

**\*\*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, May 15, 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. Sigilitto, Mr. Walker, Mr. Hoskins, Mr. Capilli, Mr. Flaherty, Mr. Brennan

Absent: Dr. von der Lieth

Also Present: William Rupp, Board Attorney  
Eve Mancuso, Professional Engineer  
Brigette Bogart, Professional Planner  
Robert Ludwig, Zoning Officer  
Lyn Beer, Secretary to the Zoning Board of Adjustment

**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.

CAPILLI: Before we begin, if anyone is here for Case: 12-04, which is Mr. Idnani, they are not going to hear that case tonight. It is going to be postponed until next month, June 19, 2012.

**PENDING CASES:**

<b>CASE:</b> 12-01 Block: 1911 Lot: 1	Application of <i>Kevin Guarderas</i> , 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 planner's review. Hearing resumed April 17 <sup>th</sup> and carried to May 15 <sup>th</sup> for revised maps.
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WALKER: I have a few items to add to the record before we begin tonight.

Item 24 is Board secretary letter dated 4/18/2012.

Item 25 is revised maps dated 5/04/2012.

Item 26 is Planner's review dated 5/15/2012.

That is all that I have at this time.

CAPILLI: I think that everyone got their packets and we say a decrease in the floor area. So, if you could kind of briefly take us through how you deducted that.

HERLINSKY: I will, and then what I anticipate doing, if I could just say what we had done prior to coming on. Our architect is not here tonight, but his able assistant is here, that I am going to be presenting with a back witness. I do have a soil movement and the seepage pits have been initiated, and I have the Engineer here to go over those numbers and also talk about the final variances that we are asking for, and then I have some wrap up planning testimony on what, in essence, is an amended application to try and get this through as quickly as possible.

Let me just start by apologizing. Some times it takes me a little longer to understand what is going on. I want to applaud the Board for making, by not telling us, but making what I think is a better application for the town through some of your suggestions, and some of your very pointed questions. We have reduced the house from the original number, which, obviously, was a very high number, to 4,751 square feet.

This is on, again, a 25,000 plus square foot lot. We have attached the garage, so now the garage is included in the square footage. So, if you back out the 450 square feet, the actual square footage of living area is now a little over 4,300 square feet. We only have one driveway as opposed to the original application. We have moved the driveway off of the side yard. We are not asking for it. The only variance that we are asking for tonight, is a floor area bulk variance. The ratio, we are way under. In an R-10 zone, it is 30, in an R-20 zone it is 22. We are at 18.5 now.

We have attached the garage. We have eliminated the breezeway. We are no longer asking for a 3-car garage. We are asking for a 2-car garage. So, without further ado, again, this is.....

CAPILLI: So shouldn't we just swear her in prior to testimony?

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

TRAMONTANO: I do.

RUPP: Please state and spell your last name.

TRAMONTANO: Sheryl Tramontano, that is Sheryl with an "S".

HERLINSKY: Can you identify your current employer?

TRAMONTANO: Robert Zaccone Associates.

HERLINSKY: What is your position with Robert Zaccone Associates?

TRAMONTANO: I am an interning Architect, Project Architect for this project.

HERLINSKY: What is your educational background?

TRAMONTANO: I have a degree of Architecture from the New Jersey Institute of Technology.

HERLINSKY: Are you familiar with this project?

TRAMONTANO: Yes.

HERLINSKY: In what capacity are you familiar with this project?

TRAMONTANO: I have been working since day one. I have been drawing up all of the drawings on the computer and I have met many times with Mr. Guarderas.

HERLINSKY: Can you identify the revised drawings?

TRAMONTANO: The current drawings are dated May 4, 2012. A-1 here is the site plan. A-2, we have basement, first floor and second floor plan and on drawing A-3, we have the elevations.

HERLINSKY: Can you contrast the original drawings with the current drawings? If the Board would like to hear that.

CAPILLI: I think that we just wanted to here what is the difference from what you presented to us last month and this month. Just those points, not from the original.

HERLINSKY: Okay.

TRAMONTANO: In terms of square footage, from the previous submission, our total dwelling in square footage, was 5,363 square feet. That did not include the square footage of the detached garage, because it was detached. That was an additional 700 square feet. Currently, our total dwelling unit is at 4,751 square feet, which now does include the 2-car attached garage, of 450 square feet. So, the difference 616 if you include the garage in the current proposal.

HERLINSKY: So if you add the two together, we are about 1,300 square foot reduction, if you add the garage and the living area, from where we were last month.

TRAMONTANO: In terms of program, we eliminated one of the 2 staircases, so, we are now with one staircase. We eliminated the observatory, that was off of the master bedroom on the second floor. We eliminated one bay for the garage, so it is now a 2-car attached garage. We scaled down the size of many of the spaces throughout the home.

HERLINSKY: How many bedrooms?

TRAMONTANO: There are 4 bedrooms.

HERLINSKY: Could you give us the front, rear and side yard setbacks?

TRAMONTANO: Sure. The proposed front yard setback is 45 feet. The proposed side yard setbacks, we have 22 on one side, and 36 on the other. The rear yard is 94 foot 2 inches. The width of the dwelling unit is 52% of the lot width, which is 65 feet.

HERLINSKY: Okay, thank you.

RUPP: Could we have some testimony on the impervious surface coverage.

HERLINSKY: I was going to have the Engineer do that. She is waiting, of course. If you have any questions for the Architect, we will have that.

RUPP: You been previously sworn in, is the correct? You are still under oath.

HERLINSKY: Can you describe the variance that are requested with this application. Can you particularly give us the relative impervious coverage, what has been required and where the side yards and where the rear yards are?

DONAHUE: As previously discussed, the house has been reduced in size. Also, the configuration of the house with the garage now being pushed into the house itself. We are creating a side load garage for 2 cars.

The house has been set back 45 feet from the front property line to the front corner of the garage. The west side setback is at 21.6 feet and the other side, which is the east is 37.8 feet. We also have a rear yard setback, which is dimensioned on the plan, of 93.9 feet. The driveway width is 12 feet, which will be entered on the right hand side, westerly side of the property. We have a 20 foot maximum depressed curb at the curb line. You will enter the driveway to a turnaround area, which will be paved and provide some relief in turning around vehicles and exiting back out. Other than that, we would travel down a driveway to enter the side load garage, which is on the eastern side of the house.

Also, to construct that we are providing a 3 foot high retaining wall, which will support the driveway turnaround area on the eastern side. All of the roof leaders from the house and also the drainage from the driveway will be directed to a seepage pit, which

will be installed in the front yard and it will have an overflow out to the street drainage system. The seepage pit is sized for the 25 year storm.

The zoning data table was updated and just to go over some of those items. As I mentioned the setbacks were changed. The dwelling width is down to 51.99%, where 65 is a maximum. The building height was calculated both ways as required by ordinance, and both of those calculations meet the building height code.

Building coverage was reduced down to 12.3%, and 20 is the maximum. The impervious coverage is at 30.2% where 40% is a maximum for this zone, the R-10 zone. We have a variance for the floor area ratio.

HERLINSKY: Can you describe what the variance is and also where we are as far as percentages?

DONAHUE: Percentages, I don't have. But, the first floor of the building is 2,355 square feet. The garage would be 450 square feet and the second floor is added in as 1,946 square feet, for a total of 4,751 square feet.

HERLINSKY: Could you briefly describe the soil moving calculations.

DONAHUE: To construct the dwelling and driveway, and other landscaped areas it will require to have some excavation and add some fill on site. We are going to excavate for the basement, fill in the existing dwelling's basement. We have our seepage pits out front, regrading the property for the driveway, so, our total cut and fill combined, which is indicated on the plot plan sheet, is 1,523 square feet. That is a total excavation plus fill. We are estimating a export removing from the site of 61 cubic yards.

HERLINSKY: Okay.

FLAHERTY: Can you tell us how you came to the calculations on the building height?

DONAHUE: The code requires 2 calculations to be done. One is the average grade, 6 feet from the building. So, outside the building envelope, 6 feet around, we calculate the average elevation and we compare that to the mean of the roof and that calculation came out to be 27.5 feet in height.

The other way is to calculate the maximum wall height of the building. That is the east face and we calculate that from the average grade on that side up to the gutter line and that one was calculated at 22.55 feet. Both are underneath the required 32 feet in height.

FLAHERTY: Thank you.

HERLINSKY: At this time, I would like to call David Karlebach, our Professional Planner.

RUPP: You are still under oath.

HERLINSKY: Mr. Karlebach, have you had an opportunity to see the revised plan?

KARLEBACH: Yes.

HERLINSKY: Can you describe from a planning perspective, the changes that have been made?

KARLEBACH: Certainly, there is a large decrease, obviously, in the amount of square footage that is proposed. The FAR has been reduced to 18.57%. The zone permits 30%, and if you look at the engineering drawings, you can see, even though it is a relatively large house, relative to the size of the lot, it really isn't a large house at all.

As a matter of fact, I did a quick calculation of the FAR, of homes in the immediate area, within the R-10 zone, and that FAR was 17, but 17 excluded the garage. When you add the garage to those homes, you are probably looking at an FAR of 19 or 20%.

CAPILLI: May I just interrupt you briefly? Last month, you had made mention to homes in the general area, and realistically they look nothing like the homes in the immediate area. So, when you make this statement of your calculations, where are you finding these homes?

KARLEBACH: The calculation I gave was for all homes alongside Morningside Avenue, from Kinderkamack to Chestnut, within the R-10 zone. The average lot size is 10,000 square feet, which coincidentally is the minimum lot area requirement in the zone. The FAR, excluding the garages, all of those home, was 17 and most of those homes do have garages, so I pushed that number higher, probably closer to 19 or 20.

FLAHERTY: How many homes are in this calculation?

KARLEBACH: I could tell you, I don't know, probably 25 homes, I am guessing. I could give you an exact number. I could count them. Give me one second. Actually, I don't know if I limited it to Chestnut Avenue, because I did it by Lot and Block, so I can't say exactly what streets were included, but the calculation included homes in Block 1909 and 1910, 1911, 1912, 13, 14, 15, 16, so I can't say exactly how many homes. I think that 25 is pretty accurate though.

HERLINSKY: With those Blocks, do we know what roads they are.

KARLEBACH: Chestnut Avenue, Morningside Avenue, Alexander Street, Kinderkamack Road, Ormsay Street, Kelsic Street, Lillian Street, I think that is about it.

HOSKINS: Did you take the calculations of the houses on the other side of Kinderkamack Road, the bigger houses?

KARLEBACH: It was only homes within the R-10 zone and I think that was the ones that front on Morningside Avenue.

CAPILLI: Thank you.

RUPP: How many did you say that was?

KARLEBACH: I am going to say approximately 25. I think the other important feature is something that we discussed at the last meeting and that was the large building face along the easterly side and I think that at one point it was 90 feet, and now that has been reduced to something in the area of 65 feet. So, that is a severe reduction on what the neighboring property is going to experience on the east and of course, the Guarderas's are going to employ the services of a landscape architect. So, there is going to be landscaping above and beyond what you see in the plans tonight. I am sure that is going to aid and soften the appearance of the building from neighboring properties.

What is being proposed, of course, is a new building with modern architectural treatments, new landscaping, new pavement. It is going to have an immediate impact on beautifying the site. If the Board can focus on what is being removed, and what is being removed are 2 non-conforming conditions with respect to the driveway. It is now one driveway instead of two. The driveway has been moved off of the property line. I should say it has been moved off of the neighboring property and on to this property entirely. So, it is all very important features.

I was actually almost completed with my testimony at the last hearing and I just wanted to emphasize that we feel, or I should say I feel, that this is a better planning alternative for the site, because, if you look at the alternative you are probably looking at a 2-lot major subdivision, with a public roadway, that the Borough would have to

maintain, or a flag-lot. In either case, you are probably looking at 2 homes, one behind the other, which I don't think fits into the neighborhood as well as the plan that is being presented. I think that this is a far better planning alternative.

It certainly is consistent with the size of homes, although not in the R-10 zone, within the immediate area and I think that I described those homes as all being within 1,300 feet of the subject property. Those were homes on John Court and Chadwick Court, and one on Maple Terrace.

I did have a chance to look at the 2009 Master Plan, and the Master Plan made very specific recommendations about bulk controls, which would limit the size of new homes and additions to be in scale with the prevailing development of the neighborhood, but I don't think that the Master Plan contemplated this precise situation, where you have a lot that is 2 ½ times larger than the prevailing lot sizes in the zone. As a matter of fact, if you look at some of those concept sketches in the Master Plan, they all seem to indicate like lot sizes, not the situation that we have here.

So, I will just conclude by saying that I think that this is a large lot, deserving of a large home. It is not so large as to be incongruous with the neighborhood. In fact, there are similar size homes in the area. It is not going to have a negative effect on the surrounding properties. In fact, an application such as this, may provide the stimulus for other people to add to their home, and increase the size of homes in the area, and beautify the area. So, I will just conclude by saying that I don't think there is going to be substantial impairment of the zone plan. I think that this is the preferred zone alternative for this property. It is not going to result in a substantial detriment to the public good.

RAMAN: I have a question. There are R-15 zones that abut this, do you know what the FAR ratios of the homes there are? Do you know what size in square footage those homes are? Because that would be the next size up from the R-10 and there are R-15's, I think behind it, and there are R-15's ahead of it.

KARLEBACH: I think I remarked about the 2 homes in the R-15. One abuts this property.

RAMAN: It is about 3,700 square feet, I thought.

KARLEBACH: I can't say exactly. Number 4 John Court and number 5 John Court, are pretty much directly behind this property. So, that would be to the south. 4 John Court, is 3,640 square feet, and that home is situated on a lot that is .28 acres. Number 5 John Court is 4,144 square feet and that is on .66 acres, and that does not include the garage floor area.

RAMAN: 4,100 square feet, you said?

KARLEBACH: 4,144, without the garage. It is on .65 acres.

RAMAN: So it about the same as the house that you are referring to, which is about 4,100 square feet.

KARLEBACH: Yes, very, very similar to number 5 John Court.

RAMAN: Which is 5, can you point it out?

KARLEBACH: Let me get a photograph and then I can show it to you here as well. 5 John Court is Lot 26, which immediately abuts the property to the south, which is right here. That is number 5 John Court. I am trying to remember where the other John Court is, but anyway, I will show you a photograph. Here is number 5 John Court, and I think I described this building as being approximately 90 feet long. It is right up against the front setback line and there is no landscaping in front of this home.

Number 4 John Court is actually a new building that was recently constructed.

RAMAN: And number 4 is 3,700 square feet, right?

KARLEBACH: Number 4 is 3,640 square feet excluding the garage.

RAMAN: What would be the maximum allowed in an R-15?

KARLEBACH: I believe that is, excuse me, I don't want to give you incorrect information.

BEER: That is okay, Mr. Karlebach, we have it.

KARLEBACH: Yes, I think around 4,250 and 4,800 is the R-20, is my recollection. The R-15 allows 25% FAR, and the R-20 permits 22% FAR.

FLAHERTY: What you say is 5 John Court, that is the one when you go up John Court you are looking straight at it?

KARLEBACH: Yes. It is the keystone lot.

FLAHERTY: That wouldn't be the one behind it. That would be another one.

KARLEBACH: You are correct, it wouldn't be 26, it would be 25. It would be the one right next to 26. So, number 5 John Court is Lot 25, and number 4 John Court is Lot number 24, which is just to the north.

RAMAN: So, do you know 26, 27 and 28?

KARLEBACH: Maybe, I don't know for sure.

RAMAN: That is the house that is right behind, right?

KARLEBACH: Yes, I don't know if I have that information. I can check.

CAPILLI: I think at this point, we are just going to move forward with this. Do you have anything else that you want to offer?

RUPP: Does any member of the audience have any questions of any of the three professionals.

CAPILLI: Do any of our Professionals have anything that they would like to add?

MANCUSO: I would just like to know 2 things, Mr. Chairman. I understand that the testimony regarding soil movement was provided, but I have not received an amended soil movement application to reflect this particular structure.

The second item was the new plan reflects a new variance, which is a variance from Section 101-21 (11), which does not allow the retaining wall to be in that position. Retaining walls need to be set back 8 feet from the property line in an R-10 zone.

That is all that I have.

CAPILLI: How close is it now?

BOGART: There is enough room to move the retaining wall a minimum of 5 feet and that would be the recommendation.

KARLEBACH: Okay.

BOGART: It would still need a variance.

RUPP: We had that pointed out on the plan, just so we know.

KARLEBACH: The retaining wall is adjacent to the driveway turnaround area. It starts in the front yard and swings around to the east and then runs along the eastern property line and then cuts back towards the house. It is the heavy line called out as retaining wall.

You can see that there is a double line for a curb line, which is offset, so, yes, we can pull that in.

RUPP: I need to make sure that I understand what you are talking about. You are going to move the retaining wall, how far?

KARLEBACH: 8 feet and then we will be in compliance.

RUPP: Okay, and that is going to require reducing the driveway?

KARLEBACH: No.

RUPP: No. Okay. I just wanted to make sure.

KARLEBACH: Also, I wanted to point out, the setback on the western side of the property. We are at 21.6, where 15 is the minimum, so we have plenty of room to shift the house, should it be necessary, to provide the 8 feet.

MANCUSO: So you are going to shift everything over?

KARLEBACH: To provide the 8 feet, yes, if it is necessary.

MANCUSO: What would the distance between the curb and the face of the wall be, then?

KARLEBACH: Between the curb and the retaining wall?

MANCUSO: Correct, because there is only a 30 foot backup area. I believe that they would rely on that backup area for their overhang of the vehicle to make it a little bit easier to get in and out of the garage.

KARLEBACH: Yes, because right now, we have 6.6 feet of additional setback on the western side of the property and there is about 8 feet right now, between the curb that is shown and the retaining wall, so we can provide 4 or 5 feet from the curb to the retaining wall as a buffer.

MANCUSO: Okay, so the side yard then would become 16 feet on the other side?

KARLEBACH: It is possible, that is what we are going to look at.

MANCUSO: Okay, thank you.

WALKER: I was starting to ask, if any thought was given to providing, maybe, some landscaping in the massive asphalt circular proposed driveway area? Maybe you could put some type of landscaping there and still have the room necessary to negotiate around.

LUDWIG: While you are talking about that driveway there, the driveway model, or doesn't fit the model for a 2-car garage. Maybe you could explain why you decided not to come straight out and why it is making the circular in the front, and also how that might be better or not, is favorable choice, given that it is closer to the intersection, which is directly across the street.

KARLEBACH: The driveway was selected for that location to enter towards the front of the house. The turnaround area also was a request from the owner to provide a means for someone to turn around rather than going over to the driveway each time, and also to be able to enter the house rather than, if the driveway was on the left hand side of the house, or the eastern side, they would have to walk over towards the front. There is no means to get to that location.

So, they wanted to have a driveway location, a means to turn around. Although it is provided as 21 feet as a radius, and then, if necessary, to drive over to the garage area to enter the garage. It is still a standard driveway. It is further away then the current driveway is, adjacent to the opposite street on the, which is across the street from Morningside.

LUDWIG: I just posed that for consideration, since we do have a driveway ordinance now, which gives us models on what a driveway should theoretically look like for a 2-car side loading garage.

CAPILLI: Bob, do you think that would conform more with the neighborhood, if it were changed?

LUDWIG: It conforms along with our driveway ordinance for sure, I don't know about the neighborhood.

BOGART: Mr. Chairman, may I? Just because I prepared the driveway diagrams and it was probably prior to your time here. The driveway diagram that the Zoning Officer is discussing, is actually just to give indications as far as width between when you are coming out of the actual garage itself, the width of the opening, the width of the turnaround area, but it is not really to consider coming straight out and identify that a driveway must come directly from the garage to the street. It is really just to utilize those specific dimensions at the edge of the driveway, at the edge of the garage.

This is, obviously, unique and I would have the Board and maybe the applicant consider adding some landscaping to that center isle to break it up, because it is approximately a 45 foot expanse in that circle there.

KARLEBACH: 42.

BOGART: 42, okay. There is, it leaves some opportunity to add at least 10 feet of landscaping in the middle to break it up, and still provide for some circulation.

DONAHUE: Again, it is one of the things that we originally had designed that we were going to attach the garage and obviously pull right in at that point. Now that wouldn't work, especially with a 2-car garage. It was a little creative as far what we were able to do. That would be something if you wanted to add that to the resolution to landscape we would agree to that.

CAPILLI: Thank you. Is there anyone else. Does anyone have anything to add before. Is there anyone from the audience? Come on up.

RUPP: State your name, I believe that you have been sworn in before.

HEALY: Arthur Healy. I have one question and I am not sure whether to pose it to the Board.

BEER: Your address sir?

HEALY: 76 Chestnut Avenue. Or, to the applicant and team. What is the largest zone 10 variance, that you have ever approved in the history? I am just curious. As the city Planner, clearly you did your research, what is the largest one according to what you researched?

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KARLEBACH: Well, I didn't have the opportunity to examine all prior variances that the Board granted. I did, I think, at the last meeting, go through.....

CAPILLI: Okay, you know, we could go, I think, off on a tangent on this. I don't know that we are going to find out that number, or if it is really relevant right now, to what is going on.

BOGART: In the Planning and Land Use world, every variance is judged and viewed on its own merits. So, regardless if this Board granted 10, 20, 30, variances similar to this, it doesn't matter because this Board has to review this application on its own merits and its own benefits. So, every other variance is really irrelevant in this case. That is how this Board operates.

HEALY: Okay, thanks.

CAPILLI: Is there anyone else that wishes to speak? Come forward. State your name and address.

KERSTING: Chris Kersting, 75 Chestnut Avenue.

RUPP: Were you previously sworn in?

KERSTING: Yes.

RUPP: You are still under oath.

KERSTING: I reside on the east of that property, so whatever goes in the backyard, we will see constantly. What is the current setback of the existing house on the property? From the front, I am asking the setback, no, I am asking the setback in the front, from the curb to the beginning of the house. The standard setback, that is all that I am asking.

KARLEBACH: 30.9.

KERSTING: Okay, 30.9, so you are pushing the house back 15 feet. So this beautiful park that is going to be made for the people that live across the street will push the property in the back, so that is what I will see now is the side of the house.

The beautiful landscaping that the people that live across the street from him will see. Excuse me, I am talking to...you are really not....what I am saying is I am going to see the back, the side of this house now. So, I ask the Board, please take into consideration a 45 foot setback is pushing it 15 feet further back and that is going to impact what I see and it is going to impact what the Healy's live with 24 hours a day.

So, it is going to go back, you have about 90, 93.9 is the setback?

CAPILLI: Yes, it is 94.

KERSTING: So that is going to be into their yard. That is going to be in my view. It is up the hill. It will go 32 feet, so you really, for me I am going to look at a 42 foot house across the street from me. I going to see it behind the Healy's. So, I am very concerned about that setback. I am going to ask you to make it a 30 foot setback. Just keep it the way that it is, like everybody else. That is my big concern.

CAPILLI: Thank you. Is there anyone else in the audience who wishes to speak on this case? I see none, so thank you very much for your time tonight.

BEER: Are they going to come back with the soil moving and the revised map changes that Eve wanted?

CAPILLI: Do you want them to come back with the revised soil?

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MANCUSO: That is really up to the Board. The soil movement is under the purview of the Board. The Board does have to approve it. So, without an application, it is difficult to approve something that you don't have.

BEER: I think that the Board would probably like to see the mapping showing the retaining wall being moved. Come back next month, Mr. Herlinsky.

HERLINSKY: Just to show the retaining wall and the soil moving? I will be back. What night is that?

BEER: June 19<sup>th</sup>.

RAMAN: I have one more request, if possible. Can they get the data on the remaining houses that I inquired about?

KARLEBACH: I can.

RAMAN: Just basically the FAR's on all the R-15's adjacent, and at least surrounding this house, all the sizes of the houses. You don't have to go too far, but maybe right around the circle of this, so that you have a little more data that is pertinent to this particular lot.

HERLINSKY: Understood. I just have one caveat. Mr. Donahue is not going to hear on the 19<sup>th</sup>. If we submit the soil movement application, by that time, and I will have it directed to you, Mrs. Mancuso. Is it possible that his testimony will not be needed?

MANCUSO: I believe that he did give the testimony already. If the Board wants to question him on his testimony, perhaps they can do it now. He did provide the numbers verbally. He just needs to fill out the application.

WALKER: If the application matches his testimony.

CAPILLI: Then there would be no issue.

MANCUSO: Then that is fine.

RUPP: Any yet what I understand is the revised plans to show the movement of the retaining wall maybe a move into the building 5 feet or something like that, that is what I think I heard, and ....

KARLEBACH: That I can do with the Architect's testimony.

RUPP: The landscaping, driveway circle, right?

KARLEBACH: Right, then if there is any other landscaping that we might add or that we might need, indicate what we need at that point.

CAPILLI: Thank you very much.

BEER: Okay, June 8<sup>th</sup> for the maps, please.

<b>CASE:</b> 12-03 Block: 714 Lot: 5	Application of <i>Barbara Warren</i> , 79 Colony Avenue for front yard and side yard variances to construct an addition to existing house in an R-20 residential zone. Hearing begun March 20, 2012 with applicant's authorized representative. Carried to April 17, 2012 for submission of photographs showing subject property and surrounding properties. Applicant did not appear. Carried to May 15, 2012.
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WALKER: I have an item to be marked into evidence.

Item 12 is Board secretary's letter dated 4/18/2012.

That is the only additional item that I have at this time, Mr. Chairman.

RUPP: Is Mrs. Warren here tonight?

CAPILLI: Mr. Rupp, I believe this gentleman testified before us before.

RUPP: Just state your name for the record please.

BEDNARZ: John Bednarz.

RUPP: You are still under oath.

CAPILLI: The last time that we saw you, you said you would come back with some photos for us.

BEDNARZ: Correct.

CAPILLI: I assume that you have those with you.

BEDNARZ: I do.

CAPILLI: What are these, exactly?

BEDNARZ: These are pretty much all the homes, not all the homes, but, about 15 homes within approximately 200 yards of Mrs. Warren's house.

CAPILLI: Okay, thank you.

WALKER: Item 13 is photos of neighboring homes.

CAPILLI: Do you just want to take us through, just what you are looking to do?

BEDNARZ: Again, it is just a front yard setback and the side yard setback. As I stated the last time that I was here, it is pretty much just that you needed to see the pictures. I guess there were issues just wanting to see the other homes within the area on Colony. All the pictures, all the homes are either 15 feet, some are 10 feet, some are even around 7 or 8 feet from the curb.

CAPILLI: Okay. Does anyone have any questions? Let's just give everyone a chance to look at the photos. We heard everything, we were just waiting, I believe, just for these pictures as a comparison to what was there. Lets just give him a chance to look.

I did see, briefly flipping through those, it is exactly as you described. There are some homes that are very close and there are some homes that pushed back a little further.

BEDNARZ: I would say like 70 to 80% of all the homes on Colony are within 15 feet, like the pictures show.

CAPILLI: I mean that street, I don't know if anyone had a chance to look down, but it is a mix of setbacks on it.

HOSKINS: I was there.

CAPILLI: Some homes are right up on it. Has everybody seen the pictures? Are there any questions? I am going to take everyone's silence as we are all good with the photos then. Okay, thank you very much. We are good. You can call Mrs. Beer in the morning.

**NEW CASES:**

<b>CASE:</b> 12-06 <b>Block:</b> 2009 <b>Lot:</b> 1	Application of <i>Brian and Barbara Monteverdi</i> , 22 Wield Court, for front and rear yard variances to construct addition to existing house in an R-15 residential zone.
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CAPILLI: For the record, Mr. Walker has stepped down during this application, so Mr. Flaherty will be the secretary.

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

- Item 1 is the application dated 4/23/2012.
- Item 2 is certification of service dated 5/03/2012.
- Item 3 is legal notification dated 5/04/2012.
- Item 4 is proof of payment of taxes dated 4/24/2012.
- Item 5 is the deed dated 3/27/1996.
- Item 6 is the survey dated 4/05/2012.
- Item 7 is elevations and floor plan dated 4/22/2012.

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

CAPILLI: Thank you. So, before we begin, Mr. Rupp would you please swear in the applicant?

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

MONTEVERDI: I do.

BRUNO: I do.

RUPP: Please state your names and addresses.

MONTEVERDI: Brian Monteverdi, 22 Wield Court, Park Ridge.

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

CAPILLI: So, Mr. Bruno, do you want to take us through what you are looking for here?

BRUNO: Before I do that, I would like to hand the Board two items. One is an excerpt from the site plan prepared by Harbo Consultants. I will explain what that is when I get to that point. Then, I have a series of photographs taken at and around the site, that I want to distribute.

CAPILLI: Okay, thank you.

FLAHERTY: We have a highlighted site plan and 4 sets of photos.

CAPILLI: Okay, we are ready for you.

BRUNO: Okay, what I would like to do is just describe briefly, the home as it exists. It is a fairly typical split level home, built in the 60's. You enter at the ground floor level into a foyer. There is a 1-car garage, a den, a bathroom and a closet on the ground floor. At the main or first floor, There is a formal living room, kitchen, family room, and a dining area and half a level up, are 3 bedrooms and a bathroom.

What the proposed project is, is to create additional living space for the immediate family plus, Mr. Monteverdi's mother-in-law is in need of care and she will be coming to live with them. So, what we are proposing to do, is to create a space for her on the ground floor because as she in getting on in years, climbing stairs is really not a good thing. So, the existing garage would be converted and expanded to accommodate a

bedroom and a closet. The existing bath would be utilized as well as the existing den, will be used as a sitting room for her, so that she can have some quiet time for TV and so on, when she is not with the family.

What I would like to emphasize is, that this is not, absolutely not, an attempt to create a two-family house. There will be one kitchen, which is the kitchen at the main floor. They will have all of their meals together. I want to stress that.

At the first floor level we will be creating...at the ground floor level we will be creating a 2-car garage on the southerly part, which is the subject of the variance and side yard setback, an expanded kitchen with a dining area, powder room and a raised deck with a pergola above at the rear. So it is just open beams. It is not a porch roof or anything of that nature.

At the bedroom level, we are expanding, we are proposing an expansion to allow construction of a master bathroom as well as additional closet space for the 2 remaining bedrooms. The project conforms with the zoning ordinance in all respects, with the exception of the front yard setback. In the R-15 zone, 30 feet is required, we are proposing 28.43 feet at the extreme southwest corner of the proposed garage. You will see the area that I have shaded in pick on the drawing, that is the proportion of the garage that is encroaching into the required front yard setback.

In the R-15 zone, there is a requirement for an 18 foot side yard setback. We are proposing 12.01 feet, and you will see, as I shaded in pink here, the portion of the structure that encroaches into the required 18 foot side yard setback. That was also further shown on that site plan excerpt that I passed out. If you look at the photographs and also on the site plan, you will see that between the subject property and the home on the property directly to the south, there is a 10 foot wide easement. So, if you take the 12.01 feet that is the proposed side yard setback, the 10 foot width of the existing easement, and the 11.26 foot side yard setback on that adjacent structure to the south, you have approximately 33 ½ feet between the two structures, which I would submit to you that with that easement through there and you can see from the photographs, it is fairly well planted that that will alleviate any possible detriment of the side yard deficiency.

I might point out that the side yard deficiency is really tangential to the corners of the structures since the side lot line is not parallel with the walls of the house.

CAPILLI: It says side and rear.

RUPP: That was corrected. It is side and front.

BRUNO: Even though, and I understand on the Municipal Land Use Law, we can't rely on someone else's property, but in effect that easement, since it is planted and it can never be built on, still does, because the effect of meeting the intent of the, or better meeting the intent of the ordinance.

CAPILLI: Just so I am looking. So, the garage that is there now, is going to be changed to living space?

BRUNO: Converted to living space, yes.

CAPILLI: And then the garage is moving?

BRUNO: Correct.

CAPILLI: Are there any questions? Yes, absolutely.

LUDWIG: I have a question on the driveway. Mr. Bruno, it looks like the garage width is probably 24 feet?

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BRUNO: It is, I believe, I looked on my plan, I believe that it is 23 feet 8 inches from the existing outside face of the wall, of the existing house to the southerly outside face of the proposed garage.

LUDWIG: So, our driveway ordinance allows the driveway width of 20 feet, I believe, and 20 feet at the curb line as a maximum.

BRUNO: Yes, he has 20 feet for the driveway and I will have to straighten that out with the site engineer. I did not prepare the site plan. He has 24 feet to the outer limits of the flare that you typically find, which is typically 2 feet on either side and I guess he took 20 foot driveway plus 2 feet on either side. The 24 is the flare.

BOGART: 20 feet is the maximum.

BRUNO: He will have to reduce that. Okay, that is not a problem.

LUDWIG: So it is your intention to reduce it to the maximum?

BRUNO: We would reduce it, I believe that he was not aware of the change in the ordinance at the time that he prepared the site plan.

LUDWIG: Okay, thank you.

CAPILLI: Does anyone else have further questions? Mr. Rupp.

RUPP: You talked about the negative criteria because of that easement, correct?

BRUNO: Yes.

RUPP: On the front yard, why can't you set back the garage another foot and a half?

BRUNO: Because the major reason that we did that, was that it would...because of the geometry of the lot, it would push the, because of the geometry of the lot and the lot line is not parallel with the house, it would push the structure further into the required side yard setback. So, at the front, you can see the encroachment is really diminimous and will not be noticed. The detriment of having a lesser side yard setback, is greater than whatever unnoticed benefit of having that front corner comply with the setback line.

CAPILLI: So, you are saying that if you took off the front corner it is going to push out...

BRUNO: If we pushed it back, it would force the rest of it closer to the southerly lot line.

RUPP: Then the question is why have any side yard setback. In other words, why have any side yard setback. In other words, C-1 and C-2, give me a reason.

BRUNO: Okay, under C-1, which is, as you know, is the hardship where we have a lot that is, the lot line is coming closer to the house, so as we try and build anything that would be of use here, it will, we will encroach in. The C-2, the better planning alternative is that as I just mentioned, far better to have, to minimize the encroachment into the side yard even at the expense of the very, very slight and really unnoticeable encroachment into the front yard setback. I would agree that it could potentially be a problem if it were continuous and equal all the way across, but it is not. It is a, 28.43, so it is a essentially a 1 foot 7 inch encroachment, at the extreme corner and across the front width, of the garage it diminishes to zero. The balance of the structure is in compliance with the front yard setback.

RAMAN: Otherwise, the FAR and all of that is fine, isn't it?

BRUNO: All of that is fine, that is correct. Would you like me to go through the vitals on that? As far as the building coverage, permitted is 20% and we are at 19.37. Impervious coverage, we are permitted 35%, we are at 29.33. Front yard setback, we just went over. Side yard setback, we just went over. Rear yard setback, we are permitted, we are required 45 feet, I should say. We are 52 feet to the building, and we are 40 feet to the deck. Incidentally, the deck requirement for rear yard setback is 20 feet. Building height, we are permitted 32 and we are at 27. FAR, we are permitted 25% or 4,250 square feet max, and we are at 24.68% or 3,805 square feet. Maximum dwelling width is 65% of the lot width at the required front yard setback line, we would be permitted 85.47 feet as structure width, and we are proposing a structure of 71.5 feet or 54.37%.

HOSKINS: The building coverage calculation, the gazebo was figured into that?

BRUNO: Yes, because it has a roof. By ordinance definition, the deck is not counted because it does not have a roof. The exterior views of the house, we tried to, as my usual want is to create a house that is in keeping with the historic nature of many of the older homes of Park Ridge and to try and create these, with the front porch, the dormers, and so on, to give architectural interest to the façade and to improve the street scape.

CAPILLI: Thank you, Mrs. Mancuso, Mrs. Bogart, anything further?

BOGART: No questions.

MANCUSO: No questions.

CAPILLI: No, okay. Is there anyone in the audience here to speak on this case? Come on up.

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

IACONO: I do.

RUPP: Please state your name for the record and spell your last name.

IACONO: Philip Iacono.

RUPP: Your address?

IACONO: 28 Wield Court, Park Ridge, NJ. I am just here to support the Monteverdi family. I have known them 12 years, since I moved into Park Ridge. Their property is very well maintained and this is the type of family that we want to keep in Park Ridge, and I want to retain as my neighbor, so I hope you will support them.

CAPILLI: Thank you very much.

BRUNO: What I would like to do, if I may, is guide you through the photographs for a minute. Would that be alright?

CAPILLI: That is fine.

BRUNO: The first photograph in the series is the view of the subject property from King Road, which is the opposite intersection. The next photograph in the series is the, basically the same view, but I focused in on that landscaped area, the eastern area between the two properties, the subject property and the homeowner's property to the south. The third photograph in the series is the view looking directly west from the front entrance of subject property. You can see the heavy landscape cover there, and the mature landscaping on the subject property as well. This other view is the view looking to the southwest, which is a view of the home at the, that would be the southwest corner of the intersection of King Road and Wield Court.

SIGILITTO: For the record, that is a very nice home.

BRUNO: The next photo is taken from the rear of the subject property looking west along that fence line, which is adjacent to the easement, that 10 foot wide easement. The last photograph in the set is just to show the well kept nature of the lot in terms of landscaping, so that the, as I would say, that by the time, aside from, and I will say this myself, aside from the beautiful structure, it will be beautifully landscaped as well.

CAPILLI: So, Mr. Bruno, you will have that just corrected, the driveway calculation, so that we are all on the same page with that?

BRUNO: I will have ask the surveyor to correct that. I will send him a copy of the ordinance and you will have that probably the beginning of next week.

CAPILLI: Okay. Do we need anything else? No, okay. Thank you very much. Mr. Bruno, so we are going to close this and we can just make those changes to your site plan. We will just make it a condition. We just want the revised plan.

BRUNO: Consider it done.

CAPILLI: Okay.

CASE: 12-07 Block: 1202 Lot: 11	Application of <u>Raymond Janovic</u> , Leroy Place, for Appeal variance to be permitted to construct a new house on a building lot that does not abut a street (MLUL 40:55D-36) and soil moving.
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CAPILLI: Just for the record, Mr. Walker will be coming back up as Secretary.

RUPP: Mr. Chairman, I just want to make some comments for the record on this application. Mr. Janovic and I know one another. We are both past District Governors for our Rotary District. Having said that, I have no business relationship with him other than an acquaintance with him. I don't believe that it will impact on my ability to represent the Board in this matter, but I did want to at least make an observation of that fact.

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

- Item 1 is the application dated 4/24/2012.
- Item 2 is certification of service dated 5/01/2012.
- Item 3 is legal notification dated 5/04/2012.
- Item 4 is proof of payment of taxes dated 3/15/2012.
- Item 5 is the contract of sale dated 3/17/2012.
- Item 6 is the plot plan dated 4/23/2012.
- Item 7 is elevations dated 4/03/2012.
- Item 8 is the storm water runoff, building height, soil movement calculations dated 4/03/2012.
- Item 9 is undated soil moving application.
- Item 10 is title insurance dated 2/27/2012.
- Item 11 is letter from the Water utility dated 4/26/2012.
- Item 12 is Board secretary letter dated 5/09/2012.
- Item 13 is Planner's review dated 5/09/2012.
- Item 14 is Engineer's review dated 5/09/2012.

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

CAPILLI: Thank you. Before we begin, I will have Mr. Rupp swear you both in.

MEESE: I don't need to be sworn in. Mr. Gleassey should be sworn in.

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

GLEASSEY: I do.

RUPP: Please state your name and address for the record.

GLEASSEY: David Gleassey, 24 Wampum Road, Park Ridge, NJ. I am with R.L. Engineering.

MEESE: Mr. Gleassey, would you review your background and experience in the field of Engineering?

GLEASSEY: Yes, I am a graduate of Drexel University, with a Bachelor of Science. I have a current Professional Engineering License in New York and New Jersey, for the past 29 years. I have represented applicants before the majority of Boards, both Planning and Zoning throughout Bergen County, Rockland County, this area.

CAPILLI: Okay, thank you.

MEESE: Mr. Chairman, and members of the Board, my name is Greg Meese. I am the attorney for the applicant, Raymond Janovic. As I indicated in the application, Mr. Janovic is the contract purchaser of the lot. The property is owned by the estate of Bernice Alexander. The property is located in the R-10 zone, where the single family use is permitted, which is what Mr. Janovic is seeking to do here. He is seeking to construct a single family home on the lot.

The lot is in excess of the area required in the R-10 zone. It is a lot of 14,143 square feet. The zone has a minimum requirement of 10,000 square feet. The lot does have a preexisting, nonconforming condition, with respect to the depth of the lot. It has a depth of 99.29 feet, where a depth of 120 feet is required in the R-10 zone.

Significantly for this application, the lot fronts on Leroy Place, which is a private road. It is not a Municipal Street. It was dedicated as a private road in a deed back in 1951, on May 17<sup>th</sup> of 1951. Therefore, the applicant is seeking relief under the Municipal Land Use Law, for a lot that does not abut a Municipal street that has been improved as a Municipal street, but rather it abuts a private road.

Mrs. Mancuso noted in her review letter, an issue with respect to building height. We are not seeking a building height variance. The plan will be revised to eliminate that. She was right to call it out. There was an oversight on our part and we will revise the architectural drawings to comply. So the relief that we are seeking is relief to allow access on a private road rather than a public street. The private road currently allows for access for 4 single family homes. What we are hoping is to do the same thing as those 4 homes, which is allow for driveway access on to Leroy Place. The lot has been taxed as building lot. In fact, in 2011 the tax value of the lot was \$281,500, was the value given for that.

We have with us this evening, Mr. Gleassey, who has just been introduced. My Gleassey will review for the Board, the existing condition, not only of the property, but also of the road itself, to show that the road does provide for a suitable, adequate access for emergency vehicles, as required by the Municipal Land Use Law for this type of variance relief.

We submitted with the application package, a copy of the architectural plans to show that the building that is proposed by Mr. Janovic does comply with all of the setbacks in the zone, comfortably, given the size of the lot. There is no problem with front yard, side yard, rear yard setbacks. We have also submitted a full survey of Leroy Place, so that the Board can see that there is adequate room there for emergency vehicles. Unless there are any introductory questions, I would like to call Mr. Gleassey, who has already been accepted as an Engineering expert, to describe the current condition of the property.

CAPILLI: If you want to take the microphone, you can go over, that will help.

GLEASSEY: The property itself, is a vacant lot. Again, as Mr. Meese has described, it is, shall we say, deficient, in lot depth, however, it has plenty of area, some 14,000 square feet versus the minimum, which is 10,000. The lot width, lot frontage, is in question, but the lot width itself does meet the lot requirements for the R-10 zone.

The existing lot, like I say, is vacant. On the west side, it is high, approximately elevation 167 versus the low side which is approximately 153, approximately 14 feet of drop from west to east. It is currently, actually it is a lawn, quite a nice lawn.

What we have done, is we have placed the house within the building envelope. There are no additional variances or nonconformities with regards to the proposal. As Mr. Meese has said, we will correct the misnomer with regards to the building height. There will be no requests for a variance for building height.

Leroy Place itself, is a, basically a stone or probably a very long time ago, they would have called it macadam. It is stone with chink in between forming a relatively passable road surface.

CAPILLI: Again, just how wide, approximately?

GLEASSEY: The easement itself is 12 foot wide. The road approximates 10 to 12 foot wide, and kind of meanders throughout.

CAPILLI: Thank you.

GLEASSEY: Again, it commences at Pascack Road, and it terminates at the end of Sixth Street. I do not believe there is a passage through there, but they have been doing construction, so I am sure that some people like to sneak through.

Like I say, the surface on Leroy Place is passable. It is sufficient for the homeowners who access this site. It has a sufficient width and maneuverability for that. I know the question is about emergency vehicles and they have the 12 foot wide, and like I said, sometimes the existing stone road is a little wider than the easement and it provides sufficient access for emergency vehicles, like any cul-de-sac type of road, emergency vehicles come in and they usually find access maneuverability via the driveways on the road and so forth and in this case that is true.

CAPILLI: I just saw that there was a note from the Fire Department requesting that they have one issue.

GLEASSEY: That was item 5, but yes. I call that to your attention because that was one of his problems with regard to access. I guess it encumbers the taller equipment and that will be addressed.

MEESE: It is no problem complying with request to trim the branches as per the Fire Departments memorandum of May 10<sup>th</sup>.

GLEASSEY: Like I say, getting back to the lot itself, the lot has as you see, a single family house. We have provided grading to basically to mimic the existing grading drainage patterns on the site. As it exists, we have provided for a seepage pit, which will capture all the roof runoff on the structure. It has been sized for 100 year storm. It has been sized for volume rather than percolation, which is basically it just gives it added capacity.

As we have sited the house, there is obviously some grading for drainage purposes, which goes around the front and around the rear of the house. That will cause some soil movement. The bulk of the excavation, obviously, is in the basement area, where we will excavate out for the proposed dwelling. That excavation will be used for fill around the site. As for numbers, there is some total including excavation at the

basement as well as on the site itself, of some 402 cubic yards of excavation. We will utilize 146 yards of that for fill and grading on site. The remainder, some 256 cubic yards will be exported.

MEESE: With respect to the development of the dwelling, how many trees are proposed to be removed?

GLEASSEY: We have indicated some 4 trees. There are 3 trees up here, at the westerly end of the house and there is one at the rear. You will notice that there is a stand of Cedars, evergreens, along the western side line of the lot, which will remain and continue to act as screening to the adjacent lot to the west.

MEESE: Mr. Gleassey, the Burgis Associates memorandum of May 9<sup>th</sup>, asked a few questions, one with respect to describing access. You have done that. Just to confirm, there is no other access to this lot other than the use of Leroy Place?

GLEASSEY: That is correct. It is a single and sole access point.

MEESE: So if the Board didn't (concede?) (couldn't make out this work as it was muffled by other noises) this lot couldn't be developed.

GLEASSEY: That is correct.

MEESE: With respect to the depth sheets, we have indicated that it is a preexisting nonconforming condition and that there are no yard variances, as you confirmed. The height we confer that we will not be requesting a height variance. Can you explain how that would be eliminated on the plan?

GLEASSEY: What we would do, is, I believe that everybody has a copy of the architectural, in conforming with the architectural will be revised so that there is use of hip roofs. In particular, on the east side of the house, bringing down the ridge instead of seeing an exposed pointed ridge, you would have a slope roof which comes down to the gutter area or the eave area, which would then by the diagrams that are included in the zoning ordinance, it would conform to that and then the measurement would obviously to below 32 feet. If there are any other problems, or questions, with regards to that, we certainly would eliminate the walk out of the basement, if push came to shove.

MEESE: Does this also raise the question with respect to the elevation of the dwelling on the lot itself. Could you kind of describe to the Board how the dwelling is proposed to sit on the lot and the reason why it was designed that way?

GLEASSEY: Well, the area where the house is sited, I know the Engineer's report has indicated there is some 5 to 6 feet higher than the road elevation opposite. As it exists right now, as we speak, it is that site or that area where the house is, is approximately 3 foot higher than the road to begin with. We simply added another 2 ½ feet to the first floor. Again, trying to set the house so that it is, you know the garage itself, can conform into access without being too steep, and essentially that is the site, how we sited the house.

Your garage area, there is a cut area of a foot and a half, I believe, the corners on the opposite side on the down hill side, we have raised the grade at each corner of the north corner. I believe that it is 1 ½ feet and the south corner we have elevated or filled in about 2 ½ feet. So, we didn't particularly try and mound the house, so that it is that high up in the air.

MEESE: With respect to the driveway, you mentioned a cut condition on the western side. In Mrs. Bogart's review, she had indicated that perhaps the driveway could be moved 3 feet further to the west in order to facilitate ease of access?

GLEASSEY: Yes, that is a possibility and we certainly can incorporate that into the plans.

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MEESE: Those were the comments that Board Professionals asked. Do you have any other questions, Mr. Gleassey, that you want to address.

GLEASSEY: No, I don't believe that there are.

MEESE: We will go on to the Water Department then. The Water Department has indicated the existing water in the road, may not be adequate. Is that right?

GLEASSEY: Yes, as per his memo, he indicated that it preliminarily that it may not be possible to tie into the existing line that runs up Leroy Place.

MEESE: I believe that the Water Department thinks that there is a one inch line in the street now and there is some disagreement as to whether it is one or maybe larger.

GLEASSEY: I think it would be recalled but I think the applicant and as their engineers, we would like an opportunity simply to review the files and just to ascertain exactly what is there, if that is possible and .....

MEESE: If necessary, the line can either be increased or a new line could be installed as requested by Water Company?

GLEASSEY: That is correct.

MEESE: So that covers the water and it will be addressed either to prove that the existing line is adequate or that it will be upgraded with new lines.

BEER: Mr. Meese, the Director of Operations spoke to me late today, and has confirmed that it has to be upgraded. There is no way that they can service this lot with the existing one inch line.

MEESE: That was confirmed that it is one inch.

BEER: Yes, Bill Beattie, the Director of Operations, did.

GLEASSEY: Thank you.

MEESE: Are there any questions of Mr. Gleassey?

BRENNAN: I have a question. What inconvenience does that create for the other homeowners that are on that street, if they have to change the water line?

GLEASSEY: It is simply by the Bill Beattie's memo, it would mean that they would, the applicant would, from the house, connect to the water at Pascack Road, so it would simply mean trenching, I believe he stipulates, a one inch line and whatever it is, obviously follow his recommendations and it would just mean to trench down and actually put the tap in the water main at Pascack Road, which is about, by the time you get to the water main, it is probably round number, probably 300 feet from the lot or something to that effect.

RAMAN: I have a question. What provisions are there for no parking signs and stuff like that? Because, if there is a car parked there then I guess it would be difficult for an emergency vehicle to come through.

MEESE: That shouldn't be a problem because it is a private road. It specifically states that it is not a public thoroughfare or public road.

GLEASSEY: To further answer your question, everyone has a driveway and even more so, they have, obviously because it is a private road, they have wider areas, where they can pull cars off. All 4 of the homes that access Leroy Place or use Leroy Place for their access, have more than one or a wider area to park cars, so there is really no reason for it.

RAMAN: I am talking about visitors and such. Is there a provision to have all the homeowners agree to putting in a no parking sign or is that something beyond what we can do on that street?

LUDWIG: We have not seen this private road deed or whatever restrictions that describes what this road is all about. In other words, how is this road owned. Is it part of the property along the road, by each homeowner or is it commonly owned property by all?

MEESE: I thought we had submitted it.

BEER: I haven't made copies of it yet.

RUPP: I am looking at it right now, the title report.

MEESE: If you go back to the last 2 pages of the title report, there is a deed from 1945, that was the original creation that talks about the 12 foot wide drive and if you look at the bottom of the page, it starts to describe the roadway. On the second page, it indicates making a strip of land 12 feet in width at right angles, which is hereby dedicated as a private road and to be used for the uses and purposes of such by the owners of lands abutting the same, their heirs or assigns or their agents, servants or employees and for no other purpose and not as a public road or highway.

So, what it is, it has been dedicated for the common use of all of the property owners abutting Leroy Place.

RUPP: How about the right to the Borough of Park Ridge to use it for emergency vehicles?

MEESE: There is no specific grant for that anywhere in any of the deeds. There is a grant to.....

RUPP: Isn't that kind of a requirement in order to grant the lack of street frontage, one of the specific requirements of the statute. It talks about access for emergency vehicles and in order to provide that access, I guess we need the legal right to do that.

MEESE: Well, certainly we can assign it. It says it allows for each of the owners and successors, assigns, or such. We can certainly give a partial assignment to the Borough for that use, if you think that is required. I would think that the access for emergency vehicles would be assumed in that any homeowner kind of gives access to the firefighters to come break down the walls when necessary, without there being another grant, but we can certainly.....

LUDWIG: It is private property. People do not have to provide written notification that in the future should property need to be accessed for firefighting purposes, you have permission to use it. There is no such thing.

BOGART: I would hope that the fire truck gets in your driveway if necessary.

LUDWIG: That could be true in other places too, like driveways in businesses.

RUPP: Well, lets just take a look at the statute.

BRENNAN: Do you know how many vehicles access that road now, with the homeowners?

GLEASSEY: There are 4 lots that use Leroy Place for access. As you drive into Leroy Place, the only one that fronts on Leroy that does not necessarily have to have access is the home on the left hand side. They have their own driveway off of Pascack. The other ones, the 3 on the right as you go up and our lot here, as well as the one farthest on the left.

BRENNAN: Do you happen to know how many cars that encompasses and how much traffic is going in and out of there?

GLEASSEY: I have seen as recently as today, that there are at least 2 cars per each one, with the exception of the one on the right on the corner. I didn't see any cars for them, but obviously, they were at work or something. But, there are at least 2 cars for each one of the other lots, that I personally saw.

LUDWIG: Who maintains this road?

MEESE: It is commonly maintained, everyone has a proportionate share of the cost of maintenance under the agreement.

RAMAN: Is it a dirt road or is it....?

GLEASSEY: It is stone, basically stone with chink, you know, dust. It presents a hard smooth surface.

FLAHERTY: Does the town plow it?

BEER: No, the town discontinued that last year.

FLAHERTY: Is it 12 foot access on to Pascack, or does it get a little wider?

GLEASSEY: It is a 12 foot easement, however, like everything, it kind of meanders a little bit. It gets a little wider here, a little narrower there, but in essence, it is, I would say a minimum of 12 feet wide throughout the whole length of it. I mean we can certainly go to the map and start scaling off in places, but as far as I have seen, it is mostly wider in a lot of places, particularly at the driveways.

WALKER: Is there access to Sixth Street there or does it out?

GLEASSEY: I am going to say no, because the Borough Engineer indicated that because they are installing the drainage down Sixth Street, and tying into Pascack, obviously they made themselves a little path, I guess, for construction access and so forth. But, I think in the end and in the beginning, certainly there wasn't a direct connection between the two.

HOSKINS: I was there today and it looks like it is a temporary opening.

BEER: Eve can probably speak to that. She has been involved in the drainage.

MANCUSO: That project is currently under construction and when the contractor finishes the curb on Sixth Street, the curbs will be completed and they will be completely separated once again. That was done just for construction access to give the residents on Leroy and on Sixth Street a little bit of relief in getting in and out of their driveways during construction.

SIGILLITO: I have a question. If you have to connect the water line that would be a similar inconveniences going in and out of Leroy. Would they have to go back out through Sixth during that time?

MANCUSO: It would be very limited. It will be an inconvenience, but a temporary one.

GLEASSEY: Probably a week or so.

WALKER: If they are fast, even less.

MANCUSO: They will dig it and replace and backfill it immediately. It will be a temporary inconvenience, but nothing to the extent that we had doing the drainage.

CAPILLI: Mrs. Bogart, Mrs. Mancuso, is there anything else?

MANCUSO: I just have concerns, I still have concerns regarding the grading of the lot. I understand how the height is going to be addressed by substituting the hip roof along that one exposure, but my concern is that it appears that grades are being manipulated to sort of force a basement walkout. This lot doesn't really appear to really accommodate it. I was wondering why that was designed that way and typically you would put a garage on the lowest side of the lot and in this instance, the garage is on the higher side of the lot. The walkout is on the lower side. There is a lot of regrading going on and lot of the fill is being placed there to facilitate that walkout basement.

That remains my concern.

MEESE: Could you address that Mr. Gleassey with respect to the design of the home visa vie the grade and you had indicated that there is about 14 foot grade differential between the upside and downside of the lot.

GLEASSEY: Yes, it basically when you have a lot that does slope, depending on the severity of the slope, if you can gain height and elevation, sometimes owners, contractors will opt for a garage under. In this case, the owners did not want a garage under. They wanted the garage to be pretty much at the same level as the house. Again, the architect reflected that in his design.

SIGILLITO: If you had the garage under it, would that not push the height of the structure up a little bit?

GLEASSEY: Well, it certainly could because you know for obvious reasons, now you still want access similarly to a walk out basement because the garage would obviously be a part of the basement or at least directly connected to the basement area. So, in order to gain access via the garage, that would also need to be depressed, but the walkout basement, the grading is slightly different. You don't want to pitch the grade into the house. You obviously want it to be away from the house, and in particular this walk out area.

MEESE: Are there things that you can address with Mrs. Mancuso, to alleviate her concerns with respect to grading, do you think?

GLEASSEY: Well, I think with the owners and the architect, we can certainly work out, I believe, something that could be acceptable to Mrs. Mancuso and again, you know, in concert with the owners and their desires also.

MEESE: That would mean a whole new plan than, wouldn't it?

MANCUSO: Yes, because I can appreciate the 14 foot differential across the full length of the property but if you look within the confines of the footprint of the dwelling itself, the lot only varies, if you follow the grades along Leroy Place from approximately elevation 160 to approximately elevation 156, 157. So, there really is only a 4 foot differential within the frontage of the lot.

When you excavate down to one 154, you are forcing a fill in the front yard. Since the lot is narrow, the preexisting condition of the depth is narrow, the setback of the dwelling is only 25 feet. So, you have a very narrow Leroy Place, which is existing, of course, of only 12 feet plus the setback of only 25 feet, and then you are going to have a fill area from the existing grade on Leroy of 158 up to the first floor being 163, so that is going to be a 5 foot elevation in a very short distance. It just appears that the house is going to look like it is mounted and standing way out of the yard.

That is my primary concern.

BOGART: I share the same concern. I think the lack of right of way area and the 25 foot yard setback, combined with the 8 foot of elevation difference between the first

floor and Leroy Place is going to be substantial just from a visual perspective. Anything you can do to modify that, if you need to eliminate the walkout basement, I think that might be appropriate. I appreciate the fact that you suggested that you would modify the roofline, because that is what the ordinance intended to do, is to was to create those hip roofs. I think a little modification in the grading may be necessary also. Just so you don't have a substantial impact on that private right of way.

GLEASSEY: The owners would agree. We discussed it prior to the meeting tonight. While they would like to keep the walk out because they think that the lot actually does lend itself to that. If the concern is for the walk out, and the elimination of the walk out would address that concern, they would be willing to eliminate that to address that issue.

MANCUSO: Possibly changing the architecture of the house that it sort of steps down, with the property, so you don't have a box that is sitting up top, but work with the grade a little bit more, so that you could possibly still accommodate a walk out, but maybe step the foundation to follow the topography. Just some ideas.

BOGART: My only other issue that was raised in my report and that was mentioned by the applicant, was I recommended that they take advantage of the allowed width of the driveway to extend at least a minimum of an additional 3 feet to allow for some guests to park or vehicles. It may be warranted that the Board would grant a variance in this situation to allow for more on site parking or some turnaround area, even if it is impervious pavers or something because there is no real way to turn around on Leroy Place. I think that the applicant had said would comply with that.

MEESE: That is no problem.

CAPILLI: Are there any other questions? Mr. Rupp.

RUPP: Do we know who the owner of the land under the easement?

MEESE: I haven't searched it back to see who is the current owner today.

RUPP: Wouldn't they have been included in the deed requirements?

MEESE: Yes.

RUPP: So it should be on that list somewhere, right?

MEESE: I am not sure, over the years, over the years how it came down from the grantor.

RUPP: What I think that I am looking for is, I took a look at that easement. As with any private roadway, you are right, the whole purpose of it from a zoning perspective, is to insure that there is adequate access for emergency vehicles. I am not quite sure your client can grant us that easement. I think the owner of the land can grant us that easement and that is why I just need to know who that is.

MEESE: I think that if you look at the, well, look at a couple of things. This same grant effects the existing 4 homes on Leroy. The grant does allow for the assigns, so we could do a partial assignment if necessary. I don't think it is necessary. But, if you feel that it is, that is no problem.

RUPP: I think it quite frankly should have been done 50 years ago. So, but having said that, I think that is what we really should have.

MEESE: But then you are putting this one property owner in the position of having to then get .....

RUPP: Well, that is why I am not...maybe this is a simple...maybe that is okay. I have flown it past the title company. This is the first time that I am seeing the

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easement. So that makes it a little bit more difficult for me because I haven't had a chance to review it yet.

CAPILLI: Is there anyone in the audience that wishes to speak on this case? Come up.

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

PEPPARD: I do.

RUPP: Please state your name and spell your last name and address.

PEPPARD: 10 Leroy Place, Park Ridge, NJ. I am the current owner of 10 Leroy Place. Currently Leroy Place is deeded to my property. I have the documentation to prove it. I have been in that residence for the last 5 years. I am just here to monitor the situation and to see what is going on.

Pretty much, my only concern is during the time of construction, if granted, is there going to be access, because it is a one-way road. It is a small road. If you park one car in the road, there is no access by any other vehicle in a safe manner. I am open to answer any questions that the Board has.

RUPP: Would you be willing to grant the Borough of Park Ridge an easement for emergency vehicles along that roadway?

PEPPARD: If you pave it and put a gas line in.

RUPP: I don't think that we are going to do that.

PEPPARD: I would have to wait at this time and seek counsel for that answer.

CAPILLI: Thank you very much.

BEER: Excuse me sir. Which is 10 Leroy Place. It only fronts on Pascack Road.

PEPPARD: 114 is the house that is on Pascack Road, that has a driveway access off of Leroy. That is 9 Leroy and 10 Leroy is the blue house that is at the west end of the road on the north side of the road.

BEER: The north side.

PEPPARD: As of right now, if you were to take an emergency vehicle up there, outside of a police car, you will not be able to turn the vehicle around. You would have to back it back up.

CAPILLI: Thank you.

MEESE: To partially answer your question, during construction, there will be a staging area for equipment and vehicles on site, in conjunction with soil erosion and so forth.

CAPILLI: So you would make like a temporary parking area for everybody's trucks, and all of that.

MEESE: Storage for materials and so forth. Again, this would be in conjunction with Bergen County Soil application. Because of the nature of the road and the narrowness of it, he is absolutely right, you certainly can't just park something on the side of the road.

CAPILLI: Right.

BRENNAN: How is the garbage collected for those residents?

PEPPARD: The houses on the west end of the road is collected from Sixth Street. There is a path. 9 and further eastbound, the garbage truck comes up, backs up the road in reverse, picks up the trash and brings it down. There are approximately 9 vehicles that use that road on a daily basis.

LUDWIG: You had mentioned that the road is deeded to you?

PEPPARD: Yes.

LUDWIG: Does that mean that the road is solely yours?

PEPPARD: Yes.

MANCUSO: The road actually has its own lot number.

PEPPARD: I pay insurance on it and I pay tax on it.

MANCUSO: It is not a right of way. It has its own lot and block number.

LUDWIG: So, in order for someone to use this road, do they have to have your permission?

PEPPARD: According to the paperwork, when I had my lawyer do when I purchased 5 years ago, yes. If the town was to cease any type of service operations on the building, then we have to go based on frontage, and charge the residents on the street who have use to it.

LUDWIG: Have you given permission to the other homeowners?

MEESE: I am a little confused. You asked if anyone who wants to use the road, do they need his permission. This property that is the subject of this application has already been granted the access rights, the use of the road.

SIGILLITO: Is that the most current document? Has there been any amendments after that, that you are aware of?

MEESE: No, this goes back to 45 and it has been repeated throughout the years to the various properties on the street. Most recently to the estate Bernice Alexander, back in 51.

SIGILLITO: When you say repeated, what exactly does that mean.

MEESE: The same grant has been repeated to the other property owners. So, although he may own the road as part of a lot, the roadway itself has been, it is like having an easement on your property. Well, there has been an easement granted to all of the other property owners along Leroy for the use of that as a private road.

SIGILLITO: So do the participate in the taxes and the maintenance of the road, etc., etc.?

MEESE: The way that the deed is structured is no one has to pay any more than their pro rata share of the taxes. Don't even mention taxes, the repairing of the road.

SIGILLITO: Has that been consistent for the 3 to 5 years that you have had it?

PEPPARD: So, far, the town has been servicing the road. They been gravel in, they have been paving it, I mean gravel and they have been grading it and they have been plowing it.

BEER: Not anymore.

CAPILLI: That stopped.

SIGILLITO: We didn't have snow, so you wouldn't have noticed that.

BEER: They stopped plowing.

SIGILLITO: Were you aware that they had stopped plowing it?

PEPPARD: No. As far as I know, there is an agreement we have on documentation that our lawyers reviewed 5 years ago, that basically, I don't know if it an attorney's hand shake agreement from the town, that they would maintain the road. There has been no notification about stoppage of services.

BEER: You may want to check with the Road Department.

MEESE: Mr. Rupp and I we were discussing the grant. We didn't get to the next paragraph, which talks about this issue. It said, "it being agreed and understood, that" and it gives the former names, "shall at any time be held liable for or be required to pay more than their proportionate share of the expense of building or repairing said private road, said share to be according to the number of front feet of the several owners abutting said private road." So it is spelled out as to how that expense should be divvied up.

SIGILLITO: Consider quickly, with emergency vehicles, everywhere else in the town, they have to have access to a turnaround and here it seems like they have to, anything bigger than a station wagon has to back in and out of there.

LUDWIG: I mean it is limited, you don't have a large development there, but we have had fire calls on that road and .....

SIGILLITO: But by putting another structure on there it just increases the .....

CAPILLI: I am still trying to understand exactly how this road is owned and how it will be maintained and who can give permission for emergency vehicles to use it in the form of a right of way, or an easement. That I guess is something that I don't know that we are going to be able to determine tonight. I think that it needs more research.

LUDWIG: I don't think it lends itself to a cul-de-sac, it is a small road with property owners that already have houses on this road.

PEPPARD: My garage is in the way. It used to be a farm, and the structures are left over from the orchards and the farms. My garage probably was one the barn structures.

CAPILLI: I think that either way, I am just looking that next month, I mean there are some grading issues that I think you guys are going to address, the driveway and things like that, so we can revisit this again next month.

MEESE: I just want to make sure what we are going to need with respect to the....

RUPP: I am taking a look at this as if it was the first time. I see a deed of easement for the what looks like the sewer easement here, which, by the way was given by all of the owners. Again, all of the abutting land owners who use the land are the ones that granted that. Again, this was some time ago, as well. Unfortunately, this clearly does not say access for emergency vehicles purposes. It talks about access for maintaining the subterranean facilities. Unlike a typical situation, essentially this is property which is owned by someone else.

The whole purpose of the grant of a permit to build a building, on a lot that does not have frontage on a public street, is to guarantee that there is adequate access for

emergency vehicles. In order to guarantee that, across someone else's land, I think we need something that does that.

CAPILLI: Alright, so I think that Mr. Rupp will review this over the next month or so. You guys can look into it.

BEER: This raises another question then. Does Mr. Peppard, is he the one to give permission to bring the water line up to rip everything up and bring in a new water line?

RUPP: Well, I told you, I have not had a chance to look at this. Quite frankly, I haven't done the title search work on this.

MEESE: The water line currently serves all of the existing homes. They have the same grant, they don't have any greater than what is .....

BEER: But now you are changing it. You are making it bigger.

MEESE: But there is no separate grant in title that says water line. All of the homeowners use a water line that needs to be upgraded. They are utilizing this same grant for the water line that is there today. We are just looking to utilize that same grant as well.

BEER: I am just asking the question.

MEESE: No, we are just utilizing the same grant that the others have used.

SIGILLITO: But they were all existing structures, were they not? You are empty land right now that is going to build on it. So, wouldn't that be a total different use for the property, than exists today. Back in 1940, whether or not those were built or not? I don't know that.

CAPILLI: Alright, so on both side I think that there is a lot of investigating to do here in between now and the next meeting.

SIGILLITO: Is the structure going to be reworked to accommodate the comments from the professionals, then?

MEESE: Yes, we indicated before, that we certainly comply with the comments of Mrs. Mancuso and Mrs. Bogart.

CAPILLI: From what I am getting, I am getting the structure. I think the real issue is not the structure, so to speak, but all of this question of ownership and right of way and easements and things like that. It seems as if they are more than willing to take things into consideration. I think we have to just look at this again next month.

BEER: Mr. Meese, the next meeting is June 19<sup>th</sup>, and if you could have things in by June 8<sup>th</sup>.

MEESE: June 19<sup>th</sup> and June 8<sup>th</sup>. Okay.

BEER: Yes, the deadline for any revisions that you are submitting.

CAPILLI: Thank you very much.

PEPPARD: Can I ask one last question? About the service of the road, knowing what Mrs. Beer's position is, so I could just go research this later in the town, and is it the Board's consideration for the service road?

LUDWIG: If there has been a change, .....

PEPPARD: Yes, I haven't been notified.

LUDWIG: You need to know what generated the change, and what .... I mean I have some thoughts on that matter. I mean if it is a private road, I am not sure.

PEPPARD: I am just asking, when the service was discontinued and by who. Who do I have to see?

BEER: I am going to, it was the Road Supervisor was the one who spoke to me about it.

PEPPARD: And when did that happen?

BEER: Last week.

PEPPARD: And it was Leroy Place?

BEER: Oh yes, because he said he has been given, it is not his own decision, he has been told he can no longer do that. It is a private road, and the town can not expend tax payers money doing it. I think the issue has come up in other areas of town, and one by one .....

PEPPARD: So there has been official notification of that?

BEER: I don't know. I have a not to ask him tomorrow and if you need official notification, I am sure that the Director of Operations would be glad to give it, send it out to you. The question has come up an Mayor and Council meetings. Mr. Peppard has come up to the governing body several times as to why Park Ridge vehicles are maintaining and servicing private roads, easements, and the Council has had to take a position on it.

PEPPARD: Okay.

CAPILLI: Thank you very much.

**PENDING 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. Hearing held March 20, 2012...applicant to revise map showing reduced driveway and additional landscaping. Hearing resumed April 17 <sup>th</sup> and closed. Determination forthcoming this evening.
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BEER: It is a resolution in the affirmative.

**WHEREAS, MARIO IZZO** (hereinafter referred to as "Applicant"), being the owner of premises known as 17 Storms Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 4 of Block 1503 on the Tax Assessment Map for the Borough of Park Ridge, applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE (hereinafter referred to as "BOARD"), seeking variances for building coverage, front yard setback, floor area ratio, impervious surface coverage and for the expansion of a non-conforming two family residential use; and

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

WHEREAS, the BOARD has received the following documents with respect to this application:

1. Application

2. Certification
3. Legal Notice
4. Payment of taxes
5. Deed
6. Survey, Plot Plan and Site Plan
7. Elevations
8. Letter of denial
9. Four photographs
10. Board Secretary letter dated March 22, 2012
11. Applicant's Architect's letter dated April 5, 2012
12. Revised Architectural Plans, revised 4/2/2012; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on March 20, 2012, and April 17, 2012;

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

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact:

1. Applicant is the owner of premises located at 17 Storms Avenue in the Borough of Park Ridge, a pre-existing lawful non-conforming lot containing 12, 820 square feet, located within the R-15 Residential Zoning District which requires a minimum lot area of 15,000 square feet.
2. Applicant has applied for variances for building coverage, front yard setback, floor area ration, impervious surface coverage and for the expansion of a non-conforming two family residence.
3. Within the R-15 One Family Residential Zoning District, the required front yard setback is 30 feet, the maximum Floor Area Ratio (FAR) is 25%, with a maximum floor area of 4,250 square feet, a maximum building coverage of 20%, and a maximum impervious surface coverage of 35%. The existing structure has a front yard setback of 30.3 feet, and existing non-conforming side yard setback of 15.6 feet (a minimum of 18 is required), having a floor area ratio of 21.8% with a floor area of 2,795 square feet, a building coverage of 2,437 square feet (19.0%), and an existing non-conforming impervious surface coverage of 5,497 square feet (42.88%). The Applicant proposes to add a one story addition measuring 1,042 square feet and an enclosed front porch adding 286 square feet resulting in a front yard setback of 24.66 feet, and an FAR of 29.93% with a floor area of 3,837 square feet, a building coverage of 3,765 (29.37%), and an impervious surface coverage of 6,755 square feet (52.69%).
4. The premises are currently used as a prior lawful non-conforming two-family residential use with the first floor thereof being owner-occupied. Within the R-15 residential Zoning District, two-family houses are not a permitted use. Section 101-14 of the Zoning Ordinance provides that "Pre-existing nonconforming owner-occupied two-family dwellings shall be permitted to be enlarged or otherwise improved provided that no additional dwelling units

result from the improvement and that none of the applicable district's yard, coverage and height restrictions are violated." In the within application, the front yard setback and coverage limitations are further violated and a variance is required to enlarge the non-conforming two family use pursuant to N.J.S.A.40:55D-70(d).

5. The proposed expansion is limited to the first floor which is the portion of the premises which are currently owner occupied. The proposed addition is designed to add a bedroom, sitting room, bathroom and laundry room, and covered porch, accessible via a handicapped accessible ramp, for the use of a member of the owner's family.
6. Applicant had reduced the impervious surface coverage initially proposed by 71 square feet by reducing the pavement area in the rear yard resulting in a reduction from 53.24% to 52.69%. The reduced paved driveway area (2,607 sq. ft.) is necessary to gain access to the rear garage and provide for a turnabout area. But for the existing paved driveway area, and the undersized nature of the lot, the BOARD finds that the strict application of the Zoning Ordinance as to impervious surface coverage would result in peculiar and exceptional practical difficulties to the Applicant pursuant to N.J.S.A. 40:55-70(c)(1).
7. The BOARD finds that by reason of the openness of the front covered porch, the aesthetic benefits therefrom outweigh any negative impact from the additional 5.33 foot encroachment into the front yard setback of a portion of such porch pursuant to N.J.S.A. 40:55D-70(c)(2).
8. The BOARD further finds that one of the purposes of Section 101-14 of the Zoning Ordinance was to encourage the maintenance and improvement of existing two family homes. This is also consistent with the residential goal and policy in the Master Plan "to promote the continued maintenance and rehabilitation of the Borough's housing stock."
9. The Master Plan further provides that the goal of the FAR limitations is "to emphasize the importance of the preservation of natural resources, encourage development of new and renovated dwellings that are compatible with existing neighborhood character, establish the appropriate building scale, form and mass and create a proper setback relationship to the street and the adjacent dwellings."
10. The BOARD finds that the proposed construction is consistent with the scale, character and architecture of the neighborhood. The proposed floor area (3,837 sq.ft.) is only slightly larger than the floor area (3,750 sq.ft.) which would be permitted in a lot meeting the minimum lot size and is in keeping with the neighborhood. Moreover, the proposed addition, with the exception of the roofed open porch, merely extends the existing building façade and maintains a side yard of 20 feet. The proposed addition is limited to the first floor and the extension of the roofed open porch and is furtherance of the goal of the Master Plan to "encourage the use of building setbacks on the upper floor levels to maintain adequate space, light and sense of openness from surrounding residences in existing residential neighborhoods."
11. By reason of the foregoing the BOARD finds that the benefits derived from the proposed addition outweigh any negative impact from the grant of a variance from the building coverage limitations pursuant to N.J.S.A. 40:55D-70(c)(2).
12. Accordingly, and for the foregoing reasons, the BOARD further finds that special reasons exist for a variance to permit the enlargement of the existing two family use and structure by the proposed addition and the proposed increase in the permitted floor area ratio in that the granting of such variances would improve the overall appearance of the structure and is in furtherance of the zoning purposes to promote public health, safety and welfare, to provide

adequate light, air and open space, and to promote a desirable visual environment through creative development, techniques and good civic design pursuant to N.J.S.A. 40:44D-70 (d).

13. Moreover, for the reasons set forth above, the BOARD finds that the aforesaid variances to permit the enlargement of the existing two family use and structure, to permit an increase in the permitted floor area ratio, to permit the front yard encroachment of an open roofed porch, to permit and increase in the building coverage and to permit an increase in the impervious surface coverage will not result in any substantial detriment to the public good nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by not less than the affirmative vote of five members, by virtue of the foregoing, pursuant to the authority of N.J.S.A. 40:55D-70 (c) and N.J.S.A. 40:55D-70(d), the BOARD does hereby grant the Applicant's requested variances to permit the enlargement of an existing prior lawful non-conforming two family residential structure and use, an increase in the permitted Floor Area Ratio, a further encroachment within the required front yard setback, an increase in the building coverage and an increase in the impervious surface coverage as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD.

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

**ROLL CALL:**

**Ayes:** Mr. Walker, Mr. Hoskins, Mr. Flaherty, Mr. Capilli, Mr. Sandler

**Nays:** Mr. Raman

**Abstain:** Mr. Sigillito, Mr. Brennan,

<b>CASE:</b> 12-05 <b>Block:</b> 2005 <b>Lot:</b> 36	Application of <i>Christopher Wittrock</i> , 4 King Road for front yard setback to construct addition to existing house in an R-15 residential zone. Hearing held April 17, 2012. Determination forthcoming this evening.
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**CAPILLI:** We have a resolution in the affirmative.

**WHEREAS, CHRISTOPHER WITTRUCK** (hereinafter referred to as "Applicant"), being the owner of premises known as 4 King Road, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 36 of Block 2005 on the Tax Assessment Map for the Borough of Park Ridge, previously applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE (hereinafter referred to as "BOARD"), seeking a variance to allow the construction of a roofed portico to the existing home; and

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

WHEREAS, the BOARD has received the following documents with respect to this application.

1. Application
2. Certification
3. Legal Notice
4. Payment of Taxes

5. Deed
6. Survey, Plot Plan and Site Plan
7. Elevations and Floor Plan
8. Photographs
9. Property Survey with revised driveway paving
10. Objectors Photographs
11. Property Survey with reduced driveway paving; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on April 17, 2012 and May 15, 2012;

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

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact:

1. Applicant is the owner of premises located at 4 King Road in the Borough of Park Ridge, containing 17,977 square feet and currently improved with an existing single family residential structure.
2. Applicant has applied for a variance from the front yard setback to permit the construction of a roofed portico measuring 5.3 feet by 9.33 feet, which is open on three sides.
3. Within the R-15 One Family Residential Zoning District, the required front yard setback is 30 feet. The existing structure is set back 33.3 feet. The Applicant proposed to add an enclosed foyer measuring approximately 4 feet by 9.33 feet, set back 30.8 feet from the front lot line. The addition of the proposed portico reduces the front yard setback to 25.5 feet.
4. In addition to the foyer and the portico, the Applicant proposes to construct an addition in the easterly side yard and in the rear yard so as to increase the floor area from 2,212 sq. ft. to 3,982 sq. ft., thereby increasing the floor area ratio from 12.3% to 22.15%. The proposed width of the building at the building setback line is increased from 45 feet to 53 feet. The proposed building coverage is increased from 6.4% to 14.30%. Impervious surface coverage is being increased from 13.78% to 21.83%. Except for the front yard setback, all other yard setbacks, and all other aspects comply with the zoning ordinance requirements.
5. The BOARD finds that the construction of the open roofed portico is consistent with the architecture of the neighborhood and that it is also consistent with the residential goal and policy of the Master Plan “to promote the continued maintenance and rehabilitation of the Borough’s housing stock”. By reason thereof and by reason of the openness of the portico, the aesthetic benefits therefrom outweigh any negative impact from the 4.5 foot encroachment into the front yard setback pursuant to N.J.S.A. 40:55D-70(c)(2).
6. Accordingly, the BOARD also finds that the requested front yard variance to permit the construction of the roofed portico so as to encroach 4.5 feet into the required front yard setback is justified by virtue of the flexible (c) provisions of the Municipal Land Use Law. The granting of the proposed

variance will improve the overall appearance of the structure and improve safety in ingress and egress of the building, in furtherance of the zoning purposes to promote the public health, safety and welfare to provide adequate light, air and open space, and to promote a desirable visual environment.

7. Moreover, the BOARD finds that a decision to grant the variance to permit the encroachment of an open roofed portico will not result in any substantial detriment to the public good nor will it impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70(c), the BOARD does hereby grant the Applicant's requested variance to permit construction of an open roofed portico to extend 4.5 feet into the required front yard as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD.

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

**ROLL CALL:**

**Ayes:** Mr. Brennan, Mr. Capilli, Mr. Flaherty, Mr. Hoskins, Mr. Raman, Mr. Sandler, Mr. Sigillito, Mr. Walker

**Abstain:** None

**NEW BUSINESS:**

None

**CORRESPONDENCE:**

None

**APPROVAL OF MINUTES:**

The Chairman entertained a motion that the March 20, 2012, minutes be approved as submitted. So moved by Mr. Hoskins and seconded by Mr. Walker. Carried unanimously.

**APPROVAL OF VOUCHERS:**

None

**DISCUSSION OF APPLICATIONS:**

The first application to be discussed that of *Kevin Guarderas*. The members felt that discussion would be done after the revised plans were submitted at the next hearing.

The next application to be discussed was for *Brian and Barbara Monteverdi*. Some members felt that the layout didn't fit the need. The Engineer felt that a door in a different location was more appropriate. The attorney felt that the addition on the other side of the house would not require a variance so the hardship criteria has to be justified to grant the variance. Some members felt that the irregular shape of the property created a hardship and that the encroachment was minimal.

The attorney agreed that lot shape is a legitimate reason to grant a variance. The members also felt that the applicant has tried to comply. The attorney was authorized to draw a resolution of approval for the next meeting.

The application of *Barbara Warren*, was then discussed. The members felt that there were no issues to be discussed that they were just waiting for the pictures to be submitted showing the setbacks. The attorney was authorized to draw a resolution of approval for the next hearing.

**ADJOURN:**

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

Respectfully Submitted,

Margot Hamlin,  
Transcriber