

****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, June 19, 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, Dr. von der Lieth, Mr. Brennan, Mr. Flaherty (8:25 pm)

Absent: None

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

VON DER LIETH: Just a couple of notes before I read the Compliance Statement and we start this off. Case: 12-01, the application of Mr. Guarderas, will not be heard until 9 pm this evening. The other case, 12-04, the application of Ashok Idnani, has been extended. He has requested a postponement until next month. So, anybody that is here in relation to that one, it will be next month.

RUPP: We need the date on that.

BEER: July 17, 2012.

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.

AUDIENCE: I would like to know why the 12-01 isn't coming up until 9 o'clock?

VON DER LIETH: Actually, I was just notified of that. I don't know the reason. Mrs. Beer.....

AUDIENCE: There was nothing of that on the website.

VON DER LIETH: You it could have been a last second, it does happen, unfortunately.

BEER: The attorney called me at 4 pm, and there was a family, a personal family issue. He asked if we could possibly hold off until 9 o'clock. He would get here as early as he could. But, he knew he could be here by 9.

AUDIENCE: I made appointment changes to be here.

VON DER LIETH: I apologize, we just found out about it ourselves. Since it is a full docket tonight, let's start, I think we should start off by reviewing some of the resolutions that were presented. Let's start off with the first one.

BRENNAN: I would like to have it put in the record that I have gone through the minutes for both March and April.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of June 19, 2012 – Page 2

VON DER LIETH: Okay, so can we have it noted that Mr. Brennan has, indeed, read the minutes.

BEER: Yes. I had prepared something for April, but I didn't know that he had done it for March. I will have it in the file. I have a certification for each month.

RUPP: Lets just correct the record, that it is not minutes, it is transcripts.

VON DER LIETH: Getting back to that Case: 12-03.

CASE: 12-03 Block: 714 Lot: 5	Application of <u>Barbara Warren</u> , 79 Colony Avenue for front yard and side yard variances to construct an addition to existing house in an R-20 residential zone. 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. Continued to May 15, 2012 and hearing closed. Determination forthcoming this evening.
--	--

VON DER LIETH: I believe that we have a resolution in the affirmative.

WHEREAS, BARBARA WARREN (hereinafter referred to as "Applicant"), being the owner of premises known as 79 Colony Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 5 in Block 714 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 a front yard and side yard variance to allow the construction of an addition to the existing first floor bedrooms and living room and to add a roofed porch to the existing home; and

WHEREAS, as the premises are located in an R-20 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 2/28/12
2. Certification of service 2/28/12
3. Legal Notice 3/9/12
4. Payment of Taxes
5. Deed 4/2/02
6. Site Plan 3/1/12
7. Elevations and Floor Plan 2/1/12
8. Photographs
9. Letter of Denial 8/21/11.
10. Letter from Applicant to Zoning Board 3/20/12
11. Board Secretary letter 3/20/12
12. Board Secretary letter 4/18/12
13. Series of photographs of neighboring homes 5/12/12; and

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of June 19, 2012 – Page 3

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on March 20, 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 79 Colony Avenue in the Borough of Park Ridge, containing 24,473 sq. ft. and currently improved with an existing single family residential structure.
- 2 Applicant has applied for a variance from the front yard and side yard setback requirements to permit the construction of a bedroom addition to the front of the house measuring approximately 5 feet by 24.95 feet, an additional to the living room in the front of the house measuring approximately 10 feet by 21.5 feet, and a roofed front porch measuring 5 feet by 24.95 feet.
- 3 Within the R-20 One Family Residential Zoning District, the required front yard setback is 40 feet and the required side yard setback is 22 feet. The existing structure has a side yard setback of 20.4. The proposed living room addition will extend the existing front yard but will retain the existing 20.4 foot side yard setback. The existing structure has a front yard setback of 30.4 feet. The proposed additions reduce the front yard setback to 20.4 feet.
- 4 The proposed additions are well within the building coverage, impervious surface coverage and floor area limitations as set forth in the Zoning Ordinance.
- 5 The BOARD finds that the construction of the additions is consistent with the architecture of the neighborhood and that they are 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.” Moreover the testimony was that other houses within the vicinity are within 15 feet of the front lot line.
- 6 By reason thereof, the BOARD finds that the aesthetic benefits derived from the proposed additions outweigh any negative impact from the encroachment into the front yard setback and the extension of the non-conforming side yard setback pursuant to N.J.S.A. 40:55D-70(c)(2), 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 ingressing and egressing 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 by reason of the size and location of the existing house on the oversized lot, the strict application of the Zoning Ordinance to preclude the proposed addition within the required side yard and front yard setbacks, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the applicant.
- 8 Moreover, by reason of the prevailing setback deficiencies within the vicinity, the BOARD finds that a decision to grant the variance to permit the extension of the existing side yard setback encroachment and the encroachment within the front yard setback 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.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of June 19, 2012 – Page 4

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 variances from the side yard and front yard setback requirements to permit the construction of the proposed additions as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD.

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

ROLL CALL:

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

Abstain: Dr. von der Lieth.

CASE: 12-06 Block: 2009 Lot: 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. Hearing held May 15, 2012 and closed. Determination forthcoming this evening.
---	--

VON DER LIETH: We have a resolution in the affirmative for this application.

WHEREAS, BRIAN and BARBARA MONTEVERDI (hereinafter referred to as "Applicant"), being the owner of premises known as 22 Wield Court, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 1 in Block 2009 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 a front yard and a side yard variance to allow the conversion of an existing attached garage into living area and the construction of a two story addition containing a two car garage, kitchen area and upstairs playroom, a roofed front porch, a rear deck and a roof 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 4/23/12
2. Certification of service 5/3/12
3. Legal Notice 5/4/12
4. Payment of Taxes 4/24/12
5. Deed 3/27/96
6. Survey and Plot Plan 4/5/12
7. Elevations and Floor Plan 4/22/12
8. Highlighted site plan
9. 4 sets of photographs (6 each); and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on 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 of findings of fact:

- 1 Applicant is the owner of premises located at 22 Wield Court in the Borough of Park Ridge, containing 15,416 sq. ft. (15,000 square feet required) and currently improved with an existing single family residential structure. The premises are irregular in shape (trapezoidal), having a curve front lot line measuring 131.50 feet 75 feet required, and a lot depth of 130.78 (a prior lawful non-conformity 150 feet required).
- 2 2. applicant has applied for a variance from the front yard and side yard setback requirements to allow the conversion of an existing attached garage into living area and the construction of a two story addition containing a two car garage, kitchen dining area and upstairs playroom, a roofed front porch and a roof portico to the existing home.
- 3 Within the R-15 One Family Residential Zoning District, the required front yard setback is 30 feet and the required side yard setback is 18 feet. The existing structure has a side yard setback of 31 feet. The proposed two story addition with the two car garage, dining area and upstairs playroom will extend to within 12.01 feet of the southerly property line and the proposed deck to within 12.7 feet of said line. The existing structure has a front yard setback of 35.5 feet. The proposed addition reduces the front yard setback to 28.43 feet at a corner of the new two car garage.
- 4 The proposed additions are within the building coverage, impervious surface coverage, maximum dwelling width and floor area limitations as set forth in the Zoning Ordinance.
- 5 The Board finds that the construction of the additions is consistent with the architecture of the neighborhood and that they are 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". There was also testimony that immediately adjacent to the subject premises is a 10 foot wide foot way owned by the Borough of Park Ridge forming part of Lot 16 in Block 2009, under which is a 30" RCP storm sewer pipe. The Board finds that the foot way provides a buffer between the subject property and the property to the south and mitigates the encroachment into the side yard.
- 6 By reason thereof, the BOARD finds that the aesthetic benefits derived from the proposed additions outweigh any negative impact from the encroachment into the front yard setback and the side yard setback pursuant to N.J.S.A. 40:55D-70(c)(2), 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 ingressing and egressing 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 by reason of the size and location of the existing house on the irregularly shaped lot, the strict application of the Zoning Ordinance to preclude the proposed addition within the required side yard and front yard setbacks, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the applicant.
- 8 Moreover, by reason of the de minimus nature of the front yard encroachment and by reason of the 10' wide buffer to the south of the subject premises, the BOARD finds that a decision to grant the variance to permit the encroachment into the front yard setback and side yard setback will not result in any substantial

detriment to the public good or 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 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 variances from the side yard and front yard setback requirements to permit the construction of the proposed additions as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD, subject to the conditions that the driveway width t the curb line shall not exceed a maximum of 20 feet.

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

ROLL CALL:

Ayes: Mr. Sandler, Mr. Sigillito, Mr. Raman, Mr. Hoskins, Mr. Brennan, Mr. Capilli,

Abstain: Dr. von der Lieth, Mr. Walker

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. Hearing begun May 15, 2012 and carried to June 19, 2012 for revised maps.
--	---

WALKER: I have a few items to be added to the record.

Item 16 is Fire Department Fire Bureau review dated 5/10/2012.

Item 17 is Board secretary letter dated 6/04/2012.

Item 18 is revised plan dated 6/06/2012.

Item 19 is revised storm water, building height and soil calculations 6/04/2012.

Item 20 Engineer's review dated 6/18/2012.

VON DER LIETH: Thank you Mr. Walker. Good evening.

MEESE: Good evening Mr. Chairman. My name is Greg Meese, attorney for the applicant. What I would like to do is review with you, the revised plans that were prepared by Mr. Gleassey and submitted to the Board. We thing that we have addressed all of the comments that the Board and its professionals had at the last meeting.

The Plan has been substantially revised with respect to the dwelling. The walkout basement no longer is shown on the plan. The home has been brought down in elevation and we think that we have complied with the comments. The Board should have a set of plans that was last revised June 6th of this year.

I would like start with Mr. Gleassey reviewing the changes that were made to the plan and then we can address the Engineer's report dated June 18th, as well as the revised report from the Fire Department.

RUPP: You have been previously sworn in is that correct?

GLEASSEY: That is correct.

RUPP: You are still under oath.

BEER: Mr. Meese, would you identify your expert for the record?

MEESE: Mr. Gleassey, just reintroduce yourself for the record. You are a licensed Professional Engineer?

GLEASSEY: Certainly. David Gleassey, and I work for the R.L. Engineering, Project Manager. I have prepared the plans, the original plans as well as the revised plans that you have before you. I am a P. E. registered in New York and New Jersey. I have been practicing.....

BEER: No, I just wanted you for the record.

GLEASSEY: Oh, okay. In accordance with comments that were made by the Engineer and Planner, we have revised the plan in accordance with their comments. What we have done, is to flip the house. The garage previously was on the up hill, or the westerly side of the lot, with a walkout basement on the easterly side. We have eliminated the walkout basement. We have dropped the house to just above the existing grade at the footprint now. We have, again, like I said, we have flipped the garage on the lower side.

Without the walkout basement, the grade is substantially raised. We no longer conflict or have a problem with building height. We do conform. We have submitted revised calculations. In essence, the new soil movement calculations are some 469 cubic yards of excavation, some 66 yards of fill, and some 403 yards of export, which is slightly less than what we had before.

The revised building height is some 31.78 feet, versus a maximum allowed by the ordinance of 42 feet.

MEESE: Mr. Gleassey, with respect to the number of trees to be disturbed, is it 2 trees to be taken out at this point?

GLEASSEY: That is correct. The revised plan reflects 2 trees that will be removed. If I can spot them, one over in the lower left hand corner of the lot and one more towards the center in the back. Those 2 are being removed because of the grading involved.

MEESE: Mr. Gleassey, you were in receipt of revised memorandum from the Fire Department, indicating that there was a desire for the addition of a hydrant. Have you been out in the field to determine where the closest fire hydrants are to the subject property?

GLEASSEY: Yes. We have reviewed the existing fire hydrants within the area. We find that there is an existing fire hydrant at the north, lets call it the northwesterly corner of Ridge Avenue and Pascack Road. There is also a hydrant on the north side of Park Avenue, immediately adjacent to Pascack Road. However, there is also an existing hydrant to the west of this lot, some 175 feet, definitely less than 200 feet away from the lot, which we feel is sufficient for fire protection, for this single lot. This is a standard, you know, within 400 feet.

WALKER: Is that hydrant on 6th Street?

GLEASSEY: It is at the terminus of 6th, actually right next to where 6th Street ends, the right of way, as well as the curb and where this right of way of Leroy Place, where they both intersect. So, literally, less than 200 feet away from the lot.

MEESE: Do you believe that is sufficient for this street and this lot?

GLEASSEY: It is sufficient. It is close enough so that the Fire Department can connect their hose and fight a fire.

MEESE: Mr. Gleassey, you also received a report from the Board Engineer, Ms. Mancuso, has requested that building plans be submitted to confirm the ultimate of the height of the dwelling. I am not talking to you, but generally you do, for a building permit anyway?

GLEASSEY: The Architect would do that, yes.

MEESE: That would be copied to Mrs. Mancuso, just for her to confer as well, if there is a height issue?

GLEASSEY: I see no problem with having the Architect forward a copy of his plans to Mrs. Mancuso.

MEESE: Mrs. Mancuso also requested that the soil investigation and percolation test result be supplied to her that the seepage pits that are proposed are in the correct type of soil?

GLEASSEY: Yes, we will. We have added a note, note number 27, which indicates at the time of excavation for the, actually the commencement of construction, on the excavation for the foundation that a test will be dug at the location of the seepage pit proposed, in order to verify that the soils are adequate for the percolation and so forth. The results will be submitted to the Engineer's office.

MEESE: She has also requested that the trees be marked as to the ones that will be removed and the ones that will remain, to be protected during construction.

GLEASSEY: Those will be indicated by the applicant.

MEESE: I guess the last issue is that she has requested Bergen County Soil Preservation Certification for the development.

GLEASSEY: To my knowledge, I don't believe we need certification, simply because it is an existing lot. There is no demolition. In my past experience, however, if it is required, we certainly will provide that. But I will verify that with Bergen County Soils.

MEESE: I believe that was the comments that we received from your Professionals. If there are any further questions for Mr. Gleassey.

VON DER LIETH: Mrs. Mancuso do you have anything to add to that?

MANCUSO: Yes, thank you. I just wanted to clarify that the architectural plan that you did submit last month, was in fact, a mirror image. I realized that you flipped the garage, but I didn't receive a new submission, so would you be able to clarify that. Is it the same home with just the mirror image, flipping the garage to the other side?

GLEASSEY: I am going to say yes, if it is not exactly the same, it is extremely close.

MANCUSO: I only was interested to the extent that I need to calculate the height of the garage. What was submitted initially had the garage elevation lowered a bit. So, if that is still the case, then that was my main issue.

GLEASSEY: I believe that facet of the architectural plans was the same, per my discussion with the Architect.

MANCUSO: Thank you. Yes, the Bergen County Soils does entertain review of new dwellings now, so that would be required now. That is all that I had Mr. Chairman.

VON DER LIETH: Thank you. Are there any other questions or comments from other Board members?

CAPILLI: Did we solve any issue with it being on a private road?

RUPP: Yes, we did. If you recall, at the last meeting, there was a document, which consisted of a Title Report. I had only received it that night and had not had a chance to review it. I have since reviewed it. I have also consulted with the Municipal Attorney, and I did some research.

VON DER LIETH: Excuse me, Mr. Rupp, just to jump in here, just for the record, Mr. Flaherty has come up to the dais (8:25 pm). I am sorry, go ahead.

RUPP: I have reviewed a case called Levinson vs Costello. It deals with an easement. It is 74 NJ Super 539. It is a 1962 case. Based on my review of that case, my review of the Title Report, and my discussions with the Municipal Attorney, I am satisfied that the easement is sufficient for emergency purposes.

VON DER LIETH: Thank you, Mr. Rupp. Are there any other comments or questions? No, okay. Thank you very much. We will discuss this later on and you can call Mrs. Beer in the morning.

MEESE: Thank you very much.

RUPP: We need to do that. Mr. Gleassey, you did reconfigure the building. Can we just, for the record, give the new setbacks on what the side and rear. I believe those changed slightly.

GLEASSEY: Yes, they have. You are very correct. The setbacks now, the front setback has not changed. That is still 25.5 feet setback from the front line. The westerly setback, side setback, has changed. It has changed to some 39.0 feet. It was, obviously much closer if you remember from the previous time. The other side setback to the easterly property line is some 33.0 feet. The rear setback has remained the same at 38.8 feet.

VON DER LIETH: Is there anyone in the audience that wishes to comment or speak on this case? No, okay. Thank you very much gentlemen.

NEW CASES:

CASE: 12-08 Block: 1011 Lot: 2	Application of <u>Edward Sweeney</u> , 23 Cascade Avenue for front yard variance to construct a roof over an existing porch in an R-10 residential zone.
---	--

RUPP: Mr. Sweeney, I have to have you sworn in first. 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?

SWEENEY: I do

RUPP: Please state your name and address.

SWEENEY: Edward J. Sweeney, 23 Cascade Avenue, Park Ridge, NJ. Last name is Sweeney, S-W-E-E-N-E-Y.

VON DER LIETH: Thank you, Mr. Sweeney.

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

- Item 1 is the application dated 5/23/2012.
- Item 2 is certification of service dated 6/05/2012.
- Item 3 is legal notification dated 6/08/2012.
- Item 4 is proof of payment of taxes dated 5/24/2012.
- Item 5 is the deed dated 7/22/2011.
- Item 6 is an existing condition survey dated 8/04/2000.
- Item 7 is a Plot Plan dated 4/03/2012.
- Item 8 is an undated photograph.

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

VON DER LIETH: Thank you, Mr. Walker. Okay, Mr. Sweeney, now, please if you would, take us through what you would like to do.

SWEENEY: I have an existing masonry and concrete deck porch. It protrudes from the front of the house 60 inches. I also, currently, have a small roof over the porch, which protrudes from the front of the house 30 inches.

What I am seeking to do is extend that roof another 30 inches, so that I cover the entire porch, for a number of reasons, aesthetics in the neighborhood, safety. The porch is 40 inches high with no railings. I have railings on the stairs going up, so what I would like to do is extend the roof to the end of the porch, approximately 30 inches, again, and install some railings around the porch.

VON DER LIETH: Similar to the house to the right in the photograph?

SWEENEY: The picture shows on this portion of Cascade, there are only 2 homes, my home and my neighbor. What I am showing in the picture is my home, which is on the left, with the small roof, and the neighbor has the same small roof, but he has also extended, just in front of his door, he has extended out. I will not be going out any further than that, then where his roof is.

VON DER LIETH: Are there any questions or comments?

CAPILLI: The roof that you want to put in there, extends, actually, more towards the left of current building where the electrical is coming in?

SWEENEY: It does not. It just comes straight out from the existing.

CAPILLI: So right where the break is now, that is where you are going to put it?

SWEENEY: There will be a skirt roof going around the westerly portion but that has already been permitted.

RAMAN: Did you say that you are going to put a railing on it?

SWEENEY: A railing on the porch. I have railings on the stairs now, going up, but there is none on the porch and it is really is quite high, so it is a safety hazard, especially in the winter.

RUPP: Mr. Sweeney you submitted a photo copy that cuts off a lot. Do you have the original document of the plot plan?

SWEENEY: I do have my plans with me, yes.

RUPP: I think that we are going to need to see those, because the copythe copy that you gave us, unfortunately, is incomplete.

SWEENEY: This is the survey or the plot plan.

RUPP: The plot plan. We are more concerned with what you are doing. All we have is one sheet, and unfortunately it is incomplete. What I am really saying is that you need to provide us with the plans so that we can take a look at it. That is what I am saying.

SWEENEY: The building plans?

RUPP: Well, this plot plan, we need the whole copy. No, I am talking about this.

BEER: The survey Sid, does not show. It is an existing condition survey. The plot plan shows what is being proposed.

CAPILLI: So just take the survey and mark up where the new.....

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of June 19, 2012 – Page 11

BEER: No, he can't do that. He is not allowed to do that. The surveyor can, yes.

RUPP: None of us have that. That is what I am trying to tell you. What we have is this one sheet.

MANCUSO: We have it down here.

RUPP: Okay.

MANCUSO: Do you guys have this?

WALKER: Yes, we have it.

RUPP: How many Board members this?

VON DER LIETH: We all do.

RUPP: I must be the only one who doesn't have it.

BEER: This one is the official one. If it is green, it is the one. Only one was submitted to us. Mr. Sweeney opted to make copies. I spoke to him about it and said that the Board would determine whether they would accept them.

RUPP: Okay. I will take a look at this because all of the zoning material is missing from the copies that everybody has. Just, you talk about enclosing a porch in the front, I mean not enclosing, put a roof on it, right?

SWEENEY: It has an existing roof, which is 30 inches from the face of the house. I want to extend that an additional 30 inches to bring it out to the face of the existing masonry porch.

RUPP: You are putting other additions on to, is that correct, or not?

SWEENEY: That is permitted additions, yes.

BEER: The other additions did not require any variances. They were checked.

LUDWIG: Actually, it does. The deck on the side is only 18.8.

BEER: He was given building permits for that.

LUDWIG: This is 20 feet here. This here is the side yard setback to 25 feet. So you are actually extending a nonconforming on the side yard setback as well.

SWEENEY: There is an existing patio already, that the porch is going to enclose that. So, that already invades it.

LUDWIG: I am just saying that as long as we are discussing the front yard setback, we should just discuss or include or not include the furtherance of the side yard setback, which is supposed to be 18 feet, I believe, 15 feet, and we have 5 feet.

RUPP: Okay. Let me make sure that I can understand what is going on here. You currently have a side deck, is that correct?

SWEENEY: That is correct.

RUPP: Only on the first floor?

SWEENEY: Yes.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of June 19, 2012 – Page 12

RUPP: You are proposing to build a deck of the same dimensions on the second floor, as well?

SWEENEY: It was my understanding that has been permitted already.

LUDWIG: Can we just clarify? Do you have building permits for the addition shown on the left side of the dwelling, as you face it?

SWEENEY: Yes, sir.

LUDWIG: You do? That includes the second story deck and the second story addition?

SWEENEY: To the best of my knowledge, the only thing that I needed a variance for, was the cover over the porch.

LUDWIG: Again, my question was, do you have building permits in your possession for the addition on the left side of the house, the deck on the second floor?

SWEENEY: Yes sir.

RUPP: Do you have them with you, so that we can take a look at them?

SWEENEY: I have the plans that are approved.

LUDWIG: Okay.

RUPP: Lets take a look, because I think I need to see what you have in your hand.

VON DER LIETH: Yes, that is fine.

BRENNAN: While you are looking at that, though, can we just finish discussing, if the topic was just this roof line, does anybody have any questions or issues with that one particular item?

RAMAN: The roof line just goes up to the edge of the porch, right?

SWEENEY: Just to the edge of the porch.

CAPILLI: How much further is that?

SWEENEY: 30 inches.

CAPILLI: So, it is 30 plus 30?

RAMAN: How wide?

SWEENEY: The whole front of the house. It is only like 35 feet wide.

VON DER LIETH: Mr. Brennan, are you asking if any body else has any concerns regarding that?

BRENNAN: Exactly.

RUPP: Understand my concern. My concern is to.....

VON DER LIETH: His concern is to make sure that everything is to the letter.

RUPP: Exactly. I am not saying if it is good or bad. I am saying, if one adds another story right above an encroachment, that is not permissible without a variance. Because, you are expanding the encroachment by going higher. In other words, a one

story encroachment is expanded by a second story encroachment even though that encroachment is the same dimensions.

WALKER: Does the current deck encroach? Isn't it only a 15 foot.

VON DER LIETH: Go ahead, Mr. Rupp, explain that for the record so we know.

RUPP: Okay, since I didn't have the zoning schedule, I am not quite sure, according to this, the side yard setback....well he needs 15, and he has 18.8, right?

LUDWIG: It is interesting that the deck meets more than the addition. If this was addition, it is fine, if it is deck it is

RUPP: So the deck needs 20 feet?

RAMAN: So it is the deck that needs a variance, not the addition.

RUPP: That is what it appears. The roof on the front deck, because if it was a not a roof on it, right, it is existing anyway, right, so the roof violates not only the front yard, but it also violates the side yard as well. So, technically, I believe the applicant, if this application was to be approved would need a variance, side yard, for the second story deck, side yard for the roof over the existing porch, and front yard for the roof over the existing porch.

CAPILLI: Didn't he already get permits for that?

RUPP: That may or may not be true, but if you are adopting a resolution, right.

BRENNAN: We can address that currently tonight, is that what you are saying?

RUPP: That is what I am saying.

SWEENEY: If I could just say one thing. I am under the impression that I have that permit. That deck has not been built yet. The foundation has been excavated. However, the door leading from the second floor to that deck has been installed.

CAPILLI: Have the footings been checked yet?

RUPP: Okay, Mr. Sweeney, I guess, here are your options, if the Board is willing to grant you a variance, right, you probably want to take it. Because, if you don't take the variance, and a challenge is made, that the permit was issued improperly, then you have a whole other series of problems.

SWEENEY: I don't want to challenge. I just wanted to mention...

RUPP: Okay, okay, okay, because, you might have an issue against the town, which is very hard to prevail on, but my point is that what I am trying to tell you is that I am concerned that if the Board has this application, it might as well fix it where needed.

VON DER LIETH: So, that is what we will do, Mr. Sweeney. We will discuss it tonight.

BRENNAN: Get you paperwork in order.

VON DER LIETH: That is exactly right, Mr. Brennan. Before we start, are there any other comments regarding this? Yes, please, Brigitte.

BOGART: I just want to make the Board aware that the Ordinance allows for encroachments into the front yard for both stairways and also bay windows, cornices, canopies, eaves, balconies, necessary landings, and architectural features. But it is only a 2 foot encroachment and because he is already nonconforming, he would need the

variance, but the Ordinance does contemplate this type of architectural features to extend into the required front yards.

VON DER LIETH: Thank you, that does help quite a bit. Thank you Mrs. Bogart. Now before we get to it, do we need copies, Mr. Rupp, of this? Can we hold on to this?

BEER: No, no.

RUPP: Apparently we have a full copy of the plan, I just didn't have it. Okay, we are fine?

VON DER LIETH: Okay, Mr. Sweeney, thank you. We will discuss this tonight. You can contact Mrs. Beer in the morning. Thank you. I shouldn't get ahead of myself. Is there anybody in the audience wishing to comment or speak on this application? No, thank you. Okay, thank you Mr. Sweeney.

CASE: 12-09 Block: 2501 Lot: 22	Application of <u>Robert and Laura Creighton</u> , 231 Ellin Drive for side yard variances to construct an addition to an existing home in an R-15 residential zone.
--	--

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

- Item 1 is the application dated 5/26/2012.
- Item 2 is certification of service dated 6/01, 6/03, 6/04/2012.
- Item 3 is legal notification dated 6/08.2012.
- Item 4 is proof of payment of taxes dated 6/12/2012.
- Item 5 is the deed dated 1/14/2011.
- Item 6 is an existing condition survey dated 5/24/2012.
- Item 7 is elevations and floor plan dated 5/25/2012.
- Item 8 is photographs undated.

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

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?

CREIGHTON: I do.

RUPP: Please state your name and address.

CREIGHTON: Robert Creighton, 231 Ellin Drive, Park Ridge, NJ. My last name is spelled C-R-E-I-G-H-T-O-N.

VON DER LEITH: If you would, please take the Board through what it is that you would like to do.

CREIGHTON: I do have one other exhibit as well. Mrs. Beer had contacted my Architect after the original submittal. It was submitted with R-20 zone. So, what has been changed is the requirement. It now indicates the requirements for an R-15 zone. So, it is indicating the R-15 requirements, nothing else has changed with regards to the design, however it does have the new requirements, which indicate the existing condition of the dwelling width, as well as the side variances being requested.

RAMAN: So, you are saying that it is in the R-15 Zone, not an R-20.

CREIGHTON: It is an R-15 zone, yes.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of June 19, 2012 – Page 15

BEER: When I was doing the maps, I saw it said R-20, and I always check the zone and the zone was R-15. I notified Mr. Creighton's architect that it was in an R-15 zone, and not an R-20. But, she didn't have to do all new plans, because the house was not changing.

RAMAN: But, then, won't all of these numbers change?

BEER: That is what Mr. Creighton has is the revised one showing what the R-15 is.

CREIGHTON: The required numbers do change for the R-15 zone. The existing remain unchanged and the proposed provided remain unchanged as well. So, the variances requested with the R-15 zoning, what it is indicating, is the maximum dwelling width, and the side variance is on there. They are the 2 items that are existing nonconforming.

VON DER LIETH: If you could, Mr. Creighton, can you bring that up for us? Mr. Walker will add this.

WALKER: This will be Item 9, revised plot plan indicating it is in the R-15 zone. It is dated May 25, 2012.

VON DER LIETH: Okay, now that is out of the way, Mr. Creighton, please take us through what you would like done.

CREIGHTON: Okay, if you look at the photograph provided, the first photograph labeled "front of the house", we do have an existing 2-car garage off the left side of the house. We are proposing putting an addition over that garage. The existing garage has a nonconforming with regards to the side yard encroachment. We are not proposing getting closer on that side, however, we are currently 7.69 feet, according to the survey, from the side yard, so we are going to maintain that and just extend that to the second level, as well as the existing nonconformance of the maximum dwelling width, as a percentage of the lot.

We are proposing putting a second story addition over that garage, as a small cantilever in the front for an architectural match with the rest of the house as well as a small cantilever off of the back. This is to add a extension on to, basically, a master bedroom including closets and a master bath.

The proposed addition does appear to be in alignment with the rest of the neighborhood and there are several other houses in the neighborhood that have done similar type additions. So, it definitely is conforming to the style of the neighborhood architecturally as well as house.

WALKER: I realize that you are a recent that you are a recent purchaser of the home. I don't recall ever approving any garages less than 8 feet from a property line. In my own mind, I am questioning how something like that could have been built. I am guessing that it may have been built on the sly.

CREIGHTON: The garage was built back, I don't have the exact date, but I believe it was back in the 80's.

WALKER: The second garage?

CREIGHTON: Both of them. The extension on to and I go by that by a date that is scratched into the cement. I don't have any....we purchased the house that way and I believe it was done a long time ago.

WALKER: Part 2 of that, is that we never approved a 2-story expansion that is less than 8 feet from the property line. That was part B. Is there any way that we can check that.

BEER: I will go in and check the building office.

RAMAN: Mr. Walker, what is that you said again. We have never approved any.....

WALKER: A 2-story addition that is less than 8 feet from the property line. We might have on a 10,000 square foot lot, where the existing home was built very close to the property line, we might have done something like that. But, we have never extended something that was basically conforming to where a 2-story addition is under 8 feet.

VON DER LIETH: We are going to be checking right now, Mr. Creighton.

CAPILLI: What is the requirement, is that 22 feet.

VON DER LIETH: 18. So,

RAMAN: But the garage is existing, right?

WALKER: I don't know if it is legal. The owner didn't build it, so he doesn't know.

VON DER LIETH: Okay, Mr. Rupp, just for the record.

RUPP: We have plans that indicate that the existing garage is 7.69 feet from the side property line. A second story on top of that would require a variance in any case. Because, even assuming it was a lawful garage, that is a one story structure. By adding a second story, you are increasing the bulk of the area that encroaches in the side yard. So, it needs a variance.

What Mrs. Beer is looking for, is whether or not the garage itself is a prior lawful nonconforming structure.

CAPILLI: Shouldn't that have been discovered when he bought the house, when he got his certificate of occupancy? If he was issued a CO, what happens now? I mean, because obviously, he has the house. He bought it with good faith. The town signed off on it. So, does that preempt any of the issues that we are worried about now?

RUPP: There is a lot grey estoppel issues, but having said that, there is a case actually says that the Board of Adjustment does not have equitable powers, which means doctrines of unclean hands and estoppel and equitable remedies. This Board does not have the authority to make those determinations and can not act on them. You are limited to the criteria that is set forth in the Municipal Land Use Act.

Having said that, since a variance is required anyway, I am not quite sure that it might be all that relevant anyway. He would need a variance for the second story, in any event. Obviously the issue becomes relevant as to the legality of the first story to the extend that the Board would sight the existing garage as one of the reasons to grant the variance for the second story.

CAPILLI: But they don't need to?

RUPP: They don't need to. They could theoretically make that determination.

WALKER: There should have been variances issued. It is the dwelling width exceeds, so I mean there should be a variance for that around somewhere.

RUPP: Now, again, the addition also makes that dwelling width, I don't want to use the word worse, lets say expanded, right, and therefore, I believe that is an issue that has to be addressed as well. In other words, it is not enough to say that the existing structure is this wide, if you are now making it into a bigger box, which is essentially what this is doing. I believe that a variance is needed for that as well.

CAPILLI: While we are contemplating that, when we are looking into your back yard, it would appear, without having the survey, that it doesn't go that deep. I guess there is all shrubs and all kinds of stuff back there?

CREIGHTON: Well, the back yard, if you actually look, the existing side standoff, there is a retaining wall that is about an estimated 5 or 6 feet back from there and there is shrubbery along there. However, if you look at the photo labeled "back of the house", that is taken from the back of my back yard, so the full length of the property, the property is about 180 feet deep. There is a retaining wall back there. It is hard to see in that photo, but it does extend back.

CAPILLI: Are you looking at that addition on top of the garage, because the garage exists? Did you even look at entertaining going further back into the yard?

CREIGHTON: We did, and the layout of the interior of the house, the current master bedroom is along the back of the house, therefore, extending out the back would just be making the existing master bedroom bigger. What we are doing, is, there is a smaller bedroom in the front, and we are extending that out over the garage. So, we did look at going out the back, but the current interior design makes it more feasible to go out the side.

VON DER LIETH: Mr. Creighton, while we are looking at this, do me a favor, give us some of the main reasons why you are doing this. Is there special circumstance?

CREIGHTON: My wife and I just had a 9 month old baby, so we are looking to expand, and we are looking to expand the family and the way that the house is currently configured, we have one master bedroom and 2 relatively small 2nd bedrooms. So, by doing this, we are actually taking the smallest bedroom in the house and making that into the master bedroom, which will allow for a bigger second bedroom for our daughter as well as any additional members to the family.

VON DER LIETH: Thank you, that does help.

CAPILLI: Are there any other modifications to the home, other than the addition? Are you changing the exterior in any way?

RAMAN: How big is the house?

CREIGHTON: Square footage wise?

WALKER: The existing is 3,015.

CAPILLI: Assume while they are looking at that, I guess we should talk about the issue of the second story, with the encroachment or other stuff, if there is any issues with that.

RUPP: Again, independent of the issue as to the propriety of the issuance of a building permit back in 1980, again, that goes to whether or not what was a zoning ordinance at that time. There is no indication on the building permit forms that there was any consideration to zoning. There is no indication that there was any signoff by the Zoning Officer, or anybody. Having said that, this application, I believe, needs to have an application for a variance for the maximum width, since you are adding a second story on to that, and a side yard, second story is encroaching within 7.69 feet.

HOSKINS: How about the height? The height is okay?

CREIGHTON: No problems with the height. We are still coming in at 29 feet around.

MANCUSO: We don't really have enough information to determine height. By looking at the existing dwelling, in the photograph of the topography, it appears to be a flat lot.

CAPILLI: The side of the house is going to be a solid wall with no windows on that side, or.....

CREIGHTON: The current plan does have 2 small windows on that side, on the side of the house. That is in the current concept drawing, so that hasn't been discussed with the architect.

CAPILLI: One would have to be an egress window for a bedroom, right?

CREIGHTON: It has front windows.

CAPILLI: I don't know if that counts as an egress window.

LUDWIG: A bedroom has to have an egress window.

CAPILLI: That is a 3 pane window, and it wouldn't constitute as an egress window, I believe.

CREIGHTON: In concept drawing here, drawing does have 2 windows on that side.

VON DER LIETH: Aside from, to the best of your knowledge, does it fit in? If you did have an addition put on, would it fit in with the surrounding homes?

CREIGHTON: It does fit in with the surrounding homes. There are several homes in the neighborhood around in the neighborhood, that do have 2-car garages off the house that have the house extended over those garages. It would fit in with the style of the neighborhood and....

CAPILLI: To the left hand side of the house, along the property line, it is all green now, what kind of shrubs are those? What kind of shrubs are those?

CREIGHTON: They are evergreens.

RUPP: Your neighbor to that side of the house, where is their house located?

CREIGHTON: His house, he actually has a garage. It is hard to see in the photo here, the neighbor's garage, in relation to the lot, he has a garage on the right side of his house and it is actually set back further than our garage. So, it is back and then his house is off of that garage.

CAPILLI: So, it set down about 5 feet lower than yours.

CREIGHTON: Approximately, yes.

VON DER LIETH: Basically what he was asking, is do you think, he wanted to know if possibly the neighbor would object to looking at another level.

CREIGHTON: I spoke to the existing neighbor, and he did not have any concerns about it. As of now there is a lot of shrubbery along that line, so effectively you wouldn't be able to really see it from there. If you were to change that, his house is set further back and his garage is along that side.

CAPILLI: The concern is that if you are on that property looking up, since you are on a hill and then you go up even 20 feet on the roof line, you are looking at a solid wall, pretty much. That is kind of what we are trying to look at is how to soften that up or what is the best way to do that to accomplish what you need to not make it look like a solid wall.

VON DER LIETH: There is not really much that you can do, other than put some windows in. That is about it.

RUPP: Okay, we have, we, I guess, Mrs. Beer has provided a file which contains a resolution or a copy of a resolution from the Board of Adjustment back in 1980, granting a variance for the garage.

BEER: 7 foot 7, Bill.

RUPP: Again, as I indicated, a second story would still require a variance. There is a finding here that the garage itself, would not substantially impact the zone plan or zoning ordinance or interfere with the neighbor's use.

VON DER LIETH: So they thought the same thing back in 1980, had the same concern with the garage.

RUPP: Well, again, the garage is one story. I think we should actually introduce this just for the record.

VON DER LIETH: Go ahead, Mr. Walker, lets introduce this into evidence.

WALKER: That goes in that file. It has to stay there.

RUPP: Just make a copy and it is kind of like a Board exhibit, because it is a record. I think it needs to be done because it is one of the issues.

WALKER: Okay, Item 10 is going to be a copy of a resolution from April 16th, 1980, approving a 1-story garage to exist 7.7 feet from the property line.

VON DER LIETH: Thank you, Mr. Walker.

CAPILLI: Are you keeping that hip roof then, on top of that.

CREIGHTON: No, I am not.

CAPILLI: Is it just a regular triangle roof?

CREIGHTON: It is a regular triangle. Right now it comes straight out and it would effectively be the same roof line in the proposed addition. The roof pitches straight down the center and it does pitch front to back and it would do that in the addition.

CAPILLI: If it were a hip roof, wouldn't that soften that side then?

BOGART: If the Board is concerned about that façade, there are a couple of different things that he could do. He could inset a portion of the room or provide a different type of roof line that would soften that façade. I don't know if the dimension of the room that you are proposing is specified by you or your architect. You might be able to bring it in a little bit, if the Board had concerns about that side yard setback.

SANDLER: I have a question. What is the approximate height of your proposed second story addition from the ground?

CREIGHTON: The existing height of the structure?

SANDLER: The current structure and the proposed structure.

CREIGHTON: It is not going to change from the, we are not going any higher from the existing.

SANDLER: You are not going any higher from the ground and you are adding a second story?

CREIGHTON: From the existing main body of the house. I apologize.

SANDLER: Okay, but what is the height from the ground when you are 7.69 feet away from the side yard, the height currently is what, 10 feet, or 12 feet and that is going to what, 25 or 28?

CREIGHTON: I don't have what it is. I want to get an approximation. It is approximately, I would estimate 12 or 14 feet.

SANDLER: On top of what you have now?

CREIGHTON: No, what we have now is probably 12 or 14 feet off of the ground.

SANDLER: So, it is going to be another 12 feet higher?

CREIGHTON: It would go I believe 8 feet. I believe we are raising the structure 8 feet.

SANDLER: Isn't your roof line going to be higher than the roof in your room?

CREIGHTON: Yes.

SANDLER: So your roof line is going to go another 6 feet or 8 feet above that.

CREIGHTON: The existing roof line, what we have currently, is approximately an 8 foot roof in the garage. The ceiling of the garage is approximately 8 feet.

SANDLER: What I am trying to get is how much higher is the whole structure going to be?

CREIGHTON: We are going to raise the structure approximately, I believe according to this, I believe another 8 feet.

SANDLER: Okay and how high is the landscaping you indicated that there is shrubbery between the current garage and property line.

CREIGHTON: It currently is higher than the current roof of the house.

SANDLER: Okay and will that shrubbery be higher than and mask the bulk and size and height of the new structure?

CREIGHTON: Yes, the new structure will still be below the majority of the shrubbery.

WALKER: Mr. Sandler, the existing home is 20.16 feet and the addition is proposed to run along the same roof line.

(At his point, everyone was talking at the same time about different things, roof line, air handlers, shrubbery. Not possible to differentiate what was for the record and what was just conversation)

VON DER LIETH: One second, Mr. Sandler. One thing at a time here. Mrs. Bogart said if take the shrubbery out of the equation, if we are really that concerned about what it is going to look like, the façade, per say, I am sure we can come up with some options for Mr. Creighton. We don't have to worry about shrubbery or anything like that right now.

CAPILLI: I actually think that if you go with the hip roof, on the left hand side of the house, it softens up from looking up from Park Avenue, but then also changes the width of the house, the look of it. It doesn't look as massive if you have changes in the roof line. Even bringing in the room a few feet from the edge, where you keep the architecture of the outside. There are a lot of benefits to that.

CREIGHTON: There is a small cantilever in the front over the garages that is matching the cantilever on the right side of the house, that is pitched differently than the main body of the house. So, we are proposing the main line of the roof would run the same but we are actually proposing to have a peak over that portion that actually cantilevers out from that portion above the garage.

RUPP: The 20 feet on the plan deals with an average based on the grade, I believe. It is not the actual height on that side of the home.

BOGART: Right.

VON DER LIETH: Okay, so before we go on, do we need to clarify this, Mr. Rupp?

RUPP: My point is that it needs to be clarified if the Board is concerned about what the appearance would be of this addition, 7.9 feet from the property line.

VON DER LIETH: Okay lets do this than, can we get clarification on the exact height of the building before we can obviously even approve anything, if we decide to approve something. So, we are going to have to carry this until the next meeting, correct?

BEER: That will be July 17th.

CREIGHTON: Can we go over what I need.

VON DER LIETH: Yes, lets go over that one more time, exactly what the Board wants, and what we need to get to move on with this.

LUDWIG: You show elevations, but there is actually no mention that is on the elevations typically. We just need to know elevation measurements. I would take the existing and I would take it to proposed. We need the highest point as well as the average.

BRENNAN: I wouldn't discount even talking to the architect about the hip roof.

VON DER LIETH: Yes, Mr. Brennan, I am just going to tell Mr. Creighton this, we are going to have someone go out and we are going to get clarification on the height. That is a given.

BEER: He has to do that with his architect.

VON DER LIETH: Okay, than you are going to do that with your architect. The other thing I would like to discuss is some of the Board members have been talking about it, in order to minimize this side yard setback, Mr. Walker was saying.....

WALKER: I am just wondering if you could cut this addition back by 4 feet?

VON DER LIETH: You are talking about the cantilever?

WALKER: No, if he could cut the, so that the second story addition doesn't come to 7.7 feet from the neighbor's property. If he could make that addition end 11 or 12 feet from the neighbor's property, it still gives you a large addition there and possibly you could slope the roof so that he is not just looking at a huge wall in that one area and if the roof sloped that way, and it was a couple of feet further away, I think we would have less trouble approving that.

VON DER LIETH: That is what he is trying to say, if you can go over that, if you do meet with your architect please anything to minimize or lessen that

WALKER: you would still be getting plenty of extra space to utilize and it would soften the view from the neighbor there in case his vegetation dies at some point.

VON DER LIETH: Or for whatever reason, right, it is something that would just make it easier. For us 7 feet is really hard to go up, so if that is something that you could do, that would really help us in making a decision the next time that we see you.

CREIGHTON: Right, okay.

RUPP: I scaled the plan using an architectural ruler on the scale indicated, and it shows 22 feet along that side to the peak of the roof. It probably makes since, it is 8, 8 and 6. As Mr. Ludwig had indicated, we really don't see a topo here, so we don't know how the grade goes. It appears that the grade based on the drawings submitted, so if that continues to go down, that might have an impact because it looked higher than. Just from the edge of the building, to the peak is 22 feet based on the scale.

CREIGHTON: The picture in the top left does indicate the grade. It goes down across the front of the house. Prior to getting to the garages, there are steps and it is relatively level from those steps to the edge of the property.

VON DER LIETH: Okay. So, Mr. Creighton, is there anything else that we should be telling him? I just don't want have him unprepared for his meeting with his architect, so the next meeting can go rather smoothly for him. Is there anything else we might be missing, to let him know?

RUPP: Let me just make a comment. You are here requesting a variance. You are seeking either a C-1 or a C-2 variance. You should be prepared to have testimony as to why there is a hardship, what the hardship is, in terms of how it relates to the land and the building, as opposed to personal needs. If you are seeking a C-2 variance, you need to explain why the 8 foot side yard setback is somehow in furtherance of either the master plan or the zone plan. Then you need to establish what is so called "negative criteria", that a variance can be granted without substantial detriment. Those are the criteria and if you are going to speak to your architect, that is something that an architect might want to testify to.

VON DER LIETH: Okay, Mr. Creighton, so we are set than. We will see you next month, July 17th.

CREIGHTON: Okay.

BOGART: I just wanted to make one comment with regards to your plans. There is a maximum height regulation and it is different than the average height regulation. So, if you have any questions on how to calculate that, or your architect, give me a call or Eve a call.

CREIGHTON: Okay.

VON DER LIETH: Is there anybody in the audience who wishes to speak on this case? No, Mr. Creighton, thank you very much. We will see you next month.

PENDING CASE:

CASE: 12-01 Block: 1911 Lot: 1	Application of <u>Kevin Guarderas</u> , 134 Morningside Avenue for Floor Area Ratio variance and soil moving in an R-10 residential zone, to demolish existing house and construct new one. Original hearing date January 17, 2012, carried to February 21, 2012 at applicant's request and again to March 20, 2012 at applicant's request for planner's review. Hearing resumed April 17 th and May 15 th carried to June 19, 2012 for revised maps.
---	---

WALKER: I have some additional items to add to the record.

Item 27 is Board secretary letter dated 5/21/2012.
Item 28 is revised plan and seepage dated 5/31/2012.
Item 29 is Planner's review dated 6/15/2012.
Item 30 is Engineer's review dated 6/18/2012.

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

VON DER LIETH: Thank you Mr. Walker. Good evening.

HERLINSKY: How many exhibits are we up to.

WALKER: The next one would be 31.

HERLINSKY: That is a lot of exhibits and we have been before this Board a lot of times. I know we first started coming to you in January. I have to say, before we start tonight, when we came in, I think you looked at the property, which is 25,586 square feet. I have to compliment the Board on giving us a sense of reality, giving us an idea that no property is an island on to itself. Clearly, and I hope, we have incorporated this one keeping to what the neighborhood is.

I think when you see our plan, tonight, you are going to see that even though this is an R-10 zone, we immediately abut the R-15, and when you see the surrounding properties, this is something that is much more in keeping to what the neighborhood is, respective of that it is one of the biggest lots in the neighborhood.

To begin with, the last time that we were here, there were some issues that we had visa vie the driveway, while it not being a circular driveway, certainly seemed a little bit large. It actually bulged. It was something that I had noticed when I was reviewing the plans. That has been eliminated for tonight.

We have now taken the floor area of the house and it is compliant with a R-15 zone. That was another suggestion from the Board. We did attach the garage, which had been originally, as you know, there are various permutations. At one point, we had detached the garage and then there was a suggestion that we would attach the garage, which we did. We are coming in for a single variance tonight, which basically has us, well, it is a variance overall from the R-10 zone, because, clearly, you know, this is not a 10,000 square foot lot. It is 2 ½ times a 10,000 square foot lot. If we are going to be forced to live by the R-10 standard, then, quite frankly, we are going to looking at how we can subdivide this. There is just no way to put an R-10. It doesn't make sense.

BRENNAN: If I can just interrupt, this is where I have a problem with it, because it is in an R-10 and this is where I am struggling because the surrounding neighborhood, it is zoned R-10 because of the existing properties. The properties that you compare to, maximum was 4,100, 5 John Court. 3 John Court is directly behind it and that probably has the same width as your property, but it is a much smaller house. So, where I am struggling is, it is an R-10 and all the testimony and everyone kept sighting about the size of this lot, although it is an exception, I have trouble trying contemplate that just because you are close to an R-15, or it is a bigger lot, that it fits within the surrounding homes, because it certainly does not.

Then, if I just may, I am looking at the revised, revised, revised, you are still exceeding over that of what is in an R-15. So, now you exceeded over the R-10. You have exceeded over the R-15. That is what I am struggling with. I know it is a big piece of property, but the depth of it actually goes almost 3 homes deep when you talk about the adjacent block. Now, it has always been that way, it was purchased that way. All the arguments are always zoned around this FAR, which makes no sense to me because to me that isn't even part of the equation here.

VON DER LIETH: That is a very good point, Mr. Brennan, and not to be too cliché, but to play devils advocate, you come in here, what is the point of the Zoning Board? It is to grant variances to conditions that come up that are exceptional, not run of the mill. We understand what

BRENNAN: He is still going above what the next zone is. That is where the trouble lies. We have granted variances within exceptions, for whether it is a C-1 or C-2, for these needs, I don't, the argument that I am proposing though, is because it is a big lot it should be developed as such, but it is not really what is the zone. It doesn't conform with the zone.

VON DER LIETH: I understand, you need to go by the letter, I understand that.

BRENNAN: So, I mean I hear what you are saying, but again, we are exceeding even the next level. That is why I have trouble with it.

VON DER LIETH: That is why we are going to discuss it tonight. Mr. Herlinsky please. If you want to address that.

HERLINSKY: Let me address you directly. You know that the last time that we were here we had an objector. There is a beautiful park in the front of the house, we are 45 feet.....

VON DER LIETH: The black microphone please, Mr. Herlinsky.

HERLINSKY: We were talked to about the back yard, perhaps we were going further back. Now, quite frankly, we have a 95 foot rear yard setback, which is very big. It is bigger than most lots in, certainly, the R-10 zone, but actually for most lots in Park Ridge. Very few people have a 95 foot backyard. But, to do it, we would have to do the same with the R-15 zone, which we were talking about. We would have to take that garage and put it in the back yard in order not to invoke a variance. So, you know, I guess maybe we are in danger of trying to please everybody, but clearly there was an objector who is here and I am sure he still objecting today, because he doesn't want it going back in the back yard.

I can't imagine how much he would object if we put in the garage now in the back yard. The idea of the variances that we are asking for is basically we would be in the R-15 zone, if we simply detached the garage. Quite frankly, once we reattached it, my client's wife said I don't want you to ever detach it. I want it there, so when I take the kids in, I can just walk them in as opposed to walking outside. So, you know it is something that we are asking for a variance not just for personal reasons, but this is one thing, you know, we have a Planner who is going to tell you the reasons why it should be where it is. But, you know personal desires are things that come into this.

As far as the actual zone, this is, you know, when you say it is in the zone, somewhere or another, somebody allowed this lot to occur in an R-10 zone. Don't forget, this isn't like a uniform, you know, this block is R-15, this block is R-10. If you notice how it's you know, if it were congressional districts, we call it gerrymandering. It comes in and it comes out. It comes down here, where this is just it. This is an R-20. This is an R-10 up here, this is an R-15. We are kind of squeezed down here.

BRENNAN: My only point was that you compare to homes in an R-15, which are almost a thousand square feet less than what you are proposing. That is where I have trouble. I can understand the arguments that it should be considered R-15, whatever, but when you compare them to the homes that you want to compare to, you are still 1,000 square feet over what they are.

VON DER LIETH: Before you go on Mr. Brennan, and Mr. Herlinsky, the best thing to do, because that could, we could go on all night like that. Why don't we have testimony from the Planner and to explain to us the reasoning why we should.

HERLINSKY: If I could just call my architect to go over the plans.

VON DER LIETH: Please, go on.

HERLINSKY: I do want to be, actually I would like to finish tonight, so I am hoping that you see what we have done. Again, we have heard from different of the neighbors and we have gotten a lot of the Board comments and we have tried to follow the lead of not only the neighbors as to what would be something that we would be able to, again, not take this huge lot and ignore the potential of it or ignore the benefits that would have being such a big lot, but also make something that would be in keeping with what the neighborhood would desire or be as least obtrusive as it possible can.

I think that we really have accomplished that. The one thing that I would add is it is not on our map, but I have had the opportunity. I want to thank Mr. Healy, he is here tonight, for having a conversation not the last time, but this time, we are going to, if the Board gives us an approval, what we were going to plan to do anyway, and we would ask that you add as part of an approval, and this is something that Mr. Healy asked, and something that we are more than willing to do. We probably were going to do it anyway, is there is a berm right here where we would like to, we are going to put landscaping here. Mr. Healy's property, and we have an area that will come out later, is right here. He is by Lot 4 on Block 1911, and what we are going to do is take a berm, and almost the berm is in place right now, we are going to take trees that are going to, when they are fully grown, and we are going to put them in at a fairly significant size, we are going to take it from the property line and take it to the back yard. It is going to, his kitchen comes out on here and this is our backyard, so we are really going to block off his view and that something that if the Board, we are going to add it as a condition.

One is something that I think is appropriate there and it was requested by Mr. Healy and I promised him that I would bring it to the Board's attention, and ask you to memorialize that. What I would like to do without further adieu is to have Mr. Robert Zaccone, who is our Architect, come up and give his, he is going to introduce the latest submission, the site plan, and the architectural drawings that we submitted as per the last meeting that we were here, specifically dealing with the changes to the driveway and at that point I will call the Planner and we can wrap this up.

VON DER LIETH: Thank you, Mr. Herlinsky.

RUPP: Mr. Zaccone, I have looked at my notes, just to make sure, it looks like you were the first witness. So you were sworn in several months ago. You are still under oath.

ZACCONE: I just wanted to repeat what Victor has mentioned. I think that we have heard and certainly followed the Board's recommendations as well as some of the residents. I want to thank the Board for their input. We have learned a lot from this process. We have certainly made every adjustment that was asked of us. I have to apologize for, in the beginning developing our drawings, I was working pretty much in isolation, having a property and a lot of this size, I started out with a program that certainly appears and certainly was out of scale with the neighborhood and upon listening to the residents and certainly the Board members, we made substantial adjustments to that, so I am going to thank you and certainly mention that we have learned from that.

As Victor had mentioned we include a couple of changes on the current plan. We have eliminated the turnaround. We have a driveway entering from the north side and we have situated the garage entry on the east side of the property. We have, in my opinion, significant setbacks, both in the front, 45 feet, and on the side, east side yard of 43 feet. I believe that we also have an estimated soil movement calculation on our engineering drawing. It indicates an estimated soil movement of 1,454 cubic yards, and an estimated export of 170 cubic yards.

So, that might answer some of the questions that the Board members had on that.

VON DER LIETH: You can go through, probably better in terms of time, for you to just finish your presentation and then we will questions ready for you.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of June 19, 2012 – Page 26

ZACCONE: We do have a residence excluding the garage area of 4,250 square feet. The garage is attached and it is calculated to be 450 square feet, for a total of 4,700 square feet.

Our areas of first floor and second floor are clearly indicated on drawing A-1, and I would just like to mention that we do certainly need to meet the R-15 in terms of residence area, excluding garage, of 4,250 square feet and we are certainly below the R-20 requirements, even though our lot is larger.

VON DER LIETH: Are there any questions?

LUDWIG: Where are you in relation to the R-15 requirements?

ZACCONE: In terms of area, the residence itself is at the 4,250 square feet, plus garage.

LUDWIG: But isn't the R-15 at 4,250 including the garage.

ZACCONE: 4,250 is including if there were an attached garage that would be correct.

LUDWIG: Right, so that you are, this proposed square footage does exceed the R-15 requirement.

ZACCONE: Based on the attached garage, yes. I stand corrected, thank you.

VON DER LIETH: That seems the obvious, we know that and we know that this is an R-10, I don't know why we are.....you base everything in here, I just want to reiterate here that what we are really looking at is max floor area, correct? Everything else that is proposed fits within the R-10 requirements, correct?

ZACCONE: Yes.

VON DER LIETH: So, Mr. Brennan, I think you had one other comment.

BRENNAN: I am still just stuck on the size. I am willing to hear what else had to be said. Let him go through it.

VON DER LIETH: Are you finished?

ZACCONE: I am finished.

VON DER LIETH: He is finished.

HERLINSKY: The floor area ratio, is 18%, right.

ZACCONE: That is correct.

HERLINSKY: For an R-10 zone, what is the floor area ratio?

ZACCONE: I believe it is 30%.

HERLINSKY: Not to state the obvious, I just want to get it in the testimony. What is floor area ratio?

ZACCONE: It is the ratio of the total area of floors as a percentage of the total lot area.

HERLINSKY: So, in an R-10 zone, you are allowed to use up to 30% of the property?

VON DER LIETH: By the way, my previous comment, I wasn't trying to argue for or against. I just was trying to state the obvious, maybe for some members in the audience or neighbors, which I am sure that they know exactly what I am talking about. I just wanted to do that. We were talking about R-15 and R-20, when we are in an R-10.

RUPP: I think that this application is familiar to everyone that is here.

VON DER LIETH: Right, so, I am sorry. Go on Mr. Herlinsky.

HERLINSKY: How much of this property is being utilized by our proposal?

ZACCONE: Well, again it is 18% of the total lot area, which is 4,750 square feet, 18%.

VON DER LIETH: Are you planning to go with the Planner at this point, Mr. Herlinsky:

HERLINSKY: I would, unless anybody has other questions.

VON DER LIETH: I don't think that there are any further questions. I think we should go and thank you very much.

RUPP: You should ask if any member of the public has any questions.

VON DER LIETH: You know what, before we get to the questions. Is there any member of the public that has any questions for Mr. Zaccone? Nobody, okay, Mr. Zaccone, thank you very much.

HERLINSKY: At this time, I will recall Mr. David Karlebach.

RUPP: Mr. Karlebach, my notes indicate that you have previously testified and have been sworn in, and you are still under oath.

KARLEBACH: Thank you.

HERLINSKY: Mr. Karlebach, can you describe the surrounding neighborhood around site and I believe Mr. Raman asked you, last time, asked you to look at the R-15 zone and can you relate them to this property?

KARLEBACH: Certainly. I think that the input that we got the last meeting was to further define what the neighborhood is, and to put together a study area which is representative of this community. There was a suggestion we not include any of the lots on the west side of Kinderkamack Road in the R-20 zone. I took that into consideration.

What I have done is circumscribe an area of all lots within 500 feet of this site, irrespective of the zone, but not including those lots west of Kinderkamack Road. That gives us a total study area of 53 lots, which I believe is statistically significant. If you were to expand that area, to go even further, I am sure you would find the same results that I found, with just these 53 lots.

As Mr. Herlinsky mentioned when you are out traveling through the neighborhood, you are not tripping over these zoning lines. These people, whether in the R-10 or R-15, they are your neighbors. When you borrow tools from your neighbor, does it matter if he is an R-10 or R15? No, he is your neighbor none the less. So, I think that this is fairly representative and I will just share, with the Board, my results.

Before I do that, I want to make a correction about something that was said at the last meeting. I stated that the residence at 4 John Court measured 3,640 square feet. Actually that particular property was the subject of the variance application where the Board approved a 5,293 square foot dwelling. So, 4 John Court, 5,293 square feet.

RUPP: Can you just show us where that is?

KARLEBACH: 4 John Court is right here.

RUPP: Do you have the Block and Lot?

KARLEBACH: It is Block 2003, Lot: 24. I actually have a copy of the resolution with me, if that is important for the record.

RUPP: Do you show what the size of that lot is?

KARLEBACH: I have all of that information right here. As a matter of fact, I went to the trouble of putting together this spread sheet. I don't think that I have enough copies for everybody, but you can share them. We are talking about 4 John Court is .501 acres, which is 21,825 square feet.

HERLINSKY: Just for the record, it is more than 4,000 square feet less than our property.

BRENNAN: Do you have the statistics for Lot: 26.

KARLEBACH: Lot: 26, yes, 3 John Court.

BRENNAN: That is the property directly behind, right?

KARLEBACH: Actually, why don't I just hand this out. It is much easier that way. This is a compilation of my results. This particular spread sheet was sorted by FAR, with the homes with the greatest FAR at the top of the page and going down in descending order. I think we are probably going to have to share 2 to 1 on those spread sheets.

HERLINSKY: We can perhaps mark that as exhibit....

BEER: 31

RUPP: Revised plans

HERLINSKY: Well, I am going to have, I think this should be exhibit 32, because and the FAR would be exhibit 33.

BEER: Do you have a small one of those? You are leaving that with us.

KARLEBACH: I will leave that with you.

BEER: Does it come off of the board?

KARLEBACH: Yes, it does.

BEER: Okay, so I can fit it in the file.

VON DER LIETH: Just one comment, Mr. Karlebach, I know that you obviously put a lot of work into this. I am not trying to minimize it at all, but in terms of time, because we want to get this done also, is there, the only reason that I am saying this is because there are certain Board members that will go back and forth over this same issue. If you have a summary, just of this part, the real meat, the important summation if you will, would help.

BRENNAN: I have a question on the spread sheet though. It is showing 134 Morningside at 4,250, lot 47, it should show 47.

KARLEBACH: I am going to get to all of that in a second.

VON DER LIETH: Okay, thank you, terrific.

KARLEBACH: The reason for that is because the County Tax Assessment records does not include garages. It only includes livable space. So just when you compare apples with apples, I had to use the area without the garage. The only way for me to determine and Mr. Ludwig, we worked with this at length. We had discussions right in your office, the only way to calculate the area of the entire dwelling is to go into each individual file and look at the floor plans. Because the Building Department doesn't have a record of it, the Tax Assessor doesn't have a record of it, and the Homeland Security Act prohibits me from accessing those records without the owners consent. So, I would literally have to get consent from 53 home owners in order to calculate the floor area of all of those buildings including the garage.

I will get back to that in a minute. Now, I will summarize the results. This home, if constructed would be the second largest home in the study area. It would be substantially similar in size to the homes at 4 John Court and 5 John Court, where they are both within 400 feet of the subject property. The FAR with the garage excluded is .166, which is consistent with the average FAR of homes within the study area of .163. I actually went through the exercise of attempting to figure out what the FAR would be for the surrounding homes if I included the garage. So, what I did was, I went to each one of those 53 homes. I counted whether or not they had a detached garage or an attached 1-car or attached 2-car. I assigned a square footage to each one of those homes and then based my new FAR calculation on what I assumed the square footage to be, with the garage, if it had one.

So, the total FAR of .184 for the proposed dwelling is very much consistent with the estimated average FAR of homes in the area of .181, if the garages are included as part of the calculations.

RUPP: Is that excluding the garage, again?

KARLEBACH: It was .163, for all the homes within the study area. Now, I would like to point out that I think there are examples where the floor area may be underestimated. I am going to bring another exhibit right now. This is an exhibit which I am going to call 34.

RUPP: Let me just go on. What is exhibit 31?

KARLEBACH: 31 was, I don't have it. I am sorry.

WALKER: 31 was the prior plan.

RUPP: The revised plan was what?

WALKER: 28

BEER: 31 is the zone plan, and 32 is the FAR.

RUPP: So the zone plan with the yellow, 500 foot, is 32, and the spread sheet on the... is 33.

KARLEBACH: 34 is 2 photographs on the left side of the sheet. The top left photograph is an aerial of 2 homes in the area, 79 Chestnut Avenue and 81 Chestnut Avenue. These are very long homes. 79 Chestnut, if you took an Arial photograph and actually scaled that to distance of the roof, it would measure 84 feet by 43 feet. That roof area would be approximately 3,612 square feet. Now, I understand there is overhangs and maybe there is a covered porch, so on and so forth, but 3,612 square feet was calculated and the tax records indicate that the home contains 2,132 square feet. Now, looking at it, I did not personally observe unenclosed porches, or a garage. It is possible they exist in the rear of the property, I am just saying the footprint of this building is exceptionally large, yet it only yields 2,100 square feet of floor area. The same could be said of 81 Chestnut Avenue.

That building is actually 91 feet long. Here is a photograph of it. 81 Chestnut Avenue, 91 foot long dwelling. If you calculate the roof area, it is 3,913 square feet. The actual square footage according to the County Tax Record, is 2,875 square feet. Still a very large dwelling.

Now, I want to make certain that everybody is on the same page. I don't know that this variance that is being sought should be judged based solely on the size of homes in the neighborhood. A lot of these homes are on small lots. They are older homes. We talked about the way homes were constructed back in the 50's where you get 3 kids in one bedroom, or the entire family would share one bathroom. That is not the way homes are constructed today.

I would much rather the Board compare the home that is being proposed, with newer homes in the neighborhood, that are designed to modern standards. I don't think that there is any benefit to compare this home that is being propose with these homes that are less than 1,500 square feet, and I believe that there are 10 of them within the study area.

BRENNAN: Then what you are saying, opposite of that is that this does not conform with the neighborhood by that statement.

KARLEBACH: Well, what I am saying is neighborhoods change all of the time, okay.

BRENNAN: Your statement said that we should compare to new construction, which out of 53 occurrences you have 2 that are over 4,000, so by essence, what you are saying is that it is true, it doesn't conform with the neighborhood.

CAPILLI: When you are talking about the neighborhood, is this house right in the back, part of the neighborhood?

KARLEBACH: I am just going by the 53 homes.

HERLINSKY: When he is talking, lets not get confused by zone and neighborhood. Certainly whoever is in Lot 28, is part of the neighborhood. It is right around next to Mr. Healy. Mr. Kersting isn't even on this block, he is across the street. His neighbor is an R-15.

BRENNAN: No, I understand your point. My point is that of that whole circle, you have 2 occurrences that you are repeating saying compare to, where 2 out of how many that is the exception of the rule. That is all that I want to be clear on, the perception.

HERLINSKY: Understand that these homes are way undersize, because somebody maybe came to this Board at some point or when Alexander Street came in, and basically cut up this and made a subdivision here in that particular area. At this point, without giving Mr. Guarderas the benefit of the subdivision, is he now going to be, since he is coming after them, going to have to now not have what these 4 people got the benefit of? Does anyone know when Alexander Street came in?

BEER: It was in the 80's. I was on the Board then.

BRENNAN: I understand, but we are saying over and over that each application is viewed on the application, so I don't want to go back to 1980.

HERLINSKY: I understand. Alexander Street was a subdivision and now we are like saying they are so much bigger than what was ever approved on 16, well is that fair that we are on 25,000 square feet, and they probably had close to that back then, and they did it. They are beautiful houses but they are on very pieces of property.

VON DER LIETH: I would be very interested and we will get to it, what the neighbors have to say in regards, because really what we are talking about is you know

we are going back and forth on the size, but it really matters who is around it and what they have to say. I see where you are coming from. It is an excellent point.

KARLEBACH: The point is that nobody is building 1,500 square foot home on a 25,000 square foot lot. When you build a home to modern day standards, with the appropriate number of bathrooms, bedrooms, living area, and certainly, it can all be accomplished on this site and still maintain a significant amount of buffering, which brings me to the next question.

RAMAN: I have a question, I am sorry. Do you have that spread sheet where you included the garages and you gave another number .18 or something like that?

KARLEBACH: No, but I did calculate it. I have a work sheet, which has my work on it, but I don't have it available for the Board.

HERLINSKY: It was my decision to not present it to the Board, because it is strictly conjecture. But, he is giving us testimony saying there is no exact way to put that. We did calculations of the newer in place but even those calculations seem to be a little on the low side as opposed to what we see in reality.

Mr. Karlebach, can you talk specifically about the abutment to lessen the impact of this house on whatever neighbors will see?

KARLEBACH: Right, exactly, now, first of all, there is, when we judge this application, I don't want it to be just about numbers, and comparing numbers on a spread sheet. I mean you have to go out there and you have to look to see what is actually out there, get the lay of the land so to speak. That brings me to my next exhibit, which I am going to present in a second.

There are other, what I am going to call, mitigating factors. Number one is this is an exceptionally large lot, which allows for increased buffering. You have a 45 foot setback to the front yard, and that is just to the garage, which is a small portion of the house. It is not the main house. The main portion of the house is even further than 45 feet away. You have landscaping that is going to be provided. So, those are just, and you are eliminating actually 2 existing nonconforming conditions relating to the driveway. So, consider all of those factors, eliminating the 2 driveways, and replacing it with one, landscaping, increased buffering, and increased setbacks. Those are factors that everyone needs to consider when judging this variance application.

I have another exhibit. This is a exhibit 31, which is an aerial photograph of the area at the similar page outlined in yellow, is the property lines on the subject property and I have also superimposed the proposed dwelling, the outline of proposed dwelling. This is to scale, one inch is equal to 50 feet. I know it may be difficult to see from your seats but if you look at the size of this building footprint, relative to the other homes in the area, it doesn't seem large at all. It seems very much consistent and very much compatible with this neighborhood.

I think that this aerial photograph indicates that the home is not so large as to be incongruous with the neighborhood. In fact, I think it fits in quite nicely. It is not so large, considering your over the lot area which allows for these increased setbacks and Mr. Herlinsky mentioned that 95 foot rear yard setback and I just mentioned that 45 foot front yard setback. One picture is worth a thousand words. Look at the size of this home in context of the overall development and I do not find that to be offensive at all.

I think that the proposed development is an asset to the neighborhood not a detriment. It certainly favorable to the possibility of a future subdivision at a later date. The Borough's Planning Consultant has commented on this application in her most recent memo to the Board. I believe that it has the support of the Planning staff.

Finally, I just want to make a differentiation between visibility and visual impact. Just because you can see something, doesn't mean it has an impact. Yes, maybe you can see a large home from across the street, or from 4 doors down, does that mean it is a

detriment? Certainly not. A smaller home with broken windows, with shingles falling off, that is a detriment. A new building that is large with modern architectural treatments, in my eyes, is not a detriment. It is an asset. So, I think that the Board should feel very comfortable granting this variance for exceeding the maximum floor area requirement. I beg them to actually consider this exhibit 31, when deliberating.

VON DER LIETH: Thank you Mr. Karlebach.

WALKER: How would you compare 2 new houses of 3,000 square feet versus one at 4,700 square feet? Do you think that one..... If this lot were subdivided into 2 lots, and assuming you could deal with the access issue, and we had 2 houses in the R-10 zone that were 2,800 or 3,000 square feet, but they were new and nicely designed, they were modern, they look nice from the outside, would they not be as nice as one large 4,700 square foot house?

KARLEBACH: Well, I think in this particular case.....

WALKER: Would one be better for the neighborhood than the other?

KARLEBACH: I think so, I think that has been my testimony all along, that would be better. In the 2 lots, you have double everything. You have double the amount of driveways, probably double the amount of impervious area. If it includes a public roadway, then the Borough would have to maintain that road at their cost. So, there is.....

WALKER: It is an R-10 zone, and there could be 2 R-10 lots of 12, 500 square feet, as you show here. You are showing a lot of R-10 lots in that size. So, is that a detriment?

KARLEBACH: Are 2 lots a detriment? No.

WALKER: I mean, you are a Planner, so I am asking your opinion as a Planner.

KARLEBACH: No, I don't think it is a detriment. I think that this is preferable to a subdivision.

VON DER LIETH: Are there any other questions?

BRENNAN: I just want to hear the comments before, if I have any more.

VON DER LIETH: I just wanted to make one quick comment. Brigitte, I don't feel that we have any need for her to testify. We have her report here. I think that if everyone has read it, we know what it says. By all means we can ask her if we have a question. But, it is pretty self explanatory. I just wanted to say that so, Bob did you want to have one more.

HERLINSKY: There is just one issue as far as... you know we have heard from the neighborhood and certainly with the way it is, people feel like they are on top of each other, if you had 2 zones, certainly we wouldn't be having a 90 foot buffer in the rear lot. We would have like on John Court, where I think there is like 10 or 20 feet from the road to the beginning of the house. We have 45 feet back. So, at the end of the day, if everybody wants to be on top of each other, well, then yes, maybe that would be preferable. I don't think that is what they want.

Certainly the comments we had from the neighbors, you know, we had a 95 foot setback and I believe that Mr. Kersting is saying why can't you move it up further. I mean he would want 120 feet, which is bigger than most lots in this zone. So the idea of what you are looking at is a way to, now I am going to sum up, maybe I will just leave it for that. But what you are basically doing, you are protecting the fact that you are going to put these buffers in place with a house that is not going to be torn down anytime soon. As opposed to the house that is there now is going to get torn down, and it is whether you are going to have big house that is more like an R-15, we went just by footage, this is the

R-25 zone, there is no R-25 zone. It is what it is. But, the idea of your are claiming is that you are always going to have the temptation unless you put a house that is fitting with that size of lot, you are always going to have somebody that is going to come in a try to jam pack two 3,000 square foot homes. They are going to be on top of each other and I can't even imagine what the neighbors are going to say when instead of 40 feet side yards, they are looking at, you had an example today, of somebody looking at 7 feet.

VON DER LIETH: I agree with that. So, on that, let us get to the comments from the neighbors if we could. Is there anyone in the audience wish to have any questions for Mr. Karlebach? Please come up.

RUPP: Comments or questions?

VON DER LIETH: Right now, it won't be comments, it would be questions.

KERSTING: Okay.

RUPP: Just identify yourself.

KERSTING: Chris Kersting, as the gentlemen knows, he remembered me. I live at 75 Chestnut Avenue. If you go up here, up on Chestnut, right here, going towards Park, there are at least 6 houses with lots that are 100 by 200, that are below 3,000 square feet. That is on Zillo.com, and that is on the New Jersey tax records that are on line.

RUPP: This is testimony, not a question.

KERSTING: I am sorry. Did you know that? That is my question.

KARLEBACH: Well, whatever is in my report is what I know of.

KERSTING: Okay, alright. On John Court, I guess I don't have, I really wanted to say something.

RUPP: I suspected that, but I justokay.

VON DER LIETH: Are there any other questions for Mr. Karlebach at this time? Are there any comments to be made now?

RUPP: Come back up.

KERSTING: My name is Chris Kersting, and I live at 75 Chestnut Avenue. I really am not trying to be difficult.

RUPP: Were you previously, I know that you have come up before, but it may have only been for questions. Do you recall whether you were sworn in or not?

KERSTING: I believe in January. I have been here for 6 months.

RUPP: Why don't I do it one more time. Please raise you 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?

KERSTING: I do. As I said, I really trying to not be difficult. I do know how the property became this way. I sat in this room in 1994, when the son of the woman who had owned the entire corner, since the 1910's, asked for a variance so that they could build 136, because she needed money to go into a nursing home, because her children had planned to build homes all around and as life happens, they moved away. That property that is in question tonight, was where she lived.

When she passed away, I imagine is when the Guarderas family bought it. So, that is how that happened. It wasn't any builders came in and bought this bought that.

She sold it off piece meal because she needed to. So, that is how that happened. My question is, how wide is the proposed house going to be? How wide is it?

WALKER: It is a little over 60 feet wide. It is 52% of the width of the lot.

KERSTING: Okay, so it is going to go back. The back end of the structure is going to go how deep from the road, like from the front line of the property, the proposed house will end at?

WALKER: The proposed rear yard is 95 feet. The furthest piece of the structure will be 95 feet from the back lot line.

KERSTING: From the back lot. So it will be about 130 feet going back, no it is 200, so it will be 110 feet that it will go. That is my concern, because I would like to share some photos with you. These first 2 are the view from my bedroom window. I am lower down the hill. This is what I look out at. This is what I see.

VON DER LIETH: Right now, this is what you see?

KERSTING: Right, and it will be dark. I will look at what I consider to be a monstrosity, 4 John Court.

WALKER: We will mark this as Objectors 01. Can you tell me the address?

KERSTING: In the picture? That is 76, the Healy's house. You will notice that is the first level of their house, but I see it from my second floor. So, when I look out the window, I think I have a lovely view. It has been that way since, well, the Healy's house was built. But, my house is one of those old ones that they don't seem to like. It was built in 1896.

VON DER LIETH: I am sorry, Mr. Kersting, so that is the Healy's house that you are looking at?

KERSTING: That is the Healy's house that I look out on. So, my question is how much buffering can be put up, to cover what I am going to look at, and what am I going to look at, bricks and siding and white pines? I see the sky now. I have no objection to somebody building a nice home that is in keeping with the neighborhood.

WALKER: Mr. Kersting, are you the corner lot?

KERSTING: No, I am not. I am the first house, the second house in.

WALKER: Mr. Healy is the corner lot?

KERSTING: Mr. Healy is not the corner lot. 136. This is my house right here. As you can see, boom, boom, boom. This is my house goes here, so that would be my view, the back of that house is what I will see from my bedroom window.

RAMAN: He doesn't want it to go that far back.

KERSTING: What they are, are these trees, which don't do much. Six months out of the year, I see the existing house and the big house across the street. That is my concern. I like to keep things in the character of the neighborhood, which is what I ask you to please do. That lot is plenty big to put a house in keeping.

VON DER LIETH: Mr. Kersting I understand, and I am, again, I am not for or against this. I just want to make one comment. It is very difficult to, you know, you don't want to see it, we are talking about something that is across the street. Now, I mean we could be talking about a house that is actually, if it was high enough, it could be 2 streets away, that you would see. The thing is, where do you stop? Where do you stop and start?

KERSTING: I will say one phrase. R-10. Okay, R-10.

WALKER: The homes that you are looking currently, could add a second story on probably without getting a variance. How would that effect you?

KERSTING: I wouldn't be too happy. But, if it is in keeping with the zone, I am not

WALKER: If it were a second story, then you probably wouldn't see the subject property at all.

KERSTING: Well, if it is keeping within the R-10, then I couldn't stop him.

VON DER LIETH: Again, I wasn't siding with anyone.

KERSTING: I know what needs are. I rebuilt my house inside, it was built in 1896, so believe me I know what needs are, but, the house could go wider. Why does it have to go back so far. It is a wide lot and he talks about John Court, John Court, they are wide houses. They are also monstrosities. When you walk the dog at night like I do, every night, I see the lights up there like an apartment house and I say thank God I don't live there, but 2 summers they were working on those houses and it was hammer, hammer, hammer, every day, from sun up to sun down for 2 summers.

VON DER LIETH: Okay, point well taken. Yes, Mr. Herlinsky.

HERLINSKY: Can I ask Mr. Kersting, if we were to comply with the R-10 zone, and subdivided the property, wouldn't that put a house in the back yard?

KERSTING: I would be back here making sure that everything was by the book.

BRENNAN: That could only happen if we approved a flag lot, which we wouldn't do.

HERLINSKY: Well, you could have a separate drive.

BRENNAN: You would have to put a block through there, at 50 foot.

HERLINSKY: I understand, at the end of the day, there is 25,000 square feet of land to make two 12,500 lots.

BRENNAN: I am just saying your hypothetical wouldn't work because you need a 50 foot roadway to get the subdivision in there for it to work according to the ordinance.

VON DER LIETH: So, Chris, if that is okay, we get it. He just wanted it to be an R-10. I understand where you are coming from.

KERSTING: I have a say, and I am having my say.

VON DER LIETH: Okay, you got it.

KERSTING: There are a couple of other photos that I would like to identify.

WALKER: This is your house?

KERSTING: Yes, it is, from 1896 and the one next door is from 1900.

HERLINSKY: This is going to be item 35. It is a picture of Mr. Kersting's driveway.

WALKER: Mark it 34 please, the other one was 01.

HERLINSKY: Is this the view from your driveway, of the

KERSTING: That is the view if you were standing on the edge of my garage, which I don't live there. About 40 foot east is where I look out. So, this is not what I see.

HERLINSKY: And this is the space between your house where those trees are? Is that where the trees are?

KERSTING: That is the garage. This is the garage. When I am in my garage, that is what I look at.

HERLINSKY: When we are looking at these trees here, that is a picture of those trees, correct?

KERSTING: Some of those trees, yes. This is the Maple that is in front of my living room.

HERLINSKY: This is your view of the house?

VON DER LIETH: I am sorry Mr. Herlinsky, I am not trying to rush everybody, but the thing is that we can't take testimony after 10:15, and we were trying to get another case in.

HERLINSKY: Then, why don't I just stop.

VON DER LIETH: That would be best.

HERLINSKY: I will just mark R-36 and leave it to the Board.

VON DER LIETH: Thank you, that would be great.

HERLINSKY: I have copies if anyone want them.

RUPP: Okay, we have 34, 35, 36, three there?

BEER: 34 with 2 photos of 81 and 79 Chestnut. 35 was the pictures of Mr. Kersting's driveway, 36 is whatever this is.

RUPP: Okay, I lost track of numbers.

VON DER LIETH: Thank you Lyn. Thank you Mr. Kersting.

KERSTING: One quick question, the buffer that you said you are putting in the back end of the property, will that alleviate any of that? How high is it?

ZACCONE: I would say 20 foot pines of some sort, that would be taller than Mr. Healy's house. You will not be able to see it, which we discussed earlier. We are going to buy mature trees, and when they are fully grown, it is my contention that Mr. Kersting won't be able to see through those trees.

HERLINSKY: If the Board wants to make that a condition of approval we would be more than happy to do that.

KARLEBACH: Mr. Kersting's house is down hill, unless they build a hut, he is going to be able to see the house. I don't know if he is right to say he doesn't want to see the house, and he shouldn't have to see the house, but unless I build a very narrow house to fit the profile, he is going to see the house.

VON DER LIETH: Thank you.

KERSTING: I expect to see a house, just not 4,700 square foot house.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of June 19, 2012 – Page 37

VON DER LIETH: Check. Thank you Mr. Kersting, I appreciate it. That is it Mr. Herlinsky. Mr. Healy, did you have a comment also? Can you come up please? If you could, please state your name and address?

HEALY: Alfred Healy, 76 Chestnut Avenue, Park Ridge. I am also still under oath. My issue is that I just want to make sure that these photos are submitted. These are, I have a higher property adjacent to Kevin's property. Any repositioning of the home has a material impact on probably 30 or 40% of my whole family's day. I just wanted to make sure that I submit the view from our kitchen because I have a 100 by 100 R-10 lot and my kitchen window and patio is 20 feet from the proposed project and I wanted to put the photograph on the records so that it shows where the applicant's house is today and you can visualize the 40 feet moving in the picture, so it does have a material impact on my property, on my house, and on my family's life. I wanted to make sure it was put in the record.

BEER: Give them to Mr. Walker. We will mark those as O-2.

VON DER LIETH: Thank you Mr. Healy. That is it. By the way, are you okay with this proposed berm, or is that something that you are amenable to or is that.....

HEALY: Yes, my request was if we could landscape to lower or eliminate on the sight impact, and landscape for noise isolation. His whole family's activity would be back by 40 feet as well. We would be in much closer proximity to each other.

HERLINSKY: If Mr. Rupp wants to incorporate that into any resolution, that would be fine.

RUPP: I have a note for that.

HEALY: That is all that I have to say.

VON DER LIETH: Thank you Mr. Healy. I appreciate it. If there are no other questions, we will move on. Mr. Herlinsky, thank you very much. We will discuss this later.

HERLINSKY: I would like to sum up first.

VON DER LIETH: Go ahead, please.

HERLINSKY: Again, in essence, this has been an unfortunate slow process. We were trying to come to grips with a large lot and what we were going to do with it. Initially, we were looking at it from our own perspective and the Board has correctly and appropriately made it from a town perspective.

The fact that we have been able have been able to somewhat come to an understanding of what the neighbors wanted. I think that the berm and the tree line that we are going to put basically along Mr. Healy's property line, is going to really, for lack of a better word, kill 2 birds with 1 stone.

The issue, I live in a beautiful town with a lot of trees, in Rutherford. A few year ago when we moved there, there were so many really great house that were beautiful lots that had these beautiful side yards. I tell you, what kills me is one by one, they all disappeared, because you can't, you know when you have builders that are looking to subdivide whatever they can, they just come in and, you know, this Board may have one view, but that view is going to be changed by other people coming on to the Board, and not. Ultimately, those, I haven't seen those properties not become fully developed.

With all due respect to the person that said why did you just put two 33 square foot homes, and somehow if we could find a 5,000 square foot roadway to put in there, somebody is going to come up with that solution. They are going to build up on there. The only way to really protect it is put an appropriate size house on the 25,000 square foot lot. We didn't create the lot, the lot was created before we got there. We bought it

and now that we are going to take down the property, you know, it is a tired house. People want to put at some point, a new house. Somebody is going to put a new house up. This house is not going stay there. The question is whether you want to maintain these large buffers that you can really correct the neighbor's objections with a simple berm and putting up a high tree line that has everybody protected. Or, you can leave the status quo, because I can tell you that the status quo at some point is going to be, you know, what I see in my town, in Rutherford. You will see houses right next to each other with 5 or 10 yard side yards. I don't think that is what is typical for Park Ridge. I don't think that is what is in your master plan or for your ordinance. I think, you know, taking consideration for this lot size, and putting on a house that is in, you know, we are not asking for an R-20. We did and you said, appropriately, no. We are asking now, for an R-15 for a house that would have 10,000 square feet above what a R-15 would command.

I can tell you from this experience, I think that this is the best way to make sure that this neighborhood does stay the way that it is, as opposed to trying to put in too much house or too much houses. I want to thank you very much.

VON DER LIETH: Thank you Mr. Herlinsky.

GUARDERAS: Kevin Guarderas, 134 Morningside Avenue. First, I just would like to say thank you to everybody here. It has been a long process. It has been a difficult process. It has been a challenging process. Most especially, Mr. Brennan, I would like to thank you, because if we get approved tonight, I think it could be said that we have explored from challenging questions from the Board, from challenges from opposition, that it could be said that the Board has done its job and its due diligence and asked as many questions and seeking to flash out as much as we can on this application, so thank you everybody for that today.

Now, I would just like to say the following: We have heard a lot of technical testimony. You can imagine. Thank you for not extending me one more time. I have the money to build this house, but I don't have the resources and it is quite expensive, you might imagine for all the Professionals here. We all live in Park Ridge, so we are all reasonably successful in what we do. You can imagine that it has been an expense and I have been trying to persevere because it is a home that I want to build for my family, for my parents, myself, and my kids, and I will persevere in their name. I just want to ask everybody one question. That is, at the end of the day, I think we have addressed the technical issues and you are right, the one that we can't get over is the bulk area.

I think we got over all of the other ones, and so it will be up to each one of you individually to decide whether the extra 10, 11, 12, 15 square feet we have over an R-10 is more than enough or not to compensate in your individual minds and vote yes or no. But, beyond the technical, because I know that it is 4,250 square feet if we detach the garage and put it in the back yard, you have other objections. It is almost like we are dancing through hoops trying to make everybody happy and making no body happy. At one point, I told my architect, and I told my attorney, I told the whole team, guys lets just go with this because this is it.

If somebody asked me what I want to build, this is what I want to build. It is 4,250 square feet. At the end of the day, the question becomes would you like this home built? If you were my neighbor, would you want me to be your neighbor? I think most of my neighbors want me to stay in Park Ridge. They don't want me to move away. Forget about developing 2 lots, and have half of the property. I would like to put more roots down here. I have been here for 10 years. They have been here longer, but my kids are 3 years old. We are at Lollipop School. My neighbor's 3 year old kid and down the road there is a 3 year old kid. We have a great time. There is a swing set in my backyard. People come to my house to play. It is a joy for me to come home and see my neighbor's kids at my house and my wife taking care of everybody.

I ask you to help me to stay here. I ask you to grant this variance and that is all that I want to say. Thank you very much.

VON DER LIETH: Thank you, Mr. Guarderas. I just want to say, yes, thank you Mr. and Mrs. Schwartz. We wanted to get you in and I wanted to get this finished finally, because I think that we can. I appreciate your patience and we are going to get you in. So, lets do this right now.

BEER: Mr. Karlebach, since they are exhibits, you are leaving them, right?

KARLEBACH: Yes.

NEW CASE:

CASE: 12-10 Block: 2303 Lot: 51	Application of <i>Jonathan and Danielle Schwartz</i> , 10 Tulip Court for rear yard and building coverage variances to construct an addition to existing house in an R-15 zone.
--	--

BEER: For the record, Mr. Raman has left at 10:30 pm.

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

- Item 1 is the application dated 5/20/2012.
- Item 2 is certification of service dated 6/01/2012.
- Item 3 is legal notification dated 6/08/2012.
- Item 4 is proof of payment of taxes dated 5/29/2012.
- Item 5 is the deed dated 10/14/2005.
- Item 6 is the survey dated 5/10/2012.
- Item 7 is elevations dated 5/22/2012.

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

VON DER LIETH: Thank you, Mr. Walker.

RUPP: Okay, let me swear you both in. 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?

BRUNO: I do.

SCHWARTZ: I do.

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

SCHWARTZ: Jonathan Schwartz, 10 Tulip Court, Park Ridge.

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

VON DER LIETH: Feel free to go ahead and just let us know what you are here for.

BRUNO: I appreciate you getting to us, and I promise I will be brief, but informative. I have 4 sets of photographs, they were taken yesterday.

WALKER: That would be Item 8 is 6 photographs dated 6/19/2012.

VON DER LIETH: Okay, Mr. Bruno.

BRUNO: The project, the house as it exists, is a one story ranch style home on Tulip Court. It is in the R-15 zone. We are requesting 2 variances. I will go through those and then I will just explain the project.

One of the variances is for building coverage. 20% is permitted, at present, the existing home is at 21.6%. With the proposed addition, we would at 27.33%. So we need a variance for building coverage, and for rear yard setback. In the R-15 zone, 45

feet is required, 24.74 is what is presently existing, and we would be at 24.5 feet. We are extending the existing line of the home but because the house is not perfectly square on the lot, that is why we are a little bit closer.

The house as it exists, there is a, the area that I am pointing to on the floor plan, here, is a covered porch. You come into the front door and immediately into a hallway and then the kitchen, with a dining space. Where the proposed kitchen is shown is presently the living room. There were 3 bedrooms, which are to remain. Where I indicate the breakfast room, that would be the informal dining area, which is at present the formal dining space. The family room will remain in its present location. The foyer and the closets space is in the area of the existing garage.

So, the proposal here, is to expand the house to the west for a 2-car garage the width would be in conformance with the ordinance at 24 feet. Then, behind that, in the L form between the new rear or south wall of the 2-car garage, in the existing westerly wall of the family room, we are creating a covered patio or covered porch. This is to replace the paver patio on the rear or the south side of the house. So, one thing is important to point out, while we are asking for a building coverage variance, the impervious coverage, the existing impervious coverage is being reduced from 37.04%, to 34.95%, by eliminating that patio and also having a front load garage and not a side load garage, we can reduce the impervious even though we are expanding the building footprint.

Architecturally, the architecture of the house will be maintained but also enhanced. We are going to keep the existing hip roof style of house, the existing ridge line will be maintained, adding new siding and stone with new windows and doors so that we can create a house that is more in keeping with modern life.

At the rear of the south elevation, you can see the covered porch, which is tucked into that little alcove that is being created by the existing westerly wall of the family room and the new southerly wall of the garage. You can also in the west elevation, which is facing the neighbor immediately to west, you get another glimpse of this rather nice tucked in porch.

I would like to go through some of the criteria, which will help the Board in its deliberations, but first I would like to turn your attention to the photographs. The first photograph in the set, is the existing front or north elevation of the residence, so you can see that the lines that I am proposing are in keeping with that. You can see this inset porch, which is where that new foyer will be.

The second photograph in the set, is the house immediately to the west. You can see that it is split level style home with the one story section facing the Schwartz's. Then the two story section to the west. There is a similar style home to the north or across the street from the subject property.

These next photos will be apropos to our request for the rear yard setback variance to be approved. We have a distinct hardship here. We have an undersized lot, in both area where we are a little over 12,000 square feet, where 15,000 square feet is required, which contributes to our overage on the building coverage. But, also, which is even, perhaps, more important, is that the depth of the lot is substandard. We are required to have 150 feet in depth. We only have 100. What I would like to do, is take this marker, and just indicate for you, where the required rear yard setback line is, which cuts approximately through the middle of the home. So, no matter what we do, there is no way to comply with the ordinance there.

There are 2 mitigating or several mitigating factors I should point out. You can see on my site plan drawing, that the distance from the Schwartz's southerly lot line, to the nearest projection of the house on the lot, to the south, is 119.68 feet or 119 feet 8 inches. So, it is quite far from the Schwartz's property. You could also see that this photograph, which is viewed from the area of the proposed covered porch, towards that home, you can see that there is a dense evergreen hedge, a dense evergreen plantings of various types. There is Mountain Laurel, there is also some Hemlocks, and various other

evergreens that are both low and high. So, you can see that you can barely see, make out the house in the distance.

RUPP: Is that shrubbery on the subject property or on the property in the rear?

BRUNO: I think it appears to straddle the line, to be on both. This is a view looking in the same direction from the existing paver patio, that we are proposing to remove as part of the application. Again, you can see that it is very dense. I think there is some Rhododendron in there also.

The last photograph in the set, is taken from the back of the adjacent property looking towards where the porch is. You can see that there is still quite a bit of evergreen vegetation that is blocking the view.

The thing is and Mr. Rupp had pointed out in one of your earlier applications, and all of my applications, that we have the positive negative criteria. This project is not negatively harm the intent of the master plan nor the zoning ordinance for the following reasons: The proposed project is consistent with scale and character of the neighborhood, albeit we are updating it, and what we do when we update sometimes, is go back to an older time. You know, our idea of traditional residential architecture is more towards the earlier part of the 20th century, not, you know, the mid-century idea of what traditional architecture was.

The proposed house addition is as conforming as possible in spite of the undersized lot characteristic. It does comply with the FAR, which is important because it is not, even though we do exceed the allowable building coverage, the mass of the structure is not excessive, as is clear by the elevation.

It is still a low slung house where we are permitted 32 feet in building height, we are at 18.6, 18 feet 6 inches, so we are substantially below what is the maximum permitted building height.

The project advances the goals of the master plan and the zoning ordinance, in the following ways: It eliminates the impervious lot coverage excess, which is important because water management issues all over New Jersey, are important and particularly in Park Ridge, because this is where we live and we care about our water issues. In spite of the nonconforming building coverage, the one story structure is less impactful on the neighborhood than a 2-story structure. It just stands to reason. It is less massive.

The rear setback deficiency is mitigated tremendously by that evergreen hedge or that evergreen screen that I noted in the photographs and described in detail to you as well as that distance of well over 100 feet between the neighboring property and the southerly property line. The second floor addition, I did look at that early on, and it was inappropriate for a number of reasons. One, is you can see, even with this addition, we are close to the FAR. We are below it, but we are close. In order to have, and we are already over on the building coverage, in order to mitigate or not increase the building coverage, we would have had to build up. That would have been more impactful because of that rear yard setback deficiency. Also, it really wouldn't make sense because you wouldn't be able to have all of the bedrooms on the second floor. Otherwise, we would have to ask for an FAR variance and that would be worse than what we are doing. So, with the C-2 proof, this does comply with that.

We have both the C-2, which is a better planning alternative and we also have the C-1 because we have the extreme hardship due to the fact that we have the undersized lot in terms of lot area and lot depth. You know, you may ask what is the big deal if we don't have all the bedrooms on the same floor? It makes sense, particularly for a growing family, a young family. Plus, also, you don't want to have a big second floor and then an itty bitty second floor. I can, you know, you have seen that can create beautiful buildings, but I am not that good. It just doesn't work. If we did that, then we would render the first floor excessively large in the sense that we would have space that we didn't need.

So, all in all, even though we are exceeding the permitted building coverage, we are, I think, creating a design that is much more in keeping with the goals of the master plan and the zoning ordinance of Park Ridge.

VON DER LIETH: Thank you, Mr. Bruno. Are there any questions Mr. Brennan?

BRENNAN: No, I was quite please with it.

VON DER LIETH: Does anybody else have any questions or comments? We don't have any questions or comments. Thank you Mr. Bruno. Thank you for your patience. There is nobody here to speak on this, I just wanted to note that. You can call Mrs. Beer in the morning. We will discuss this tonight.

NEW BUSINESS:

None

CORRESPONDENCE:

None

APPROVAL OF MINUTES:

The Chairman entertained a motion that the April 17, 2012 minutes be approved as submitted. So moved by Mr. Hoskins and seconded by Mr. Capilli. Carried unanimously.

VOUCHERS:

Brooker Engineering, PE	
Victor Guarderas	\$ 165.00
Raymond Janovic	165.00
P. R. Board of Education	330.00*
P. R. Board of Education	990.00*
Victor Guarderas	412.50

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

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

ROLL CALL:

Ayes: Mr. Sandler, Mr. Sigilitto, Mr. Flaherty, Mr. Walker, Mr. Hoskins, Mr. Brennan, Mr. Capilli, Dr. von der Lieth

Abstain

DISCUSSION OF APPLICATIONS:

The first application to be discussed was Jonathan and Danielle Schwartz. The members felt that the proposed addition will be in accordance with the neighborhood. The other homes in the area are similar or larger. The attorney was advised to draw a resolution for the next month's meeting.

The next application to be discussed was for Edward Sweeney. The Board felt that another variance would be required for the front yard setback.

The Board then discussed the application of *Robert and Laura Creighton*. The members felt that the applicant has to come back with drawings, and he should try to soften the side. Applicant will return at the next meeting.

The application of *Raymond Janovic* was then discussed. They felt that with the revised maps, the applicant has complied with all of the wishes of the Board. Application to be approved at the next meeting.

The application of *Kevin Guarderas* was the next one to be discussed. The members felt that he has complied with most of the requests made of him. Some members felt that it is a large piece of property and the setbacks are quite large. The landscaping will mitigate the size of the home. The Planner mentioned that because of the architectural details being planned he would be entitled to more FAR. The members felt that the applicant had done numerous things to change the plan to consider the neighbors concerns. After much discussion, the Board felt that a resolution of approval could be drawn for the next meeting. The resolution should contain conditions regarding the size of the berm of 3 or 4 feet with flowering plantings on top of that. The size of the evergreen hedge should also be included in the resolution. They felt that a landscape plan should be submitted for the Planner's review.

ADJOURN:

There being no further business to come before the Board, by motion of Mr. Walker and a second by Mr. Hoskins, the meeting was adjourned at 10:53 pm. Carried unanimously.

Respectfully Submitted

Margot Hamlin,
Transcriber