

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, November 15, 2011, at 8:00 pm in the Council Chambers of the Municipal Building.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

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

Absent: Mr. Hoskins, Mr. Brennan

Also Present: John Ten Hoeve, Jr., Board Attorney  
Robert Ludwig, Zoning Officer

**COMPLIANCE STATEMENT:**

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

**PENDING CASES:**

CASE: 11-13 Block: 1103 Lot: 10	Application of <b><i>Felix Rizo</i></b> , 33 Midland Avenue for F.A.R., front yard, rear yard and building coverage variances for constructing addition to existing house in an R-15 residential zone without building permits or variances. First application was denied on May 17, 2011. June 23, 2011 hearing postponed to July 19, 2011 at request of applicant, to August 16, 2011, rescheduled by Board to October 18, 2011 and continued to November 15, 2011.
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VON DER LIETH: Mr. Rizo, do you have anyone here with you tonight?

RIZO: No.

TEN HOEVE: Please come forward and take a seat.

VON DER LIETH: Before we start, I just want to ask Mr. Walker, give him a chance to settle down here and see if we have anything new pertaining to Mr. Rizo's application?

WALKER: We just have a couple of items to add to the record.

Item 17 is Board secretary's letter dated 10/19/2011.

Item 18 is Construction Code Officer letter dated 10/30/2011.

Item 19 is Board secretary's letter dated 11/01/2011.

That is all that I have at this time.

VON DER LIETH: Thank you, Mr. Walker. Okay, Mr. Rizo, most of us have gotten a copy of the report.

TEN HOEVE: Do you have a copy of the letter from the Construction Code Official, dated October 30<sup>th</sup>.

RIZO: Yes.

TEN HOEVE: If the Board will remember, the application wasn't acted upon because there were certain items that had been raised at the time of the prior application, with regard to the status of construction of construction on the addition, what needed to be done; what changes had to be made; and the Board asked for a report from the Construction Code Official. The Construction Code Official has issued such a report dated October 30<sup>th</sup>, 2011. Copies were circulated tonight among Board members, in the event that they did not receive them in their packet.

It basically offers 10 comments with regard to the status of the construction, what has been done, and what needs to be done. I won't read it verbatim into the record, but it says that the floor was removed, that the floor joists were able to be examined, that there is no one occupying the addition, and that it isn't capable of being occupied.

The footings were not exposed for a proper inspection and the Construction Code Official said that a complete perimeter footing and foundation has to be required. In other words, it would have to be inspected by him, to determine whether or not it is adequate. Apparently, he hasn't had to time to do that, yet.

Mr. Ludwig might be able to comment on some of these issues, but I am just trying to let the public and the Board know what the conclusions were, of the Construction Code Official. There is additional work that has to be done. Floor joists have to be removed, a concrete slab has to be poured, the roof rafters were properly secured, the ledger was properly secured, a sheet rock ceiling wasn't cut away to allow certain hurricane rafter ties to be installed, and the rafters did not have hard wired smoke detectors installed. There is some additional electrical inspections that are required and there are some drawings that have to be supplied.

I think the recommendation was, if I understood it correctly, was that Mr. Rizo hasn't completed the job, that he had exposed much of what needed to be done for inspection, that there is some additional work that needs to be done and I think that if the Board was willing to grant the variances that were requested, based upon the testimony that has previously been provided, that a resolution could incorporate certain conditions to address the items that are still required to be completed.

Is that pretty much accurate?

LUDWIG: I believe so, it does. The issue as to determine status of what has been built, pretty much pretty much at this point, the Construction Official can determine and identify what needs to be done to make it compliant. It is apparent now, what has to be done to bring it up to code. The next step would be that those items would be put on a plan and the plan would be submitted to the Construction Department and the applicant would proceed forward then.

VON DER LIETH: Good. So, that is basically it.

TEN HOEVE: So, unless the Board has any more questions that it wants to ask Mr. Rizo, it can discuss this later tonight and Mr. Rizo can call and find out if the Board is going to approve it and what conditions would be included in the resolution.

VON DER LIETH: There is no one in the audience to speak. Alright, Mr. Rizo, you can just take it from there.

CAPILLI: I am not 100% clear on what was said at the last meeting, that Mr. Rizo appeared at. But, was it your understanding and Mr. Rizo, is your intention to comply fully, if the Board did grant you a variance and to proceed with 100% compliance?

RIZO: Yes.

VON DER LIETH: That was my understanding.

CAPILLI: I wasn't sure if that was on the record.

WALKER: Yes.

VON DER LIETH: Yes it was.

CAPILLI: And that would probably be a condition of anything we might ask.

VON DER LIETH: Yes, that is correct. Are there any other questions? Okay, Mr. Rizo, thank you very much, and good luck.

RIZO: Thanks.

<b>CASE:</b> 11-17 Block: 1601 Lot: 15	Application of <u><i>Park Ridge Board of Education</i></u> , 85 Pascack Road to utilize existing house as the Board of Education offices necessitating a <i>Use</i> variance in an R-20 residential zone. Hearing postponed from July 19, 2011 for Notification of property owners within 200 feet. Hearing begun August 16, 2011, carried to September 20, 2011 for Board Engineer's review of revised plans, rescheduled by Board to October 18, 2011, applicant did not appear, carried to November 15, 2011.
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FLAHERTY: Before you start here tonight, I just want to let you know that we do not have our Professionals here due to the League of Municipalities meetings.

TEN HOEVE: The Board had believed that this matter was going to be on at last month's hearing. There must have been some confusion because no one did appear and Mrs. Beer did not understand why that was the case.

Unfortunately, the Planner and the Engineer are at the League of Municipalities meetings in Atlantic City and they attempted to arrange some coverage but were not able to do that. I am not suggesting that we don't proceed tonight, but I am suggesting that if there are issues that are raised, particularly in the Engineering issues, that need to be addressed by the Borough Engineer, or public comments that are raised that require some input from the Borough Engineer, we are not going to be able to do much about that.

I am not attempting to not have this heard tonight, I am just saying if that happens, I am sure that you are going to have to come back to deal with whatever has been said.

VON DER LIETH: As for the public speaking on this case, you have the choice to speak tonight and have the professionals listen, obviously, to the tape or read the minutes, but if they are going to come back anyway, I am sure that you would want to hear what is going to go on and you also have the chance to speak at that meeting also, so it is up to you. You are more than welcome to be heard tonight, if you would like to when the time comes.

LANTELME: Chris Lantelme, I am the Engineer on the job. I really think that it is up to the Board. It was my understanding that the reason why we are back here, is because there are technical questions that have to be answered. That is why I am here and the Architect, for instance, isn't here. So, if it is the Board members that have the technical questions, I can answer them. If it is the Engineer that has the questions and she is not here, maybe I should just come back next month.

TEN HOEVE: Are there residents here in connection with this application?

VON DER LIETH: Would you be willing to answer their questions?

TEN HOEVE: I know that you are not sworn under oath at this point, but just from a procedural standpoint, do you intend to raise questions and or issues or testimony from an Engineering perspective?

AUDIENCE: I believe so, yes.

TEN HOEVE: I mean as opposed to the Zoning issues or variances issues?

AUDIENCE: Probably in addition to.

TEN HOEVE: I am not limiting. I am just saying that, it is up to the Board. We can proceed and then continue it, or....

VON DER LIETH: I would be more than happy. You guys showed up, so by all means, please come up and speak.

TEN HOEVE: We will start and hear what we can, but again, I am certain then that we are going to have to continue it at the next month's meeting, just because we don't have an Engineer here. We tried, she tried. I was making calls yesterday and the day before just to see if coverage could be obtained.

VON DER LIETH: Would someone like to come up and ask a question of the Engineer, or we are not going to do that?

TEN HOEVE: I am not sure how the applicant intends to proceed.

VON DER LIETH: Would you guys like to go with this?

WRIGHT: We are going to come back next month.

VON DER LIETH: Okay, well then lets do it at the next meeting.

AUDIENCE: Are the plans available to look at?

TEN HOEVE: Absolutely, they have to be on file with the Borough Clerk and or Lyn Beer, the Land Use Administrators, so they are certainly on file. Anything that the Board has received, which include a parking lot grading plan, prepared by their Engineer, Mr. Lantelme.

WALKER: A few of these items have to be added to the record.

TEN HOEVE: None these have been marked yet?

WALKER: Marked but not entered.

TEN HOEVE: Okay, you should do that at this point.

WALKER: We are up to Item 18.

Item 18 is applicant's attorney letter dated 8/18/2011.  
Item 19 is Board secretary letter dated 8/22/2011.  
Item 20 is the Board Engineer's review dated 9/14/2011.  
Item 21 is the Board secretary letter dated 9/15/2011.  
Item 22 is the parking lot and grading plan dated 9/14/2011.  
Item 23 is drainage calculations dated 8/27/2011.  
Item 24 is Board secretary letter dated 10/20/2011.  
Item 25 is the County Planner letter dated 11/02/2011.

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

AUDIENCE: Is that document entered into the record?

TEN HOEVE: Yes, all of those have now been marked into evidence. We haven't heard testimony with regard to those. Were you intending to do that tonight, Mr. Lantelme?

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LANTELME: I don't have the Engineer's report. What date did you have for that?

WALKER: September 14<sup>th</sup>.

LANTELME: Yes, I don't have that. I have a report from July 13<sup>th</sup>. That is the last piece of correspondence that I have. No, so, I am not ready to address that, unless somebody wants to give me a copy. At this point, I think that we should just wait until next month. Could I get a copy of that letter?

TEN HOEVE: Yes.

LANTELME: I think we could save some time if we just came back next month, since we are going to be here anyway. I am not really here, I means since I didn't have that, I am here really to answer questions, but maybe if I have that, I will have something to present.

VON DER LIETH: Okay, that would be better. Again, we are sorry that it was just such a last second thing. We were prepared, like I said, for the last meeting with this. Okay, so we will push it off until the next time, if that is alright.

TEN HOEVE: I know that you did testify at the time of the last hearing, with regard to the plan and you did comment on the Engineer's, Borough Engineer's comments, but I guess you were commenting on an earlier letter?

LANTELME: Yes, that was back in August when this was first started.

TEN HOEVE: Okay, here is a copy of the letter. I will give you mine, and I can get another one from somebody. I think that under those circumstances, if you haven't even seen that yet, it makes sense to simply carry this to the next meeting, although, December, do you know the date? December 20<sup>th</sup>.

VON DER LIETH: For the members of the public, you can get these items from Mrs. Beer in the office, at any time, right?

HAMLIN: She won't be back before Thursday, at the earliest.

VON DER LIETH: You can get copies of them at that time. So, you will be more informed at the next meeting.

TEN HOEVE: You might, if you want to, call. There might be someone there who might be able to provide them. I am not sure. Much of the staff is away.

AUDIENCE: Nothing can move forward in the form of construction or any work on that property?

TEN HOEVE: Nothing in connection with this application. That is correct. I mean there are certain things that a property owner can do if variances aren't required, and if site plan approval isn't required, and only a building permit is required, such as interior alterations to structures, but in terms of site work or anything in connection with this application, no.

AUDIENCE: So basically anything that effects the neighborhood such as lighting?

TEN HOEVE: No, that isn't the standard.

WRIGHT: I can make this real simple. We are not doing anything to the property right now.

AUDIENCE: Right now there is a light mounted on Pascack Road, shining on to that building.

WRIGHT: We did not mount that light. I don't know who did, we are not mounting a light.

AUDIENCE: It is shinning on your house.

WRIGHT: I don't know about the light at all. I can ask about it. I will inquire.

AUDIENCE: Is it a safety hazard?

WRIGHT: I have, for all intents and purposes, I have shut down any work to do with that house. It is not being occupied. It is not being used. It is just sitting there. So, if there is a light, that has been mounted there, it is done so without anybody notifying me.

AUDIENCE: I went to the town with that, and the town asked me who hung it? It is shinning on the building that is now owned by the school.

TEN HOEVE: Where is it mounted?

AUDIENCE: It is actually mounted on a telephone pole across Pascack Road. It shines on the building as well as Wampum Road.

TEN HOEVE: The school wouldn't be authorized to do that. It is not on school property.

AUDIENCE: Well, I went to the town and the town doesn't know, and the school doesn't know, who do I see?

TEN HOEVE: I think, I would suggest you speak to the town again, because the Board of Ed. is telling you that they didn't mount it and if it is not on Board of Ed. Property, I would, I can't speak for the Board but I would be surprised if they had gone on somebody else's property and put that light up.

AUDIENCE: The only reason that, and don't take offence, but there is one down on Wampum Road, on the church property, on a telephone pole, for the purpose of the school. It is an identical light and an identical situation.

TEN HOEVE: Someone will look into it.

VON DER LIETH: That is the best that we can do.

TEN HOEVE: No one here knows, obviously. All we can do is tell you that we will try to find out.

AUDIENCE: The light is actually a safety issue. When you come up Wampum Road, it is shinning into your eyes. That is in good weather. If it were raining or a snow storm, it would be blinding.

TEN HOEVE: Okay, this will be heard on December 20<sup>th</sup>, and there will be no further notification to anyone. There will be no more notices and no more publication, so it will simply be heard. If you are interested, appear on the 20<sup>th</sup>.

AUDIENCE: Has the house been rezoned commercial. Is it part of this application?

TEN HOEVE: Only the Mayor and Council could rezone something, and to my knowledge that hasn't been done. This Board would have no information as to what work anybody did on that property. All we are doing is hearing an application for variances to permit it to be used in a certain fashion. We wouldn't even issue building permits. If building permits were being issued, they would be issued by the Construction Code Official. We will see you on the 20<sup>th</sup>,

VON DER LIETH: I definitely urge you to get as much info as you can from Mrs. Beer, or whoever is in the Borough Office down there. So, you will be fully armed for the next meeting, Okay? Thank you. Thank you gentlemen, see you next month.

**NEW CASES:**

<b>CASE:</b> 11-25 Block: 2302 Lot: 21	Application of <u>Thomas Driscoll</u> , 67 Rivervale Road for Impervious coverage variance and for use of two driveway cuts in front of existing house.
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VON DER LIETH: Hello, Mr. Urdang.

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

- Item 1 is the application dated 10/06/2011.
- Item 2 is certification of service dated 11/02/2011.
- Item 3 is legal notification dated 11/04/2011.
- Item 5 is proof of payment of taxes dated 11/07/2011.
- Item 6 is the survey dated 3/25/2010.
- Item 7 is prior survey dated 12/30/2008.
- Item 8 is Board of Adjustment resolution dated 7/15/2008.
- Item 9 is 4 undated photographs.

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

VON DER LIETH: Okay. Good evening, Mr. Urdang.

URDANG: This is an application, I think that there are actually 3 variances that were identified. One is the impervious coverage of 35% permitted and 40.6% proposed. Also, is the retention of the second driveway. Currently, the ordinance permits of one driveway. A question has been raised by Eve Mancuso, in her letter, as to the width of the driveway where it meets the street.

If you notice on the survey on the plan, there is a flaring of the driveway, so I think that the permitted width is 18 feet and as I scaled it, it appears to be actually 20 or 21 feet.

TEN HOEVE: Is that the curb cut that you are talking about?

URDANG: Yes, that is the flaring out of the driveway.

VON DER LIETH: That is the paver portion of it, correct? The new driveway?

URDANG: That is correct. We will present testimony. Mr. Driscoll, I believe, will cover it, what we have to cover.

TEN HOEVE: Okay, just so I understand, Mrs. Beer isn't here, and she had given us some notes with regard to the application. There are 2 surveys that we have in the file.

One, I assume, was a survey that was submitted at the time of the 2008 application.

URDANG: Right. Then there was an as-built that was submitted.

TEN HOEVE: One was an as-built, which is dated 5/17/10.

URDANG: Mrs. Beer asked me to include both of them because I believe Eve Mancuso's letter refers to the original survey as modified by the as-built.

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TEN HOEVE: Okay. Do we have Eve Mancuso's letter? I am asking Mr. Walker.

WALKER: No, I don't.

TEN HOEVE: Do you have a letter in connection with this application?

URDANG: No, I have the older letter where she pointed out that a variance was needed.

TEN HOEVE: A variance for the curb cut width. We don't have that. I am just asking what did her letter?

URDANG: Part of what I submitted and next to the it is her letter of November 8<sup>th</sup>, 2010, addressed to Mr. Saluzzi.

TEN HOEVE: The Board members don't have that.

WALKER: No, it is not in our file.

TEN HOEVE: We don't have that.

URDANG: Wasn't it attached to the application?

TEN HOEVE: No. Can I see it?

URDANG: Sure.

VON DER LIETH: Mr. Driscoll, when you came before us before, when you were doing the addition. Oh, okay. I will ask in a second.

TEN HOEVE: We have not, no one has seen this. Just for the record, it is a November 8<sup>th</sup> letter from Eve Mancuso, which raises several issues concerning the as-built survey, that was constructed. One of the issues says that the layout of the drive differs substantially from that shown on the plot plan and the area appears to exceed that indicated in the improved lot coverage table. The calculation indicates the improved lot coverage is 40.64%, which exceeds the allowable 35%. The improved lot coverage should be reduced to the maximum allowed.

Then in another number, the driveway width should be clearly dimensioned. The new drive appears to exceed the allowable maximum width.

URDANG: I think that was what I was talking about before. It is where the driveway meets the street.

TEN HOEVE: Do you have another copy of this, by the way?

URDANG: Another copy?

TEN HOEVE: Not that I want, so I can keep this and put it in the file, or do you need this back?

URDANG: Actually, I do.

TEN HOEVE: Okay, so we will keep this, thanks.

URDANG: That is one of the basis for Mr. Saluzzi's letter of November 10<sup>th</sup>. You don't have that either?

HAMLIN: Is that the one that I put out?

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TEN HOEVE: No, none of us have that. I would know. I carefully review the application before the meetings at night. I know we don't have it. At least, I don't have it. Do you have 2 copies of that? Do you have one that you can give us?

URDANG: I can give you one. Or I can just read it into the record. It is very short.

TEN HOEVE: Sure, read.

URDANG: It is to Mr. Driscoll from Nick Saluzzi. "In accordance with the attached letter from our Borough Engineer, Eve Mancuso, there appears to be a number of deficiencies that will have to be corrected before we can issue a certificate of occupancy.

Besides a few items that must be shown on the as-built site plan, the problem that we are having with your lot is the maximum impervious coverage, the Park Ridge Zoning Ordinance only allows 35% coverage and you are exceeding that by at least 5.64%.

Please be advised that Park Ridge considers pavers as impervious. You have the option of reducing the coverage to 35% or applying to the Board of Adjustment for a variance."

Incidentally, that wasn't my understanding, that Park Ridge treats pavers as impervious. I thought that was raised in the Desiderio application?

TEN HOEVE: Some yes. Some no.

URDANG: Oh, I see, depending on the type of pavers?

TEN HOEVE: Right, exactly. Let me tell you the issues as far as I can tell now. Unfortunately a lot of these are new. Number one, there is obviously the impervious, and you applied for a variance for that. Number two is the curb cut and you applied for a variance for that. There is a second driveway.

URDANG: I applied for that variance also.

TEN HOEVE: You did.

URDANG: Although I believe it is a pre-existing, nonconforming.

TEN HOEVE: I assume that was going to be the argument for that. There is also and I can't tell from your survey, but the, and I am not sure of the date that these limitations were imposed, particularly since the driveway is built differently from that which was proposed, but there is a limitation with regard to how far a driveway can extend to the side of a garage. In other words, I think it is 101-28, but I didn't bring that with me because I didn't realize that this was going to be an issue, do you know, Bob, what the maximum is?

LUDWIG: I believe it is based on the size of the garage, but 8 feet seems to come to mind.

TEN HOEVE: I think that it is 8 feet.

RAMAN: I think it is 8 feet.

TEN HOEVE: I think that it is 8 feet, so you that you can't have a driveway that extends, in your case, more than 8 feet to the side of the garage width.

URDANG: I want to make sure that I am following you, John.

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TEN HOEVE: There is a turn-around on the driveway. That is the area that I am talking about. That turn-around is larger, in fact, it was nonexistent on the plan that you submitted, the plan that was approved had no such turn-around.

URDANG: Yes, I understand that.

TEN HOEVE: The plan that was approved showed a driveway that came directly off the garage and did not extend any nearer to the side lot line. There is a limitation in the Zoning Ordinance with respect to how far you can proceed in that direction. How far beyond the garage your driveway can extend. I don't know whether this complies or not, just from looking at it.

URDANG: I am a little surprised because both Ms. Mancuso and Mr. Saluzzi looked at it and the only thing they talked about was the impervious coverage. Although Eve did talk about the flaring of the driveway. She didn't mention anything about the turn-around, other than in the context of impervious coverage.

TEN HOEVE: Again,.....

URDANG: There is a catchall provision in the notice.

TEN HOEVE: That is what I am assuming. I am saying that you might need an additional variance for that. I am not sure, I don't believe that is going to constitute a preexisting condition, when it is built differently from the plan that you originally sent in.

URDANG: I am not suggesting that it is a preexisting condition.

TEN HOEVE: Okay.

URDANG: The second driveway, the driveway the driveway on the right, to the east, I guess.

TEN HOEVE: So, if a variance is required, you are asking for that as well?

URDANG: Yes.

TEN HOEVE: Those are the 4 issues that I see. I just wanted to identify them all before you started your testimony.

URDANG: Right.

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

DRISCOLL: I do.

TEN HOEVE: Your name and address, please?

DRISCOLL: Tom Driscoll, 67 Rivervale Road, Park Ridge, New Jersey.

TEN HOEVE: Thank you.

URDANG: Mr. Driscoll, you and your wife are the owners of that property?

DRISCOLL: Yes.

URDANG: How long have you lived there?

DRISCOLL: 28 years.

URDANG: Do you have any idea how old the existing house is?

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DRISCOLL: It was built in 1906.

URDANG: Did you previously apply to this Board for a variance?

DRISCOLL: Yes.

URDANG: What was it for?

LUDWIG: May I ask you to speak into the microphone? It is not coming up.

DRISCOLL: We applied for a variance for the construction application, not for construction, but it was within that, there were certain setbacks that, I believe, we needed.

URDANG: Lets put a little finer point on that. I am referring to the resolution. The resolution suggests that you took down a detached garage and put up a 2-car, attached garage and you were putting a second story over the garage.

DRISCOLL: Correct.

URDANG: That basically is what was involved there?

DRISCOLL: Correct.

URDANG: Okay, and that variance was approved?

DRISCOLL: Yes.

URDANG: Was the construction completed?

DRISCOLL: Yes.

URDANG: Was part of that construction the reconstruction of the existing driveway on the westerly side of the house, as you are looking at the house, to the left. There was an existing driveway that you changed?

DRISCOLL: Right.

URDANG: As Mr. Ten Hoeve pointed out, did the configuration of that driveway, as reconstructed, did that change?

DRISCOLL: Compared to what our plot plan, what we had originally suggested, yes, it had.

URDANG: How did that come about?

DRISCOLL: Well, we had always backed out, but it was a straight back out, almost 50 to 70 feet, and it was dangerous either way. That is the plan that we submitted. The people putting in the driveway said you really should have a turnaround. It is a safety feature. Is was a no-brainer. Considering the history we have had there over the years, and since it has been done, it is truly a thumbs-down safety feature.

URDANG: We go than, at the time that was installed at the recommendation of your contractor, did you have any idea that implicated any kind of a variance?

DRISCOLL: No, I didn't. I did not. I just thought that because it was just a turnaround, it was a simple turn from both driveways right into that area and then we could go out face forward. Believe me, it is not what my mindset was. It was just a safety issue and he thought that it was a must to do. We both agreed and I think, folks, if you look at it, you will surely agree, versus backing out and to back out on to Rivervale Road, at that turn, we raised 4 children there and it is a tough turn and to back out, we

have had our accidents, besides the beeps and whatever, to come face forward it is night and day.

URDANG: Lets put a little bit of a sharper point on that. As you are coming out of the driveway, and going towards the right or to the west.

DRISCOLL: North or south, either way. Then of course, I don't mean to interrupt.....

URDANG: It is okay.

DRISCOLL: You have one each side coming down right, literally, right into the short drive. To be able to go out face first, and see all oncoming, and that is a tight road, and we are right on the bend. You know with the leaves out there, with the trees, I mean it is always been, we have been very careful with our children and believe me this was a great feature and we have never had it for all of these years that we were there.

Whether I am beyond the impervious surface, folks, if you could just look at it and see what it has afforded us in terms of safety, I think that you would agree. And, it was not our intention. The man doing the pavers said this is what you should do, and we had never thought of it and that is why I am not a builder. It was well worth it.

URDANG: What has your experience been leaving your property via that driveway since the installation of that turnaround area?

DRISCOLL: It is a lot more comfortable. Very simply, it is a lot more comfortable.

URDANG: Do you find that when you come to the street, that you have a greater line of sight?

DRISCOLL: It is, really, I mean you are coming out looking forward instead of backing out and to back out onto Rivervale Road, the car was inevitably out into the road before, and I always a clear sign of sight, a clear line, with clearing the trees and what have you and it is still just a tough road.

I think folks that you are familiar with the town. It is right there on the turn. For people it is a cut-through from Rock to Riverside to Morningside, up to Rivervale. Believe me it is well trafficked road.

URDANG: How about at the end of that driveway, where there is the flaring out, is that something that has a given you additional safety?

DRISCOLL: That was always the case since Charlie Naden owned it. I am not sure if you are familiar with Charlie, but anyway, he was a former police officer her in town. It was always flared out and if you come straight out, if it was directly, not that I would, it has never been like that, it was always the way that it is. When you come out and if you can turn to the left or to the right, of course, it increases your sight line.

URDANG: Okay, you are saying that it has always that way? So, when the driveway was reconstructed, it was really reconstructed in the same way?

DRISCOLL: Exactly. It was always that way.

URDANG: What about the driveway on the right hand side as you are looking, or the easterly side, that is a much shorter driveway, is it not?

DRISCOLL: Yes.

URDANG: What is that used for at this time?

DRISCOLL: At this time, when our children, grandchildren come by, that is basically where they park.

URDANG: They use it to park their cars?

DRISCOLL: Yes.

URDANG: So, it is basically a tandem parking, one behind the other.

DRISCOLL: Yes.

URDANG: Two cars maybe three?

DRISCOLL: Three cars.

URDANG: Is that a driveway, you say you have lived in the house for 28 years, was that driveway there when you purchased the house?

DRISCOLL: Yes, actually the driveway went all the way around the house, when we first moved in. Literally all the way around the house.

URDANG: In essence, this a remnant of that driveway that has always existed?

DRISCOLL: Yes, we did shorten that for the children and then Marge and I have space.

URDANG: Now, as far as you know, in connection with the construction, that came after the variance was granted, were there any drainage appurtenances put into your property?

DRISCOLL: Yes, prior to that all the leaders just ran off of the home. We were required to put 2 ditches, I mean 2 tanks in.

URDANG: Seepage pits?

DRISCOLL: Yes. I mean 10 by 12, two of them. All of the leaders run to that. Any runoff that I ever had, is now all then put entirely into these pits. I understand they are concerned about the water runoff. Well, anything that was prior is now contained more than ever. Every leader, I have, runs into those pits.

URDANG: Since the installation, since that new construction, including the turnaround and everything else, have you experienced any difficulty in removal of water from the property? It all goes into this seepage pit?

DRISCOLL: Yes.

URDANG: Okay. Also, in connection with the construction, and what existed prior, is there extensive landscaping around the .....

DRISCOLL: Yes, it is very well landscaped, and maintained.

URDANG: We would ask the Board to look at the pictures that have been submitted.

TEN HOEVE: Those we have....

URDANG: I don't believe that I have anything else.

TEN HOEVE: Your client is testifying that the curb cut hasn't changed? Is that correct? What is there now is what was there before?

DRISCOLL: That is exactly right. It is preexisting.

TEN HOEVE: I can say that it actually looks like that, if you compare the survey that was submitted at the time of the prior application, and the as built survey. It looks like they are the same. If anything, it even looks a little wider on the .....

DRISCOLL: I am not sure if you remember Charlie Naden, but he was the prior owner and he was a Sergeant here in town, the driveway went all the way around the house.

TEN HOEVE: Yes, I am just saying for the Board's edification, it looks like the curb cut that existed at the time of the prior variance, is the same as that which exists now. If that survey was accurate.

VON DER LIETH: I just want to make a point, without being to the house, without that turnaround, because you do have 2 curb cuts, but it is not a circular driveway, correct? So you, there is really no place to go except back out or pull in?

DRISCOLL: Exactly.

TEN HOEVE: What do you use that separate drive area for?

DRISCOLL: My children and grandchildren.

URDANG: They come to visit, you testified that they can park.

VON DER LIETH: Do any of the other Board members, I mean, look its, I know that house and I know that street. I know how people cut through to get over to East Brook. It is tough. Obviously, having a turnaround is, the advantage of going out head first, as opposed to backing out, is a big advantage, I understand that.

CAPILLI: Just looking back on when you came in for the application a few years ago, and maybe if we had this conversation with your builder, your driveway guy had suggested that, you would have, I am assuming that you would have had this in your plans and you would have asked for this variance, which we wouldn't be taking about. We would have talked about it 3 years ago. Does it come close to the property line or is just the issue of impervious coverage?

TEN HOEVE: No, there is technically 4 issues. The 2 curb cuts, which the testimony is that it is preexisting. The excessively wide curb cut for the remodeled driveway, which testimony is that it is also preexisting. The impervious coverage, this driveway, the new driveway, is significantly larger in overall dimension then the driveway that was submitted for approval, so it now results in an impervious coverage variance. Then the final issue is the turnaround, which may extend, and I can't tell from the drawing and the Engineer is not here, but if a variance is required for that, they are asking for a variance for that as well.

CAPILLI: The turnaround is what configures to the impervious coverage, though?

TEN HOEVE: And to the extending beyond the width of the garage. That creates both of those variances.

CAPILLI: I am just conceivably and some of use were on the Board back then, and some of weren't. The Chairman wasn't, that the applicant could have come in a few years ago and said I need it. And, we would have discussed it a few years ago and it would have, and in this case, at that time it was a safety issue, and we may have or may not have approved it. I think that I would have based on what was described and they way that road, and I do know that road. I was there this afternoon.

VON DER LIETH: Prior to this where you backing out, prior to the..... You were.

DRISCOLL: Yes, and we have had our share.

VON DER LIETH: How much wider is the driveway physically? I mean is it wider than what was on the original resolution?

DRISCOLL: No, it really is not that, maybe the pavers make it appear that, but the blacktop, itself, is no wider, other than the turnaround.

TEN HOEVE: The survey shows it to be wider. It is wider.

DRISCOLL: Well, that might be with the paving stones, sir.

VON DER LIETH: With the Belgian Block?

TEN HOEVE: The prior survey was straight until you reached just about the point of the covered porch, then it widened to meet the garage. The current survey shows that it meanders a bit. It is not a straight driveway. It is certainly wider, I don't have a scale, but it is wider by several feet throughout the whole length of the driveway as well.

RAMAN: I have a question. Earlier the leaders, you said, that they were just discharging on the side of the house. Were some of them discharging on the driveway?

DRISCOLL: No. None actually discharged directly on to the driveway, because the home is surrounded by landscaping and it was all into the soil itself. But, all of them, now, go into a leader that goes into the pits. Eventually, that water, I would imagine did go to the driveway, but now they all go into these huge pits. This was a big job.

VON DER LIETH: Are there any other questions from the Board members? Okay. Oh, yes, is there anyone here from the public to speak on this? Okay. I was just going to say that a safety issue like this is really, it is just having you come in and explain what is going on.

DRISCOLL: Thank you. You have seen the property. It really, I think, it improved the property itself.

WALKER: Oh, it is great.

VON DER LIETH: It is terrific. So, you can contact Mrs. Beer, well Mrs. Beer won't be here until Thursday. You can contact her Thursday, to find out how we decided. Yes, you are more than welcome to stick around after, if you would like. That is up to you.

TEN HOEVE: I don't think it is necessary. Mr. Urdang, I don't think it is necessary.

VON DER LIETH: Yes, I think that everything is fine. You are good to go.

URDANG: Thank you.

VON DER LIETH: I just wanted to say that Case 11-24, the application, if anyone is here for the Charles and Stacy Dellavolpe, is not going to be heard tonight. Okay.

TEN HOEVE: We just need to announce it so that they don't have to notify anybody again.

VON DER LIETH: We have some resolution to be voted on tonight. The first one, we have a resolution in the affirmative.

**OLD CASES:**

<b>CASE:</b> 11-22 <b>Block:</b> 1508 <b>Lot:</b> 3	Application of <u><i>Thomas and Concetta Desiderio</i></u> , 55 North Maple Avenue for <i>Use</i> variance to expand an existing two-family house and Floor Area Ratio, retaining walls, driveway variances and soil moving application. Hearing held October 18, 2011. Determination forthcoming this evening.
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**WHEREAS, THOMAS & CONCETTA DESIDERIO** (hereinafter referred to as “Applicant”), being the owners of premises known as 55 North Maple Avenue in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lots 3 and 4 of Block 1508 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 to construct an addition attached to the existing nonconforming two-family dwelling located on the premises, as application requiring the following variances:

- (a) A variance from the provisions of Section 101-23(B) of the Zoning Ordinance requiring that all driveways be paved with asphalt or paver materials;
- (b) A (d) variance to permit the construction of an addition resulting in a floor area ratio greater than the permitted in the R-10 Zoning District in which the property is located, both with regard to the FAR percentage limits and the maximum 3,333 square foot limitations imposed by the Ordinance. Applicant proposes a FAR of 36.6% and a total square footage of 3,425.00 square feet;
- (c) A variance from the provisions of Section 101-23(C) to permit a driveway nearer than 10 feet to any other driveway on an adjoining parcel and to permit two driveways on one lot that are nearer than 40 feet to each other;
- (d) A variance from the provisions of Section 101-23(D) to permit a driveway that is nearer than 5 feet from a property line;
- (e) A variance from the provisions of Section 101-21 of the Zoning Ordinance requiring that retaining walls be set back a minimum distance of eight (8) feet from any property line; and

WHEREAS, the Applicant further requires a soil moving permit pursuant to the provisions of the Park Ridge Soil Moving Ordinance based upon the amount of soil to be exported from the site; 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 plot plan and soil erosion control plan describing the proposed improvements to the premises prepared by Azzolina & Feury Engineering, Inc., Licensed Engineers of the State of New Jersey, said plan having been reviewed and approved by the Borough Engineer, and

WHEREAS: a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on October 18, 2011, upon due notice as required by law; and

WHEREAS, the Applicant has submitted a Site Plan describing the proposed improvements also prepared by Azzolina & Feury Engineering, Inc., said plan last revised to June 22, 2011; and;

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

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 55 North Maple Avenue in the Borough of Park Ridge. The within application is the second application submitted to the BOARD, a hearing having previously been held in connection with the initial application earlier this year. At the initial application, Applicant testified that the home located on the site is a nonconforming, preexisting two-family dwelling, a dwelling that has always been occupied as a two-family use, a use that is in violation of the single family use provisions applicable to the R-10 Residential Zoning District in which the premises are located. While the testimony and documents reviewed by the BOARD raised some concerns as to whether the premises were occupied as a three-family use, and while some evidence was presented to the BOARD to establish that the premises were occupied by three families in violation of the Zoning Ordinance and not a preexisting use, the BOARD finds that since 1994, when the Applicant purchased the property, the home has only been occupied as a two-family dwelling. The BOARD is also aware of prior continuing certificates of occupancy issued by the Borough confirming that the dwelling is a preexisting, nonconforming two-family dwelling.
2. Applicant previously testified that both rental units in the home had been rented out to tenants and that the dwelling was not owner occupied. Applicant has now moved into the home and plans to occupy the dwelling as an owner-occupied, nonconforming two-family dwelling, with the Applicant occupying the basement and first floor of the dwelling and with the Applicant renting out the second floor unit of the dwelling.
3. Applicant had previously submitted a proposal to the BOARD seeking permission to construct a large addition to the existing dwelling. The size and scope of the prior application required the grant of several bulk variances including coverage variance, a height variance, an impervious surface variance and a floor area ratio variance substantially greater than that requested in this second application. Applicant has greatly reduced the size of the proposed addition to the first floor of the dwelling. While the Applicant's decision to scale down the proposed expansion still necessitates the grant of the variances outlined above, the more significant variances relating to building coverage, building height, impervious coverage and a greater floor area ratio variance have been eliminated.
4. As shown on the revised plans submitted to the BOARD, the Applicant seeks to construct a first floor addition to provide added space only for the owner-occupied portion of the two-family dwelling. Applicant presented the testimony of a licensed architect to describe the modifications to the prior proposal. Applicant's architect confirmed that the Applicant had reduced the size of the development in accordance with prior comments from the BOARD. He noted that the addition was being constructed entirely to the rear of the home and that the addition would not impact the streetscape of the home or the visual appearance of the home to others in the neighborhood or passing by the home. He observed that the rear yard of the property provided the greatest opportunity for expanding the home and resulted in the least impact on any neighboring dwellings. He described foliage and natural buffers that existed along the rear line.
5. Applicant's architect further noted the minimal impact resulting from a grant of the requested floor area ratio variance. He stated that the new addition resulted in a dwelling that was but 620 square feet larger than permitted and observed that the site could easily accommodate this additional dwelling space. He stated that a reduction in the size of the addition by 620 square feet rendering the dwelling in compliance with floor area ratio limitations would not alter the appearance of the home in any significant way.
6. Applicant's architect also provided testimony with respect to the variances required for driveway and retaining wall location. He noted that the size of

the proposed garage door had been enlarged to make it easier for a car to exit the garage. He stated that the new garage provided an enclosed parking area rendering the dwelling in compliance with zoning ordinance requirements that at least one enclosed parking space be provided, observing that the enclosed parking area provided public benefit as well as a benefit to the occupants of the dwelling. He also stated that the proposed retaining walls, while closer to property lines than allowed, were very low, with no portion of the walls exceeding 3 feet in height.

7. A resident, Carl Lindstrand, who had testified in opposition to the application when first submitted to the BOARD, again appeared and testified in favor of the application. He stated that the reductions in size of the proposal eliminated his prior concerns. He further stated that he welcomed the proposed development since the modifications would result in substantial aesthetic improvements to the entire dwelling.
8. The BOARD finds that there are substantial reasons justifying the proposed improvements and supporting a decision to grant the requested variances. The Applicant does face a unique situation with respect to the narrow width of the lot, the fact that the lot is improved with a nonconforming two-family dwelling, the existence of a nonconforming bulk conditions on the property. The BOARD further finds that the proposed improvements will achieve goals and objectives of the Municipal Land Use Law. Seepage pits will be installed where none currently exist. An enclosed parking area will be provided where none currently exists. Substantial
9. The BOARD is also cognizant of provisions of the Park Ridge Zoning Ordinance that permit the Applicant to expand the existing nonconforming use if only the owner occupied portion is to be expanded, provided that no additional variances are necessitated by the expansion. The BOARD finds that the requested bulk variances can be granted under a C variance analysis.
10. The BOARD further finds that the variances can be granted without any substantial negative impact. Applicant's architect testified that the driveway locations, necessitated by existing conditions including the location of the existing dwelling, would no have any negative impact on surrounding properties. He further observed that occupants of the home could utilize the driveway in a safe manner, particularly with the proposed over-wide garage door. He also stated that the proposed retaining walls would have no negative impact on neighboring properties. Finally, he testified that the requested floor area ratio variance could be granted without any negative on the goals and objectives of the Park Ridge Zoning Ordinance floor area ratio limits.
11. The BOARD further finds and concludes that a decision to grant the requested variances will not result in substantial detriment to the public good and will not result in a substantial impairment of the zone plan and Zoning Ordinance. The BOARD thus finds that there will be no negative impact flowing from a grant of the requested variances.
12. Applicant also filed a request for a soil moving permit, having provided testimony and soil moving calculations to the BOARD Engineer. The BOARD Engineer stated that the calculations were satisfactory subject to the Applicant's compliance with soil moving conditions set forth hereinbelow.

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 requested variances and soil moving permit 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 improvements 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 improve the existing additional tenant driveway/parking area by paving the apron of the driveway and by constructing the remaining portion of the driveway/parking area with pervious pavers of a type subject to the approval of the Borough Engineer. Applicant shall not be permitted to maintain the existing gravel conditions of said drive/parking area. Said driveway/parking area shall be maintained for use by the second floor tenant.
- E. The within approval is expressly contingent upon the Applicant taking occupancy of the first floor of the dwelling.
- F. Applicant's receipt of a Soil Moving Permit is specifically subject to the following conditions:
  - 1 The Applicant shall not move any soil to or from the site without first submitting to the Borough Engineer and to the Borough Police Chief a written plan detailing the manner in which soil will be moved from the site, the dates of soil movement, and the routes to be taken by vehicles removing the soil. No soil shall be moved from the site unless and until the Applicant receives approval from the Borough Engineer and the Police Chief for the Borough of Park Ridge with respect to said plans.
  - 2 Applicant shall also comply with any and all conditions or requirements imposed by the Borough Engineer with respect to erosion control, truck cleaning, or any other soil movement requirement he may deem necessary. These requirements may include specific conditions with regard to the maintenance of the tracking pad on the site and with respect to the cleaning of the Borough Streets, if required by the Borough Engineer.
  - 3 Applicant shall also move soil moving from the site in trucks filled to such weight as is deemed appropriate after consultation with the Borough Engineer. If the Borough Engineer determines that delivery vehicles should not be filled to capacity so as to minimize the possibility of damage to Borough streets, Applicant shall comply with said requests. In the event Applicant causes any damage to the street, Applicant shall provide repairs to same or compensate the Borough for the costs of any repairs.
  - 4 Applicant shall not move more soil from the site than as described during soil movement hearings as set forth in reports issued to the Borough Engineer. In the event Applicant requires the movement of additional soil,

Applicant shall return to the BOARD for subsequent hearings.

- 5 Applicant shall specifically comply with all soil movement and soil control requirements set forth on the plans reviewed by the Borough Engineer and described at the aforementioned hearing.
- 6 Applicant shall pay all required soil moving fees and post any required bonds.

The resolution was offered by Mr. Flaherty and seconded by Mr. Capilli.

**ROLL CALL:**

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

**Abstain:** None

<b>CASE:</b> 11-23 Block: 1705 Lot: 15	Application of <b><i>Richard and Theresa Weissenborn</i></b> , 2 Chadwick Court, for front yard variance to construct in-ground swimming pool in an R-15 residential zone on a corner lot. Hearing held October 18, 2011. Determination forthcoming this evening.
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VON DER LIETH: We have a resolution in the affirmative for this application.

**WHEREAS, RICHARD & THERESA WEISSENBORN**, (hereinafter referred to as “Applicant”), being the owners of premises known as 2 Chadwick Court in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 15 of Block 2705 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 swimming pool and surrounding patio area in a portion of the required front yard abutting Kinderkamack Road to permit the proposed swimming pool to be nearer to a lot line than the existing rear portion of the dwelling on the property; 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 Thomas W. Skrable, Licensed Engineer and Surveyor of the State of New Jersey, dated August 20, 2011; and

WHEREAS, a hearing was held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on October 18, 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, two residents appeared in support of 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 2 Chadwick Court in the Borough of Park Ridge. The lot is situated at the intersection of Kinderkamack Road and Chadwick Court, thus Applicant is required to comply with the front yard setback

requirements of the Zoning Ordinance (30 feet). The Zoning Ordinance further provides that no portion of the swimming pool may be nearer to a lot line than the rear wall of an existing dwelling on the site. Applicant seeks to construct the proposed pool nearer to the Kinderkamack Road lot line than the existing dwelling. Portions of the pool will also be but 27.7 feet from the Kinderkamack Road lot line, thus encroaching into the required Kinderkamack Road setback.

2. Applicant testified that there were several reasons why it was necessary to construct the pool in the requested location. Initially, Applicant noted that there was a substantial berm and landscaped buffer along the Kinderkamack Road property line while no such buffer existed along the opposite property line. In addition, Applicant stated that a vinyl fence existed along the Kinderkamack Road property line forming an additional buffer. Applicant further testified that the topography of the lot created a situation where the proposed pool location constituted a superior alternative to other possible locations. Finally, Applicant testified that moving the pool nearer to adjacent properties would result in a potentially greater negative impact on adjacent properties.
3. Applicant also requires a variance for the location of the proposed pool equipment. As noted on the plans provided to the BOARD, the proposed pool equipment is attached to the side of the existing dwelling. Applicant stated that the proposed location of the equipment would also have the least significant impact upon any adjacent property owners.
4. The BOARD also notes that while a portion of the pool and patio extend into the required Kinderkamack Road setback, a substantial right of way (approximately 15 feet) exists between the Kinderkamack Road property line and the Kinderkamack Road curb line. In essence, the pool will appear to be a distance of over 45 feet from Kinderkamack Road.
5. Two owners of adjacent parcels also appeared at the hearing and testified in favor of the application. Both residents indicated that they believed that the proposed pool location constituted the most appropriate location for the pool and equipment.
6. The BOARD finds that the Applicant faces a unique condition by virtue of the fact that the property is located on a corner lot, the topography of the lot and the location of the existing dwelling. This unique condition satisfies the positive criteria required for the grant of a variance.
7. The BOARD further finds that the decision to grant the proposed variances will have no negative impact whatsoever. While variances are required, the impact of the variances are mitigated by the substantial existing buffer and the substantial size of the Kinderkamack Road right of way. The BOARD finds that the proposed pool is best situated where proposed.
8. The BOARD thus 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 Kinderkamack Road setback variance, and a variance from the accessory structure provisions applicable to pools and pool equipment to permit the construction of the proposed pool 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. The Applicant shall provide all required pool fencing subject to the approval of the Borough Construction Official.

The resolution was offered by Mr. Capilli and seconded by Mr. Flaherty.

**ROLL CALL:**

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

**Abstain:** Mr. Raman

**NEW BUSINESS:**

None

**CORRESPONDENCE:**

N. J. Planner re: September 2011 - distributed

**APPROVAL OF MINUTES:**

The Chairman entertained a motion that the August 16, 2011 minutes be approved as submitted. So moved by Mr. Capilli and seconded by Mr. Galdi.

**ROLL CALL:**

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

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

The Chairman entertained a motion that the September 20, 2011 minutes be approved as submitted. So moved by Mr. Raman and seconded by Mr. Walker.

**ROLL CALL:**

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

**Abstain:** Mr. Capilli, Mr. Flaherty, Dr. von der Lieth

**VOUCHERS:**

Minutes of the Park Ridge Zoning Board of Adjustment  
Meeting of November 15, 2011 – Page 23

<b>Burgis Associates, PP</b>	
37 Park Ridge, LLC	\$ 36.35
P. R. Board of Education	1,667.50*
<b>Brooker Engineering, PE</b>	
Desiderio	720.00
P.R. Board of Education	320.00
P.R. Board of Education	160.00
Desiderio	320.00

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

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

**ROLL CALL:**

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

**Abstain:** None

**DISCUSSION OF APPLICATIONS:**

The first application to be discussed was for *Thomas Driscoll*. The members felt that they did not have any problems with the application and felt that a resolution of approval could be drawn for the next meeting.

The BOARD then discussed the application of *Felix Rizo*. They felt that he is assuring the construction will meet the code. They felt that they had enough information that they could grant, with conditions, the variances. They felt that they would rely on the construction official to make sure that the finished product is safe and meets the code. They did feel that they would want to have access to inspect along the process. They agreed that there are sufficient inspection points in place to be able to stop the applicant from going forward with the project if the codes are not being adhered to.

**ADJOURN:**

There being no further business to come before the Board, by motion of Mr. Capilli and seconded by Mr. Galdi, the meeting was adjourned at 9:05 pm.

Respectfully Submitted,

Margot Hamlin,  
Transcriber