggest was the intellectual exercise for the D-3 versus the D-1 variance. I am not suggesting nor am I seeking any approvals to extend the existing high school structure on to this lot.

The purposes of my comments were, basically, to fine tune the difference between the D-3 relief and D-1 relief. I believe, and I would put my opinion on the record, obviously the Board of Adjustment, is not bound by it in any shape or form, but basically.....

TEN HOEVE: He would have to come back. He couldn't do anything without returning.

KOVAC: We couldn't do anything.

CARROLL: So it is going to remain more or less a residential property?

TEN HOEVE: No, it is going to be office for the school. The building will look the same, but it will be offices for school use.

CARROLL: So, again, referring to a comment that the gentleman made earlier, could that be sold when the housing market improves and the school wants to make some money?

TEN HOEVE: That is why the Planner has suggested that this become one lot in order to ever even attempt to do that, they would have to come back and get a subdivision of the property in to separate lots again. They could not sell it as a separate lot. That is one of the reasons the Planner has suggested that it merge and become one lot, so that it couldn't be sold separately.

CARROLL: Okay, it will become just school offices.

TEN HOEVE: Yes, clearly, it is not offices for medical offices or attorney's offices.

CARROLL: Okay, and they would have to come back to the Board, to the Planning Board, to potentially knock down that house and build something that looks like, more like an office versus a single family house.

TEN HOEVE: That would depend upon what the proposal was. If they could do something like that without any variances, that was compliant with all setback requirements, then they arguably would be able to do that. But, that wouldn't be any different from an attempt to do that today.

KOVAC: I think, I don't know if Counsel and I disagree, I would have to come before a courtesy review, a capital review, improvements

TEN HOEVE: One of the issues that didn't come up today, if this were really a school building, if this were classrooms, something affixed to the existing school, they wouldn't even be here. They would be going to the State in order to secure a different type of review, that would preempt review by this Board. So that is another possibility, if that was ever going to happen.

CARROLL: Thank you.

GALDI: I have one question. You had mentioned that you don't want to put curbs in because of the nature of the area and the look of the neighborhood. You are taking down trees and you are paving over a lot. Are you doing anything to soften that up as you go down Wampum Road towards this gentleman's property? Is it going to look just like a parking lot and then you will see his fence?

LANTELME: Yes we are going to soften it up. All it is, is a lot, you are going to see a parking lot. The retaining walls are actually going to be seen from the other side if you are, lets say, in that fire lane, so that retaining wall as you are driving down Wampum Road, are going to be almost out of sight.

GALDI: The landscaping, taking down the trees, you are changing the structure of the neighborhood.

KOVAC: May I ask that the Architect address some of your concerns?

MENZES: I am sorry, I know we had extensive conversations about that, and, from that first plan, to this plan, that was a big issue. We didn't want to change substantially or wanted to deminimally change the surrounding area. That other plan was just with getting the handicapped spot in and putting pavement in the front yard. Even the look of the retaining wall, we wanted to maintain that whole aesthetic look of what is there. So that is why we pushed everything into the back and we had the paved area down right near where the school is, where there is a paved area already. So, I think that we have tried our best with what, you know, on this lot, to try and maintain what is there.

GALDI: When you pave it over, you are not accomplishing that.

MENZES: Well in the back portion of it, yes.

GALDI: Well, if I lived on the other side of that,

MENZES: The other side of that is all paved area anyway.

GALDI: But there will be no planting, no trees, no anything, just a lot.

MENZES: Between the school, is where the fire lane is and this area, yes. We are in essence, extending the paved area.

GALDI: How many actual trees are coming down? I don't think that was answered.

RAMAN: Six.

LANTELME: I just identified them on the board. Seven trees are coming down.

GALDI: Of what various sizes if you can?

LANTELME: Everything from 9 inch Maple, these are diameters, a foot diameter Maple, a 1.2 foot diameter Maple, a 1.5 foot diameter Maple, then there are 3 large Oak trees, about 3 feet in diameter. So they are big trees. They are very old trees.

Some of them are in good shape and some of them aren't in good shape. There is not much alternative if we are going to have a parking lot there. They are all just clumped together right in the middle of where we would need to go.

GALDI: There is no requirement for a 2 to 1 replacement of the trees over 9 inches?

VON DER LIETH: In this type of application, I don't know.

GALDI: In any application, in the Borough I believe it is 2 to 1.

TEN HOEVE: I don't think that there is any such ordinance. I just asked Brigitte, also, I don't think that there is.

BOGART: Shade trees.

TEN HOEVE: Oh, yes, that is different. That is different. There are ordinances dealing with shade trees in the right-of-way, but not on private property.

VON DER LIETH: Okay, so no other questions? No other questions from the audience? Okay. Gentlemen, thank you very much the testimony. We will discuss it tonight.

NEW CASES:

<u>CASE:</u> 11-18 Block: 2205 Lot: 4	Application of <u>Arlene Burgis</u> , 22 Henry Avenue for variance to construct a new over-sized shed in an R-15 residential zone.
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CAPILLI: I have the following items to be marked into evidence in regard to this application.

- Item 1 is the application dated 7/18/2011.
- Item 2 is certification of service dated 7/16/2011.
- Item 3 is legal notification dated 7/29/2011.
- Item 4 is proof of payment of taxes dated 7/07/2011.
- Item 5 is the deed dated 5/18/2006.
- Item 6 is the survey dated 6/16/2011.
- Item 7 is 2 undated photographs.
- Item 8 is the drawings of the proposed shed, undated.

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

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

BURGIS: I do.

DAVIS: I do.

TEN HOEVE: Please state your names and addresses.

BURGIS: Arlene Burgis, 22 Henry Avenue, Park Ridge.

DAVIS: Charles Davis, 14 Madison Avenue, Ramsey, NJ.

TEN HOEVE: Thank you.

VON DER LIETH: Okay, Mrs. Burgis, if you would, just explain to us basically why the shed needs to be oversized? Let us start out with that one. That would probably be the easiest thing to get out of the way.

BURGIS: I can't extend, my fiancé is going to be moving into my home. He like to build things and I can not extend my driveway and make it double width, because of the side variance. So, I have a small shed in the back, which is the picture there, but we are going put it pretty much in the same place and just build a larger one, so that he can have his hobby and build things. We can't have it inside the house. We have it on the survey that it within the prescribed 10 feet from the property line, and I think that 10 by 15 is what is normally allowed, so we wanted to make it a little bit larger.

TEN HOEVE: Just for the record, the maximum size for a shed is 150 square feet. This is 384 square feet. Accessory structures that are larger, such as garages are permitted, but for one this size, it would have to be 20 feet off of the property line. The Ordinance requires that anything from 325 to 450 feet be 20 feet off of the property line.

VON DER LIETH: Right now it is 10 feet off of the property line?

BURGIS: Yes. That is what I was told.

VON DER LIETH: Is 20 a possibility?

TEN HOEVE: I am just saying there are 2 variances. One for the size of it. It is more than double the size of what is permitted and for location.

VON DER LIETH: Right, okay.

BURGIS: What size could we make it a little bit smaller and still have it 10 feet?

DAVIS: You said 10 by 15.

VON DER LIETH: 10 by 15 would be the 10 feet.

TEN HOEVE: No variance would ever be required if you built it 10 by 15, you would have it.

BURGIS: Is there something in between that would be permitted?

TEN HOEVE: That is not up to me.

BRENNAN: That is the point of seeking a variance. You could seek something in between, yes.

VON DER LIETH: That is the only reason that why we ask. If there is a certain, I did mean to interrupt you. I am sorry. Is there a certain hardship, or is there a reason that would make us say wellthat is all.

GALDI: Are they allowed 2 shed on the property? Yes?

DAVIS: The issue is woodworking is a hobby. I currently have a 2-car garage and even with 2 shed, it is hard to move the piece of plywood in an 4 by 8 foot sheet of plywood, in a space that is too small, is really the issue.

CAPILLI: How did you settle on 24 by 16, is that what you think is the smallest possible size to do your hobby?

DAVIS: I could go a little bit smaller, but not significantly. I am basing that off the size of the workshop that I have today, which is my 2-car garage.

RAMAN: Do you sell any of your things that you make?

DAVIS: I wish I was that good.

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VON DER LIETH: It might be something you might consider revisiting. If you need it that size. I can't speak for the entire Board, but that is a 2-car garage that is only 10 feet off of the line. You would get a variance for both the side and back and the size. That is asking a lot and it might not be looked to favorably by the Board, but if you cut back a little bit and a little bit off of the line, it might make a difference.

DAVIS: Well moving it off of the line is, I am thinking we could rotate it around so it is not coming forward rather going sideways, so it is not projecting.

BURGIS: Maybe we should come back. Maybe we will just work and see if we can make it smaller and come back again and see what you say.

DAVIS: Anything over, the 20 feet cuts in at how many square feet?

VON DER LIETH: Anything over 150.

TEN HOEVE: No, If it is under 325, as a garage, then it can be 10 feet. If it is 325 and above, than it is 20 feet.

DAVIS: So 325 is the magic number.

BURGIS: Okay.

DAVIS: What qualifies as a garage would be, I mean I am thinking of pillars, not a concrete slab or anything like that.

LUDWIG: At this size, it would have to have be considered a structure, and would have to have a building permit, which would mean it would have to have foundation.

BURGIS: Right. Yes, we know that.

DAVIS: Okay.

BOGART: I was just like to make a couple of comments for the Board's review. When you are looking at larger structures such as a 2-car garage, one of the reasons that they have a 20 foot setback, is then you have a driveway with an additional accessory structures. In this case, you are not going to have any of that. If you look at the survey, if you are going to push the proposed shed 20 feet from your property line, you are basically putting it in the middle of their back yard. So, I think that you need to consider that when you are looking at just upholding the zoning regulations versus practicality.

The other issue that I know that this property and the property behind it very well, because the Borough just purchased it for open space a couple of years ago. It is fairly wooded towards the east and that is permanent open space. That setback is not going to effect any adjacent residents.

CAPILLI: Is that right behind it?

BOGART: I believe so, right?

BURGIS: Right.

BOGART: I just think that those are 2 planning elements that the Board should consider when looking at this.

DAVIS: What is it that at 325, than it is a building permit, and foundations and all?

TEN HOEVE: No, either way.

RAMAN: For this variance do we have to consider hardship and

TEN HOEVE: It is a traditional “C” variance test. You can secure a “C” variance under, in 2 ways. Number 1, the traditional way, which would have to show some hardship, that is unique to the property, that would justify the deviation from the zoning ordinance. The typical example of that is someone who has a very, very narrow and long lot and can’t put an addition on their house without encroaching into a required side yard because the lot is very strange in shape, or the topography is such that it drops off so severely and there is only one place that you can put an addition. So, it justifies the Board’s consideration of granting a variance because of the unique hardship that effects the property. You still, then, have to be able to satisfy the negative criteria, which is that it won’t have any adverse impact on the neighborhood, the zone plan, or scheme of the Borough or the Zoning Ordinance.

The second test is the flexible “C” test, where you can try and show that what you are proposing is going to accomplish some zoning benefit defined by the Municipal Land Use Law. Perhaps, a front porch, we have used this before, where someone wants to put a front porch on that encroaches slightly into a front yard, but it is going to replace a stoop and provide an area where somebody can not slip on ice on the steps and perhaps be safe from rain and the elements, so it will accomplish a health or safety benefit and then you weigh that against any potential negative impact. Is it going to adversely affect the neighborhood, adversely affect the zone? How many other houses in the area are encroaching into the front yard and you balance those two.

Those are the 2 bases for granting a “C” variance.

RAMAN: One other question, is if it were considered a garage, do you have to have a driveway going to it?

CAPILLI: We don’t allow detached garages.

TEN HOEVE: We do allow detached garages. We still do allow detached garages. I would think that you would need a driveway if you were going to call it a garage. I can only think of one application that the Board, well actually, didn’t even get, dealing with a large garage that had no driveway.

RAMAN: So that is what I am asking, to suggest to them that it could be garage or 325 is the magic number, is really not

TEN HOEVE: No, it is just an additional variance. The Board really has to analyze this in terms of what it is. It is not a garage.

CAPILLI: I looked behind them, there is just open space. It is not like a neighbor would look over and have a real issue seeing the shed.

TEN HOEVE: My suggestion is the Board discuss this later and then have the applicant contact Mrs. Beer tomorrow.

BURGIS: Okay, thank you.

DAVIS: One question. If it was 325, would we be able to leave like the existing shed for storage?

TEN HOEVE: I think that having 2 sheds on the property would probably make it harder for the Board to grant the variance for a larger shed. But, that is, again, up to the Board.

DAVIS: If I kept it to 325, the other one would be a small, I am thinking the existing shed.

VON DER LIETH: Right, but, again, you know, the 2 sheds. We will discuss it later and Mrs. Beer will have some answers for you, because I think there is a few comments that we will have to talk about regarding this.

CAPILLI: I have a question. Noise, saw, compressors, and things like that, because you did say you were talking about plywood and I am thinking not normal plywood sheeting. I am thinking about plywood for construction of furniture, which is laminated.

DAVIS: It is furniture grade plywood.

CAPILLI: Right, furniture grade plywood. I was just thinking about the time of day that you are doing this hobby and if it is effecting any.....

DAVIS: Mostly weekends, but I was also considering insulating, putting in insulation.

HOSKINS: In this existing shed, is there any electrical outlets or hookup on the ground or any.....?

BURGIS: No.

HOSKINS: But in the new one there would have to be?

DAVIS: Yes.

CAPILLI: You are talking about power, I am assuming that you are also talking about the ability to spray the furniture as well, with a sealant of some sort.

VON DER LIETH: Okay, well thank you, very much. We will discuss this later and please call Mrs. Beer in the morning.

BRENNAN: I have one last question. I am sorry. How high is this, do you know the height on this?

DAVIS: I have designed it to be 12 feet.

BRENNAN: Would it be a barnyard door?

DAVIS: The actual layout of windows and doors, I am considering barn doors as one of the possibilities.

VON DER LIETH: Thank you Mr. Brennan. Thank you very much.

CASE: 11:19 Block: 714 Lot: 15	Application of <i>Thomas and Lynn Catanio</i> , 76 Mountain Avenue for side yard, building coverage, impervious coverage and Floor Area Ratio variances to construct an addition to existing house in an R-10 residential zone.
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VON DER LIETH: I know that we did get a memo, Mr. Bruno. You did withdraw the density? Okay, yes you did.

CAPILLI: Let me read some of these items into evidence in regard to this application.

- Item 1 is the application dated 7/26/2011.
- Item 2 is certification of service dated 8/08/2011.
- Item 3 is legal notification dated 8/05/2011.
- Item 4 is proof of payment of taxes dated 8/08/2011.
- Item 5 is the deed dated 10/15/1980.
- Item 6 is the survey dated 7/23/2011.
- Item 7 is the elevations dated 7/21/2011.

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

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TEN HOEVE: Would you both 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?

BRUNO: Yes.

CATANIO: Yes.

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

CATANIO: Lynn Catanio, 76 Mountain Avenue.

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

VON DER LIETH: One other thing, again, before we start. I probably sound like a broken record tonight. Since this case does involve quite a few different variances, some of them being Floor Area Ratio, if at any time during your testimony, please let us know if there are hardships, if there are special circumstances other than aesthetic improvement and that kind of thing. Just to help us move along.

Please take us through what it is that you would like to do.

BRUNO: I will let Mrs. Catanio start and then I will take care of the other.

CATANIO: We have lived in Park Ridge, now, for 33 years. We have been in our current home on Mountain Avenue for 30 years. We have loved the town, which is why we are staying. My girls have grown up here, but have since become adults, moved out of state and gotten married and are starting families. My mother, who was also local, has moved out of state. I am one of six children. We have all of the festivities and celebrations at my house. So, when everyone comes back home now, we have a little bit of difficulty trying to accommodate everyone back in to our home.

The new addition would have us some additional space. It will enable us to move an office that my husband using a bedroom for, up into this space and gives us some den area for sleeping sofas and this kind of thing to accommodate my family when they come.

I am putting on a front porch just because I have always wanted a front porch. I agree that aesthetically it is very beautiful. We live in a pretty little area where the ball field and the town pool is, and a lot of celebrations that go on down in the park and it we usually just sit on the stoop and watch everything that goes on, but I think that it might be a little bit more enjoyable to be in a rocking chair, as I get a little bit older, on a porch.

BRUNO: I would like to just start, I would like to submit 4 packets of photographs, we can pass them to the Board and they can see them very readily.

CAPILLI: They will be entered as Item 8, photos. I just wanted to briefly go through the variances that are required and then I will explain the project. We have an undersized lot. In the R-10 we are required to have a 10,000 square foot lot. The lot as it exists, is 8,250 square feet.

We have a maximum allowable building coverage of 20%. We are proposing 24.75%. We have a maximum permitted impervious coverage of 40% in the zone, and we are proposing, with the development, 44.04%. Side yard set back requirement is 15 feet, and we are proposing 10.2, and last by not least, Floor Area Ratio, maximum permitted is 30% and we are proposing, with the addition, 36.47%.

I would respectfully state that most of the problems that we have with the variances, are due to the hardship, in the sense that we have an undersized lot in both overall square footage as well as width. The required lot width 85 feet, and we have 75.

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TEN HOEVE: Can I just ask 2 quick questions?

BRUNO: Sure.

TEN HOEVE: The 10.2 is an existing condition, is it not?

BRUNO: Yes it is. I was about to get to that.

TEN HOEVE: So you are only going up?

BRUNO: we are going up. We are not encroaching further into the setback, and I will get to that.

TEN HOEVE: The 9.6 is actually another violation.

BRUNO: That is preexisting.

TEN HOEVE: That is preexisting but you are extending that with the porch in a linear direction?

BRUNO: Correct. We are building the porch flush with the house and I will go over that in a moment.

TEN HOEVE: So, technically, you require a variance for the side yard for the 9.6 for that also.

BRUNO: For the porch, yes. At present, the house is a Cape Cod style house. On the first floor, we have a living room, dining room, kitchen, 2-gar garage with a mud room, two bedrooms, a bath and a deck in the back. On the second floor, we have 2 bedrooms and a bath.

The program is as follows, first and foremost, they came to me and requested a front porch for sitting and I would say that it also provides a great amount of aesthetic benefit, not only to the home itself, but for the neighbors and any passers by. The stairs would lead down to a walkway that leads to the street, which is Mountain Avenue as well as provide a side staircase to the garage so that in inclement weather any visitors could pull up in the driveway and then hop on to the porch that way.

The family room, or the den that Mrs. Catanio had mentioned, would be a second floor addition above the existing garage, which is at present a 1-story structure. If you look at the series of photographs that I presented to the Board, that would be photograph number 1 in the set.

So, the proposed family room, which is 10.2 feet from the easterly side lot line would be built directly above the garage, the present garage. We are not going any closer to the property line.

On the opposite side, the front porch would be going to the end of the existing house, which is 9.6 feet off of the property line. I will just switched to the elevation for a moment. The porch as you can see, is open on 3 sides. It is not enclosed. It just has a roof, columns at the edge with a railing to prevent people from falling off. So, from an aesthetic standpoint the aesthetic benefit to having the house the full length of the house, outweighs any detriment, in my opinion, to the fact that we have that existing nonconforming side yard setback, which is to the westerly lot line. It is one story in height and we are not creating a second floor in that area.

As you can see, the addition above the garage, we brought the plate height to the, really to the normal window head height, which is lower than you would normally find, which is about 8 feet. It is also important to note that the floor of the new addition, the second floor above the garage, that floor is actually a couple of feet lower than the existing second floor. So, it won't align with the actual second floor, the actual living

space up there. The access to the family room, then, would be strictly via a staircase leading down to the existing kitchen, which is also in the area of the mudroom.

Based on the calculations, if we did have conforming lot of 10,000 square feet, we would be at 30%. We would be about 9 square feet over and that would be something that we could have just taken 9 square feet and meet. So, that is really the crux of the F.A.R. variance. I would also respectfully state that the way that we designed this, is in both style and character and massing with, not only the house itself, but with the other houses in the neighborhood.

With respect to the front yard setback, if you kindly turn to photograph number 5, there is a small, we will call it a cottage, diagonally across the street to the south, which is substantially closer to the street than this porch is and it looks like it is probably right at the property line, in that case. The neighborhood is filled with houses that are of modest size and this would, even though we are asking for a Floor Area Ratio variance, the numbers belie the fact that the house is not what we would consider a McMansion, by today's standards. We are not trying to create something that is outlandish for the neighborhood. It is simply to try to provide additional living space for the family, the extended family, etc.

It also provides a tremendous amount of aesthetic benefit to the home. Again, we are also asking for the side yard setback variances, and we are not coming closer. We are simply building on top of what is already there.

With regard to the easterly property line, if you look at photograph number 3, you can see that there is quite a bit of space there. The neighboring property to the east, has got a planting area and a driveway separating the house from the subject property. The distance between the two houses is shown on this site plan that I prepared, is 36.16 feet. So, there is, while we don't meet the, we obviously, of course, don't meet the requirements of the zoning ordinance in terms of the setback. The conditions here, allow us to at least comply with the intent, which is to maintain open space between dwellings.

Again, as far as the front yard setback, any detriment is overcome by the aesthetic benefit, and it is not an enclosed structure. Likewise, the impervious coverage, we are at 40%, and proposing 44.04%. We have got, you know, we don't have large areas of pavement anywhere. We do have a problem with the fact that we have an undersized lot. If the project were to be approved, we would have seepage pits, pit or pits, depending on what the engineer, that we would have to engage with design to accommodate the runoff from any of the additional impervious areas.

VON DER LIETH: I understand the front yard setback, with the porch, it looks very nice, the 2 feet or 2 ½ feet, I guess, it is going over. But, just explain to me one more time, the side yard setback. You are not, does that have anything to do with the undersized lot? If the lot was conforming, like 10,000 square feet, would that.....

BRUNO: We are required to have, I think, a 15 foot setback. So, if we had the additional 10 feet, we would be conforming in terms of the lot width. In looking at it, the house itself, being really a story and a half, at that side, is 9.6 feet off of the property line, is much more noticeable than the porch is, especially since the porch is not a solid wall.

TEN HOEVE: Two observations, while you need an F.A.R. variance, you are substantially below the maximum 3,333 permitted in the R-10 zone. There are 2 F.A.R. limitations. One is the 30%, and the other is that you can't have more than 3,333 square feet and I think that yours is roughly 3,000?

BRUNO: We are at 3,009.

VON DER LIETH: And that takes into account people with undersized lots so that they were, or no, John?

TEN HOEVE: It is established so that you can't put structures up that are considered to be excessively large in an R-10 zone. Is that correct, Brigitte?

BOGART: Well if you ask for my advise? The reason for the cap is to insure that even if you have a excessively large lot, that you have structures that are in keeping with the surrounding structures. So, this Board and the Applicant have an appropriate idea of what the appropriate scale is.

TEN HOEVE: And this is less?

BOGART: This is less.

TEN HOEVE: The other thing is the 2 side yards are existing conditions. He is not going any closer than the house currently is on either side.

BRUNO: That is correct. We always struggle with these things, and this Board always hears me out. I am sure that I sound like a broken record. We do struggle with balancing, because we are asking for permission to deviate from the requirements of the Zoning Ordinance, but especially as it relates to the side yard setback, we could say, well, lets just build the second floor above the garage to conform with the setback requirement, but aesthetically, that would be silly. It just wouldn't look like, I am good, but not that good. The same applies to the other side as far as the porch is concerned.

We always strive to make things look like they fit correctly, not like we are trying to make something work where it really doesn't. Sometimes with the "C-2" proof, sometimes, you know, you are looking at, we do have a hardship based on the lot, the undersized lot in terms of area and width, but the "C-2" proof being the better planning alternative, in this case, works because of the tremendous aesthetic benefit of what we are proposing to do.

VON DER LIETH: Do you have anything else to add Mr. Bruno? Does anybody on the Board have any questions regarding this? Is there anybody in the public that wishes to speak on this application tonight? Does anyone have any questions for Mr. Bruno? No, okay. We will discuss it tonight, Mr. Bruno. Thank you very much.

CATANIO: Thank you.

CASE: 11-20 Block: 1204 Lot: 40	Application of <u>Jerry and Tina Marcopoulos</u> , 40 Leach Avenue for front yard setback to construct an addition to existing house in an R-20 residential zone.
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CAPILLI: I have the following items to be marked into evidence in regard to this application.

- Item 1 is the application dated 7/08/2011.
- Item 2 is certification of service dated 8/08/2011.
- Item 3 is legal notification dated 8/05/2011.
- Item 4 is proof of payment of taxes dated 7/07/2011.
- Item 5 is the deed dated 10/10/1995.
- Item 6 is the survey dated 7/22/2011.
- Item 7 is elevations dated 6/21/2011.

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

VON DER LIETH: Thank you, Mr. Capilli.

TEN HOEVE: Would you both 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?

MARCOPOULOS: I do.

BRUNO: I do.

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

MARCOPOULOS: Jerry Marcopoulos, 40 Leach Avenue, Park Ridge.

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

TEN HOEVE: Thank you.

CAPILLI: I have Item 8, photographs.

VON DER LIETH: Mr. Bruno, whenever you are ready, can you take us through the application?

BRUNO: Mr. Marcopoulos will start and then I will follow it up.

VON DER LIETH: Okay, thank you, Mr. Bruno.

MARCOPOULOS: We have lived in Park Ridge at the same location for approximately 16 years. We absolutely love the neighborhood and the town. We have made some improvements to the house over the years, as our kids have gotten older. Like the folks who came before me said, my wife has always wanted a front porch and we have always talked about putting one in.

The other issue with the front of our house, is that it is a center hall colonial and I don't know why they built it the way that they did, but when you open the front door, the stairs are right there. In order for us to greet our guests coming in to our house, I have to stand on the steps to open the front door. There is almost no clearance. The door opens and maybe there is 6 inches of clearance.

We always wanted to somehow push the front door out, so that we can create some sort of entryway for when your guests come into the house, you have 5 or 6 feet of area to greet them. So we thought that, aesthetically, just to push the front door out wouldn't look very nice. But, if we put the front porch in and push out the front door, it would all tie in and look very nice, so Mr. Bruno helped us come up with a nice design, that would look very well. That is basically the reason that we are here tonight.

BRUNO: I will keep it short. Everything that I said about the porch on the last application applies. Thank you. I totally knew I was going to do that.

I will take you through, as Mr. Marcopoulos said, the project is pretty straight forward. I will just go through the variances that we are applying for and requesting for the front yard setback. We are in the R-20 zone where a 40 foot front yard setback is required. With the proposed front porch, we would be at 29.3 feet, and to the proposed storage adjacent to the garage, we would be at 35.5 feet.

The existing structure is at 35.5 feet off of the property line. It is 33.5, I am sorry. The proposed garage addition would be set back 2 feet from where the existing front wall of the garage is, and at 21.3 feet, if you look at the survey prepared by Mr. Lantelme, it shows that 21.3 feet to the outermost projection of the porch, or that octagonal wraparound at the southeast corner.

You can see that the proposed screening would be coming out 4 feet from the house with that. The main structure of the porch would come out flush with the front wall of the house. So, it gives the Marcopoulos's the extra space that they need in the foyer as well as a porch, which gives them a lovely place to sit and as well as a lot of aesthetic benefit, as you can see from the elevation.

The side addition to the garage would be mainly for storage. It would have doors to the side for accessing directly to the yard, for yard equipment and so on, with access on the interior for garage storage and also garage access. There is no side yard setback deficiency there, we are at 23.3 feet and the requirement is, I believe, 22. So we are okay there. We wanted to have, you know, a low slung building. You can see the side

elevation here, some windows with window boxes and I don't just put these things for show, we do mean it. It just adds to the aesthetic benefit of the proposed structure. You can see from photograph number 1, it is a well kept home. It is typical 1960's center hall colonial, built in this area.

Photograph number 2 is a photo looking from the northwest corner of Leach Avenue and Laura Lane, so you can see that the house is set up on a hill and I think the porch would lend a lot of aesthetic benefit to the home. The third photo in the set is the view of the side lot, the side yard, where we propose the garage addition.

We are not trying to create, as I testified last time, we are not trying to create anything excessively large here, we are just trying to update the home and give it more amenities both physically and visual.

VON DER LIETH: Photo number 4 is across the street?

BRUNO: Yes it is directly across the street.

VON DER LIETH: That looks like a what, a ranch?

BRUNO: Yes, that is a ranch, sometimes called a bi-level, depending on how the topography works. I didn't go around back, but there is probably a walk out basement.

VON DER LIETH: I was just curious because I didn't remember seeing Mr. Marcopoulos's, the majority on your street, are they the same height of the center hall colonials, with that cantilever that comes over the front?

MARCOPOULOS: They are center hall colonials and we have a lot of the bi-levels. It looks like most of them were built in the late 60's or early 70's when they put those 2 styles of houses up and split levels.

VON DER LIETH: I was just curious.

BRUNO: Okay, so the porch would actually hide the cantilever, which is dear to my heart, as an architect. The bonus is that we do have a 5 on 12 pitch on the roof. I know that came up the last time. Like I said, we are trying to, and of course, we will update the landscaping in the front and make it, you know, repave the driveway and so on, because not only is it bad from a use standpoint, but it is also not aesthetically beneficial.

VON DER LIETH: It is a very nice job.

RAMAN: What is the proposed driveway expansion?

BRUNO: Mr. Marcopoulos and Mrs. Marcopoulos are at the age where, not that they are old, because they are my age, but at the age where the kids are driving, so we are not proposing any expansion to the curb cut, it is just to be able to scoot another car over.

GALDI: Just a point on the driveway, is it perpendicular to the road or what it is parallel to? It looks like it is off kilter. Under the newest driveway proposed ordinance, you are allowed an 8 foot paved area to the opposite side and I am trying to figure out if this is 8 feet or if it is 9 feet or if it varies from 8 feet to 10 feet in width?

BRUNO: On that side, it would be 8.

GALDI: It is not to scale here. It looks like it is kind of off to 9 feet.

BRUNO: It ends at 8. I believe that Mr. Lantelme neglected to put a dimension, but I did tell him that we needed to stay at a maximum of 8 feet to the left wall of the present garage.

GALDI: Got it, thank you.

VON DER LIETH: Mr. Hoskins, did you have a question?

HOSKINS: I just have one quick question. On the right side of the proposed porch, where the slope is so severe on the top, see the picture right up there? How is that being supported?

BRUNO: We are still discussing whether or not the porch deck will be traditional wood or whether it would be stone, so in any event, if it is stone, it would be retaining walls, so that all would be stone. If it is wood, it will be piers and there will be lattice panels between.

HOSKINS: Thank you.

BRUNO: The actual construction details have not be fully discussed yet.

VON DER LIETH: Are there any other questions from the Board members tonight? Mr. Brennan.

BRENNAN: I am sorry, Mr. Chairman. On the photos here you see a chimney, there must be a fireplace in the home. I don't see in the drawing.

BRUNO: I just did not put it on there.

BRENNAN: Does the addition to the left go around that, or is it.....

BRUNO: No, I didn't show it on the south or the front elevations, but on the side elevation, you can see where it is. We don't come back that far because there is family room there.

VON DER LIETH: Is there anybody in the audience that wishes to speak to this application? No. Thank you very much.

BRUNO: Thank you for your time.

VON DER LIETH: We will discuss this later and you can call Mrs. Beer in the morning.

CASE: 11-21 Block: 804 Lot: 12	Application of <u>Robert Grassi</u> , 174 Leach Avenue for variance to build a 6' high stockade fence around entire property in an R-10 residential zone where the height limit is 4' for the front yard.
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CAPILLI: I have the following items to be marked into evidence in regard to this application.

- Item 1 is the application dated 7/26/2011.
- Item 2 is certification of service dated 8/05/2011.
- Item 3 is legal notification dated 8/05/2011.
- Item 4 is proof of payment of taxes dated 8/05/2011.
- Item 5 is the deed dated 8/21/2010
- Item 6 is the survey dated 8/02/2011.
- Item 7 is photographs.

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

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

GRASSI: I do.

TEN HOEVE: Please state your name and address.

GRASSI: Robert Grassi, 174 Leach Avenue, Park Ridge.

TEN HOEVE: Before you testify, maybe just so I can ask a question, the application says you want it constructed around the entire perimeter of the property? But, it looks on the survey as if the fence, proposed 6' high vinyl stockade fence, comes and cuts across even with the front of the dwelling. Do you understand what I am asking?

GRASSI: Yes sir. On the back side of the dwelling, it stops there. Technically, by permit, by ordinance, that is where I was able to stop.

TEN HOEVE: But, are you asking that it go all the way out to circle the entire perimeter of the property or are you asking that it be.....

GRASSI: I will clarify it if I could. If you are looking at the survey, from Leach Avenue, looking back towards the rear of the property. All I am asking for, is actually the left portion, so it would go past the rear of the house along the back of my property line, and then it would come up on the left side, which would be adjacent to Windsor Drive, and then coming right back across the front to meet up to the edge of the house.

TEN HOEVE: Of the house, not all the way out to Leach Avenue?

GRASSI: No.

VON DER LIETH: And you want it to be uniform, 6', instead of going from 6 to 4. Correct, right?

GRASSI: Correct. Is there anything else that you want from me in regards to what I am looking for or.....

TEN HOEVE: Yes, I just wanted to clarify because the application said you were going to surround the entire limits of the property, which I thought was odd.

GRASSI: Yes, that didn't sound good.

HOSKINS: I have one question. In the back of the house, there is a 6' fence, maybe 20 or 30 feet and then it stops.

GRASSI: What I did was, there was no fence there when I moved in. I have been in the house for about a year now. So, I started to do some cosmetic stuff along the outside, so I did check with the permits and see what I could do and I was able to do a 6' fence and stop it at the back of the property, at the back of the house. So, I constructed that and stopped there and moved forward with whatever I am able to.

VON DER LIETH: What is the stretch that would actually, cause I am looking over here, how many feet would it be 6' where it was supposed to be 4'? What are we talking about from the side yard to the side of the house?

TEN HOEVE: Well, the requirement is because he is on a corner lot, normally you would not be able to have a 6' fence along Windsor Drive. Because it would be considered a front yard as well. I believe that there is also a limitation about having it in the front half of the side yard, which means technically a variance would be required for that. I can say, that the Board has granted variances similar to this in prior situations, where corner lots exist, and people are bringing the fence over somewhere to abut the house.

VON DER LIETH: Is there a specific reason why it is 6' on Windsor and, is there a certain circumstance why you want it to be 6'?

GRASSI: Just for uniformity, to keep it with what I have in the back, and also just for the privacy aspect of it. If was an issue, I would just keep the 4', you know, but I need the 6' privacy. I have a young child. I plan to have more children. Being that it is

along Windsor Drive, with cars and people, whoever may be in the neighborhood, I think that the privacy is nice. That is pretty much the basis of it. Like I said, I understand the reason for the ordinance. It totally makes sense to me, but in my situation, I believe, and if you look on the survey, in the front portion, in the upper left hand corner, there is over 1,200 square feet still of property that is still visible when you are making the turn, there is a large property area that you can still see.

VON DER LIETH: I am just going to ask this question. I didn't know, when you have, like say, a vinyl stockade fence or, say it is 4' to the top, you know how some people put lattice on top of, that lattice does count as, where you can't be 4' and then another foot of lattice, right, even though it is not, you can see through it, right? It counts? Okay.

GRASSI: The fence to the road is 13'?

TEN HOEVE: To the edge of the pavement.

GRASSI: To the edge of the pavement, I am going 13'. I was going to go 13' feet off of the edge of pavement on to the property. So I am 13' feet in from the roadway.

LUDWIG: If we were to interpret the requirement be 10 feet from the property line, rather than 10' from the curb line, could you move it in a few more feet to give, I think that you have 5' now from the property line to the fence. Could you have 10' from the property line to the fence, without a hardship?

GRASSI: I am sorry sir, if you could just clarify that a little.

LUDWIG: Right now, from your property line to the fence it is 5', in the front of Windsor.

GRASSI: Right.

LUDWIG: If we interpret the requirement for the 10' to be from the property line rather than the curb line, could you move that 5 more feet in?

GRASSI: In from the property line? I would say it would be a hardship in the sense that my property is side dominate, so I am taking an extra, almost 10' away from that entire stretch. That is an area where one day I plan on doing swing set and all that kind of stuff. To me, any foot that I can get on my property, I am looking to use it.

TEN HOEVE: Can I ask 2 quick questions? Are you putting anything on the other side of the property to fence that in so that your child couldn't get out?

GRASSI: Sir, it actually is already fenced in. He neglected to add that. It just didn't show.

TEN HOEVE: Where does it go, to the back of the house?

GRASSI: Correct, sir, so on the right side of the property, on the right side of the property, on the front of the property, where it starts, where it says 20.1. I am sorry, check that. On the back of the house, 20, across to the property line and then it runs straight back with my neighbor and it meets up.

BRENNAN: That is all chain link, right?

GRASSI: No, that is stockade, vinyl.

HOSKINS: Isn't the portion to the right, isn't it a 5' fence that is there now, white in the front?

GRASSI: Yes you are correct.

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HOSKINS: It is 5' and you are going to increase that to 6'.

GRASSI: Well my wife, I didn't discuss the front portion of the house yet. I applied for the 6' and I may do the front portion of the house to match. I didn't realize that it was only 5', so I may do it, if I am allowed, granted, I may do 5' in the front and then 6' along the sides, to cosmetically make it look even.

TEN HOEVE: You wouldn't need a variance for that anyway. If you wanted to put a 6' fence instead of a 5' along that 20' mark on the survey, it is not in the front yard and it is not in the front half of the side yard, so you could do it without it.

My second question was, if the Board wanted you to plant something Windsor, on the outside of the fence, to soften the appearance of the fence, would you be willing to do that?

GRASSI: Sure, that is also part of my long term plan.

TEN HOEVE: What do you mean by long term?

GRASSI: I moved here a year ago. I just had a young child, and I don't plan on moving again.

TEN HOEVE: I am just saying that every application is different, but the Board has applications like this in the past, and what it has frequently done, to soften the appearance of a plastic 6' fence, requires some sort of planting so that cars and people coming by will see the plants rather than the fence.

GRASSI: I do have a, and that is the reason why I moved the fence in so far, I do have a large tree on the property, that I want to keep on the outside of the fence and add some landscape along the side of the fence.

VON DER LIETH: No other questions from the Board? No.

BRENNAN: If that were a part of the approval, that you would have to put some plantings, you used the term "long term plan", you would have to say something more specific, such as you would have the plantings in there within the first year. Is that something that you could do?

GRASSI: Yes. My think, when I say long term plan, financially and the fact that I plan to be there a long term, so I want to make sure that I do it step by step, so I like, you know, I want to make sure that it is done.

BRENNAN: I understand that you plan to stay there. You would have to have a more finite amount of time when you would do some plantings along the outside of that fence.

GRASSI: Yes, I wouldn't have a problem with that.

RAMAN: Do you have any gates? Where are the gates to go in through this fence?

GRASSI: There would be a gate accessing from the driveway, which would on the left hand side. I would put a gate there. That would be the only gate from the front of the property.

VON DER LIETH: Is there anybody in the audience that would like to speak on behalf of this case, tonight? No. Thank you very much.

GRASSI: Thank you very much, sir, for your time.

PENDING CASES:

CASE: 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, 1022 for Notices to be sent to Montvale residents. Hearing held July 19, 2011. Determination forthcoming this evening.
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VON DER LIETH: We have a resolution in the affirmative in regard to this application.

WHEREAS, RICHARD AND SHARON BROWNE (hereinafter referred to as “Applicant”), being the owners of premises known as 106 Oak Avenue in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 19 of Block 2201 on the Tax Assessment Map for the Borough of Park Ridge, have applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE seeking a variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of a patio in the front one-half of the side yard of the premises; and

WHEREAS, the premises are located in an R-20 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 Christopher J. Lantelme, Licensed Engineer and Surveyor of the State of New Jersey, revised to April 28, 2011; and

WHEREAS, Section 101-21 (A) (1) of the Zoning Ordinance of the Borough of Park Ridge prohibits the location of accessory structures in the front half of the side yard of the premises; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on July 19, 2011, upon due notice as required by law; and

WHEREAS, no person appeared in opposition to the requested variance; and

WHEREAS, the BOARD approved the application at its July 19, 2011 hearing and wishes to memorialize the terms and conditions of said approval by way of the within memorializing Resolution;

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 106 Oak Avenue in the Borough of Park Ridge. While the Applicant’s property is situated in the R-20 Zoning District, a district requiring a minimum lot area of 20,000 square feet, Applicant’s lot is substantially undersized having a lot area of approximately one-half of the required area. The size and shape of the lot, as well as the location of the single family dwelling situated on the lot, are also extremely unique. Because of the very shallow depth of the lot, Applicant’s home is situated but twelve feet (12.00) from the rear lot line at its closest point.
- 2 Applicant thus faces obvious hardships by virtue of the unique size and shape of the lot as well as the location of the home on the lot. As shown on the submitted survey, it would be virtually impossible to make any improvement to the home without encroaching into some required yard.
- 3 Applicant seeks to construct a ground level patio attached to the southerly side of the existing home. The proposed new patio would connect to an existing slate patio located at the southeast corner of the dwelling, all as shown on the survey submitted to the BOARD. The new patio, however, will be constructed so that a

portion of the patio extends into the front half of the southerly side yard of the premises in violation of the above cited provision of the Park Ridge Zoning Ordinance.

4. Applicant testified that the existing patio in the front of the home was present when he purchased the home. He further testified that it would be impossible to construct a patio in any other area of the home without creating even greater encroachments into required yards. The existing twelve foot rear yard makes it impossible to locate the patio in the rear yard. Applicant stated that there is simply no other location for the patio.
5. In response to questions by BOARD members, Applicant detailed plans to create a landscaped buffer along the southerly property line, adjacent to an existing stone wall. Applicant stated that the plantings would be located on the Applicant's property, and would provide a natural buffer shielding the patio area from the adjacent property.
6. The BOARD finds that substantial reasons exist justifying the requested variance to permit the construction of the proposed patio with a portion of the patio extending into the front one-half of the southerly side yard. The Applicant clearly faces a hardship by virtue of the unique conditions existing on the property. The lot is substantially undersized. The home is situated but twelve feet from the rear property line making it virtually impossible to construct a patio in the rear yard. Moreover, the extent of the proposed encroachment is minimal, with only a small portion of the patio extending into the front one-half of the side yard. The structure is also a ground level patio, not an improvement that will be easily visible from locations off of the premises. The BOARD thus finds that the requested variances may be granted pursuant to the traditional hardship standards set forth in the Municipal Land Use Law.
7. The BOARD further finds that there will be no negative impact flowing from a grant of the requested variance. For reasons outlined above, the BOARD finds that the grant of the proposed variance will have no negative impact whatsoever. The decision to grant the requested variance will not result in any substantial detriment to the public good, nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge in any way.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70, that the BOARD does hereby grant the Applicant's requested variance to permit the construction of the proposed ground level patio with a portion in the front one-half of a side yard subject to the following conditions:

- A. That Applicant construct the proposed improvements as set forth on all plans submitted to the BOARD.
- B. The Applicant shall install plantings along the southerly property line to create a buffer between the new patio and the adjacent property.
- 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. Flaherty and seconded by Mr. Hoskins.

ROLL CALL:

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

Abstain: Mr. Brennan, Mr. Capilli

CASE: 11-14 Block: 2406 Lot: 8	Application of <i>Mark and Carol Quinn</i> , 18 Grobel Place for front yard variance to construct roof over existing steps to create portico in an R-15 residential district. Hearing held July 19, 2011. Determination forthcoming this evening.
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VON DER LIETH: We have a resolution in the affirmative for this application.

WHEREAS, MARK & CAROL QUINN (hereinafter referred to as “Applicant”), being the owners of premises known as 18 Grobel Place in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 8 of Block 2406 on the Tax Assessment Map for the Borough of Park Ridge, have applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE seeking a front yard variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of a roof or portico above the front stoop currently existing on the site; and

WHEREAS, the premises are located in an R-15 Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant has submitted a survey describing the proposed improvements to the premises prepared by Daniel M. Dunn, Licensed Surveyor of the State of New Jersey, dated May 6, 2011; and

WHEREAS, Applicant has also submitted a rendering describing the appearance of the proposed portico; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on July 19, 2011, upon due notice as required by law; and

WHEREAS, no person appeared in opposition to the requested variance; and

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 18 Grobel Place in the Borough of Park Ridge. Said premises are improved with a single-family dwelling having an existing stoop that provides access to the front entrance of the home. Said stoop currently encroaches slightly into the required thirty foot front setback, being 29.9 feet from the front lot line at its closest point.
2. Applicant seeks to construct a roof above the existing stoop, a roof that will have the same dimension as the existing stoop. No portion of the proposed roof will extend nearer to the front lot line than the existing stoop. The roof thus will be situated 26.9 feet from the front lot line at its closest point.
3. Applicant testified as to several reasons why the roof will provide a benefit both to the occupants of the home as well as the neighborhood in general. Currently, the steps become covered with ice and snow during inclement weather. Applicant stated that the flow of water from the gutters above the steps results in the accumulation of ice on the steps creating an unsafe condition for those entering the home. Applicant indicated that the

construction of the roof will result in a safety benefit. Applicant also testified that the proposed roof or portico will result in an aesthetic benefit, creating a more attractive as well as safer entrance to the home.

4. The BOARD finds and concludes that the proposed portico will result in benefits referenced in the Municipal Land Use Law. The roof will render the home safer to occupants and other who enter the home. The roof will render the home more attractive from an aesthetic perspective. The roof will result in benefits to the occupants and the neighborhood in general.
5. The BOARD further finds that there will be no negative impact resulting from a decision to grant the requested front yard variance. The roof will not extend any nearer to the front lot line than the existing stoop. The roof will no result in an unsightly condition.
6. The BOARD further finds that there will be no negative impact flowing from a grant of the requested variance. For reasons outlined above, the BOARD finds that the grant of the proposed variances will have no negative impact whatsoever. The decision to grant the requested variances will no result in any substantial detriment to the public good, nor will same impair the intent and purpose of the Zone Plan or Zoning Ordinance of the Borough of Park Ridge in any way.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70, that the BOARD does hereby grant the Applicant's requested front yard variance to permit the construction of the proposed portico 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. 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.
- C. 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. Hoskins and seconded by Mr. Galdi.

ROLL CALL:

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

Abstain: Mr. Brennan, Mr. Capilli

CASE: 11-15 Block: 2405 Lot: 3	Application of <i>Anthony and Virginia Cipriano</i> , 5 Seibert Court for front and side yard variances to construct addition to existing house in an R-15 residential zone. Hearing held July 19, 2011. Determination forthcoming this evening.
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VON DER LIETH: We have a resolution in the affirmative for this application.

WHEREAS, ANTHONY & VIRGINIA CIPRIANO (hereinafter referred to as “Applicant”), being the owners of premises known as 5 Seibert Court in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 3 of Block 2405 on the Tax Assessment Map for the Borough of Park Ridge, have applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE seeking a side yard variance and a front yard variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the construction of an addition attached to the easterly side of the home existing on the premises; and

WHEREAS, the premises are located in an R-15 Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, Applicant has submitted a survey describing the proposed improvements to the premises prepared by Michael L. Ritchie, Licensed Surveyor of the State of New Jersey, dated June 21, 2011; and

WHEREAS, Applicant has also submitted architectural plans describing the proposed addition prepared by Joseph J. Bruno, Licensed Architect of the State of New Jersey, dated June 3, 2011, and last revised on June 17, 2011; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on July 19, 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; and

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 5 Seibert Court in the Borough of Park Ridge. While the Applicant’s property is situated in the R-15 Zoning District, a district requiring a minimum lot area of 15,000 square feet, Applicant’s lot is undersized having a lot area of approximately 11,000 square feet. More importantly, the size and shape of the lot, as well as the location of the single family dwelling situated on the lot, are extremely unique. Applicant’s lot is located at a point of curvature of Seibert Court creating a situation virtually identical to that existing on a corner lot. In essence, the location of the lot requires the Applicant to comply with front yard setback limitations in two directions.
2. In addition, Applicant’s dwelling is situated on the lot in a very unique manner. The home was not constructed with building lines that are parallel to existing lot lines. Rather, the dwelling was built on an angle, with the front of the home facing the point of curvature of Seibert Court. The unique placement of the home on the lot results in additional limitations with regard to the construction of any improvement to the dwelling.
3. Applicant thus faces obvious hardships by virtue of the unique size and shape of the lot, the effective corner lot character of the property, and the location of the home on the lot. As shown on the submitted survey, it would be virtually impossible to make any improvement to the home without encroaching into the required side, front or rear yards.
4. Applicant seeks to construct a small addition affixed to the easterly side of the existing home. The proposed addition will provide additional bedroom and bathroom space for the occupants of the home. The proposed addition will

maintain the ranch style character of the dwelling, and will provide the occupants of the home with laundry facilities on the main floor of the home.

5. Applicant's architect, Joseph J. Bruno, described the proposed addition and its location on the premises. While the addition will be constructed with its closest points being 23.1 feet from the front lot line, and 12.3 feet from the side lot line. Mr. Bruno noted that only small triangular portions of the addition would extend into required front yard and side yard setbacks. Mr. Bruno noted that the addition would not result in a substantial increase in the height of the dwelling. He further testified that the proposed addition would not result in any non-complying impervious surface or floor area ratio conditions, specifically noting that 95% of the new addition would be constructed over an existing driveway.
6. Mr. Bruno also noted that it was virtually impossible to construct the proposed addition in any other location on the property. He stated that the addition was being affixed to the easterly side of the home in order to provide increased bedroom space in the area adjacent to the current bedrooms in the dwelling. The BOARD further notes that any attempt to relocate the addition to the rear of the dwelling would result in a rear yard encroachment.
7. In response to questions by BOARD members, Mr. Bruno also stated that a seepage pit would be constructed to accommodate runoff not only from the proposed addition but from the current dwelling. Mr. Bruno noted that no seepage pit currently exists on the property, hence the construction of a seepage pit, while not needed to address the runoff from the small addition, would result in a substantial benefit since no drainage system currently exists on the site.
8. The BOARD finds that substantial reasons exist justifying the requested variance to permit the construction of the proposed addition. The Applicant clearly faces a hardship by virtue of the several unique conditions existing on the property. The lot is undersized. The lot is effectively a corner lot thus limiting the areas for potential improvements. The extent of the proposed encroachment is also minimal, with only small triangular portions extending into the front and side yards. The BOARD thus finds that the requested variances may be granted pursuant to traditional hardship standards set forth in the Municipal Land Use Law.
9. The BOARD further finds that there will be no negative impact flowing from a grant of the requested variance. For reasons outlined above, the BOARD finds that the grant of the proposed variances will have no negative impact whatsoever. The decision to grant the requested variances will not result in any substantial detriment to the public good, nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge in any way.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70, that the BOARD does hereby grant the Applicant's requested front yard variance and side yard variance to permit the proposed addition 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. 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.

- C. 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. Galdi and seconded by Mr. Flaherty.

ROLL CALL:

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

Abstain: Mr. Brennan, Mr. Capilli

CASE: 11-16 Block: 1202 Lot: 13	Application of <u><i>Nathaniel Bargmann</i></u> , 18 Leroy Place for rear yard variance to reconstruct existing shed utilizing same footprint in an R-10 residential zone. Hearing held July 19, 2011. Determination forthcoming this evening.
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VON DER LIETH: We were going to go over the survey, the revised survey.

BEER: It was submitted.

TEN HOEVE: It complies with the resolution.

BEER: Can we have Mr. Capilli enter the new survey into evidence for this application.

TEN HOEVE: Mark it as the next exhibit.

LUDWIG: Did anyone look at it to see if it complies with our requests?

BEER: It is what you told him to do, move it in by 10 feet, revised survey.

CAPILLI: I will mark the new survey as Item 9.

VON DER LIETH: Item 9 is the revised survey for the Bargmann case.

WHEREAS, NATHANIEL BARGMAN, (hereinafter referred to as “Applicant”), being the owner or premises known as 8 Leroy Place in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 13 of Block 1202 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 variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge to permit the Applicant to reconstruct or repair an existing accessory structure located on the property; 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 sketch describing the existing conditions to the premises prepared by William G. Brown, Licensed Architect of the State of New Jersey, dated June 7, 2004; and

WHEREAS a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on July 19, 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; and

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 8 Leroy Place in the Borough of Park Ridge. Applicant's lot has approximate dimensions of 220 feet by 142 feet. The lot is improved with a single-family home. Access to the lot is provided by way of a private right-of-way known as Leroy Place. The lot is very secluded. All improvements are shown on the plans submitted to the BOARD.
- 2 The subject property is also improved with a detached accessory structure, a structure that has existed on the site long prior to Applicant's ownership of the premises. While it is difficult to determine whether the existing structure was originally constructed as a barn, garage or shed, the structure is in a state of disrepair and requires substantial maintenance and repair.
- 3 As shown on the plans submitted to the BOARD, the structure currently is located approximately five (5) feet from the easterly lot line at its closest point. The structure has dimensions of approximately 21 by 25 feet. The structure has been utilized by the applicant as a shed and storage area. The accessory structure violates provisions of the Zoning Ordinance limiting both the maximum size of accessory structure and the required setbacks for accessory structures. Applicant further testified that the current structure had not been built in a manner that would comply with current building codes.
- 4 The current structure, however, constitutes a preexisting, nonconforming structure. Section 101-26 of the Zoning Ordinance permits the maintenance and repair of a nonconforming structure. Applicant seeks permission to repair the existing structure, originally seeking to repair or reconstruct the building in its current location and at its current size. In response to comments and requests by BOARD members, Applicant agreed to relocate the structure and to reduce the size of the structure.
- 5 Applicant specifically agreed to relocate the structure so that no portion of the building would be nearer to the easterly lot line than ten (10) feet. Applicant also agreed to specifically reduce the size of the structure, constructing same so that no portion of the structure would extend nearer to the existing home and so that the structure would not be any wider than the existing structure. In essence, Applicant will be removing approximately five or six feet from the easterly side of the existing building. Applicant further agreed to reconstruct the structure in a manner that complies with all current building codes.
- 6 The BOARD finds that the reconstruction and relocation of the proposed structure will result in several benefits. While the Applicant might be permitted to repair the existing structure as a preexisting nonconforming structure, the relocation of the structure will bring the building more into compliance with the setback requirements, moving the building to ten feet from the easterly line. The reconstruction of the structure, as opposed to the repair of same, will result in a building that is safer, code compliant and more aesthetically pleasing.
- 7 The BOARD finds that substantial reasons exist justifying the requested variances to permit the reconstruction of the proposed barn/shed. The grant of a variance to permit a structure that is larger than the maximum size permitted for accessory structures, and that is nearer to a lot line than permitted for accessory structures, will provide substantial benefits as outlined above. The structure will be more in compliance with current codes.

- 8 The BOARD further finds that there will be no negative impact flowing from a grant of the request variances. The Applicant arguable could repair the current structure, continuing a more nonconforming and less safe structure. For reasons outlined above, the BOARD finds that the grant of the proposed variances will have no negative impact whatsoever. The decisions to grant the requested variances will not result in any substantial detriment to the public good, nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge in any way.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70, that the BOARD does hereby grant the Applicant's requested variances to permit the reconstruction of the proposed shed nearer to a property line than permitted and larger than permitted by the Zoning Ordinance subject to the following conditions:

- A. That Applicant construct or reconstruct the shed so that no portion is nearer to the easterly side lot line than ten (10) feet; so that the shed is no nearer to the existing dwelling than the current shed; and so that the shed is no wider than the current shed.
- B. That the Applicant submit a revised survey to the BOARD illustrating and a sketch describing the proposed reconstruction both in a manner that complies with the provisions of Paragraph A above.
- C. That all improvements shall be constructed in such a fashion so as not to exceed 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. Raman and seconded by Mr. Flaherty.

ROLL CALL:

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

Abstain: Mr. Brennan, Mr. Capilli

NEW BUSINESS:

None.

CORRESPONDENCE:

N. J. Planner – July 2011 re: Distributed

APPROVAL OF MINUTES:

The Chairman entertained a motion that the May 17, 2011, minutes be approved as submitted. So moved by Mr. Hoskins and seconded by Mr. Galdi.

ROLL CALL:

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

Abstain Mr. Capilli

APPROVAL OF VOUCHERS:

Burgis Associates, PP	
Desiderio	\$ 435.00
Peppercorns	1,196.25

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. Flaherty and seconded by Mr. Hoskins.

ROLL CALL:

Ayes: Mr. Brennan, Mr. Raman, Mr. Galdi, Mr. Capilli, Mr. Hoskins,
Mr. Flaherty, Dr. von der Lieth

Abstain: None

DISCUSSION OF APPLICATIONS:

The first application to be discussed was for Park Ridge Board of Education. Some members felt that there was a benefit to the application by eliminating a nonconforming 2-family use. They felt that the most important issues to be addressed with the Engineering questions and unfortunately the Borough Engineer was not in attendance.

The Planner felt that a sidewalk on Wampum Road, from the parking area to the Pascack Road sidewalk would be appropriate. She felt that it was a safety issue for the Park Ridge High School students. The members felt that there needed to be a break in the chain link fence for the students and teachers.

The members felt that the Engineer would have to look into the drainage and seepage pits and that whatever she required would have to be provided. The attorney asked the members to make a list of items that could be given to the Engineer for her input.

The Planner again discussed the necessity for a sidewalk for safety concerns due to the fact that most students have to walk up Wampum Road in the street when coming from the parking area.

Among the items to be brought to the Engineer's attention were, curbs, drainage, sidewalk, lighting and merging the properties, which would lock that piece into being part of the high school. The members expressed concerns about the amount of trees to be removed and the Planner was asked to create a plan of landscaping.

The Attorney advised that the merger of the 2 pieces of property would be done as part of this application. It will be a condition of the application.

The next application to be discussed was for Arlene Burgis. The members felt that it was extremely large. They felt that it was hard to justify a 400 square ft wood shop in a separate building in the rear of their property. They felt that to grant this application would make it difficult to deny a similar application in the future.

The consensus was that it is not a hardship. They felt that it was not an accepted use of a shed as it wasn't being used for storage. The Board felt that the application would have to be denied.

The Board then discussed the application of *Thomas and Lynn Catanio*. The members understood the hardship due to the lot size. They felt that it was well done and an aesthetic improvement. They also felt that it fits in well with the neighborhood. All members were in agreement that the application could be granted.

The next application to be discussed was that of *Jerry and Tina Marcopoulos*. They felt that it was definitely a flexible “C” variance because it is going to be a significant aesthetic improvement. The house will look much better and a separate entrance for people can get out of the car and get on the porch, avoiding ice and snow due to the roof over it. All members were in agreement that the application should be approved.

The final application to be discussed was for *Robert Grassi*. The Board felt that they could grant the application if plantings were placed outside of the fence to soften the view. The Planner pointed out that the ordinance states that the front yard on a corner property, is designated by where the entrance door is. Some members were concerned about the fact that the neighbor’s fence is 5’. The Board members were all in agreement that application could be granted provided that the planting recommendations from the Planner were a provision of the resolution.

ADJOURN:

There being no further business to come before the Board, by motion of Mr. Brennan and seconded by Mr. Capilli, the meeting was adjourned at 10:35 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber