

**\*\*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, March 20, 2012, at 8:00 pm in the Council Chambers of the Municipal Building.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

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

Absent: Mr. Brennan

Also Present: William Rupp, Board Attorney  
Brigette Bogart, Professional Planner  
Eve Mancuso, Borough Engineer  
Robert Ludwig, Zoning Officer  
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 17, 2012, setting forth a schedule of regular meetings by mailing of said schedule to The Ridgewood News and The Record on January 18, 2012, 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:**

<b><u>CASE:</u></b> 11-17 Block: 1601 Lot: 15	Application of <u>Park Ridge Board of Education</u> , 85 Pascack Road to utilize existing house as the Board of Education offices necessitating a Use variance in an R-20 residential zone. Hearing postponed from July 19, 2011 for Notification of property of property owners within 200'. Hearing began August 16, 2011, carried to September 20, 2011 for Board Engineer's review of revised plans, rescheduled to October 18, 2011, applicant did not appear, carried to November 15, 2011 and continued on January 17, 2012. Revised maps submitted and reviewed. Carried to February 21, 2012 for revised maps and postpone to March 20, 2012 at applicant's request.
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WALKER: We have a few more items to be marked into evidence in regard to this application.

- Item 33 is Board secretary letter dated 1/18/2012.
- Item 34 is Planner's review of landscape map dated 1/23/2012.
- Item 35 is Board secretary letter dated 1/24/2012.
- Item 36 is Board Engineer's review dated 2/17/2012.
- Item 37 is an extension of time dated 2/10/2012.
- Item 38 is another Board Engineer review dated 3/14/2012.
- Item 39 is revised site plan dated 3/14/2012.
- Item 40 is Applicant's Engineer letter dated 3/14/2012.
- Item 41 is elevations, walls, drainage letter dated 1/31/2012.
- Item 42 is floor plan dated 2/14/2012.

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

VON DER LIETH: Thank you very much.

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KOVATZ: I am still Douglas Kovatz. We are still the Park Ridge Board of Education. Good evening everyone. Just to add to that, I think that we may have also an additional review letter, again, dated March 14, from R.L. Engineering. That is one of the consultants that the Board of Education used. It was submitted to the Brooker Engineering.

BEER: If I have it, you have it.

KOVATZ: Okay. If not, I can make sure that you get a copy and also to make sure that you have the revised Engineering submittals, revised to 3/14/2012. I am assuming that you have those because that is what your Engineer referred to with regard to their March 14<sup>th</sup> letter.

Also, we have revised architectural, again, revised to the 3/14/2012 date, ostensibly just showing that on the floor plan there was an issue of an outstanding before as to an additional ingress, egress, for the handicapped accessible access, sort of beside the garage door, if you will. I think that is what had been there before.

By way of preliminary remarks, to see if we can short circuit, if not, we are prepared to make full presentation this evening. Reviewing the correspondence that we have received from the Zoning Board of Adjustment's Engineer, I think of the matters that are outstanding, I think as to item number 3, and again, I won't speak for your Engineer, but I will basically advise you what the Board's understanding and where we are with these matters to give you an idea of sort of the lay of the land.

As to item number 3, which references an underground detention system, has been provided, consisting of a series of seepage pits. Percolation tests are required to be submitted to determine the viability of system in this location. It is my understanding that the professionals have been consulted and that, I believe, your professional will consent to a visual inspection, once excavation has been done, we will have the necessity of the actual calculations. If I am wrong, I can be corrected. I am just going on the information that I have.

As to item number 4, again, referencing the March 14<sup>th</sup> correspondence, there is a reference to an overflow from the seepage pit system, has been schematically indicated. The actual connection has been show. I understand that we are going to be able to give that specific connection detail to you. I will help you if you do that as a condition of approval without holding up an further resolution this evening.

The other items, I am going to skip over them because I think they are either comments that have been addressed, etc., etc., without asking us to do any additional submittals. I note that number 7, as to the barrier free entry door, as I said, there is going to be a removal of an existing window, placement of a door, handicapped accessible beside the garage entry door that is there, will remain.

As to item number 11, an erosion and sediment control plan, it says should be developed and submitted as part of the plan set. We are not going to be moving sufficient soils in the sense that will even necessitate County review, but I will submit to you that what we are really doing in this instance is probably our entire spot will really be a real cleanup blanket. I will submit that detail to you again, we request you to do that as a condition of approval. It is not going to be that detailed in light of what we are moving and what we are not moving.

As to item number 12, the construction detail for the handrail, obviously, we will submit that and again we are requesting that we do that as a condition of approval without holding up the approvals this evening.

I think that addresses all of the issues, but again, as I say, more than happy to stand corrected by your engineer, if any representation that I have made is not complete or is inaccurate in any aspect.

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MANCUSO: There is one point of clarification for item 3. The percolation test will be required to be performed in the field at the time of the construction. It is a little bit more than a visual inspection. You do actually have to do the percolation test. Other than that, all of the items that Mr. Kovatz went over and stated are in accordance with my letter and are fine.

KOVATZ: My representation was for a lack of knowledge. I didn't realize that it involved something more. If there are any questions, we do have our Architect and we do have our Engineer. We are prepared to respond to any other outstanding matters. You have made presentation with regard to the variance or the interpretation issue. We are not moving away from any of the other conditions of approval that we said we would meet, inclusive of still combining the lots and whatever deed points you want, and I think that was an issue that went round and round before.

We are not going to do that and did not want to do that unless we got the approvals because I would be coming back for subdivision approvals by itself. But, we will do that as a condition of approval and will submit that deed for your attorney to review, prior to filing.

VON DER LIETH: I think that would be, unless anyone has any questions, for Mr. Kovatz or anybody else. I though we were hinging on really what Mrs. Mancuso had in relation to what was presented to her. So, as long as everything is kosher with here, I don't think that I have any other questions. I am looking at the other Board members and I don't think that they do either.

MANCUSO: The few remaining items are just minor items that can be listed as conditions of approval.

VON DER LIETH: Okay, very good. Mr. Rupp do you have anything to add to that.

RUPP: No, I just wanted to verify the issue about the land because...but I think the other items have been addressed as per Mrs. Mancuso's letter.

VON DER LIETH: Okay. Is there anyone here from the public that wishes to speak about this matter? No, Let the record show that there is no one here to speak up on this case. We can close this up. We are good.

KOVATZ: Thank you for your courtesy in taking us first. We appreciate it. Have a good evening.

VON DER LIETH: Thank you.

**NEW CASES:**

<b>CASE:</b> 12-02 <b>Block:</b> 1503 <b>Lot:</b> 4	Application of <u>Mario Izzo</u> , 17 Storms Avenue for building coverage, impervious coverage, front yard setback, and floor area ratio variances to construct addition to existing house in an R-15 residential zone.
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WALKER: Mr. Chairman, I have the following items to be marked into evidence in regard to this application.

- Item 1 is the application dated 2/13/2012.
- Item 2 is certification of service dated 3/01/2012.
- Item 3 is legal notification dated 3/09/2012.
- Item 4 is proof of payment of taxes dated 2/21/2012.
- Item 5 is the deed dated 12/28/1989.
- Item 6 is the survey dated 1/10/2012.
- Item 7 is elevations dated 2/22/2012.
- Item 8 is the letter of denial dated 2/23/2012.

VON DER LIETH: Thank you, Mr. Walker.

BEER: Mr. Bruno, the black microphone please.

VON DER LIETH: You can take the mic out if it is easier. Don't worry about that stand. You can hold on to it.

BRUNO: The black one is the only one working?

BEER: Yes, and that is marginal.

VON DER LIETH: Good evening Mr. Bruno. How are you? Do us a favor and take us through the case.

RUPP: Who is testifying? In that case, would you all 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?

F. IZZO: I do.

BRUNO: Yes I do.

M. IZZO: Yes, I do.

RUPP: Each please state your name for the record.

M. IZZO: Mario Izzo.

F. IZZO: Francine Izzo.

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

VON DER LIETH: Thank you, Mr. Bruno. Can you do us a favor and just take us through this application and what you want done?

BRUNO: Yes, Mario and Francine will start off to talk about the need for the project and then I will discuss the technical aspects.

VON DER LIETH: Okay, thank you.

M. IZZO: Good evening everybody. I appreciate your help. The reason that we want to do this is that my daughter has a very bad medical issue. She has, from work, she has a lot of issues with the leg and with the eye and at one time and point, she is not going to be able to walk up and down. So that is why we are trying to accommodate her by me.

I guess it will work in reverse. Usually the kids help the parents and now the parents are going to help the daughter. That is where we stand and we are trying to stay within the limit and if you want more detail about it, the medical issue, she can be more explicit with what she has got. I will let you guys to decide.

VON DER LIETH: I am listening by the way, if you don't see me looking, I am looking down at the plan, so keep talking.

M. IZZO: We have lived in Park Ridge for 35 years. We moved into this house 25 years ago and we put an addition upstairs and that came to a point that she is selling her house in Rochelle Park, because she can not really go up and down. She has some kind of a blood infection. She can explain better that can occur every few months. This is the third time already in 2 years. Her lips swell and she is going for all kinds of therapy.

I have nothing more to say. I appreciate your concern. She has more details and she can explain better.

HOSKINS: I don't think you have to go into that.

VON DER LIETH: Yes, you don't. We see the necessity there.

M. IZZO: I thank you very much, all of you. I am not a good speaker.

VON DER LIETH: You did fine.

BRUNO: I have 2 sets of photos that I would like to bring up.

WALKER: Item 9, is a series of undated photographs.

BRUNO: Mr. Walker they were taken today. I can attest to that. I took them myself.

RUPP: Are those 2 different sets?

BRUNO: No, they are identical sets. The existing home is a 2-family residence. It is obviously not a permitted use. It is a pre-existing, nonconforming use. On the second floor apartment, is a rental unit. The first floor apartment is occupied by Mr. and Mrs. Izzo.

It has a living room, kitchen, den, 2 bedrooms and one bath. When I first met with the Izzo's, I had asked them, well if your daughter needs to come and live with you, why not just the second floor apartment. Then they mentioned all of the health issues. It was determined at that point, then, obviously, the second floor apartment would not be a viable place for her to live and it would not be a viable place for Mr. and Mrs. Izzo to move, especially with the years coming upon them.

The goal here is absolutely not to create a separate apartment. It is to create a bedroom, a bathroom, a sitting room, so Francine could have some private time, if she wants to have friends over and so on. They will be living together and sharing the kitchen. It is not a separate housekeeping arrangement.

I have had to make the rooms larger than I normally would, because of the eventuality of Francine needing to use a wheelchair. So, we needed to create larger spaces. You could also see that I am proposing to expand the existing front porch and that is for 2 reasons. One is so that she would have easy access to the outdoors without having to go down a ramp or stairs and when I get to the elevation drawing, I will show that it does add a very nice aesthetic benefit to the house.

I will run through the variances that we are requesting very quickly for your benefit. Building coverage in the R-15 zone is 20% is permitted. We are proposing, with this addition, 29.36%, so we need a variance for that. Impervious coverage, 35% is permitted and we are proposing 53.24%. Front yard setback, 30 feet is permitted and we are at 24.66 feet and that is to the outmost reaches of this wraparound porch, the octagon on the southeast corner of the porch.

RUPP: While you are going over that list, if I could just interrupt you for a second. Can you give me required current and proposed on those. Do you have that information?

BRUNO: I don't have those tabulated, but I can do the best that I can to give that to you, sure. Let me just go through the floor area ratio and then I will back up a little bit. On the floor area ratio, 25% is permitted and we are proposing 29.92%. As far as the... you requested that the front yard setback, the

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existing porch is at 30.3 feet and the existing FAR is 21.8%, and the building coverage is at 17.2% at present. I still have to give you're the impervious coverage, Mr. Rupp. The existing impervious coverage is 42.88%.

All of the setback requirements are met as well as the building height. It is a one story addition, which at its maximum is 18 feet 6 inches to the ridge. You can see from the elevation drawings that the porch will, the existing porch construction will extend eastward and then will culminate in the wraparound octagon. At the corner, facing east, we have a couple of lower gabled roofs so that we are not impacting on any of the windows of the second floor and we are trying to make the addition, what I like to call, as quiet as possible. We don't want the building to scream that it has been added on to.

The goal here is to not only provide the needed space for the Izzo's, but to do it in such a way that it provides for an aesthetic benefit to the neighborhood.

VON DER LIETH: Did I miss something? I am sorry if I did. I was looking at some figures here. I understand why you are going out and not up. So the Izzo's are still going to live there and the tenant is still going to live there? We are just building out for the daughter? Is that correct?

BRUNO: Correct. The homeowner's living space will be expanded. There is no expansion of the tenant's space.

CAPILLI: So the current impervious is 42.88% and you want to go from 43, almost, to 53?

BRUNO: Right, and that is solely with the addition, we are essentially adding any pavement other than there is a small concrete pad out by the basement door. We have access to the basement directly from the outside.

CAPILLI: Okay, so how about downspouts, would there be some concerns with rainfall there.

BRUNO: Well, no, at this point in time, if the project were to be approved, then the size of the expansion would trigger that we would have to comply with the site plan ordinance. So, a full site plan would need to be created showing grading and drainage. There would be underground seepage pits for the collection of rain water.

CAPILLI: If necessary you would put in seepage pits?

BRUNO: No, we know that we will need it. There is no question about that. All of the new impervious coverage will be taken care of with the downspouts to the seepage pit. We would also, just for ease, and it would make sense, we can also take drainage from the existing roof and put it into the seepage pit. So, we would be creating a better situation than we have now.

FLAHERTY: Why is that not shown now?

BRUNO: Because it would need to, it is really more of, at least in my opinion, for permits being issued and to be honest with you, in order to spare the Izzo's the expense of a full blown site plan, engineering wise before they had the approval. They could not get a building permit without that.

RUPP: What is your current square footage of all the floors?

BRUNO: The current square footage of all of the floors, is, including the garage, 3,433 square feet, and the garage is 638 square feet of that.

RUPP: The covered porch, does that count or not?

BOGART: No.

RUPP: The garage is?

BOGART: Not if it is detached.

BRUNO: The detached garage does not count as floor area ratio.

RUPP: Okay so that is why...lets compute that because is another relevant issue.

BRUNO: FAR is defined in the ordinance as having a roof and walls, for the purposes of floor area to be counted.

RUPP: The current first floor is 1,455 square feet, and the second is 1,340, is that what I understand?

BRUNO: That is correct.

RUPP: If my math is correct, that is 2,795.

BRUNO: I seem to remember giving that number, yes.

RUPP: Then you are adding another 1,042 square feet. Is that correct?

BRUNO: Yes. 1,042, yes.

VON DER LIETH: While we are talking about this, Mr. Bruno, how is this going to fit in with the surrounding neighborhood? What is your opinion?

BRUNO: The thing that helps, and the numbers are large, I am not going to try and sidestep that, the fact that it is not in any one place a massive structure. The addition comes out to the side and to the rear. If you look on the floor plan on sheet number 1, you will see that it is not one big box. It is varied a little bit and the porch that comes around the front also softens that. So, we are not looking at a massive structure in terms of what you would typically see for something that is over on the FAR.

It is also in keeping, not only with the style of the existing house, but with the way that the neighborhood has developed aesthetically over the years. You will see in the photographs that I provided, there is a house.....

VON DER LIETH: Yes, I did drive by and see that house.

BRUNO: It is out of possible the same vintage, if not the same similar style even though it is smaller. There are house, I think the photograph taken to the, I think I listed it as being taken looking northwest, that there is a smallish house immediately next door but then a rather large house next to that. Then immediately to the east of the subject property, is a very large, for lack of a better term, a raised ranch style house.

We have gone to great pains to maintain the existing architecture of the house and not to make it look like we just tacked down a box.

VON DER LIETH: It would be, for lack of a better term, breaking the ice, though, for the neighborhood, in terms of bigger homes on the street.

BRUNO: It appears that, there appears to be a couple of lots there.

VON DER LIETH: I just wanted to throw that out there.

RUPP: If I can just ask, maybe you can address some issues.

BRUNO: Sure.

RUPP: What you are really seeking to do here, is to enlarge a nonconforming use, and to enlarge a nonconforming structure and part of that enlargement creates further encroachment, for example, in terms of the front yard, which you already don't meet, advancing the FAR, there is also the building coverage. There is also the impervious coverage that you are, again, increasing. Since it is an enlargement of a nonconforming use, we are talking about a "D" variance, and we are talking about special reasons. Now we have had testimony about the personal conditions but special reasons really relate not to the personal circumstances of the occupant. What I have not heard thus far is any cognitive zoning variance criteria to justify the variance.

BRUNO: I understand but we have not gotten that far yet.

RUPP: Okay.

BRUNO: One of the things, as far as the negative criteria is concerned, this project, if it were to be approved, would not substantially harm or impair the intent of the zoning ordinance or the master plan, because even though we have older homes that have not been affected as of yet, in the immediate surrounding area, within that zone in that area it is consistent with the way that the homes in that area have been improved over the years. This is a good example of proper planning in terms of architecture, in developing older neighborhoods.

Yes, we have a nonconforming use and we have a nonconforming structure, but even with the front yard, at this point, 30.3 feet is to the front porch. We are required to have to have 30, so the front porch is, as it exists, is conforming. What is creating the nonconformity is the, sort of gazebo shaped, porch at the end. I designed it that way because I am trying to create a structure that does not look as long as it is.

Incidentally we do comply with the maximum width of the structure as it relates to the width of the lot. The visual that I am trying to keep, the façade of the house looking a little bit more interesting and not looking like we just took the porch and stretched it 15 or 20 feet. In this case, under the C-2 is a better planning alternative because we are providing an increased aesthetic benefit to the streetscape.

I could very easily lop that off, you know remove the octagon shape of the porch and no one would really notice going down the street and saying oh well they got a variance for that, it is too close to the street. They would first and foremost and probably predominately only say, well look how nice that looks. In creating streetscapes, that is one of the main goals, to create a more interesting and varied streetscape.

VON DER LIETH: Didn't we just say that the porch doesn't count towards the...

BRUNO: No, in terms of FAR. In terms of setback it counts.

VON DER LIETH: Front yard setback, that is the only thing that does count.

BRUNO: The area of the porch doesn't contribute to the FAR.

VON DER LIETH: Just one other question and it might be of benefit for some of the other Board members. It is a nonconforming structure because it is a 2-family house, correct?

RUPP: That is a nonconforming use.

VON DER LIETH: Although we are not, Mr. Bruno did make a point of it. I am just, for my own benefit, we are not expanding the use of the tenants portion. We are expanding the use of the resident/owner's portion. We have had some cases, and I am just curious, are we splitting hairs there, or is that.....

RUPP: I think it is an enlargement of a nonconforming use. The fact that it is enlarging the first floor, it is still a 2-family house enlargement, so it is still an enlargement and it still needs a special reason variance.

VON DER LIETH: Right.

BRUNO: Please correct me if I am wrong, but under the ordinance we are permitted, we would be permitted by right to expand the first floor apartment without the need for a variance as long as we complied with all of the bulk requirements, correct?

BOGART: There is a provision in our ordinance, Section 101-14, which discusses pre-existing, nonconforming, 2-family dwellings. The reason that this ordinance was created was that the Borough wanted to see these buildings renovated. However, they recognize that they were nonconforming uses. So, while it may not be in accordance with the Municipal Land Use Law, the regulation states that it may expand the owner occupied portion of a 2-family home in order to upgrade it and as long as it applies to the zoning bulk regulations.

In this case, it is a little different because they don't comply with all of the bulk regulations, however, there is a special circumstance here where the applicant could come in and provide for a 2-story addition. However, given the tenants situation, we have to provide for one story addition, which is creating the need for your building coverage and your lot coverage variances. So, it is a specific situation that is creating the need for the variances and your ordinance recognizes the fact that this type of situation should be permitted and it is encouraged throughout the Borough, to encourage the upgrade and renovation of these type of structures.

VON DER LIETH: That is the only reason that I brought that up. I just wanted to get that out in the open.

SANDLER: I have a question apropos of what Brigitte said. It should be directed to our Counsel. I was under the impression from previous discussions and perhaps with previous counsel, that even though there might otherwise be an opportunity to do a 2-story expansion, that doing the second story expansion would enlarge the 2-family portion and that would not be permitted. So, I am confused.

RUPP: Well, the actual ordinance, again, the ordinance provision has an exemption or exception and it talks about adding a unit. So, theoretically if you read this literally, you can permit an enlargement of the second unit as well. But, again, the cue language is provided that no additional dwelling units result from the improvement, that is one thing. And, that none of the applicable zoning districts, yard coverage and height restrictions, are violated.

You have a violation of a front yard here. You have a violation of the coverage.

SANDLER: Is it only the front yard?

RUPP: Well there is an existing side yard nonconformity as well.

BRUNO: That is on the opposite side of the house from where the addition is planned.

RUPP: That is not changing.

BRUNO: That is not being affected in the least.

SANDLER: The only thing that is changing is the front yard?

RUPP: And the coverage.

BRUNO: The front yard, if we were to simply extend the existing porch eastward, the front yard setback variance would go away. What I have testified to and what I will still testify to, and what I will still beat the drum on, is that the proposed encroachment is such an aesthetic benefit to really, you know, if you take the positive of the aesthetic benefit versus the negative of the front yard encroachment, the aesthetic benefit outweighs the front yard encroachment.

CAPILLI: I guess the Board needs to think out loud, if the applicant were to scale back the front yard setback and the applicant is only going to need 3 variances versus 4, would you look at it differently, if not.....

SIGILLITO: Do we still have a coverage problem?

BRUNO: The coverage issue would reduce slightly, because of the area of that octagon portion that comes past the .....

VON DER LIETH: Is that the main crux of that, basically of the 42.8 is already nonconforming, but going from 42.8 to 53, is it mainly that, or is it.....

BRUNO: It is mainly the addition, not that little portion. It is mainly the addition but as I testified, if this were a simple matter of an adult child moving back, to live with her parents, we could have probably done a 2-story addition, smaller in area, which would be smaller in footprint, which would reduce the impervious coverage that we are asking for, the building coverage that we are asking for. But, unfortunately, due to the current and impending health issues, the addition has to be kept on one story, one floor, and because of the likelihood of the need for a wheelchair in the future, we need to provide larger areas than we would normally do for just a child coming back to live with their parents.

CAPILLI: Mr. Chairman, I don't know how the rest of the Board feels, but I hate to see proposing just that porch be stretched without the octagon at the end, whatever you want to refer to it as. I think aesthetically it would make that house look significantly worse. I think the way that is designed, it kind of fits in with what is around it. I don't think that it is that far of a stretch from what we have here. It doesn't make sense to do it, in my opinion, without that addition on.

BOGART: I just want to provide the Board with 2 pieces of information. First pertaining to the architectural details of the application. There have been a number of ordinances enacted from the Planning Board's perspective, that encourages the architectural details such as the porch and the octagon and the varying roof climbs that you see in this application. The Planning Board has done everything that they creatively tried to, they have gotten their powers to do, to create ordinances that would encourage this type of architecture. So, allowing for a slight increase in the FAR if they would provide these aesthetic upgrades to the dwellings. So, this is a typical application that the Planning Board is seeking to encourage.

I understand that the Board is concerned with the coverage. It is slightly larger than the neighborhood. One of the things, when reviewing the coverage and the structure size is you can look at the dwelling width regulation. This is a regulation that was created to insure that the structures that are put on these lots are in scale with the lots that they are located on.

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So the maximum width of 65%, so, we insure that we have the adequate setbacks even though the structure might be slightly larger than is anticipated by the ordinance. So, the fact that the applicant complies with that dwelling width regulation, could give the Board an indication that the structure would fit into the neighborhood and would fit on this lot.

VON DER LIETH: What are we at in dwelling width, Mr. Bruno? Do you know off hand?

BRUNO: 65 feet, which is taken to the outer limit of that wraparound porch. So, since the porch is really open on 3 sides, it is a much different situation then if that 65 foot width was to solid walls with a roof over it. Of course, the porch is essentially transparent, you can see right through it.

VON DER LIETH: Thank you, Brigitte, for that, by the way. Did we interrupt you Mr. Bruno, by the way. You were going over the positive and negative criteria.

BRUNO: Yes I was done with the negative. The positive, with what Ms. Bogart had said, we satisfy the positive criteria because we are presenting an architecture here that is more preservation oriented, than just simply tearing a house down and trying to kind of shoehorn it into a site that may otherwise not be appropriate for it.

We have a harmonious façade. By the time we are done with this, no one, except the people who are intimately involved with it, will be able to tell where the old house stopped and the new house began. We tried very hard to keep with the existing architecture of the house because we also believe that in Park Ridge we have a rich heritage of older architectural styles and you have heard me testify to this on many, many occasions, that we need to preserve those things and sometimes, in order to preserve those things the numbers in terms of, you know, for coverages and FAR tend to get a little larger. At a certain point, it just simply becomes a numbers game. Whenever you are working with an existing structure, there are some inherent spatial inefficiencies that you can't do anything with.

You know, we have some space that we just can't simply subtract from the existing structure. We can only add to it and as I mentioned before, if this were simply a case of an adult child coming home to live with her parents, we could have done it on a 2-story addition, which would have reduced the building coverage, would have reduced the impervious coverage, and probably would have reduced the FAR, because minus the health issues, we would have been able to have smaller spaces. In this case, there were both a laundry room and the bathroom had to become quite large as well as the master bedroom so that you can have the traditional furniture that one has in their bedroom and still be able to maneuver in a wheelchair and the same thing applies to the sitting room and just the access.

VON DER LIETH: Just from this alone, I sympathize with what is going on whole heartedly but we do have a lot to discuss because it is quite a bit over what is normal, Mr. Bruno. I am not going to sugar coat it. We have, I think that the Board has a tremendous amount to discuss about this. Are there any other questions.

CAPILLI: I do have one more question. What is the current building coverage?

BRUNO: I just testified to that. I will have to look through my notes.

RUPP: I think he said 17.27.

BRUNO: That sounds about right. It is north of 17, and 20% is permitted.

VON DER LIETH: Again, for the sake of, you know, partly time, and because we are going to discuss this after the meeting, we might come back with a few revisions, say hey maybe we can take some of this off or something not off but something, have some general recommendations after speaking with the professionals on what we could do to make it more palatable, maybe. Not that it isn't palatable, it is very nice looking, but we really have to go over these measurement here, later on. So, if the Board agrees with that, we will talk about this.

WALKER: The large macadam area behind the existing home, what is that. That is a large part of the impervious coverage number. The macadam behind the home. It is like the entire half of the lot.

BRUNO: That is the driveway area because you see there is detached garage in the northwest corner of the property, so that is the driveway that leads to that, so that is the paved area in front of the garage, which allows for parking as well as turning around, because it is an awfully long driveway to have to back down. I have tried it on a couple of occasions, and it is not pretty.

WALKER: That is a big part of the impervious coverage.

VON DER LIETH: Yes, it is. It is a lot. That is another thing that we are going to speak about. Is there anyone in the audience who wishes to speak to this application right now?

RAMAN: I have a question. How do you maneuver a wheelchair into the house when it is completed?

BRUNO: Right at the back, right now, there is very short step. It is 2 risers. So, in the eventuality that the wheelchair is required, at that time they can, it is short enough and there is pavement there, so they could add a ramp to the stair, but at this point there is no desire to do that.

RAMAN: Could you point on the plan where it would be?

BRUNO: Sure, it would be in this backyard area, which on the site plan I am pointing to the northwest corner and on the floor plan, it is the northwest corner of the existing den.

RAMAN: Okay, there is an existing bedroom, to which there is no access being given through the new sitting room, correct?

BRUNO: The access to the new sitting room would be through that bedroom, yes.

RAMAN: So then the handicapped ramp would allow someone with a wheelchair to come through the existing den and how would then traverse through the.....

BRUNO: They would traverse through the den through the kitchen and then through that little hallway and the bedroom. As I said, if we were designing this from scratch, we would obviously not do that, but we are dealing with an existing home here, and it is within the family dwelling unit, so in essence, we are doing the best with the situation as we possibly can.

RAMAN: My question is, if we were to come back and ask you to reduce something, we want to make sure that asking you to reduce anything won't impair the use of the wheelchair. So, is there any other way you would get to this portion because it seems like it is pretty difficult to get from one end of the house to the other.

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BRUNO: It is actually the most advantageous way to get from the outside to the inside, because the land slopes up from the front to the back. So, in order to give Francine access from the front, we would have to build a very large ramp and no one wants that. The Izzo's don't want it and I am sure that the neighbors don't want to see it, and architecturally it would just add far more coverage to the, because there would be a structure, it would either be a frame structure or a masonry structure would be adding further impervious coverage. So, we are accessing from an existing paved area.

RAMAN: Would they consider flip flopping who lives on which side of the house?

BRUNO: Then we would have to do much more interior renovation pulling apart the house and at that point, the project wouldn't be viable.

RAMAN: Because one existing master bedroom is the closest to the ramp in that case, right? I mean if you came in through the den, you would have the existing master bedroom accessible to the person that is need of the shortest handicapped route.

BRUNO: This is not public building. We don't have to have the shortest accessible route say between a store and a parking space. So, that really doesn't apply and it really wouldn't effect the impervious coverage nor the building coverage.

RAMAN: I mean it would just be, I mean I am just going by what you said earlier, that some of these new spaces have to be made larger because of the wheelchair requirements. It is circuitous and there is another door that goes into the existing bedroom, which is at that kati-corner?

BRUNO: Right, and that would be enlarged as part of the interior alteration work in order to make that happen, but there is no way that the existing bathroom that you see in the middle of the plan, that is landlocked and could not be suitably be altered and enlarged to suite her needs. There is a need for a much larger space.

VON DER LIETH: Okay. This is what I am going to do since we do have so much to talk about concerning this case, if you don't mind, we are going to move this to the next meeting. I don't think we are going to be able to make a decision on this alone. We are going to have to talk about it and see what we can do to get things moved up. You can call Mrs. Beer tomorrow morning. Thank you very much for bringing this in. We will discuss it, obviously at length tonight and we will get this done, but we will move it to the next meeting. You can call Mrs. Beer in the morning.

BRUNO: Okay, thank you.

RUPP: This hearing is being continued.

VON DER LIETH: Oh, yes, I am sorry, it is being continued. There is no need for new notice.

RUPP: Our next meeting is April 17, 2012.

VON DER LIETH: So, we are going to continue this to the next meeting which is April 17<sup>th</sup>.

RUPP: If there is any member of the audience here there will be no further notice on this.

VON DER LIETH: Thank you, Mr. Rupp. Yes, thank you everybody.

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IZZO: Thank you for listening to us. We appreciate your time.

<b>CASE:</b> 12-03 Block: 714 Lot: 5	Application of <u>Barbara Warren</u> , 79 Colony Avenue for front yard and side yard variances to construct an addition to existing house in an R-20 residential zone.
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WALKER: Mr. Chairman, I have the following items to be marked into evidence in regard to this application.

- Item 1 is the application dated 2/28/2012.
- Item 2 is certification of service dated 2/28/2012.
- Item 3 is legal notification dated 3/09/2012.
- Item 4 is proof of payment of taxes undated.
- Item 5 is the deed dated 4/01/2002.
- Item 6 is site plan dated 3/01/2012.
- Item 7 is unsealed elevations dated 2/01/2012.
- Item 8 is a series of photographs.
- Item 9 is a letter of denial dated 8/21/2011.

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

VON DER LIETH: Thank you Mr. Walker. Good evening. Before we start any thing, I will have Mr. Rupp swear you in if you are going to be testifying.

BEDNARZ: Yes, my name is John Bednarz. I am a contractor on the property. I have a letter from Mrs. Warren stating that I can speak on her behalf. She is actually in Florida with an ill family member.

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

BEDNARZ: I do.

RUPP: Please state your name for the record.

BEDNARZ: John Bednarz.

RUPP: You have a copy of the letter their?

BEDNARZ: I do.

VON DER LIETH: I am sorry John, what is your last name?

BEDNARZ: It is Bednarz.

VON DER LIETH: Thank you.

WALKER: I will mark that as Item 10.

VON DER LIETH: Okay, Mr. Bednarz, please take us through exactly what Mrs. Warren would like done.

BEER: Mr. Bednarz.

HOSKINS: Please use the black microphone.

BEER: You can take it off of the stand.

BEDNARZ: You can hear me? It is fine, okay. Basically, Mrs. Warren wants to move the front of the home, one portion 5 feet by the 2 bedrooms, 10 feet, and where the extension is off of the 10 feet, just to even out the home with a, pretty much with a porch.

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Pretty much to give it the basic look of the entire Colony Avenue. She is going to be, actually, looking for a side yard setback and a front yard setback.

WALKER: That addition is going over where the garages are?

BEDNARZ: Oh, no, no, the garages are on the left side of the....if you were looking at the home, the garages are on the right side, all the way to rear of the home. So, the addition is .....

WALKER: So it actually is just the front.

BEDNARZ: Correct. Like I said, it is going to be one portion is going to be 5 feet and the next portion is 10 feet out. The reason for the 2 bedrooms, existing bedrooms, that are in the home, they are actually only about 8 or 9 feet from front to back. They are really unusable.

Also, we want to, obviously go ahead with pushing the living room out to give it kind of a reverse gable into the existing gable of the home, to give it a different look. Also, to bring the porch in, basically 70% of the entire Colony Avenue have porches on it. The other information that I could give you, if you are familiar with the pool right across the pool are actually, in regards to front yard setback, they are roughly 10 feet away from the street. This is the opposite.

WALKER: The entire construction is 10 feet from the existing house?

BEDNARZ: With the addition and the porch, 10 feet, correct. It would still, I believe, be approximately 20 feet from the curbside.

VON DER LIETH: Like you said, the minimum, the minimum front yard setback is 40 feet, but for the houses on Colony you could probably count on one hand the houses that have a 40 foot setback. I am trying just to think.

BEDNARZ: Just for example, we are talking, probably, roughly, 60 or 70% of all the homes on Colony Avenue are within 10 to 20 feet of curbside. We totally understand that, obviously, she is asking for quite a bit as far as the front yard setback, but just the reason for the porch, obviously, is just for aesthetics. Definitely the 5 feet, because of the bedrooms are just really unusable.

VON DER LIETH: So any other Board members have a question?

FLAHERTY: I guess, what am I missing? The existing side yard is 20.14 feet?

BEDNARZ: That is correct. It is 22, I believe is correct. Proposed is going to be, I believe, like a foot and a half short.

WALKER: That is existing Jake.

FLAHERTY: I know, but I am looking at the proposed.

WALKER: The side yard is not changing. It is already existing at 20.14.

BEDNARZ: It is already nonconforming. Instead of bumping it in that 2 feet, and just really ruining the look of the front of the home, we are just trying to, you know, even it out.

RAMAN: Do you have any pictures of the other houses.

BEDNARZ: You know this was like a last minute thing. I was going to come here, and then she left to Florida, so it was like a last minute, as you see the letter, it was emailed to me today. I do apologize.

SANDLER: Are the other porches 20 feet from the curb or 30 feet?

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BEDNARZ: You are talking about the other existing homes on Colony Avenue?

SANDLER: In this immediate area.

BEDNARZ: I would say 10 to 15 feet from curb line.

SANDLER: They are closer?

BEDNARZ: Oh, very close, very close, especially where the town pool is.

WALKER: I drove by earlier this evening. The house that is immediately to west, is closer to the street than 20 feet. It is very old.....very old home.

LUDWIG: They are all nonconforming in this area?

WALKER: Yes, it is not going to stick out.

VON DER LIETH: It would really benefit the Board greatly if we could, I know the special circumstances, that Mrs. Warren had to go down there, if you could continue this again to the next meeting, if you can bring some pictures of the surrounding homes, just so we can get, as a Board, a better idea of what is going on.

BEDNARZ: Oh, absolutely, absolutely. Also, just so the Board understands the lot is really oversize. It is just that, obviously the front yard setback is 40 and you know.....

WALKER: It looks like the living room portion is coming out all the way.

BEDNARZ: 10. It is coming out 10, so it is going to be bumped out 10, but the bedroom is 5 feet, so that where we want to, obviously extend the porch just to kind of even out the house.

CAPILLI: Quite often we see an applicant come in and they will show the view of the neighborhood, the right the left and across the street.

BEDNARZ: Absolutely. Again, sorry about that again, like I said, I got the letter today and I am trying to help out.

WALKER: I am looking at the plan. There is a crossed hatch area, do we know what this is?

VON DER LIETH: You know, Mr. Bednarz, it would help, you know why, even though the drawings, it would help us if you had, as Mrs. Beer had a very good point. A photo, you don't have to go crazy, but a display that would help us orient ourselves with the pictures and the photos, so we can see it.

BEDNARZ: I will do that. Absolutely, I totally understand.

VON DER LIETH: It would really help us. I am not trying to push you out of here. That would help us quite a bit.

BEDNARZ: Again, I would have had that. I apologize, it was last minute.

VON DER LIETH: It is okay. If we could do that, I would like to .....Is there anyone here in the audience that wishes to speak upon this case tonight? For the record, let me note, that there is no one here, Mrs. Beer.

If we can, Mr. Bednarz, we are going to continue this for the next meeting, which, again, April 17<sup>th</sup>. Again, just to reiterate, as many pictures as you can.

BEDNARZ: I will be loaded next time. Thank you very much.

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VON DER LIETH: I would like to first, before we start with this next case, thank everybody for their patience. I know that you had to wait through a few of the cases, but since there are so many people here, that I am sure would like to voice their opinions. I am telling you right now, you will have your chance. What we are going to do is have them, Mr. Guarderas and whoever else is here, let them present their case and we will, I promise, have everyone that wishes to speak will be able to speak upon this case. Okay? Thank you for your patience and please the next case we are going to be hearing is..

<b>CASE:</b> 12-01 Block: 1911 Lot: 1	Application of <u>Kevin Guarderas</u> , 134 Morningside Avenue for Floor Area Ratio variance and soil moving in an R-10 residential zone, to demolish existing house and construct new one. Original hearing date January 17, 2012, carried to February 21, 2012 at applicant's request and again to March 20, 2012 at applicant's request for planners review.
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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 12/28/2011.
- Item 2 and 2a, are certification of service dated 12/29/2011 and 1/03/2012.
- Item 3 is legal notification dated 1/06/2012.
- Item 4 is proof of payment of taxes dated 12/27/2011.
- Item 5 is the deed dated 2/02/2002.
- Item 6 is the site plan dated 12/22/2011.
- Item 7 is 9 undated photos.
- Item 8 is the soil application.
- Item 9 is seepage pit calculations dated 12/26/2011.
- Item 10 is Board Engineer review dated 1/16/2012.
- Item 11 is Board secretary transmittal by email dated 1/17/2012.
- Item 12 is the postponement and an extension of time letter dated 1/17/2012.
- Item 13 is revised plot plan dated 2/06/2012.
- Item 14 is revised drainage calculations dated 2/06/2012.
- Item 15 is revised legal notice dated 2/10/2012.
- Item 16 is revised application dated 2/07/2012.
- Item 17 is certification of service dated 2/09/2012.
- Item 18 is Planners review dated 3/15/2012.
- Item 19 is Board secretary letter dated 3/15/2012.

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

VON DER LIETH: Thank you, Mr. Walker. Good evening gentlemen. May we have the swearing in please?

HERLINSKY: I have a planner. I have my client, and I have an engineer. For expedience, perhaps you could swear them all in.

RUPP: When they are ready, I will do it.

BEER: As you have heard from the prior applications, you can just take the mic and you can sit down in front the black microphone, whoever is going to speak.

VON DER LIETH: Please go ahead.

BEER: Bill, I think you have to swear in somebody who is going to speak first.

RUPP: Okay. Do you swear or attest that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

ZACCONE: I do.

RUPP: Please state your name for the record.

ZACCONE: Robert Zaccone. I am an architect.

HERLINSKY: If I could, just before I ask Mr. Zaccone to testify, I just have to identify myself. My name is Victor Herlinsky, Jr. I am of the Law Firm of Nowell, Amoroso, Klein and Bierman. I am here on a single family application at 135 Morningside Avenue, here in the Borough of Park Ridge. It is an application to demolish the existing home and to build a new one. We have one "c" variance based on Floor Area. We exceed the square footage. There was some distinctions between the different plans that were submitted.

There is some question as to whether there was dwelling width variance, "c", variance for a height variance. I will concede right away, we are not asking for each variance. I think that you will hear from the Engineer there was a typographical error, testimony that there is no variance but we are not asking for one, even if there is. We will, obviously, produce our plan tonight.

I do want to open up with not to bid against yourself, but there were some points that were brought up in the Planners report. Particularly moving the subject house backward into the property. We have a 200 foot lot. I think that is a great idea. I would love to get this approved, but I am just telling the Board initially, some of the issues that were brought up by the Planner, are some things that we would embrace, and actually make this a better project. I am not wedded, necessarily, especially on that one issue, which after I read it, I talked to the architect and we agreed that was a very good idea. I compliment the Planner on that.

Without any further adieu I would like to call our Architect, Robert Zaccone.

ZACCONE: Good evening ladies and gentlemen. I think that the Board is familiar with our project, just for purposes of public awareness as I will add further clarification. The owner wishes to have a residence and an attached garage. The program called for a residence with a number of bedrooms as well as a 3-car garage.

The solution proposed is to...

HERLINSKY: Just to interrupt for a moment, there was information that I should have provided before. Mr. Zaccone, could you give us your educational background?

ZACCONE: I have a Undergraduate Degree in Architecture and a Graduate Degree in Architecture. I am licensed in the state of New Jersey.

HERLINSKY: Where did you receive your training?

ZACCONE: At the Pratt Institute and Columbia University.

HERLINSKY: Are you, do you teach Architecture?

ZACCONE: Yes, I do, I have been teaching at Pratt Institute for over 30 years.

VON DER LIETH: Mr. Zaccone, that is quite enough for me, if that is enough for everybody on the Board, please go ahead. Thank you very much.

HERLINSKY: Mr. Zaccone, can you describe the materials that you have reviewed and the plans that you have prepared for tonight's presentation? Also, describe your familiarity with the property.

ZACCONE: I have been at the property a number of times. Certainly, I am familiar with the project. I have had photographs taken. What was initially mentioned was that the applicant, Mr. Guarderas, wishes to have a residence and attached garage. Our solution was to come up with an "L" shaped configuration that you see in front of you whereby our garage is situated on the east side of the property and the residence is set back behind it with a proposed driveway in and out, which is, coincidentally very close to current configuration in terms of a 2 driveway configuration.

The existing residence does have 2 driveways as I think most of you Board members are aware of. Our solution was to create and is to create a 2 ½ story residence, and a one-story, with storage above, on the garage at the “L” shaped configuration. As you can refer to the plans that have been submitted, we have on the first floor, we have a pretty much standard spaces, living, dining room, family room situated in the back, a study in the west front end and a guest room immediately behind the garage and, of course, a kitchen situated on the rear southeast corner.

The second floor consists of 3 bedrooms with a master bedroom suite situated on the westerly side of the plan. There is certainly plans for a full basement. All of you have in front of you, elevations of all four sides. While preliminary in terms of final material selection, etc., it is certainly clear to us that we will be meeting the height requirements. Our materials will be natural, traditional, residential materials.

We have casement windows, I am sorry, double hung windows, and this represents just one front elevation of what we may be looking at in terms of very subdued materials such a stone, certain features are very high quality shingle as well as some very decorative trim situated in the front gable areas. This site plan, which is rendered, represents the green area as well as the effort to create a courtyard driving up, which could be very nicely landscaped as well as give immediate access from vehicles coming into the garage as well as access into the front door and out again.

HERLINSKY: Can you discuss the variance that has been requested of this Board?

ZACCONE: Yes, the variance as your Borough Planner had mentioned, is for exceeding the actual floor area, that is stipulated in your ordinance of 3,333 square feet, including the garage. We are requesting a floor area of approximately just under 7,000 square feet. But, below your 30% coverage in terms of FAR. That includes the 3-car garage.

HERLINSKY: If you can describe what is requested in that variance relative to the lot size.

ZACCONE: Well, the variance represents a 27.3% of the FAR in terms of percentages. I believe that your ordinance requires 30%. So, we are below the percentage, but we exceed the actual square footage.

HERLINSKY: How big is the lot?

ZACCONE: The lot is 25,500 plus square feet.

HERLINSKY: What is the dimensions of the house?

ZACCONE: The dimensions are 125 plus feet in width and over 200 feet in depth.

VON DER LIETH: One real quick question, Mr. Zacccone. With the house as it is right now, even with this lot size, how does it fit in with surrounding neighborhood? I mean I know, for my self, I have been through there. I just wanted to know, maybe some of the Board members haven't been. Would this proposed structure fit in nicely with the

ZACCONE: We are certainly making every effort and will make every effort to have and will produce some very natural common materials, traditional materials in terms of residences, as I mentioned stone, and a compatible siding. We have certainly been conscience of and hopefully addressed the issue of minimizing the impact of the garage by having the doors face the side as opposed to the front. This gives us an opportunity to create a more appealing elevation toward the street of the garage as well as the ability to landscape immediately toward the street side. So, from that point of view, we have made an effort.

VON DER LIETH: Yes, I am more interested in, not that, don't get me wrong, it is a pretty nice drawing; it looks like a great house, but in terms of scale, scale wise, how would it fit? The sheer size of the house as opposed to maybe the neighbors and people on the block.

ZACCONE: Well certainly, I think our site plan and immediate property indicate lots that are smaller than what Mr. Guarderas has here. So, certainly, this is larger than the immediate houses adjacent to it. It is appropriate, in my opinion, for the size of the lot.

HERLINSKY: Can you describe what the square footage is of the garage?

ZACCONE: The garage is a 3-car garage and it is approximately 900 square feet. I think that the exact number is 905 square feet.

HERLINSKY: Now, the number that you gave as far as square footage, did that include the garage?

ZACCONE: 6,990 plus hundred square feet does include the garage as well. The residence and the 3-car garage.

HERLINSKY: Now, Mr. Zaccone, if that garage was detached, would the square footage be included as part of the floor area?

ZACCONE: It is my understanding that if it were detached, it would not be included in the floor area or the floor area ratio.

HERLINSKY: Why did you include, why did you attach the garage?

ZACCONE: Well, I think that it is certainly a great deal of convenience. The Guarderas's are a young family. They have children. We are sensitive to coming in and having immediate inside access from garage to residence. We indicate that on plan, that we have an internal corridor connection and I thought that ease of circulation internally is an important one to consider, and have.

RUPP: Can you give us a breakdown of the size? I am having some difficulty trying to calculate the total square footage.

ZACCONE: Well, I think that there may be a chart, not only in the architectural drawing, but also in the Engineer's drawings gives the Board an idea of the square footage of each floor.

RUPP: I am just trying to add them up. Our numbers, preliminarily seem to come to more than 7,000 square feet.

ZACCONE: I believe my chart...

HERLINSKY: While Mr. Zaccone is looking at that, lets figure out that number. If I could just be heard. Without any further delay, it is a big house, and it is bigger than most of the houses that are in his neighborhood. There is no way to get around that. This is a 25,500 square foot lot. You can put a relatively small house in keeping with the neighborhood, on a much bigger lot. You could subdivide the lots and just have 2 lots or you can do something that is akin to, and I have planning testimony, so I don't mean to, I am not trying to stall while he looks it up.

Basically, or what we could do is build a house that is conducive to the size of the lot. Mr. Guarderas bought this lot. It happens to be in excess of and a great deal in excess of an R-20 lot in an R-10 zone. That is essentially what we are coming to the Board today and dealing with how do we deal with a lot that is that big. Mr. Guarderas, I don't know if he a lawn mower, but if he was, he could spend his entire Saturday's mowing the lawn that is, or he could have a house that is conducive to that size of a lot.

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He is a growing family. He has twin girls. He would like to have them in a decent size house, something conducive to that lot and that is why we are here today.

The sensitivity as far as having a big house, next to a small house, there are certain aesthetic things that we can do in order to lessen the impact, without really taking away from Mr. Guarderas, his ability to use the full size of his lot. Again, when I read the Planning report and talking to the architect, was like, why didn't we think about that. Moving the lot back 10 feet, would obviously lessen the impact of the house being so close to the curb.

There are lots or there have been variances given that we have for houses, not immediately adjacent, but a block or two away. Don't forget this zone, it is not in the middle of the R-10 zone, it is really on the edge, close to the R-20 zone. Again, in the end of the day, the Board has to decide, do they want to promote this type of lot or is it something, this isn't a flag lot, and we would obviously have to come to the Board to create something like that. If we were in a position where we weren't going to fully utilize the lot, we could just move it on the front park of the property. Somebody might come 10 or 20 years from now or whenever, and say oh, let me put a private road in and put something in the back.

This Board may not do that, other Boards might. The idea of what we are putting forward tonight is, again, what our architect and our owner feels is appropriate for a 25,500 square foot lot.

The Board may not think so, and obviously, the Board gets to decide that. But, what I hope to do and we have our engineering testimony and the Planner, is put the reasons why we have put this and what we would like to do. Again, I have already bid against myself, in the sense that I do think that the Planner had a very good idea as far as moving it back. Perhaps that will obviate some of the, I do think that we have some objectors, and we have some supporters here to. But, this would be more in conducive with what we would like to do.

What we would like to do is build a home on the size lot that we have, that my client can raise his family in. Without further adieu, I am going to have Mr. Zaccone answer counsel's question as to the calculations as to what the square footage is.

ZACCONE: Yes, the engineering drawings do indicate that the first floor area is 3,558 square feet. The second floor is 2,535 square feet. Just to supplement what the counsel has mentioned, certainly, and we would concur with your Planner's recommendation just the edge of the garage indicated, just to come to the front yard setback, while the bulk of the façade is set considerably behind the front yard setback. There is nothing stopping us from, if the Board feels, moving that footprint further back into the site.

FLAHERTY: In terms of FAR, we are at 6,096 with the 2 numbers that you gave us. Then we do have to add the garage because it is attached.

ZACCONE: 6,990 plus square feet does include a 905 square foot garage. According to my memory, that yields a FAR of 27.3, if I am not mistaken.

VON DER LIETH: So that does include, Jake, what you just said? It does include the garage?

WALKER: No it doesn't.

FLAHERTY: Now what you are saying it is 27.3% is that what you are saying?

ZACCONE: That is the number that I calculated based on the .....

FLAHERTY: Okay, but we are not really concerned with that, it is the square footage. So we are actually at 7,000 square feet.

ZACCONE: Including the garage, yes.

FLAHERTY: So the Board grants variances all the time, but this is, if I am looking at it correctly, substantially more than twice as much as what is normally allowed.

ZACCONE: For an R-10 zone, for a 10,000 square foot lot, that is true. We are here in front of the Board to ask their consideration toward a lot of a size of 25,500 square feet.

FLAHERTY: I understand, again, we do this all of the time, grant variances. Was there any consideration given to the fact that asks for something substantially more than twice as much, perhaps you are putting the Board in a, I don't know that we have ever been a position like this before, where something this big is being asked for. There have been other considerations given to scaling back the size of it.

VON DER LIETH: I see what your position is, you don't feel that you have to scale back because of the lot size being so much bigger than what is normal in an R-10 zone, correct?

HERLINSKY: Again, you look at a variance that you look to do, for an R-10, but this isn't an R-10 lot. It happens to be an R-10 zone, but it is not an R-10 lot. It is not a 10,000 square foot lot. So the idea of what we are looking to do is to put in a house that is conducive to a 25,000 square foot lot. The answer to the question that you have directed, and again, I know that this is not a negotiation. As far as coming back, to a certain extent, yes the answer to would be consider scaling back? We would. There are things that we can do if the Board feels that an attached garage is just square footage, well, we have plenty of room to work with the various pieces that we have.

We could detach the garage. We don't think, when we had horses in the back, you wanted it detached. Today, maybe not so much. That is again, something that we are here before the Board. I don't want to say that this is our first gambit. It is not, this is my client's dream home. He has carefully worked with us over a period of months. Believe it or not, this is cut back from what he originally wanted. The fact of the matter is what we are looking to do right now is come to the Board, again, we submitted it. We escrowed money for the Planner. The Planner had certain ideas that we think are worth looking at.

If the Board has any more ideas, that is something that we could certainly look at. What we don't want to do is put an undersized house on a 25,000 square foot lot.

VON DER LIETH: Right, but what our job, tonight, is, and I am going to let you go in again, is for you to take your case, I mean we are here to be impartial, of course, to listen to both sides. The job, the onus per say, is on you now, to prove the case of why you should have a house much bigger than is what is normally allowed. So, I will let you go on. I know you have a number of people here.

HERLINSKY: Although Mr. Zaccone does have a Planner's License, I do have a licensed Professional Planner here that will really go into the justifications of what makes this not only justified as far as lot size, but as far as what is justified given, not only the immediate neighborhood, but Park Ridge as a whole, and the neighborhood not just this particular plot, but in the immediate vicinity.

VON DER LIETH: This is the last thing before you can continue. The lots to the immediate right and left, are they both oversized or are they true R-10 lots, just for my own, I don't know if it said it in the plans the 10,000 square foot.

HERLINSKY: I think our Planner can attest that the lot immediately to the west is a larger than an R-10. The 2 lots immediately to the east are approaching the R-10 size of lots, as my best guess.

VON DER LIETH: Okay, please go on.

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ZACCONE: Just to summarize, certainly my effort was to, not only take the owners program and evolve that into a very appealing structure both internally and externally, but certainly to do what is appropriate in my opinion to a residence of quality on this particular lot.

HERLINSKY: I have other questions that I may have an answer at a future point, but actually at this time I don't have any further question. He is going to be available for testimony after the Engineer and the Planner also, he is here in case members of the public. Do you wish me to present here or do you want to open questions for the Architect to the public?

VON DER LIETH: You know that is a very good idea. You know we are going to have done, the fact that you are up here right now, it would be easier if as each professional comes up if anybody from the public wishes to, or has any specific questions, for the architect, they are welcome to get up right now and ask their questions. If they want to wait until the Planner or Engineer get up...

AUDIENCE-1: I have a comment but do you only want questions?

VON DER LIETH: The comments we will definitely here your comments at the end.

BEER: This is not being picked up on the microphone. Please, you will have to come forward.

RUPP: I know that it is always a little bit complicated, but technically, this is the part of the meeting where any member of the public wishing to ask this witness questions, as opposed to their own testimony, right. I realize that questions could be asked in such a way as to imply an answer. I understand that. Technically, this is only a questioning period. You will be given an opportunity to present testimony, which could include neighboring properties, for example. That is something, or you could ask this witness about a particular neighboring property if he is familiar with it, that is a legitimate question. If you disagree with his answer, you will have an opportunity to present testimony later on in the meeting.

VON DER LIETH: Yes sir.

AUDIENCE-2: I have a question.

VON DER LIETH: You have to come forward and grab the mic. Sorry about that.

AUDIENCE-2: How deep is the house.....

RUPP: We need to have your name for the record.

KERSTING: I am Chris Kersting. I live at 75 Chestnut Avenue. I would live on the side of the property. I would like to know how deep the house, top and bottom, second floor, will go into the property? How far back?

If you are on Chestnut Avenue, I am going to see the side of the house. How far back will it go?

ZACCONE: The side dimension, the depth of the house is 43 feet, 9 inches.

KERSTING: That is not what I am asking. How far back on the property will the back of the house end? From the front of the road, to you get to that back of that house, how far in from the property line will you be?

ZACCONE: We have a rear yard setback, getting to your question, we have rear yard setback of approximately 84 feet, so if we take the 84, and subtract it from the depth

of approximately 200 square feet, we have 120ish or 115ish feet from the front of the property.

KERSTING: What will the height of the house be?

ZACCONE: The height will be below.

KERSTING: What is the height, I want the number.

ZACCONE: 31. 29 feet 6 inches.

KERSTING: All the way back?

ZACCONE: No, at its peak. At its highest point.

KERSTING: Thank you.

LUDWIG: Can I just have a clarification between the documents that you gave us, and the testimony that you just gave on the building height, please?

BEER: Mr. Zaccone?

ZACCONE: To correct my response, it is 31 feet building height, 31 feet 5 inches, at its highest. My apologies.

VON DER LIETH: Okay. We have one other, please come up? Please just state your name and address?

WAGNER: My name is Carol Wagner, and I am at 10 Awashawaugh, here in Park Ridge. I just have a question. I don't know if you have done any of this research, but I am curious what the demographic is for our town for houses at that size? How many houses of that size exist in our town?

VON DER LIETH: That is a good question.

ZACCONE: I don't have that information but perhaps our Planner could provide testimony to that.

HERLINSKY: I don't think our Planner has that, but I will ask that when he comes up. I know that the architect doesn't know that. Good question, though.

WAGNER: As a resident of Park Ridge, I just would like to add that I know that there are a number of houses at that size. I don't know the number of hand, but I don't think that it depletes from the town itself. I think that it is great town.

RUPP: This is not a question.

WAGNER: I just wanted to say that.

VON DER LIETH: We will get you in at the end for that. Chris, if you would like to come back up. If you know for sure, and you can.

RUPP: He is not under oath right now, his testimony should wait.

VON DER LIETH: Okay we will wait.

HERLINSKY: Does the Board have any questions for the Architect?

RAMAN: I have one question. The size of the house, was that something you felt was appropriate for the size of the lot, or was this a request by the owner to give him the biggest house possible. How did you come up with that number?

ZACCONE: It was based on the program. Numbers of rooms, where the rooms are situated, and the relationships of the rooms that drove the footprint. It was the program.

By no means did the owner or I think we want the biggest house on the property. It was really, these are the spaces that we need, this is the relationship of the spaces we need and as a result this is the footprint that was arrived at.

WALKER: Are you aware that if this house was in an R-20 zone, that it would still be over the maximum building coverage for an R-20 zone and you are asking to place it in an R-10.

It is over building coverage. In an R-20 zone you are allowed 18% building coverage and you have 18.7% in an R-10. 18.7 of the 25,000 feet, not the 18.7 of the 10,000. You would require a variance even if you were in the proper zone.

ZACCONE: knowing that this lot exceeds the R-20 area lots anyway.

WALKER: You are still over.

ZACCONE: I understand.

WALKER: Was there any attempt made to size the structure to the surrounding area rather than the oversized lot that happens to exist in this area? Because, there is no other structure on Morningside Avenue that is anywhere near the size of what you are proposing.

HERLINSKY: While that is correct, there are a couple of things that we have done, to our detriment.

RUPP: Mr. Herlinsky, in all fairness the question was directed to the Architect.

ZACCONE: The aspect of fitting our house into what is around it, had secondary importance to, in my opinion, the owners program requirements, basic requirements and what the lot would permit us to do. I think some Board members would feel that perhaps the adjacent, the immediate adjacent, residences might be inappropriate for this lot size. I think that is also true.

VON DER LIETH: Is there anyone else in the audience that wishes to ask a specific question for the Architect who is up right now? Okay, I thank you.

LUDWIG: The reason why we are having some problems with the numbers here, is on your page 2, you show different, only by a few feet, but different square footages, for the second floor and for the first floor than you show on your zoning data page. That is why we are getting slightly different total numbers here. I am not sure which is the right numbers. The one that is shown on your zoning data chart or on the page that shows your square footage.

ZACCONE: We are going to go by the Engineer's zoning data chart.

LUDWIG: Okay, not the ones on page 2.

ZACCONE: Not the ones on drawing A-2.

LUDWIG: Okay.

ZACCONE: Thank you Bob.

HERLINSKY: If I might make a comment. There are certain liberties that we have taken. We are here to get the Board's guidance. Clearly there are 905 square feet that by simply detaching the garage, we could eliminate that from the variance that we are requesting. That is something that if the Board feels that want detached garages, we

will have to address that. There are certain other things as far as what we are going, taking advantage of the fact that we have 5,000 more square feet than your typical R-20 lot, which gets to the point of what we are hearing. I am hearing that we have gone over what you like by certain amount.

Do I think that we are double what we should be doing on a lot like this? This is my arguments, obviously I am not here to testify.

WALKER: If you were putting this house on an R-20 lot, you would be required to have it 40 feet off of the street. Why didn't you place it 40 feet off of the street. You are looking for a front yard variance of an R-10, where you have a huge structure. It should be 40 feet off of the lot, if it were in an R-20. Why would you ask for 25. Lets make it really massive on the street. You would still be asking for a variance if this were on a correct size lot.

HERLINSKY: I understand, but we do have another 5,000 square feet that we felt that we, nobody is entitled to a variance, but we did think that would be something that the Board might take into consideration that this is 25,500 square feet.

VON DER LIETH: Right, no one is disputing the fact that it is like you said, lets just call it like it is. It is a big house.

HERLINSKY: It is a big house on a big lot.

VON DER LIETH: It is a big house and a big lot, and we are looking forward to hearing some of the criteria that is really going to help us make the decision on whether or not we can go through with doing something like this. So, please, yes, go ahead.

BOGART: Mr. Chairman. On of the things that this Board understands is that there are neighborhoods that have lots such as this, that are larger than the district, larger than the adjacent lots, but what they do in their analysis and what I have seen them do, is take into consideration the R-20 regulations or any other regulations that would help them understand the scale of the structure and how it should fit into that neighborhood. I am just wondering if when you were designing this structure, did you look at the other regulations for the Borough and did you consider any of the other scale regulations?

HERLINSKY: We did look at the regulations, and we did drive around the area more than once to look at adjacent buildings in the area, especially in the R-10 area. The styles do vary, sizes do vary, and we had to circle the respect of the owners wishes as well as the type of house he would want.

BOGART: I don't see a problem with the type of house, and this Board has no right to regulate the type of architecture. I think what I am hearing is there is concern with the scale and the setbacks. I think, potentially, you should look into the clues of the front yard setback, with the R-20 zone district and look at the place where that garage and really take into consideration the Borough's other regulations for scaling the structure properly.

HERLINSKY: We respect and we understand the advantages of the front yard setback issue and as Counsel had mentioned we are in a position of adjusting that and increasing that front yard setback. Yes.

VON DER LIETH: Maybe the testimony of the other witnesses will help clarify certain questions we might have. If there is no other questions for the Architect, at this time, from the Board. Mr. Rupp if you are okay with that, everybody. Okay, thank you very much.

HERLINSKY: At this time, I would like to call Thomas Donohue, who is our Site Engineer.

RUPP: Mr. Donohue, would you please raise your right hand? Do you swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

DONOHUE: I do.

RUPP: Please state your name again, just for the record.

DONOHUE: Thomas Donohue, Donohue Engineering, 110 Warren Avenue, HoHoKus, New Jersey.

HERLINSKY: Mr. Donohue, can you please describe your educational background, your degrees and your licenses that you currently hold.

DONOHUE: Sure. I graduated from NJIT, with a Bachelor's of Science and Civil Engineering. I have over 25 years of experience preparing site plans and subdivisions. I am licensed in the state of New Jersey and New York and Pennsylvania. I have been qualified by numerous boards throughout New York and New Jersey.

VON DER LIETH: Thank you very much, Mr. Donohue, that is more than adequate. Thank you.

HERLINSKY: Mr. Donohue, if you could please describe the materials that you reviewed and your presentation today, and your familiarity with the property and if you have conducted any site visits at this site?

DONOHUE: The subject property is located Lot: 1, Block: 1911, 134 Morningside Avenue. It is located in the R-10 zone. The size of the lot is 25,586 square feet, where the R-10 zone requirement is 10,000 square feet.

The property currently contains a 2-story frame dwelling, 2 asphalt driveways, which is an existing nonconforming condition, where only one driveway is permitted, actually curb cuts permitted. Walkways are concrete and paver, concrete patios sheds, lawn and landscaped areas and also I wanted to mention the western driveway encroaches onto the adjacent property, which is Lot: 2 of Block: 1910. I believe that there is an easement for that condition on that property. That also is an existing nonconforming condition where 5 feet is required from a driveway to a property line.

The property generally slopes from the west to east. The applicant is proposing to remove the existing dwelling, construct a 2 ½ story dwelling, a circular driveway, which each driveway would be 12 feet in width at minimum and then would expand up towards the side-load garage. The proposed western driveway would be reconstructed over the existing driveway that is there. The separation between the two driveways would be 44 ½ feet. I believe that 40 feet is a requirement for a minimum for the two driveways, and two curb cuts a maximum of 20 feet in width would be constructed. There is an existing curb cut where the existing driveway is, which would be, new curbing would be constructed for that area.

The applicant would construct trench drains on each driveway, and those will discharge to underground seepage pits, which are located in the front. The applicant, well actually, we went out and did 5 bore test holes on the property, in the front, middle, and rear. During those explorations, we have discovered the soils were from a clay loam, a sandy clay loam. There was seepage at various depths in each one of the test holes.

We have designed seepage pits to accommodate the additional runoff from the roof area and from the driveway area for the 25 year storm. Those calculations were submitted to the Board. The seepage pits will have an overflow and that will discharge out to a new inlet in the streets and that will be connected across the street to the existing drainage system that is there.

During construction, the applicant will install a silt fence surrounding the property. We will have a construction entrance and other measures for soil erosion. This

plan will be submitted to the Bergen County Soil Conservation District for review and certification. That hasn't been done to this point. Also, there will be soil movement taking place on the property approximately 1,032 cubic yards of excavation. We have 485 cubic yards of fill and we have the difference, which is about 647 cubic yards of material that will be removed from the property.

The application is conforming to the R-10 zone with the exception of the FAR. The building height calculations, we provided some information on the plan. I believe the 32 foot height for each face. There will be a revision for the eastern face. We have a retaining wall that is going to be constructed adjacent to the garage area, that will be extended down to provide that 6 foot offset measurement for the 32 foot height requirement. The other sides are in compliance.

That is all that I have to say.

HERLINSKY: Can you please describe the current status of the driveway and the traffic impact that the revised driveway would have?

DONOHUE: Well, for the western driveway it is more or less going to be constructed in its existing location. The eastern driveway will be removed and be moved to the west slightly. I would say probably about 20 feet. You are going to have two driveways servicing a single family dwelling, so I wouldn't see that there would be any traffic impact, so to speak.

HERLINSKY: Are there any questions for the Engineer?

LUDWIG: The circular driveway, if we call it that, are you aware that we do not permit circular driveways on that street.

DONOHUE: I am not aware of it being, the two driveways itself?

LUDWIG: The circular driveways are not permitted in that area, and I don't see that you are applying a variance for that. I wondered what your logic was.

DONOHUE: The existing driveway has two driveways as it is right now.

LUDWIG: But, not connected.

DONOHUE: Not connected, no. I didn't see that in the ordinance that it was a circular condition.

HERLINSKY: If that is an issue, I have spoken to my client as a condition of approval, we could move to eliminate one of the driveways. It would be this driveway here. What we would probably do is move this driveway a little bit over in order to... this is the way it is right now, we have an easement. It cuts into the side yard here. That is something that we would as a condition of approval, move the driveway over and eliminate that curb cut. We have two curb cuts right now, one of them we would have to cut off. But if that were an issue for the Board, that is something that we would consider doing.

RAMAN: Isn't the allowable curb cut 16 feet?

VON DER LIETH: Does anybody wish, in the audience, have any questions for the Engineer while he is up here? Yes sir, please come up and state your name and address.

HEALY: Hi, I am Arthur Healy. I am on 76 Chestnut Avenue. I am on the east side of the variance application. This question may be as much for the Engineer as it is for Counsel. Forgive me if it a simple question, but I heard the mention of 32 foot height requirement and variance at the beginning of your engineering discussion. If I heard it right, what is the standard that you are seeking a variance from, on that 32 foot height? That would be my question.

DONOHUE: We are not seeking a variance for the building height. We are going to conform to the building height, the variance was for the FAR, floor area ratio. The architect had discussed that. There is a retaining wall on the eastern side of the property because the property does slope from west to east. That will be continued, extended, down to the rear of the building, to provide the 32 foot height requirement, which is measured at 6 feet outside the building.

RUPP: Just so I am clear on that question and the answer, I think I heard you initially, you are proposing a retaining wall 6 feet out from the building, so that when you measure the height, you are measuring it from the top of that retaining wall, as opposed to, I guess, a lower elevation just beyond the retaining wall, is that correct?

DONOHUE: That is correct. The plans, right now, which were submitted, which is labeled February 6<sup>th</sup>, 2012, we are indicating a retaining wall which goes down about half way to the house. We are going to extend that down, because beyond that it goes down to about 97 or 98 in elevation. We need to be a little bit higher than that to provide that 32 foot height.

CAPILLI: Is that the only reason for that retaining wall?

DONOHUE: That is the only purpose.

CAPILLI: To get to that 32 feet, without it you wouldn't comply?

DONOHUE: Based on, yes, based on the slope of the property.

VON DER LIETH: Without it you would need a variance for height.

DONOHUE: Correct.

RUPP: What is the maximum height of that retaining wall?

DONOHUE: Right now it is about 2 or 3 feet in height. So, it is not a very large retaining wall. We have elevations that are indicated on the plan.

VON DER LIETH: Are there any other questions, right now, from the Board? You have a question for the Engineer? Again, you can come up and just grab the mic...and again, just give us your name one last time.

KERSTING: Chris Kersting, 75 Chestnut Avenue. Would this new structure be, at its peak, higher than the current structure?

DONOHUE: I would say yes.

KERSTING: How much higher?

DONOHUE: I don't have the ridge height of the existing structure.

KERSTING: I would like that information as soon as possible. I think it is presented to the Board.

HERLINSKY: The height of the existing dwelling?

KERSTING: I was told earlier by the Engineer that it would be 31 ½ feet. Are you raising the building, the ground that you are building it on? That is my point.

WALKER: No, the down hill side.

VON DER LIETH: For lack of a better word, yes, they are raising it. In order to conform to that, that is the maximum height without a variance, 32.5 are we at, 32, okay. So, that is for lack of a better word, they are raising the ground. No, Brigitte, what is it.

BOGART: Are you saying that you were raising the grade to meet the average height requirement or the maximum height requirement?

DONOHUE: The maximum for each face, has to be 32 feet.

BOGART: I don't think that is necessary to do. Because, the way that the ordinance reads, is the maximum height is taken from adjacent grade level on the same plain that the structure...it looks like that where the maximum height is, there is a hip roof design, correct? So, therefore, the height is measured from that grade level at 97 feet straight up and it only runs to the ridge beam.

DONOHUE: We are going to the median or are we going to the peak?

BOGART: You are not going to the ridge, because you are going to the rafter.

DONOHUE: Okay we will review that. We are going to be well below that, then.

BOGART: Yes, I don't think it is necessary to have the wall at all. I think that you will still comply. If I am looking at the grade correctly.

DONOHUE: We will review that.

RAMAN: Only to the eave?

BOGART: Along the face of the structure. It is hear, not to the ridge.

VON DER LIETH: Does anyone else in the audience that wishes to ask Mr. Donohue a question? Yes, sir, one last time. One more time if I could has your name and address.

HEALY: Arthur Healy, 76 Chestnut Avenue, Park Ridge. I have a question about the four test hole. You mention that there was seepage at the various steps? You designed in seepage pits with overflow going to the street, if I took notes correctly. When you drilled the test holes, did you run into any water springs of any sort on the property?

DONOHUE: No springs, but we hit ground water at certain areas, that was the seepage that was flowing through the soil. That is a natural condition. So, we designed our seepage pits to be out in the front near the street, because the seepage in those areas were deeper than in the rear. We had a higher seepage discovery in the rear.

RAMAN: On this one are you the Planner also, or, is there a Planner.

HERLINSKY: There is a Planner.

HEALY: I am just curious, at what depth did you hit the largest amount of seepage.

DONOHUE: I didn't measure the seepage. It just more or less, whenever it comes through the soil, we usually stop or go down 10 feet. He had the backhoe out there and we dug down 10 feet and wherever that was, we indicated it on the plans. In the back we had 66 inches in depth, and another 96 inches, 64 and 108, which was up test hole number 4. So, that was up in the front. We had the largest depth for seepage discovery. So, that is why we put our seepage pits up front.

HEALY: One last question, at what point of water volume does it trigger the overflow into the street?

DONOHUE: The system is designed, the two seepage pits are designed for the 25 year storm. That is the town's requirement. So anything over that would flow to the street.

HEALY: How many gallons is that?

DONOHUE: How many gallons? The requirement was for 2,868 cubic feet of water to be stored. Thus we have the two seepage pit areas which are concrete tanks connected together with stones surrounding them, those two areas, again, they are 8 feet deep, with two feet of stones below. Those volume areas are 3,015 cubic feet, so they are larger than the requirement for the storms. That is what was submitted to the Board.

KERSTING: Catherine Kersting 75 Chestnut. Is there any consideration for seepage pits in the back of the property, as now the structure is going to be moved all the way back and there are just seepage pits in the front? Is there, I don't know what the requirements are?

DONOHUE: We will look at that, but, we are going to try to keep it towards the front, as shown here, because we have an overflow connection to the street. That was where the largest depth to ground water was on discovery.

KERSTING: And this is going to roll into the drains on Morningside, or Chestnut Avenue?

DONOHUE: Into Morningside. We have them indicated on the plans.

VON DER LIETH: Okay, any other questions for Mr. Donohue, the Engineer?

LUDWIG: Just one. Your soil moving permit is a total soil moving, and I am not sure I got that number. We need the total amount moved or brought to the site and excavated. I think you just did a different number. We need a total amount moved, plus or minus.

DONOHUE: We have an excavation of 1,132 cubic yards and a fill, which more or less takes that material and uses some of that, 485 cubic yards. Then the export, which is the remaining, is 647.

LUDWIG: It looks like it is going to be something 1,600 when you add those two numbers together and total them. In other words, soil moving is material moving on the site.

DONOHUE: On the site it is about 1,600.

VON DER LIETH: Thank you Mr. Donohue. Mr. Herlinsky, I just want, due to the late time, this is, I feel that it is the best course of action, just because we are going to have the Planner come up and give testimony. I know that is going to be at least another 15 or 20 minutes, and I know that our Planner, actually, will have, obviously, some questions. We still to go over some a couple of cases tonight, that were prior on the agenda, if it is not too much to ask, I was wondering if we could continue it with the Planner at the next meeting can come in and we can start off with it, and hold off on the comments from, also, the people that are in the audience, just because I would like you to hear what the Planner has to say. As per protocol have Mr. Herlinsky give his final comments and then we have the comments from the audience, you know, pro and con, so be it.

HERLINSKY: At the Board's pleasure, we are fine.

VON DER LIETH: I think that would be in the .....

HERLINSKY: With the indulgence of the Board, my client just has a brief statement as to what he has to.....

VON DER LIETH: By all means.

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

GUARDERAS: I do.

RUPP: Please state your name and address.

GUARDERAS: Kevin Guarderas, 134 Morningside Avenue, Park Ridge, New Jersey. First of all, I want to start off by saying thank you to the gentlemen and members of the Board. I know that we are here late today. I know that this is the third time that we have tried to get before the Board.

It has been a learning process, but I think that I have heard a lot of testimony given by my side a lot of questions, good questions by my neighbors who are concerned about my application. We have some friends and neighbors who want to be in support of the application. But, as regards to the questions from Mr. Capilli, Mr. Rupp, and Mr. Ludwig, and from Mr. Raman, there was a question, in different forms, asked why the house is so big.

A lot of questions were asked of Mr. Herlinsky and my Architect and the answer has been given in terms, we want a house commensurate with the size of the lot. I would put it this way, and I wanted you to hear that from the applicant, because in an application like this, which I think is stirring the passions of many people and rightly so. I think a lot of the concerns are good concerns. It is for the Board to hear from the applicant of what my thoughts were when we started.

So, my thoughts were when we started was, I like Park Ridge. I don't want to move away. I don't want to have to go away to a different part of Bergen County where larger homes are more normal. I live in a more older part of town. My house is the oldest on the block. It was built in 1934. I knew that when I bought the house. I have been there for 10 years. We have beautified the house. We, I think, made the streetscape nicer. We have landscaped nicer. We have landscaped and put in fences. We have done work to put French drains in the house, to make it more livable and to modernize it, so it is more comfortable for my family and my kids.

I think what runs that where we are today, I want a dream house. I want a dream house for me and my family. Hopefully, in the future I will have my parents live with us, that is how we do it in my family and that is how my wife does in their family. Our parents can live with us when they get older. When we started building this house, Bob and I, I didn't know it was going to be this big. We had the ordinance and we said okay, it has to be 35 feet back so we went back 35 feet. Where should we put the driveway? I think it would look nice here. Where should we put this, where should we do that. We did a program. Wouldn't it be nice to have this and wouldn't it be nice to have that?

Then one day, we still don't have all of our finalized plans, the elevations, Bob didn't show me, I looked at the program and the plans. But, it was me who stopped Bob, this is a pretty big house. Before we spend the next 100 hours finishing the bedrooms, finishing the kitchen, lets see if we can go talk to the town about this. So, in the design process we realized that it was so big, I stopped the process and said lets not spend the next 100 hours with this, lets go and talk to the town.

I have an education. I think that we made a mistake starting off. We thought the 905 square feet was not included. We had a question, we started, I believe, Bob and one of his assistants called or visited Mrs. Beer and I think we made a misinterpretation even put that in the notification, we said 6,200 square feet. That was excluding the 905 square feet. So, we didn't know that.

We gave a lot of consideration, I think a lot of it is reflected here since we handed these in a month ago. Bob and I have worked a lot. I know that we are not here to

negotiate with the Board, I am here to say that I have a lot of, well over, Mrs. Bogart, thank you so much for your comments. It is a big lot. It is 25,500 square feet. If I was in the corner, which every other house, almost any other property, if I may, on Chestnut, is a corner property, so if I had 25,500 square feet on a corner property, I could subdivide, make a house for my parents, and nobody would be, I don't think, have a problem with that. The fact is that it is 25,500 square feet and I am not exactly land locked, but I can't put another driveway and put another house behind it.

So, that is why the house ended up being so big. Even so, I would tell you and I heard it today, 7,000 square feet sounds pretty big to me as well. It sounds extremely large. To the west of me, the next door have a lot almost exactly the same size lot as mine. I am not sure if it is a little bit bigger or a little bit smaller. It used to be on my lot and then it was subdivided. Mrs. Albertson, who owned my house, subdivided and sold that off. So, to the east of me, we have an R-10, 10,000 square foot lot. The owners are here and they are happy to see a big house because they want the multiple. That is how it got so big. I can't subdivide I am not on a corner lot. So, it ended up being a bigger house.

We used to have 4 variances, and my opinion, the people are saying that is not the way to do this, but I want to talk to you from the heart. As I see it there is, not a floor area ratio, correct me if I am wrong, I am sure I made mistakes, there is not a floor area ratio, there is a floor area limit issue that we have and it is because we are an R-10, not an R-20 or an R-25, that we think in our heads it should be, even an R-20 or a synthetic R-25, it is a big house and we have the floor area limit issue. We have, Mr. Rupp, I think you mentioned the, or Mr. Ludwig excuse me, the circular driveway and the two driveways. We have an issue where we are encroaching on my neighbor's lot, even though I have an easement. We need a variance because one of the driveways is within 5 feet of the neighbor's lot.

We have another neighbor of mine who, I think, is rightfully concerned because he is behind my house, two neighbors, about the drainage. I don't think it was stressed loud enough that the drainage from the roof of my house is going to go forward and that we did 4 test pits to test for if there was an aquifer. There is no aquifer. United Water said that there is no aquifer issues. The town water said that there is no aquifer issues. We didn't have any large issues of drainage. I believe I am paraphrasing my Engineers testimony, so we have addressed that proactively.

What I would suggest, and again, I am not negotiating with the Board, but these are the thoughts that we have had. We have drawn some things up, I didn't think that today was the appropriate time, because I knew we were coming back no matter what. I knew that we were forth on the agenda and I thought it would be a long and contentious process today, so we would come back. Here is what we were prepared to do. Go from a two driveway to a one driveway, okay. Move our driveway 5 feet off of the property so that it will have the requirement for my neighbor. We would go from a 3-car garage to a 2-car garage. We would, quite rightly, treat it as even an R-40, and move it back not 5 feet, not 10 feet, 15 feet back. So, now you are 45 feet back and you get the extra benefit of going from a 3-car garage to a 2-car garage, that is an extra 8 feet.

So, it would be like 53 feet back, from the edge of the garage to the curb, from the curb to the edge of my porch, would be somewhere around 95 feet, which I think is much further back than almost every other house on the block. I don't think any of the other dwellings start 95 feet back. We put shade trees in the front to lessen the impact for the, I guess, magnitude that some people might have. We have already redesigned parts of the house to reduce I think between 800 and 1,000 square feet, is it Bob? So, the dwelling would be somewhere around 5,100 square feet and we would detach the garage and use a breezeway.

So, we have looked at this, I think, from as many different, it has been an education process for me. It has been a process where okay, we can't get the house that were just dreaming of, out of the box, and we have had to come from the reality that there are different interpretations of laws that we didn't know, that I didn't know. I never designed before. There are different pressures from different neighbors that I have who

are concerned to put a mega house in the middle of a parcel that some might consider an older more modest section of town. From my point of view, I think what we are prepared to do and when we come back and hear Mr. Kolback's testimony, because even when we make it a detached garage, and even if we come back with a 51 or 52 hundred square foot house, it still is going to be a large house. That is what we want to come back with in the future.

I wanted to say that you have asked us have we considered? We actually have considered. But the way that the questions were worded was when you designed this house in the beginning, did you consider? In the beginning we didn't. In the beginning we were drawing stuff out of, you know, I want my dream home, lets do this, I would love to have this, I want to put my piano here, I want a TV room here.

VON DER LIETH: Mr. Guarderas, I appreciate your coming up and telling us your feelings and your motives behind that. We are definitely not in the business of telling someone, A- what there house should look like, what you should do for your dream house. It is your property. Our constraints are by the zoning laws and ordinances.

GUARDERAS: I just wanted to respond to some unanswered questions so I thought the tone of the questions was an answer to the questions of why did you make it so big.

VON DER LIETH: No, I think you expounded on that and it helps a lot. Now, what you just said, I hate to tell you this, but you differences or the changes you were just talking about, we, of course, would need that in new plans.

GUARDERAS: Right and that is why I said we knew.....

VON DER LIETH: Okay, good, I am just letting you know that is not something that we can say well you know it is not like we are starting over again, but we definitely need that. If you are thinking about that, it would definitely be a big help for the next meeting.

GUARDERAS: No doubt.

LUDWIG: You have to tell us what we are considering. We are not going to choose between A, B, and C.

GUARDERAS: I am not going to negotiate. A lot of the questions were did you guys consider this and did you consider that? I was stuck in and I think Victor wants the mic back from me, but from where I sat, and an un-initiated person to this process, I am a lay person. I am not an attorney and I don't play one on TV. I thought it is going to be at least once maybe twice and maybe 3 times that we are going to be before the Board. This is what we submitted the first time, lets go over this, hear the concerns because I think some of the concerns were very valid. I want to say from my testimony that hearing these concerns, that we had considered some of these things. We are prepared to move forward and present I guess a second application at this point. That is it. I want you to know that it is not falling on deaf ears, and I am not saying that I want a 7,000 square foot house and that is that and I want it to happen. We have been sensitive and proactive to incorporated my neighbor's concerns to Mrs. Bogart's interpretation to our Planner and comments and to the ordinances.

The only think that we kept on saying was it is not a 10,000 square foot lot, and we are ready to address all the comments.

VON DER LIETH: I appreciate your coming up and letting us know.

GUARDERAS: I want to thank everybody who came out on both sides.

VON DER LIETH: Thank you.

RUPP: I would like to ask Mr. Herlinsky, based on what we just heard, is there a proposal to submit revised plans?

HERLINSKY: I believe so.

VON DER LIETH: Okay.

RUPP: In which case, you just need to get some indication of timing how long will that take, and are you prepared to come back at the next meeting or are you going to need more time. The revised plans need to be on file and be able to be reviewed.

HERLINSKY: I will let your know. I would imagine that in order to give the Engineer and the Planner the proper time to review these plans, I will try to get them within 10 days, by the close of business next week, next Friday. Would that give the Engineer and the Planner time to review the plans?

MANCUSO: You have to go by the cut off date.

BEER: They have to be in a minimum of 10 days prior to the next hearing, so that would be April 17<sup>th</sup> is the next hearing.

HERLINSKY: That would give us plenty of time.

BEER: The beginning of April.

RUPP: We have to renounce at this meeting when this will be carried to, otherwise everything has to be re-noticed and we don't want subject anybody to that extra burden.

HERLINSKY: Is there a date certain.

WALKER: April 17<sup>th</sup>.

RUPP: That is the next meeting. Now, of course, there are meetings after that.

HERLINSKY: Is there a deadline as to when they have to be in?

BEER: Not later than April 7<sup>th</sup>.

HERLINSKY: Thank you very much. We will be there.

VON DER LIETH: Mr. Herlinsky, I want to thank all of you for your testimony, and I appreciate it. I guess we will see you, hopefully, next month.

RUPP: This hearing is being continued to April 17<sup>th</sup>. There will be no further notices received on that. So, please mark your calendars accordingly.

VON DER LIETH: Thank you everybody. Before we go on, there is nothing else to discuss except an approval of vouchers.

**NEW BUSINESS:**

None

**CORRESPONDENCE:**

None

**APPROVAL OF MINUTES:**

None

**APPROVAL OF VOUCHERS:**

**Brooker Engineering, PE**      \$990.00\*  
Board of Education

(\*indicates *insufficient funds* – letter 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. Capilli and seconded by Mr. Hoskins. Carried by all.

**DISCUSSION OF APPLICATIONS:**

The first application to be discussed was **Park Ridge Board of Education**. The members felt that the resolution of approval should indicate that none of the exterior work could be done until the lots were merged. The attorney felt that until the merge is done, the property could not be changed to an office use until the lots are merged. It was explained that they would have merged before hand but they wanted approval first. The attorney was advised to draw a resolution of approval with the conditions that the merger had to take place prior to any changes.

The next application to be discussed was **Barbara Warren**. That has been put off until next meeting to submit some pictures. They felt that there would not be any problem with granting the variance.

The application of **Mario Izzo** the next to be discussed. The attorney advised that personal hardships is not a relevant perspective. They felt that there are other ways to achieve the need. The fact that this family could move out in the future and another family could purchase the house and the positive and negative criteria from this would still apply. The variances have to apply to the property and not the people. The Planner felt that the public good has to be the benefit, the aesthetic benefits to the streetscape, the improvements keeping with the zoning ordinance, further master plan goals, are the public benefits that the Board must consider, and not the personal issues. The Engineer felt that a great deal of the impervious coverage is the driveway area and that possible they could evaluate some of the driveway width while still providing for parking and the tenant, perhaps something different from the macadam. They felt that half of the lot is pavement. They felt that if and when the wheelchair became an issue the bedrooms could be switched and the current master bathroom be enlarged, which would be more cost effective for the owner.

They felt that what they are asking for is more of what they want, rather than what they need and that fact should be considered as a mitigating factor in their decision on how much enlargements should be allowed. They felt that the property owner should be requested to reduce the impervious coverage and increase the landscaping. The planner stated that the Borough has historically encouraged the renovation of a 2-family house because in the past, they have been renter occupied and with absentee landlords, the homes are not renovated and tend to not be taken care of. She felt that renovating would be in keeping with the architecture of the building and it is also a public benefit. She also noted that the zoning ordinances have encouraged that detail be added to the plans, such as gazebo's as an aesthetic benefit.

They also felt that it should be allowed if there was something done to decrease the impervious coverage. Most members were in agreement that it could be approved providing the changes mentioned were to be done.

The application of **Kevin Guarderas**, was discussed and they would wait for the revised plans to be submitted.

**ADJOURN:**

There being no further business to come before the BOARD, by motion of Mr. Capilli and seconded by Mr. Hoskins, The meeting was adjourned at 10:30 pm. Carried unanimously.

Respectfully submitted,

Margot Hamlin,  
Transcriber