

****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, December 20, 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, Mr. Galdi, Mr. Hoskins, Mr. Raman, Dr. von der Lieth, Mr. Walker

Absent: Mr. Sandler

Also Present: John Ten Hoeve, Jr., Board Attorney
Brigette Bogart, Professional Planner
Eve Mancuso, Professional Engineer
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.

NEW CASES:

<u>CASE:</u> 11-24 Block: 2406 Lot: 22	Application of <u>Charles and Stacy Dellavolpe</u> , 11 Sturms Place, for front yard variance to extend porch and stairs across front of existing house. Re-scheduled to December 20, 2011 due to lateness of Notices.
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WALKER: Mr. Chairman, I have the following items to be marked into evidence in regard to this application.

- Item 1 is the application dated 10/25/2011.
- Item 2 is certification of service dated 11/07/2011.
- Item 3 is legal notification dated 11/04/2011.
- Item 4 is proof of payment of taxes dated 11/07/2011.
- Item 5 is the deed dated 6/27/2011.
- Item 6 is the survey dated 6/21/2011.
- Item 7 is Board secretary letter dated 11/22/2011.

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

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

C. DELLAVOLPE: I do.

S. DELLAVOLPE: I do.

TEN HOEVE: Please state your names and address.

S: DELLAVOLPE: Stacy Dellavolpe, 11 Sturms Place, Park Ridge, NJ.

C. DELLAVOLPE: Charles Dellavolpe, 11 Sturms Place, Park Ridge, NJ.

VON DER LIETH: How are you doing?

S. DELLAVOLPE: Good, how are you?

VON DER LIETH: Would you be so kind as to just take us through what you would like done?

S. DELLAVOLPE: Sure. We purchased the home, as you can see from the survey, in June of 2011, from the original owners. It is all original inside and what we have set out to do is, actually, we are in the process of doing huge renovations to the home and updating it completely from inside to out. We are making it, I guess, more modern, more appealing and something that more fits our family.

We were looking for a home for a very long time, and we were very happy to settle in Park Ridge. It was our first choice for towns. We already had our kids in the school systems, involved in sports programs, so this is where we are staying. We plan to pretty much stay here for the rest of our lives. We are putting our hearts into this addition, so it is something that we are going to be here for a while.

Like I said, we have permits. We are doing work and one of the things that we decided as a last minute was to extend the porch from what it is now, to run across the house. So, it would be a true front porch as well as put front stairs going from the home towards the street, mainly for accessibility and safety issues. Our driveway, as I am sure that you will see when you go there, the closer you go to the driveway the more sloping the land is. So, that driveway slopes downward, which can get pretty treacherous in bad weather.

I know when we went trick-or-treating in town, with the storm, we had to walk up and down peoples driveways, that didn't have front access and especially with all the downed wires and everything, it was a real safety hazard. We have some folks in the family with accessibility issues and seniors, we have some wheelchair bound family members, so, the idea is to, that is the straightest part of the property, so we could have a nice straight level entrance and not have to worry about people going up and down the driveway.

C. DELLAVOLPE: Yes, I was just going to add, that it is really the only flat portion of the property, is the front yard. So to go straight in is really ideal for our situation with aging family members, some younger, as my wife mentioned, that our wheelchair bound.

VON DER LIETH: That makes sense. Did anyone here have any questions? Have they been by to see? I saw it. It makes sense.

HOSKINS: I saw it also. I was by there today and it does make sense.

FLAHERTY: You are having a lot of work done on that home?

C. DELLAVOLPE: It is all original, from, I believe, the original owners.

FLAHERTY: This is for my own education, is thus something, I don't know, does it have to match up to the Americans With Disabilities Act? Like is it that kind of a
.....

S. DELLAVOLPE: We are not going to put in any kind of a ramp, necessarily, but my niece is in a wheelchair from an accident that she had. Trying to get her up and down a side stairway, on sloping property, is a little bit more comfortable for her to go straight up.

C. DELLAVOLPE: I am be pretty direct. As far as family functions, and she has always been out going and part of the family. She doesn't attend them anymore because many of the homes that our other family members are in, are not overly accessible, and

she is petrified. So, we talked about it pretty long and hard and she is my wife's Goddaughter, and they are very close and we want her to get out and participate in those types of things. So, from our perspective, it is.....

S. DELLAVOLPE: We are just trying to make it easier, is really what it comes down to. I am not going to put in and ADA compliant ramp, especially because of the elevation, but being able to go right up, even for the older members of the family, to try to walk down that driveway, is a little bit hard.

WALKER: How high off the ground is the porch? It seems to be a lot of stairs going out to the front. So, I am just wondering how high off the ground it is? Does it need a lot of stairs.

S. DELLAVOLPE: I had the elevations. We did do, we had the survey done. Originally we did have the points of elevations done. I don't know if you can see them on this particular survey that I had sent in. I believe that the porch in that front area is about 3 to 4 feet.

C. DELLAVOLPE: I was going to say 4 feet. That is what I recall.

WALKER: So, there was always stairs in the front? That is not a ramp?

S. DELLAVOLPE: No, it is all stairs in the front.

WALKER: How many inches are the risers? It just look like a lot of stairs for 4 feet.

S. DELLAVOLPE: The way the stairs were drawn, actually, when you are at the house, you can see, it kind of slopes. That front porch is a little flatter and it slopes in towards the house. So, the further out, actually, we are hoping the higher it will go and the less stairs that we will need. The plan is actually drawn to the elevation at the bottom of the house, right at the front door, which is a lower elevation than when you come out 6 feet. Right now, I think that they are estimating 7 stairs and I do hope that we can get it down to like 6, --5 or 6 hopefully.

RAMAN: Are there any drawings regarding these stairs?

TEN HOEVE: We don't have them, but I think that she has a sketch there.

S. DELLAVOLPE: I do have that, sure.

CAPILLI: Is it to scale?

S. DELLAVOLPE: They can't measure it, no.

TEN HOEVE: While you are doing that, will this be a covered porch? It will have a roof:

C. DELLAVOLPE: Yes.

RAMAN: (Having conversation with applicant, but microphone not on. Can not hear conversation)

VON DER LIETH: Do you mind if we pass that around just for us to take a look at? We will give it back to you.

TEN HOEVE: Are there other questions, or...?

S. DELLAVOLPE: Do you want to see what is being proposed now, currently, or does it not matter?

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WALKER: Do you have any idea of the width of the stairs? This looks like a fairly narrow, maybe 4 feet across. This looks like it is maybe 6 or 7.

S. DELLAVOLPE: I have, I mean on the survey, it is drawn to scale. Unfortunately I don't have my handy dandy ruler that I carry since we started this. I do believe that the width of the stairs is approximately 6 feet. I do believe so.

HOSKINS: How wide are they now?

S. DELLAVOLPE: In the existing home? The way that it is now, there is more of a gradual. It goes across the side and then there is a step up to a stoop, and then you step up to the house. But, we are raising the door, because it is a bi-level and we are making it a colonial, so we are actually raising the door up. It is the same amount of stairs that are approved now, is what we will be doing as far as the porch raising. We are hoping to eliminate a stair by building it out and bring it closer to a higher elevation.

VON DER LIETH: So this is basically the same drawing as what you have right there. It is just a copy of it, right?

S. DELLAVOLPE: This is what was approved. This is what we could do without requesting a variance.

VON DER LIETH: Got it.

TEN HOEVE: I have one other question. Will this be nearer to street than homes on either side or in the neighborhood, or will it be roughly the same as other dwellings?

S. DELLAVOLPE: Right now, the home, the stoop the home now, is actually 6 feet from the house and then there is a 4 foot walkway, so it actually will be around the same that is existing because the stoop will be replaced by the porch, which is 6 feet and then the 4 or 5 feet that the actual walkway is will be replaced by steps.

TEN HOEVE: My question was in comparison to homes on either side of you, is this going to be relatively similar with the porch on, or is it going to be much closer to the street than they are?

C. DELLAVOLPE: I am sorry, that is why I was kind of pointing over here. You can pass that around, but I think it is fairly recent. This is another home right around the corner. This one here. I think it is.....

S. DELLAVOLPE: To the homes around us, it will be similar.

TEN HOEVE: Similar, that was my only question.

VON DER LIETH: Does anyone else have any questions?

TEN HOEVE: The only suggestion that I would make, this was an application that was going to be heard last month, and couldn't be heard because there was a technical defect with regard to the notice. The Board, in the past, has adopted resolutions and then memorialized the resolution, which would enable the applicant to get a building permit without having to wait for another month's meeting. If the house is under construction, now, and timing is important, if the Board is inclined to grant the application, than I would suggest that they consider doing that.

S. DELLAVOLPE: We were going to mention that. That would be very helpful, because they are actually there now.

VON DER LIETH: Okay, well I think you very much. You can call Mrs. Beer in the morning and find out, but if everyone else right here are pretty good.

TEN HOEVE: We could have a motion right now.

BEER: Mrs. Dellavolpe.

VON DER LIETH: Can we have a motion to approve.

WALKER: I make a motion to approve the applicant's application.

HOSKINS: I will second that.

ROLL CALL:

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

Abstain: None

PENDING CASES:

CASE: 11-13 Block: 1103 Lot: 10	Application of <u>Felix Rizo</u> , 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. Determination forthcoming this evening.
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WALKER: I would like to add to the record. I have a certification from Tom Hoskins, that he has listened to the original tapes of the Zoning Board of Adjustment meeting from November 15th.

VON DER LIETH: Thank you Mr. Walker. Can I just say something before this, just to make sure that, John, everything has been taken care of, that we were wanting to be taken care of with this?

TEN HOEVE: It is a condition in the resolution, so that... there are variances that were granted, but they are conditioned upon the applicant complying with all the requirements of the Borough Construction Code Official, including that he has to expose the entire existing footing that had been constructed without permits. No building permit can be issued for work unless he secures written confirmation from the Construction Code Official, that the footing has been properly constructed. In the event that the Construction Code Official requires him to remove and replace it, he will have to do that. He has to remove the existing floor joists and install a concrete slab. He has to cut away the sheetrock to allow the roof rafters to be secured with hurricane rafter ties.

He has to install hardwired smoke detectors. Electrical work has to be inspected before he can do any further work. He has to supply a complete set of work drawings, which will comply with all sub-code requirements. He can't do any of this remedial work without having all of that first checked.

VON DER LIETH: Okay. I am glad we have that in there. Okay, that being said, we have a resolution in the affirmative.

WHEREAS, FELIX RIZO, (hereinafter referred to as "Applicant"), being the owner of premises known as 33 Midland Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also known as Lot 10 of Block 1103 on the Tax Assessment Map for the Borough of Park Ridge, had previously applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE seeking several variances from the terms and provisions of the Zoning Ordinance of the Borough of Park Ridge, specifically, front yard variances, a rear yard variance, a building coverage variance, a maximum impervious coverage variance and a Floor Area Ratio variance to permit the construction of an addition to the single family home existing on the premises; and

WHEREAS, said application was denied after several hearings before the BOARD, said denial having been memorialized by a Resolution of the BOARD adopted in May of 2011; and

WHEREAS, the Applicant has revised his application, reapplying to the BOARD seeking a front yard variance, a rear yard variance, a floor area ratio variance and a building coverage variance to allow for construction of the modified addition; 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 revised plan describing the proposed improvements to the premises prepared by R. L. Engineering, Inc., Licensed Engineers of the State of New Jersey dated May 11, 2011, and last revised on May 17, 2011; and

WHEREAS, hearings were held before the ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE duly convened on October 18, 2011 and November 15, 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;

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 33 Midland Avenue, Park Ridge, New Jersey. Applicant had previously partially constructed an addition to the home without having secured building permits or zoning approvals. Applicant then applied to the BOARD seeking several variances, however, the BOARD denied the application finding that the Applicant had failed to present sufficient proofs to justify the grant of the requested variances. The BOARD further found that the applicant had failed to permit critical inspections of the work that had been done on the premises, inspections required by both his own expert architect and Borough Building officials.
2. Applicant has now returned to the BOARD with a revised plan seeking a front yard variance, rear yard variance, building coverage variance and a floor area ratio variance. The property is a corner lot situated at the intersection of Randolph Street and Midland Avenue. The lot is substantially undersized, having an area of but 4,075 square feet rather than the 15,000 square feet required in the R-15 Zoning District. The property also has but 50 feet of frontage on Midland Avenue and 78 feet of frontage on Randolph Street. There are also numerous existing nonconformities on the property. The current home is 237 feet from a property line. The home also encroaches into the required Randolph Street front yard.
3. Applicant's revised proposal will result in a deck located in the side yard that will extend 6.9 feet from the property line. The new addition will be situated 6.3 feet from the Randolph Street lot line. The addition will be 37.5 feet from the rear lot line. The addition will provide a building coverage of 23.7% rather than the maximum 20% allowed. Finally, the addition will result in a floor area ratio of 31.87% as opposed to the maximum 25% permitted in the Zone,
4. The BOARD received a report from Brigitte Bogart, Borough Planner, commenting on the requested variances. She noted that the resulting floor area for the home and addition will be but one-third of the maximum permitted in the Zone, hence the structure would not be oversized for the neighborhood. She further commented on the extreme undersized nature of the lot, a condition that justified permitting a building coverage in excess of that permitted by the limiting schedule applicable to the R-15 Zoning District. She also stated that the entire lot

depth was but 82 feet, observing that if the applicant were required to comply with the 30 foot front yard setback and the 45 foot rear yard setback the resulting building envelope would be but 7 feet wide. Similar observations were made with respect to the Randolph Street setback requirements.

5. The Applicant also presented the testimony of David Spatz, Licensed Planner of the State of New Jersey. Mr. Spatz noted that there was no way for the Applicant to acquire any additional land to eliminate or reduce nonconformities since the lot was situated on a corner and since adjacent parcels were fully developed. He stated that the unique size of the lot, coupled with the location of the building on the lot, resulted in a hardship to the Applicant thus satisfying the positive criteria required for the grant of a (c) variance. He stated that the extreme undersized nature of the lot, coupled with the small size of the existing dwelling (even including the addition), resulted in a situation where the grant of a floor area ratio variance would not conflict with the goals and objectives underlying the floor area ratio restrictions of the Zoning Ordinance. Mr. Spatz essentially confirmed the Borough Planner's opinion that the resulting structure, even considering the non-complying floor area, would not be out of character with other homes in the neighborhood.
6. Mr. Spatz further testified that a decision to grant the variances would have no negative impact whatsoever on the Zoning Ordinance, the Zone Scheme or Plan and the Master Plan. The proposed addition would only be slightly closer to the Randolph Avenue lot line than the existing structure. The resulting floor area of the structure would be less than on-half of the maximum permitted in the R-15 Zoning District. Existing screening also provided a buffer for residents.
7. During the hearing, BOARD members expressed a concern with the Applicant's willingness to comply with specific building requirements noted by prior Borough Officials and the Applicant's experts. Accordingly, the BOARD requested that the Borough Construction Code Official inspect the property and provide a report as to the condition of existing improvements and the need for modifications to the structure, if any. The Borough Construction Code Official conducted an inspection and provided the BOARD with a report dated October 30, 2011, a report reviewed by the BOARD and the Applicant. The Applicant specifically testified at the November 15, 2011 hearing that he would comply with all requirements set forth in said report if the BOARD were to grant the requested variances.
8. Based upon the report and testimony of the Borough Planner, the testimony of the Applicant's Planner, and a review of all evidence and testimony presented, the BOARD finds that the Applicant faces a unique condition by virtue of the fact that the property is a corner lot, is substantially undersized and is improved with a home that does not comply with several bulk restrictions applicable to the Zoning District. Most significantly, the lot is massively undersized, having an area of less than one-third of that required in the Zoning District. The home is also situated in a very non-complying location on the lot. These conditions create a significant hardship for the Applicant satisfying the requested variances. These conditions further support a decision to grant the requested floor area ratio variances. The improvements to the home will provide essential added living space, result in a home that is more consistent with other dwellings in the neighborhood, and will not violate the goals and objectives underlying the floor area ratio provisions of the Zoning Ordinance.
9. The BOARD further finds that a decision to grant the proposed variances will not result in a substantial negative impact. The current dwelling encroaches into several required yards. The new addition will not significantly increase any of these encroachments. The addition will have no negative impact on the neighborhood. 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 following requested variance subject to the specific conditions outlined hereinbelow:

VARIANCES

1. A floor area ratio variance to allow a floor area ratio of 31.87%
2. An impervious coverage variance to permit an impervious coverage of 44.84%.
3. A front yard variance to permit a front yard setback from Randolph Street of 6.3 feet.
4. A building coverage variance to permit a maximum building coverage of 23.7%.
5. A rear yard variance to permit a rear yard of 37.5 feet.

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 variances granted hereby are expressly conditioned upon the Applicant complying with all requirements of the Borough Construction Code Official including, but not limited to, the following express conditions:
 1. Applicant shall take whatever steps are required by the Construction Code Official to expose the entire existing footing for the addition that was constructed without permits. No building permit shall be issued for any additional work unless and until the Applicant secures written confirmation from the Construction Code Official that the footing has been properly constructed in all respects. In the event the Construction Code Official requires that the Applicant remove and replace the footing, Applicant shall be required to remove the existing addition and reinstall the new footing.
 2. Applicant shall be required to remove all existing floor joists and install a concrete slab poured to the finished floor height. Said concrete slab shall be subject to the inspection of the Construction Code Official.
 3. Applicant shall cut away the sheetrock ceiling at the outside wall to allow roof rafters to be properly secured to the outside plate with hurricane rafter ties.

4. Applicant shall install a hard wired 110V interconnected battery backup smoke detector in the new bedroom and connect same to each existing bedroom, including one on each level of the existing house.
5. All existing electrical work must be exposed for proper inspection as per any specific requirements of the Borough Electrical Inspector.
6. Applicant shall provide a complete set of working drawings which shall include structural, electrical and smoke detectors which shall be prepared by the Applicant and submitted with proper sub-code technical sections. All electrical work shall be done only by a New Jersey Licensed Electrical Contractor.
7. No remedial work shall commence without a construction permit.

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

ROLL CALL:

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

Abstain: Mr. Brennan

CASE: 11-25 Block: 2303 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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WALKER: I have another item to add to the application. I have a certification that Tom Hoskins has listened to the tape of the Zoning Board of Adjustment meeting of November 15, 2011.

VON DER LIETH: We have a resolution of approval for this application.

WHEREAS, THOMAS DRISCOLL, (hereinafter referred to as “Applicant”), being the owner of premises known as 67 Rivervale Road, in the Borough of Park Ridge, County of Bergen and state of New Jersey, said premises also being known as Lot 21 of Block 2302 on the Tax Assessment Map for the Borough of Park Ridge, previously applied to THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, (hereinafter referred to as “BOARD”), seeking a rear yard variance to allow the construction of an addition to the existing home; and

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

WHEREAS, Applicant had previously submitted various plans and renderings to the BOARD including a survey prepared by Kenneth J. Job, Licensed Surveyor of the State of New Jersey dated May 30, 2008, detailing the specific improvements to be made to the property, including the removal of a detached garage, the construction of a new garage and the construction of a new driveway servicing the new garage; and

WHEREAS, the BOARD granted the prior application, memorializing its decision in a Resolution dated June 15, 2008; and

WHEREAS, the Applicant constructed a driveway significantly larger than that described on the Applicant’s prior survey; and

WHEREAS, the Applicant enlarged driveway resulted in additional violations of the Park Ridge Zoning Ordinance, including an impervious surface coverage in excess of that permitted by the Ordinance, a curb cut greater than that permitted by the Zoning

Ordinance, the existence of two curb cuts and a driveway width extending more than eight feet past the existing garage; and

WHEREAS, the Applicant has returned to the BOARD seeking additional variances to permit the existing improvements to remain on the site; and

WHEREAS, the Applicant has submitted a revised survey detailing the actual location of the driveway servicing the dwelling, said survey having been prepared by Job & Job, Licensed Surveyors dated May 17, 2010; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on November 15, 2011;

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

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 premises located at 67 Rivervale Road in the Borough of Park Ridge. As noted above, Applicant secured a prior approval from this BOARD to permit the removal of an exiting detached garage, the construction of a new attached garage and the construction of a new driveway servicing the new garage.
2. Applicant previously submitted a survey that purported to locate the driveways servicing the lot, however, Applicant (upon the recommendations of the Contractor installing the driveway) constructed a driveway substantially larger than that shown on the plan approved by the BOARD. Said new driveway also results in an impervious coverage of 40.64%, rather than the maximum of 35% permitted in the Zoning District. The curb cut for the new driveway also exceeds the 18 foot permitted by the Zoning Ordinance.
3. The newly constructed driveway also extends beyond the end of the garage in a northerly direction for a distance that, while not specifically noted on the survey, is greater than the maximum eight foot distance permitted by the Ordinance. Finally, the Applicant has constructed the new driveway while permitting a small, previously existing drive area, a condition that violates the Zoning Ordinance limitation prohibiting more than one curb cut for a lot.
4. Applicant testified that he elected to modify the driveway based upon the recommendations of the contractor who installed the driveway. Applicant had previously been required to back down the driveway, which extends a considerable distance, and then back out onto Rivervale Road, a very busy street. Applicant testified that he frequently came close to having accidents and that the prior design of the driveway resulted in an unsafe condition. Accordingly, the contractor suggested that a turn around be provided along the northerly edge of the driveway, a turn around that now permits the Applicant to exit the garage, make a turn, and then proceed to exit on to Rivervale Road in a much safer manner.
5. Applicant testified that he was unaware of the fact that the driveway modifications would result in an increase in impervious coverage, an increase that would violate the Zoning Ordinance. Applicant further testified that he would have sought an impervious coverage variance at the time of the prior application had he been aware of the violation. In addition, Applicant further testified that at the time of the prior construction seepage pits had been constructed (with no prior seepage pits existing on the property), and that the seepage pits reduced water flow on the property.

6. Applicant further testified that the curb cut for the new driveway is a preexisting condition, identical to that which existed at the time of the prior application. Moreover, Applicant testified that the issue of the continuation of the second curb cut, also a condition that predated the Zoning Ordinance restricting the number of curb cuts on a lot, had been discussed at the time of the prior application.
7. The BOARD finds that the requested variance to permit a curb cut in excess of 18 feet permitted by the Zoning Ordinance is not required based upon the preexisting nature of the curb cut. Applicant has not installed a curb cut wider than that which previously existed and Applicant was not required to reduce the curb cut at the time of his initial application. The BOARD further finds that the Applicant's second curb cut is a preexisting condition, a condition noted at the time of the prior application.
8. The BOARD also finds that the requested impervious surface variance and variance to permit the turn around that extends more than eight feet beyond the new garage are justified by virtue of the flexible (c) provisions of the Municipal Land Use Law. The violations allow for the construction of a much safer driveway, a driveway that now eliminates the need for the Applicant to back out of the driveway. A decision to grant the variance results in a safer condition for not only the Applicant, but also those operating vehicles on Rivervale Road. This health and safety benefit is clearly a goal and objective of the Municipal Land Use Law.
9. Moreover, the BOARD finds that the location of the existing driveway and a decision to grant the requested variances will have no negative impact whatsoever. The BOARD notes that the Applicant has significantly improved the appearance of the dwelling. The turnaround will not have a negative on surrounding properties. A decision to grant the 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, the BOARD does hereby grant the Applicant's requested impervious coverage variance and variance to permit the existing driveway to extend more than eight feet beyond the garage. The variances granted hereunder specifically authorize the continuation of the conditions noted on the survey referenced hereinabove. Nothing herein shall be deemed to allow the Applicant to make any additional improvements beyond the conditions set forth on said survey.

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

ROLL CALL:

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

Abstain: None

CORRESPONDENCE:

None

APPROVAL OF MINUTES:

None

APPROVAL OF VOUCHERS:

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Brooker Engineering, PE

Desiderio	\$1,386.25*
P.R. Board of Education	320.00*

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

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

ROLL CALL:

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

Abstain: None

NEW BUSINESS:

We have some personnel matters to discuss, so it is an exception to the Open Public Meeting Act, if you are going to be discussing personnel matters. A motion was made by Mr. Brennan and seconded by Mr. Capilli, that the meeting go into closed session.

ADJOURN:

There being no further business to come before the Board, by motion of Mr. Capilli and seconded by Mr. Walker, the meeting was adjourned at 8:35 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber