

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

The regular meeting of the Park Ridge Zoning Board of Adjustment has been called for Tuesday, September 20, 2011, at 8:00 pm in the Council Chambers of the Municipal Building.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:** Mr. Galdi, Mr. Hoskins, Mr. Raman, Mr. Sandler, Mr. Walker

Absent: Mr. Brennan, Mr. Capilli, Mr. Flaherty, Dr. von der Lieth,

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

**COMPLIANCE STATEMENT:**

The Notice for this meeting required by Section 3(d) of the Open Public Meetings Act has been provided by the adoption of a resolution by the Park Ridge Zoning Board of Adjustment of January 18, 2011, setting forth a schedule of regular meetings by mailing of said schedule to The Ridgewood News and The Record on January 24, 2011, and by the posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereof and by filing the said schedule in the office of the Borough Clerk.

**PENDING CASES:**

WALKER: For the record, because of a lack of participants due to it being Open School Night in the Borough this evening, we don't have enough people to fairly vote on these applications, these bulk variances, CASE: 11-13, Block: 1103, Lot: 10, The application of **Felix Rizo**, 33 Midland Avenue; CASE: 11-17, Block: 1601, Lot: 15, the application of **Park Ridge Board of Education**, 85 Pascack Road; and, CASE: 11-22, Block: 1508, Lot: 3, the application of **Thomas and Concetta Desiderio**, 55 North Maple Avenue, have all been postponed until our October meeting, which is October 18<sup>th</sup>.

Are you Mrs. Burgis?

BURGIS: Yes.

WALKER: I understand that you want to speak to the Board. Please come forward.

BURGIS: I am Arlene Burgis, 22 Henry Avenue. I wanted to amend what I had asked for in the last meeting and ask to build an oversized shed 15 by 15 feet, which is considerably smaller than the first proposal. It still needs a variance.

WALKER: I wasn't present at the last meeting. I read some of what went on.

BURGIS: We want to have a storage shed now. I am getting married again and we are merging 2 households. I am unable to build out my garage because of the side yard variance. We don't have enough storage space, so we are just going to have a larger storage shed.

WALKER: We can't hear any testimony that relates to the original application, but I think that if you renotify for next month's meeting, I guess we could continue it rather than take the vote this evening, which would have been a denial. Mrs. Beer, what does she have to do other than the renotification, anything, because it is still within the time period.

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BEER: The survey would have to be redone to show what the new size would be and notification to the 200 foot residents.

WALKER: A renotification to let them know that the case is open again, in case anyone want to come forward.

TEN HOEVE: I don't think that it is necessary for you to reapply or submit a new application. The Board can just consider it carried, but as a jurisdictional requirement, anybody who was interested would think that it was over and done, not that it is going to be carried or continued. So you won't have to pay anymore application fees, and this doesn't mean that the Board is going to approve it or not approve it, especially since there are only 5 members here tonight. But if you renotify, than it can be listed for the next hearing date, which is October 18<sup>th</sup>.

BURGIS: Okay, thank you very much.

<b>CASE:</b> 11-19 <b>Block:</b> 714 <b>Lot:</b> 15	Application of <b><i>Thomas and Lynn Catanio</i></b> , 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. Applicant is applying for a Density Bonus as well. Hearing held August 16, 2011. Determination forthcoming this evening.
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WALKER: We have a resolution in the affirmative for this application.

**WHEREAS, THOMAS and LYNN CATANIO** (hereinafter referred to as "Applicant"), being the owners of premises known as 76 Mountain Avenue in the Borough of Park Ridge, County of Bergen, and State of New Jersey, said premises also known as Lot 15 of Block 714 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 two side yard variances, a building coverage variance, an impervious coverage variance and a floor area ratio variance from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge in order to permit the construction of additions to the existing single-family home situated on the premises; and

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

WHEREAS, Applicant has submitted a survey describing the proposed improvements of the premises prepared by Paul Troast, Licensed Surveyor of the State of New Jersey, dated July 23, 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 July 21, 2011, and last revised July 22, 2011; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE duly convened on August 16, 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 property located at 76 Mountain Avenue in the Borough of Park Ridge. Applicant's lot is situated in the R-10 Zoning District, a district

requiring a minimum lot area of 10,000 square feet. Applicant's lot, however, is substantially undersized having a lot area of approximately 8,250 square feet.

2. Applicant's home is situated on this undersized lot in such a fashion so that the home fails to comply with several bulk requirements applicable to the zoning district. The existing home is but 10.2 feet from the easterly side lot line as its closest point, and but 9.6 feet from the westerly lot line at its closest point. The side yard set back required in the R-10 Zoning District is 10.00 feet. Applicant's existing dwelling thus fails to comply with current side yard requirements.
3. Applicant thus faces obvious hardships by virtue of both the undersized nature of the lot and the location of the home on the lot. As shown on the submitted survey, it would be virtually impossible for the Applicant to make any improvement to the home without encroaching into required yards.
4. Applicant seeks to construct two additions to the existing home. The first addition is a second floor addition to be constructed above the existing garage. Said addition will be located on the easterly side of the dwelling. Said addition will be no nearer to the easterly side lot line than the existing dwelling. Applicant also seeks to construct a front porch addition to the home. The front porch addition will again be constructed no nearer to the westerly side lot line than the existing dwelling. The proposed front porch will extend the existing westerly side yard encroachment in a linear fashion.
5. Applicant's architect, Joseph J. Bruno, described the proposed additions. He indicated that the additions were being constructed in a manner so as to minimize any violations of the bulk requirements applicable to the zone. He noted that the proposed variances would probably not be required if the Applicant's lot were not undersized. He further described two additional variances that were required by the proposal, specifically, a floor area ratio variance to permit a total floor area of 36.47% rather than the 30% maximum permitted by the Zoning Ordinance, and a building coverage variance to permit a 24.7% building percent coverage rather than the 20% building coverage required by the ordinance.
6. Mr. Bruno indicated that the proposed additions would substantially improve the appearance of the dwelling and render the home a far more attractive structure, a home more in compliance with other dwellings in the neighborhood. Mr. Bruno also noted that the proposed front porch would provide a safer and more secure entrance for the occupants in the dwelling and visitors to the home, and make it easier to access the dwelling from the driveway. Finally, Mr. Bruno confirmed that there was no other area to construct the proposed addition and that by constructing the addition above the existing garage, the Applicant was minimizing the extent of any bulk encroachments.
7. The BOARD finds that substantial reasons exist justifying the requested variances to permit both additions. The Applicant clearly faces a hardship by virtue of the several unique conditions existing on the property. The lot is undersized. The location of the lot is currently nonconforming. The BOARD finds that the requested side yard, building coverage and impervious coverage variances are thus justified pursuant to traditional hardship standards set forth in the Municipal Land Use Law.
8. The BOARD also finds that the Applicant is entitled to the requested floor area ratio variance. The goals and objectives of the floor area ratio ordinance will not be frustrated by virtue of a grant of the requested variance. The resulting dwelling will not have an appearance that conflicts with other dwellings in the neighborhood, but rather, will be more in conformity with other dwellings.
9. The Board further finds that there will be no negative impact flowing from a grant of the requested variances. 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 floor area ratio, building overage ratio, impervious coverage ratio and two side yard variances to permit the construction of the proposed additions 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 and 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. Hoskins, Mr. Raman, Mr. Galdi,

**Abstain:** Mr. Sandler, Mr. Walker

<b>CASE:</b> 11-20 Block: 1204 Lot: 40	Application of <u><i>Jerry and Tina Marcopoulos</i></u> , 40 Leach Avenue for front yard setback to construct an addition to existing house in an R-20 residential zone. Hearing held August 16, 2011. Determination forthcoming this evening.
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**WHEREAS, JERRY and TINA MARCOPOULOS** (hereinafter referred to as "Applicant"), being the owners of premises known as 40 Leach Avenue in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 40 of Block 1204 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 an addition to the front of the home existing on 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 Surveyor of the State of New Jersey, dated May 24, 2011 and the last revised on July 22, 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 October 10, 2010 and last revised on June 21, 2011; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on August 16, 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 FOR THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact:

1. Applicant is the owner of a single-family home located at 40 Leach Avenue in the Borough of Park Ridge. The premises are situated in the R-20 Zoning District as defined by the Zoning Ordinance of the Borough of Park Ridge.
2. Applicant's dwelling fails to conform with the front set back requirements of the R-20 Zoning District. The existing home is situated but 33.5 feet from the front lot line at its closest point. Amendments to the Zoning Ordinance adopted after the construction of the Applicant's home increased the front yard requirement to the current 40.00 foot set back.
3. Applicant seeks to construct a front porch addition to the existing home as set forth on the plans submitted to the BOARD. The proposed open front porch will be constructed in such a fashion so that same is 29.3 feet from the lot line at its closest point. The BOARD notes that the prior set back requirement applicable to the Zoning District had been 30.00 feet.
4. Applicant testified as to several reasons why the front yard variance was required. Initially, Applicant stated that the current entrance to the colonial home required the Applicant to actually stand on the second floor stairway to open the door and allow guests or occupants to enter the home. As shown on the aforementioned sketches, the proposed porch and foyer addition will expand the foyer entrance area and make it safer and more convenient for individuals to enter the home.
5. More importantly, and as described by the Applicant's architect, the proposed front porch will result in a major aesthetic improvement to the dwelling and render the home far more attractive. The proposed front porch addition will also be constructed in line with the front line of the existing garage, with the exception of a small portion at the southerly end of the proposed porch.
6. Applicant also seeks to expand the driveway as shown on the survey submitted. The Applicant testified that the driveway expansion would not extend more than eight feet from the current garage, thus complying with the requirements of the Zoning Ordinance.
7. The BOARD finds that substantial reasons exist justifying the requested front yard variance. Initially, the recent changes to the Zoning Ordinance result in a situation where the Applicant's dwelling no longer complies with front yard set back requirements. More importantly, the proposed addition will achieve several goals and objectives of the Municipal Land Use Law. The front porch addition will render the home far more attractive. The addition will provide a covered, safe area for occupants of the home and guests to enter the home during times of inclement weather. The new foyer will also provide a safer means of ingress and egress to the home than that which currently exists. The BOARD thus finds that the Applicant is entitled to a c-2 variance as defined by the Municipal Land Use Law.
8. The BOARD further finds that there will be no negative impact flowing from the 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 an 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 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 approvals to be granted by appropriate Borough Officials.
- D. That Applicant construct the driveway expansion in such a fashion so that same does not extend more than eight feet from the existing garage as testified to by the Applicant's architect.

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

**ROLL CALL:**

**Ayes:** Mr. Hoskins, Mr. Raman, Mr. Galdi,

**Abstain:** Mr. Sandler, Mr. Walker

<b>CASE:</b> 11-21 Block: 804 Lot: 12	Application of <b><u>Robert Grassi</u></b> , 174 Leach Avenue for variance to 6' high stockade fence around entire property in an R-10 residential zone where the height limit is 4' for the front yard. Hearing held August 16, 2011. Determination forthcoming this evening subject to landscaping recommendations by Planning Consultant.
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TEN HOEVE: They have been provided, and they are included in that resolution.

We have a resolution in the affirmative for this application.

**WHEREAS, ROBERT GRASSI**, (hereinafter referred to as "Applicant"), being the owner of premises known as 174 Leach Avenue in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 12 of Block 804 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 prohibiting fences having a height in excess of 4.0 feet in the front yard set back; and

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

WHEREAS, Applicant has submitted a survey describing the proposed improvements to the premises prepared by David Jamiolkowski, Licensed Surveyor of the State of New Jersey, dated May 18, 2011, and last revised to June 22, 2011; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on August 16, 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; 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 174 Leach Avenue in the Borough of Park Ridge. Applicant's lot is a corner lot located at the intersections of Windsor Drive and Leach Avenue.
2. Applicant seeks to construct a 6.0 foot high stockade fence as shown on the survey submitted to the BOARD. Applicant's proposed 6 foot high vinyl stockade fence will be constructed so that the fence is located within the front yard set back facing Windsor Drive and extending to the front half of the side yard of the Applicant along Leach Avenue. The Zoning Ordinance of the Borough of Park Ridge prohibits the location of fences in front yards that have a height in excess of 4.0 feet.
3. Applicant testified that he has recently moved into the dwelling and he has a young child and plans to have additional children. Applicant is concerned that his home fronts on two streets and is concerned with regard to the safety of young child. Applicant seeks to fence in his yard to provide a safe and secure area for his family.
4. As shown on the aforementioned survey, Applicant plans to construct the proposed 6.0 foot high fence 13.00 feet from the edge of the Windsor Drive road way and approximately 5.0 feet from the Windsor Drive lot line. For reasons discussed above, Applicant's proposed 6.0 foot fence violates the Zoning Ordinance of the Borough of Park Ridge. Applicant testified, however, that the fence would be set back from the property line to provide an area for plantings in an effort to mitigate any negative impact that would result from the construction of a 6.0 foot high fence.
5. The BOARD finds and concludes that based upon the particular circumstance facing the Applicant, the construction of the 6.0 foot high fence will provide a safe and secure enclosed yard area for Applicant and Applicant's family. The BOARD finds that there will be no negative impact resulting from the construction of the proposed fence if the Applicant provides plantings as set forth hereinbelow. The BOARD also notes that the Applicant has set back the fence 13.0 feet from the edge of Windsor Drive, thereby further minimizing any possible negative impact flowing from the grant of the requested variance.
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 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 construction of a 6.0 foot fence in front yard areas of the dwelling 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.
- D. Applicant shall install plantings consisting of one or more of the following species along the entire length of the proposed fence facing Windsor Drive. Plants shall be of a height between 18 inches and 24 inches and shall be planted in a double staggered row, four feet on center:

*Ilex Crenata* – Japanese Holly  
*Ilex Glabra* – Inkberry Holly  
*Pieris Japonica* – Japanese Andromeda  
*Ilex verticillata* – ‘winter red’  
*Taxus bacatta repandens* – English Yew  
*Viburnum utile* ‘Canoy’ Canoy Viburnum  
*Viburnum rhytidophylliodes* ‘Allegheny’

Said plantings shall be installed within three (3) months of the date of the within Resolution.

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

**ROLL CALL:**

**Ayes:** Mr. Hoskins, Mr. Raman, Mr. Galdi,

**Abstain:** Mr. Walker, Mr. Sandler

**NEW BUSINESS:**

None

**CORRESPONDENCE:**

None

**APPROVAL OF MINUTES:**

The Chairman entertained a motion that the June 23, 2011 minutes be approved as submitted. So moved by Mr. Raman and seconded by Mr. Hoskins.

**ROLL CALL:**

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

**Abstain:** Mr. Sandler

The Chairman entertained a motion that the July 19, 2011 minutes be approved as submitted. So moved by Mr. Sandler and seconded by Mr. Hoskins. Carried unanimously.

**VOUCHERS:**

<b>Burgis Associates, PP</b>	
Felix Rizo	\$616.25*
37 Park, LLC	108.75
Board of Education	253.75
<b>Brooker Engineering, PE</b>	
Board of Education	320.00

(\* - indicates *insufficient funds* – letters written to \*)

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. Sandler and seconded by Mr. Hoskins.

**ROLL CALL:**

**Ayes:** Mr. Sandler, Mr. Hoskins, Mr. Raman, Mr. Galdi, Mr. Walker

**Abstain:** None

**ADJOURN:**

There being no further business to come before the Board, by motion of Mr. Hoskins and seconded by Mr. Sandler, the meeting was adjourned at 8:10 pm.

Respectfully submitted,

Margot Hamlin,  
Transcriber