

**\*\*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, July 17, 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,

Absent: Mr. Brennan, Mr. Flaherty

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

**COMPLIANCE STATEMENT:**

The Notice for this meeting required by Section 3(d) of the Open Public Meetings Act has been provided by the adoption of a resolution by the Park Ridge Zoning Board of Adjustment of January 17, 2012, setting forth a schedule of regular meetings by mailing of said schedule to The Ridgewood News and The Record on January 18, 2012, and by the posting of said schedule on the Municipal Bulletin Board and the continuous maintenance thereof and by filing the said schedule in the office of the Borough Clerk.

**PENDING CASES:**

<b><u>CASE:</u></b> 12-04 Block: 1808 Lot: 5	Application of <u>Ashok Idnani</u> , 49 Oak Avenue for front yard setback and floor area ratio variances to construct addition to existing house in an R-20 residential zone. Hearing begun April 17, 2012, carried to May 15, 2012 for revised maps. At applicant's request hearing postponed to June 19, 2012 and again to July 17, 2012
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WALKER: I have the following items to be marked into evidence for this application.

- Item 10 is Board secretary letter dated 4/18/2012.
- Item 11 is applicant's letter dated 5/2/2012.
- Item 12 is applicant's letter dated 6/11/2012.
- Item 13 is Board secretary letter dated 6/11/2012.
- Item 14 is extension of time request dated 6/11/2012.
- Item 15 is extension granted dated 6/15/2012.
- Item 16 is revised plans dated 7/3/2012.
- Item 17 is Planner's review dated 7/10/2012.
- Item 18 is Architect's letter dated 7/17/2012.

That is all that I have at this time.

VON DER LIETH: Thank you Mr. Walker. Good evening Mr. Idnani, how are you? I just want to go over real quickly, this hearing had begun April 17<sup>th</sup>. It was carried to May 15<sup>th</sup>, for revised maps, that we needed to look at. At your request, it was postponed from last month to tonight. Before we start, Mr. Rupp, do you have to swear Mr. Idnani in at all.

RUPP: I am just checking to see whether or not.....were you previously sworn.

IDNANI: Yes.

RUPP: In that case, Mr. Idnani, you are still under oath.

VON DER LIETH: I did not see, by the way Mr. Walker, do you have that letter? I don't see Mr. Bruno here. I assume that he is not representing Mr. Idnani any more.

HOSKINS: Excuse me sir, could you use that black microphone, we can hear you better.

VON DER LIETH: Okay, so Mr. Idnani, would you like to take us through the changes that you have made to the original plans?

IDNANI: The original plans there were suggestions required the removal of the staircase, which is in the back.

VON DER LIETH: Mr. Idnani, could you please move that microphone a little closer or speak a little louder. I don't think that the rest of the Board can hear you.

IDNANI: The request was to move the staircase, so that there is no entry from the back. That was removed, as you can see. The floor area ratio, we brought within the maximum of 4,800 square feet. By cutting the loft size, it has been brought down under 4,800, it is 4,773.

VON DER LIETH: Okay, that is basically it, correct? Brigitte, do you want to go through some of the points on your report?

BOGART: Sure.

VON DER LIETH: Have you read Ms. Bogart's report, Mr. Idnani?

IDNANI: Yes.

VON DER LIETH: Okay. We should probably just go over some of those important points.

BOGART: As you all heard, the site is located in an R-20 district and it used to require a floor area ratio variance. The applicant has reduced the proposed volume down below the maximum floor area. It is reduced to 26 square feet below what is the maximum permitted and that is the reason for a number of my questions in the memo. I want to make sure because it is such a small area, of difference between the maximum permitted and what you are proposing. I want to make sure that we have calculated it correctly and that the Board does not have to grant an additional variance for the proposal.

So, with regard to the floor plans, item C1-A, is the loft area. You indicate on the floor plans that there is a loft above the garage, that is 7 feet wide by 24 feet long. It is just an unusual shaped room and there are no windows associated with it. I was just wondering if you could give the Board some testimony as to what this room would be used for?

IDNANI: It would be a prayer room, or meditation room. There is an existing window, and there skylights there, that pour the light into the room.

BOGART: Skylights, but no windows, correct?

IDNANI: The skylights can be vented.

BOGART: The second item under the floor plan, is that the bedroom in the southern most corner of the front of the dwelling, does not appear to have a doorway associated with it, or a door and I know that your architect had submitted a revised plan showing a new doorway. My concern was, when I looked at the original plans that were submitted it was characterized as a bedroom, however it was very open space and there

was no closet associated with it. So, the two characteristics that you would associate with a bedroom, typically, were not characteristic of what you are proposing.

IDNANI: I believe that Mr. Bruno's sent you a new copy and I think that there is an error in the plan. There is a door there, I think that he forgot to put the door in there. But there is a closet right there.

BOGART: So that is just going to be one very large bedroom?

IDNANI: It is a bedroom right now, as it exists, almost.

BOGART: And that doorway will be installed?

IDNANI: It is already there.

BOGART: Oh, okay. The third item pertains to the laundry room. The proposed plans call for 2 laundry rooms, very large laundry rooms. One is on the first floor and one on the second floor. One of the issues that this Board always deals with, is 2-family dwellings, and one of the indicators of potentially this being a 2-family dwelling, is the fact that you have 2 laundry rooms, one on the first floor and one on the second floor.

I was hoping that you would provide some testimony detailing why you would require 2 laundry rooms of this size, and the fact that this is, in fact, a single family dwelling.

IDNANI: I have lived in this building for 29 years. It has been a single family. We are getting old and it is very difficult for us, now, to go up and down, and that is the purpose of the laundry upstairs, is to be convenient to the bedrooms. Same thing down stairs. Also, we have an elderly relative. My mother-in-law is old and she can not go up and down. Hence, we need a laundry room where the bedrooms are.

BOGART: So you have in-laws that live downstairs and utilize.....

IDNANI: No, my mother-in-law lives with me.

BOGART: Do both laundry rooms currently exist?

IDNANI: No. There is a laundry room upstairs, yes, and there is no laundry room on the main floor.

BOGART: So you are proposing a second floor on the main floor?

IDNANI: That is correct.

VON DER LIETH: And there are bedrooms on the main floor?

IDNANI: Yes, there is one bedroom on the main floor.

VON DER LIETH: One bedroom on the main floor? And, then, how many upstairs?

IDNANI: Right now, 3 bedrooms upstairs.

VON DER LIETH: Okay.

BOGART: The floor plans, as submitted, do not indicate if there is a basement area.

IDNANI: Yes, there is a basement. There is no change in the basement.

BOGART: I did have a conversation with the architect who prepared your plans, and he indicated that it is a full basement, but it is all below grade and wouldn't be calculated into the floor area ratio. Joe has certified to that.

The fifth item pertains to the hallway for that bedroom upstairs, the southern most corner bedroom that I was discussing. I don't know what exists and what is proposed, so maybe you could help me. It seems like that hallway to that bathroom, seems redundant, and if you were just to have an entry off of what is labeled as foyer, you could either reduce the floor area, or pick up some bedroom space. I was just wondering why it was designed with an additional hallway.

IDNANI: Because the bathroom exists in almost the same fashion that exists there, except for the sink. Also, the bathroom is to be shared between the 2 bedrooms. So, this makes it convenient to share the bathroom.

BOGART: The other bathroom?

VON DER LIETH: One is the prayer room right? Is that what you said. The other one is going to be, you are splitting it up into a prayer room and a storage area, and there is a skylight in each.

IDNANI: There is a skylight in both parts.

BOGART: That was my question, was why would there be a skylight remaining in the storage room?

IDNANI: Because it exists. The goal is that we are tight on money and we don't want to spend too much. We cut as much as we possible can. If we have to, otherwise, the choice was to go with a dormer in that room, which just adds to the cost.

BOGART: A dormer in the storage area?

IDNANI: In the loft.

VON DER LIETH: He just doesn't want to fix the roof.

MANCUSO: He would have to change out the whole roof, to make it. That is what he is saying.

VON DER LIETH: Mr. Idnani, you know that we are asking these questions and the previous time that you were here with Mr. Bruno, the Board was just concerned that being that there were 2 laundry rooms, and originally the stairs on the outside of the house going up. You know everything was indicating that it was getting ready to be a 2-family home. That is why we are basically asking. I know that is why I know I am curious to find out why certain things are going on here.

CAPILLI: I find that is my one concern. It does look like it is getting ready to be a 2-family house. I understand what you are saying with the laundry rooms, but it seems like you only have one bedroom on the main floor, and 3 upstairs. It just seems to be a little redundant to have a 98 square foot area laundry room on the main floor as well as the second floor.

IDNANI: That can easily be re-purposed. If the Board desires, I can re-purpose it for a library.

VON DER LIETH: Are there any further questions? I think it is just a matter of discussion, is what it really comes down to. I know you have been living there how many years did you say?

IDNANI: It will be 30 years next February.

RAMAN: Did you say the existing laundry is on the ground floor or the second floor?

IDNANI: There is an existing laundry on the second floor and there is one in the basement. The basement was the one that we are trying to eliminate because it is difficult for us to go up and down.

VON DER LIETH: So you want to have one on the first floor and the second floor and get rid of the one in the basement?

IDNANI: That is correct.

VON DER LIETH: I didn't know that there was one in the basement. Okay.

LUDWIG: Is there currently one family or two families living there? Is it just your mother-in-law.

IDNANI: One family.

LUDWIG: Just your mother-in-law?

IDNANI: And my wife.

VON DER LIETH: What he is getting at, is, that it is not separate quarters, entrance and exit. It is a family. Your mother-in-law is there and she is living with you in your house. Okay.

IDNANI: Yes. It is multi-generational, if you want to call it. She doesn't have a separate kitchen or separate entrance or separate... we all live together. We are, I don't know how you want to say it, but we all live together.

BOGART: Those are all my issues pertaining the floor plans, and as the Board indicated, my only concern was that it was being set up for a 2-family and as long as there is testimony to the fact that it won't be a 2-family, we can move on to item number 2.

Item number 2 pertains to the dwelling width regulations. I did not receive the original submission, so I heard there was a survey submitted. The submitted architectural drawings that were with the revised submission, say that the dwelling will comply with the dwelling width regulations. The regulations call for that the dwelling has a maximum dwelling width of 60% of the total lot width, at the front yard setback.

The architectural drawings indicate that the width of the lot at the front yard setback is 131.3 feet and that as submitted, the dwelling would comply. My only concern was that when I had seen your survey, confirming that lot width dimension that it was difficult to confirm that the proposed dwelling would comply with that regulation, particularly, since the architectural drawings indicate that it is, I think, maybe, 10 inches of what the maximum is.

So, I just wanted some testimony on the record that the applicant is not seeking a variance from this regulation and that confirmation that it would comply with it.

VON DER LIETH: Do you understand what she is asking?

IDNANI: Yes. If you don't have the survey, I can provide one here. I brought 12 copies.

VON DER LIETH: Great, please, can you bring them up for us, Mr. Idnani? That would be great.

BEER: There is one in the file, obviously.

WALKER: There is an undated existing conditions survey.

BOGART: That is what I received.

WALKER: He says that he is presenting a sealed one.

RUPP: It doesn't show that key dimension.

BEER: No, it doesn't.

VON DER LIETH: I assuming that this one doesn't either. Okay, Mr. Idnani, we would have to have a survey that shows that the—what is it?

BOGART: The regulation is the maximum dwelling width and it that regulation measures is the front façade of the dwelling, compared to the lot width at the front yard setback. So, you would need the front yard setback line delineated on the survey. That measurement, which the architect estimated at 131.3 and the maximum dwelling width.

MANCUSO: What I am looking at, I am looking at the survey that we were just handed. I am comparing it to the plot plan that was placed on Mr. Bruno's plan, and I am just spot checking a few of the dimensions here. I can accuracy to about a foot with a scale like this. It looks like at the front yard setback, which he is calling the 40 foot setback, is that correct?

BOGART: Yes.

MANCUSO: I measure roughly 130. Do you have that?

BOGART: The issue is that it is extremely close. I think that it is within 10 inches. So, if you are off by a foot..... Well he says it is 131.3.

MANCUSO: I have 130, but it could be.

BOGART: It could be, but it could not be.

VON DER LIETH: Okay, so we just need a verification of that, that is all

MANCUSO: Well they will have to when he submits a plan. If he is not seeking a variance, when he submits the plan to the Building Department, it would have to conform or else he will not get a building permit.

VON DER LIETH: So, Eve, is that something that we don't have to worry about then, or should we .....

MANCUSO: You state it in your resolution, that we are not granting that, well, you don't have to say it in the nitpick, but you are not granting the variance, so by default it means he has to comply.

VON DER LIETH: Okay. Fair enough.

BOGART: In this particular instance the dwelling regulation is important because one of the reasons why it was put in place was to insure that dwellings from the streetscape didn't look out of scale with the lot that they are located on. That in conjunction with the front yard setback variance that are being proposed, have a visual impact on the streetscape. So, I want to confirm that the dwelling width variance was required because there are 2 front yard setback variances required. That is the next item in my report.

RUPP: Okay, let me make sure that I understand that. Again, the purpose of the building width portion of the ordinance is what?

BOGART: To insure that from the street, dwellings within each individual district are in scale with the lot that they are located on.

RUPP: That measurement that measures that, is at the setback line.

BOGART: Correct.

RUPP: That setback line is what, 40 feet?

BOGART: Yes, in this district.

RUPP: This is a trapezoidal lot, is it not?

BOGART: Yes.

RUPP: So, the actual width of the lot decreases as you move to the front yard, is that correct?

BOGART: That is correct, by almost 20 feet.

RUPP: This building is being, he is seeking a front yard variance. Can you just explain to the Board what the visual impact of taking a building and moving it closer into the front yard, when that front yard is, in fact, getting smaller as you are moving to the front? What is the impact of that?

BOGART: It is obviously greater and I think the Board members have dealt with this regulation a number of times, so they can visualize that, but basically what happens, is you have an existing dwelling that is 29 feet from the streetscape, the right of way line, and it required to be 40 feet. So, it is almost 10 feet closer to the street than is required right now. So, it is moved closer and has a greater visual impact from the street.

What the dwelling width regulation does, is insure that the dwelling doesn't have a substantial visual impact from the street. As you have a lot that is decreasing in width, it increases the visual impact. So, for an example, if that lot width was 111 feet, all the way back, the dwelling width permitted would be a lot less, than what is being proposed.

VON DER LIETH: It makes sense.

BOGART: So, the combination of the 2 regulations really.....

VON DER LIETH: So you have to make really sure that this is within the right number. Ten inches is too much, we have to get that right dimension.

BOGART: We have to insure that a dwelling width variance is not required. Number 2, you also have to really look at and analyze the front yard setback variance, compared to the streetscape, because it is now only going to be 20 feet front the right of way line.

RUPP: If I can put this in the connotation of the negative criteria. There is an application being made here for a further front yard setback variance, 2 ways, not only the porch, but also the extension of the garage which also encroaches within the front yard, right?

The result of those variances, and the proposed addition to the house, to make it wider, has the result of making this building appear larger in bulk than would otherwise be permitted under your ordinance, given the measurement. Again, the measurement is designed for a scale at the building setback line. Here the building is closer and yet is wide because you are measuring it at a point further back, where buildings are supposed to be. Therefore, by granting a front yard setback, it has an impact on the zone plan and zoning ordinance, relative to the impact on the scale.

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At the appropriate part of this meeting, I am going to ask the applicant to address those issues. Because, quite frankly, it is the applicant's burden to demonstrate, not only positive criteria, but also to satisfy the negative criteria.

VON DER LIETH: Okay, so why don't we, Brigitte, why don't you finish up and then we will go to Mr. Rupp's points and we will ask Mr. Idnani about that.

BOGART: There are tied in together. I hope the Board members had actually gone to visit the site, because the street is unique in the fact that, that block only has 5 or 6 single family dwellings that front on it and all of them are fairly close to the street and they all vary in architectural styles. But if you drive down the street, the front yard addition will have an impact to that street. The Board has to review the proposal in conjunction with the character of that streetscape and in conjunction with the 2 regulations, the dwelling width regulation and the front yard setback regulations, and look at the negative criteria.

VON DER LIETH: Thank you Brigitte. Mr. Rupp, do you want to ask Mr. Idnani, about that?

RUPP: Okay. Mr. Idnani, you have Ms. Bogart's memo, is that correct?

IDNANI: Yes.

RUPP: I am going to direct your attention to paragraph E. You have elected not to have your architect here, but right now, we need testimony as to both positive and negative criteria, because quite frankly, we haven't heard anything yet, that would provide legal justification for this Board to grant a variance.

IDNANI: Thank you. I believe that it was addressed when we were here last time, in April, by Joe Bruno. That issue was addressed. Basically, we don't have any space when you come down the staircase, to the front. There is hardly any room. There is no entry foyer. That is why we are seeking that porch and that area for a closet. There is no closet space as it exists. This will beautify the area. There are other buildings in the community that look very much like that. Granting of this variance will substantially benefit and there won't be any detriments that will be produced.

RUPP: Why are you going from a 2-car garage to 3-car garage?

IDNANI: Because we need space for the car. As a matter of fact, there was a neighbor, there are others have a lot less frontage than this, and have 3-car garages on the same street. As a matter of fact, my neighbor has a 3-car garage.

RUPP: Well I think that building width is what the issue is here. And, you are adding to the building width and seeking a front yard variance, which as Ms. Bogart had indicated, has an impact on the scale. So, you need to address that issue and the Board is going to have to make a determination as to whether or not a variance is justified under these circumstances. Again, what you are really seeking is not only do you want a front yard variance, but you also want to widen your building.

IDNANI: Well, the width of the building, because of the shape of the lot, I think that it is only a requirements of 60% width and maybe I will get the surveyor to get the exact width. If you have to cut down on the garage size to do that, that will be fine.

RAMAN: May I make a suggestion. If you move that new garage back 14 feet, then it will no longer be in line with the front of the wall. It might soften the whole thing up. I don't know whether that is.....

VON DER LIETH: Right, but the whole thing is with that front porch coming off.

RAMAN: Is it the front porch or the garage?

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RUPP: The answer is both. Both impact the visual impact, which again, is the very purpose of that provision.

RAMAN: But I thought porches, we have been more apt to looking at it, because it can come into the front yard setback.

BOGART: I identified that in my memo. We typically encourage architectural details such as porches and windows and what not, because it enhances the architectural style of the building, and it reduces the perceived mass of the building. My concern in this instance is that it is so close to the curb that it may negate the impact it has on the mass of the building.

VON DER LIETH: I don't think that we have ever had a house that is this close to the street.

WALKER: This is already 10 feet beyond the 40 foot limit and the proposal is to go another 10, right?

BOGART: That is correct. If you look at the street, it appears that most of those dwellings are already 10 feet closer than what they are supposed to be.

WALKER: So they are all about 30 and this would be 20.

BOGART: Correct.

VON DER LIETH: Mr. Idnani, I am sorry, did you and Mr. Bruno ever discuss, because this must have been a point that he was going over with you, because he knew that this would come up to the Board as being a point of contention, this porch area, and the front yard setback. Did he ever discuss any other possibilities in terms of design, and renovation and not making it come out at all?

IDNANI: As a matter of fact, he said that he has discussed this before last time, so he didn't think that this issue would come up.

VON DER LIETH: Does anyone else have any questions? Mr. Rupp are you finished, for now?

RUPP: Well, I just want to make sure that I understand what the testimony was. I guess you are claiming a hardship, because you don't have a foyer, and then something about closets, although, I am not quite sure I can understand that on the basis of, you are just talking about a foyer closet?

IDNANI: A coat closet.

RUPP: Okay, we are talking about the coat closet in the foyer?

IDNANI: There is none prior, so that becomes coat closet there.

HOSKINS: I have a question, the staircase that comes down from upstairs, it comes down somewhere lined up with the front door. How much space from the bottom step to the front door is there?

IDNANI: I would say 3 to 4 feet.

HOSKINS: 3 to 4 feet.

RAMAN: So, if I am reading this right, there is only one variance for the front porch?

RUPP: No, there is the garage encroaches in the front. He is expanding.....

RAMAN: That is only by 2 feet, correct, 2.6?

RUPP: You asked me, is it a variance. I am just letting you know that anything within 40 feet....

RAMAN: If he jogs that back 2 feet, would it satisfy removing that as a variance, 2.6 feet?

BOGART: Yes.

RAMAN: It will. So, Mr. Idnani, if you understand what I am saying, that new garage drops back from the front of the house 2.6 feet, which is not a lot, then you get rid of that variance. Then you are down to the porch.

IDNANI: I am willing to do that, but the thing is will the 3 garages look okay from a visual point of view?

VON DER LIETH: Sid, that I fine, that is the easy one. The porch is the hard one. The porch is the one that everyone is going to see, not so much that no one is going to see the garage, per say.

RUPP: Again, you do have the whole issue about the appearance. This is really a scale issue in terms of the negative criteria.

VON DER LIETH: You see what I mean, Mr. Idnani, right, with the negative and positive criteria? I understand, you know, you want to have the laundry rooms and that is really, the laundry room is irrelevant right now, because it is really the front yard, where we are talking about this porch area. That involves not only the porch, but, it is going to involve part of the, I am sorry, the front dining room, correct? I mean, what are we pulling out? It is just the porch?

RUPP: They are adding a foyer, which is actually a fully enclosed structure. Plus, they are adding a roof to the porch, which renders it also, an enclosure. A open porch is not, with a roof on it, it is.

Given that variance, right, then you have to look not only, is there, and again, the language, Brigitte had indicated in a memo, but again, a hardship variance requires, by reason of exceptional narrowness, shallowness, or shape of the piece of property, or by reason of exceptional topographical conditions and physical features, that uniquely effect this property, or by reason of extraordinary and exceptional situations uniquely affecting this specific property, or the structures lawfully existing thereon. The strict application of the Zoning Ordinance would result in peculiar and exceptional practical difficulties or exceptional and undo hardship. That is your positive criteria. An applicant must meet that on a C-1 variance.

A C-2 variance is that somehow the proposed granting of a variance would be a furtherance of the Master Plan and the purposes of Zoning. After that test, there is a separate test. And the separate test is, can the variance be granted without substantially impairing the intent and purpose of the zone plan and Zoning Ordinance. That is a separate and distinct test from the positive criteria. On any variance, under a "C" variance you are required to have both of those tests met by the applicant. That is the general rule of thumb on granting "C" variances.

VON DER LIETH: Okay, well noted. Are there any other questions from the Board members? Mr. Idnani, is there anything else that you would like to add to this? I will tell you right now, it is going to be tough with this front porch. We are going to, obviously, go over it tonight. But, is there anything else you would like to add in terms of, I mean, we pretty much know why you want to do it. If you think, you see how the size of your lot is affecting this application, correct?

IDNANI: Yes.

VON DER LIETH: Okay.

IDNANI: If need be, I am willing to move the garage back by 2 ½ feet, or whatever is required, to conform to the garage. For the porch, if I have to reduce it by a few feet, that is fine to.

BOGART: Just looking at your plans, you may have some design options. You may want to talk to your architect. By changing the way the closet is oriented, you could reduce that porch by half of what it is proposed at. If you are willing to, you may want to talk to your architect. You have some design options there.

IDNANI: does that mean I have to come back again?

VON DER LIETH: Yes.

RUPP: Oh, of course.

VON DER LIETH: Because, I will tell you, as of the way that it is right now, I am just saying that it won't go through.

RUPP: Let me just say you don't have to come back again. You can say this is what I want, and I will allow the Board to make a decision. That is your option.

VON DER LIETH: Is there anybody in the audience that wishes to speak on this application? Okay, Mr. Idnani, I know there is nobody here. We will discuss it tonight and you can call Mrs. Beer in the morning. Thank you. You might have to talk to Mr. Bruno again. I am not giving you any advise here. But, I am saying there are other options, I am sure, that he can come up with. I am not saying you have to go to Mr. Bruno. You can go to whoever you like. But, as it stands right now, we are going to discuss the whole thing, believe me.

So, are you willing to come back?

BEER: Right, otherwise.....

VON DER LIETH: Are you willing to come back with a different design? Because, as of right now, I know that this won't go with the front porch. I just want to tell you that, so, you might want to make that decision.

RUPP: He is free to come back on a new application, as well. That is another alternative.

IDNANI: If I reduce the porch by 2 feet, would that make a difference?

VON DER LIETH: I don't think so.

BEER: We can't answer that.

VON DER LIETH: I don't know.

RUPP: Let me just make another comment to the Board, because, there is this overwhelming tendency that the Board has, and it is not unique to this Board, to attempt to re-architect applications. That is really not your function. Your function is to make a determination upon what is being submitted to you. Often times you try to be helpful. I understand that. Technically, it is not a decision of the, that is a decision of the applicant to make.

I know that the Board is trying to be helpful. But, in many cases trying to redesign an application, is really not your job. It is the applicant's job.

VON DER LIETH: So, in terms of what with this applicant right now, what is best to say to him? Come back? It is up to you, because I can say to him right now....

RUPP: I am not quite sure, whether it is up to the Board to tell what is best to do.

BEER: The applicant has to make that decision.

RUPP: The Board, based upon the testimony and evidence submitted, has to make a determination, Whatever that determination is on this application, that is that determination. The applicant can appeal it that determination. Or, can come with a new application.

VON DER LIETH: Would you like to come back with a new application, Mr. Idnani?

IDNANI: Well, I am willing to redesign that. But, I need some parameters.

BEER: We can't give them.

RUPP: Yes, but we can't suggest that to you.

RAMAN: Is it better for him to continue this or to come back with a new application?

RUPP: Okay. Better is kind of a funny work, but let me just tell you a new application means re-noticing, republication. Now, having said that.....

SANDLER: Are you still working with the architect?

IDNANI: Yes.

SANDLER: Would it help to have further conversations with your architect, about the Board's comments.

IDNANI: True.

VON DER LIETH: Although I can't go over parameters, the parameters are what the town ordinances are.

SANDLER: He will know what the town parameters are, and if he were here tonight, he would hear the Board's concerns and may have design suggestions to work out. It may be that he will suggest that 2 feet really wouldn't solve our problem, because he has worked with Board's before, and it may be that he will come up with some great ideas for you.

One of the issues raised by Mrs. Bogart and by counsel, is whether this is in keeping with the negative and positive criteria that Counsel was speaking of, and although many of the homes in this area are 30 feet before, a home this size, 20 feet from the curb would apparently, especially with the width of the garage, be somewhat conspicuous with all the homes in the street. So, that is where the setback and the distance to the curb becomes an issue. If they were all at 20, and you wanted to come forward to 20 and everybody is at 20, then perhaps I and others would look at this differently.

VON DER LIETH: Thank you, Mr. Sandler. So, by the way, and like I had mentioned before, the parameters are ordinances of the town, that you can discuss with your architect. So, that is the best that I can tell you. What I can tell you right now, is that this is not going to work, so you have a choice in this. We are going to move on to the next case, so I.....

RUPP: Technically, the Chairman is saying it may not work tonight because no vote has been taken yet. The Board has not discussed this. He might be giving you an indication of his initial feeling. The Board has to make a decision and that won't be done until they discuss it and actually vote.

IDNANI: If you want me to submit a redesign, I will be glad to do it.

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VON DER LIETH: We are going to carry this to next month, then. You can submit redesign plans, within the parameters that we are looking for in Ms. Bogart's report. That is where we are going.

RUPP: In order to carry this, we will need to have your consent to an extension of the time in which the Board has to render a decision. That would have to be put on the record right now.

IDNANI: Okay.

VON DER LIETH: Okay, Mr. Idnani, thank you.

WALKER: Let me add the survey to the record. Item 19 is survey dated 6/02/2012.

VON DER LIETH: Thank you, Mr. Walker.

<b>CASE:</b> 12-09 Block: 2501 Lot: 22	The application of <b><i>Robert and Laura Creighton</i></b> , 231 Ellin Drive for side yard variances to construct an addition to an existing home in an R-15 residential zone. Hearing begun June 19, 2012, carried to July 17, 2012 for revised maps.
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WALKER: I have a couple of items to be marked into evidence for this application.

Item 11 is the Board secretary letter dated 6/20/2012.  
Item 12 is another Board secretary letter dated 7/10/2012.

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

BEER: For the Board's information, we did not receive revised maps.

RUPP: We technically have to announce the day that this will be carried to.

BEER: August 21, 2012.

VON DER LIETH: Okay, Mr. Idnani's application will be carried to August 21, 2012, thank you. Mr. and Mrs. Creighton.

CREIGHTON: Actually I am Mr. Creighton and this is Linda Menze, my architect.

VON DER LIETH: Oh, okay, how are you? So, do we, I am sorry, I was under the impression that we having revised maps for tonight. We don't have them?

CREIGHTON: We went back and looked. The Board has made recommendations at the last meeting. There were a couple of actions that came out of the meeting. One was to improve the height on the drawing and that was done and it is on the drawing here that we will present. The other was to look at a couple of alternatives, for the design, which were to, one, bring the design in potentially from the existing, from how far out the existing garage was, and to reduce the side standoff for the second level, actually, I am sorry, increase the side standoff for the second level.

The other was to look at alternatives for the roof line, to minimize and soften that side. We did look at that, and Linda has some drawings here to present. However, we are presenting the original drawings, which was for a, it includes a side variance, which was the 7.7 feet, as well the minimum side, as well as the maximum dwelling width, which is to the level of the existing garage and she will speak to the architectural reasons for that and how that best utilizes the existing structure, and really from an architectural appearance perspective, is the best alternative for that structure.

VON DER LIETH: Okay.

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?

MENZE: I do.

RUPP: Please state your name, spell your last name and give your address?

MENZE: Linda Del Nobile Menze. Del Nobile Menze, address, 299 Park Avenue, Park Ridge.

VON DER LIETH: Thank you. Can you do me a favor, just for some Board members that weren't here last time, just as you are going through, just let us know what you are changing. I know that you are going to do that right now, but what the points of contention were?

MENZE: I can go through those. My understanding and there was a letter that we got, also. I was not here. But, my understanding was that there was an issue with the height. Clarification of the existing height of the home, both the average as well as the maximum, I guess on that side. Then this whole idea of bringing the addition in.

VON DER LEITH: Before we go on, just do me a favor and grab that mic, and bring it over.

RUPP: Can you just go over your qualifications?

MENZE: Yes, licensed Architect, in the state of New Jersey.

RUPP: Have you ever testified before any Boards before?

MENZE: Yes, I have been here before.

VON DER LIETH: Thank you. Go on. I am sorry.

CREIGHTON: Just a quick clarification of the discussion as well, that happened before. The garage structure on the drawing is an existing structure and it was confirmed at the last meeting, that it is a legal structure, that is existing on the property. That is what this addition is on top of that. We are trying to work within that legal structure.

MENZE: So, actually, what I did, when Bob had come back to me with those comments, was, to do a couple of studies, so that I could illustrate what it would look like if we did those particular things that you had suggested.

So, what I have done here, is, I have 3 different drawings. The bottom one shows if we go in 8 feet, on the top, we already have the bottom at the 7.7, so, if we go in, we can see a little bit of roof. Then the second one is if we went to 10 feet on the setback, over there, and look at a little bit more roof. Then, the third one was the idea of changing the roof line to soften the roof, which is with a hip roof, which can work at times, but in this application, it really doesn't blend with the existing house.

I really think that when you look on the side, I have the 2 side views, you really have the same look on the side. You really not accomplishing much because down below you have this already encroaching. So, I thought that when you look at all of these elevations, that you see that the room that blends with the existing house, and the one that looks the nicest, is the one that I had drawn, and the one that we had submitted. So, that is why I did not resubmit for that.

I also wanted to point out that the issue of what you were actually just talking about, the whole streetscape issue and all of that. Because of the size of this dwelling it is that the property that is next door to them, which is on the corner of Park and Ellin, is a

corner property and there is quite a distance between their house and the house, it is actually a detached garage next door. There is a lot of trees. Really there is nothing there. I think that you have photographs that were submitted, that shows that. So, from the street, this does not look like it is too large for the property. It is also not, most of the houses in this area are larger than this, because they are 2-story colonials.

As far as the height, that was the other thing. 22 feet 5 inches is the height, the overall height to the highest point, the ridge point, which is far lower than what the allowed is. As far as the average, the average is about 20 foot 2 inches. That is what we have for the average. It does slope down over here. The only reason that this is here, is because we are going over what is existing.

VON DER LIETH: I was looking at the picture. I am sorry, what was the width to the property line? How many feet to the property line?

MENZE: It is 7.7.

BOGART: Can you go back to the 3 areas.

VON DER LIETH: Yes, please.

MENZE: Yes.

BOGART: These are elevations or .....

MENZE: These are 3 different front elevations.

BOGART: The bottom one is 8 feet?

MENZE: This one is going just 8 feet in from the property line. So, it is less.

BOGART: Can you just explain to the Board and to myself, why the width of the roof looks so little if you are going in 8 feet.

MENZE: No, I am going in 8 feet from the property line. We are already at 7.7.

BOGART: That is only a one foot reduction?

MENZE: Yes.

BOGART: Okay, that makes more sense, a half of a foot. So, the middle one is...

MENZE: Going with a 10 foot setback line. So that is going a little bit further and then, yes. Then this one has the....

VON DER LIETH: So the second one is a 10 foot setback from the property line.

MENZE: Yes.

BOGART: But from the existing structure, it is only about 2 ½ feet?

MENZE: Yes.

BOGART: And the top one is setback how many feet from the existing one?

MENZE: A 10 foot setback plus then the hip end, which looks odd. I think that all of these look a little strange, having a hip roof on the end. What it looks like is .....

BOGART: I was just trying to understand why when you said 8 feet, why there is only a small sliver.

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MENZE: Yes, that is why.

RAMAN: Do you have copies of those drawings that you could pass around?

MENZE: This drawing here? I don't but I can take it right off of here if you want me to.

RAMAN: Yes, if you could.

RUPP: We probably should have that marked in any event.

WALKER: Item 13 is 3 front elevations dated 6/02/2012.

VON DER LIETH: Mr. Creighton, you can see, right. The reason why we had you come back and why we wanted to see revised plans, was because of that small width to the property line. Then, I know that there is a garage there, but the massive upshoot, from, I am just telling you, I am just saying.....

RAMAN: Both of the A's were to the previous proposed, correct?

MENZE: No, no, I am saying that this is the building design.

RAMAN: So, could you explain it, I am sorry, now that I am looking at it closer, what is the difference between alternate A, and what you are proposing?

MENZE: The second floor or the addition area, that is going over the existing garage, is going in further. So, you are getting a slight little roof line. Do you see the ends there?

SANDLER: This one is directly in line with the existing structure, and you say it is 7.7 feet off of the property line?

MENZE: Going straight up, yes.

SANDLER: That one brought it to 8 feet off of the property line, which was discussed last week. That requires a 6 inch roof cap, which is right here.

MENZE: That is what makes it look odd.

VON DER LIETH: Sid, do you have any questions? You don't need it anymore?

BOGART: I just have one other question. The top option with the hip roof, that actually complies with the 18 foot required side yard?

MENZE: No, that just softens the side yard.

BOGART: That proposed façade, how far off of the side yard setback?

MENZE: 10 feet.

BOGART: Oh, it is still 10 feet. So, in order to comply with the side yard setback, how much further would you have to go in?

MENZE: 8 more.

CREIGHTON: It would be 8 feet off of what we have now.

MENZE: But, it would look odd.

VON DER LIETH: I agree.

RAMAN: The only variance being sought is the 7.7?

CREIGHTON: There is actually 2, for the existing 7.7 on the side and there is also a maximum dwelling width. It is staying the same as existing.

RAMAN: It is just getting squared off? How much is that off by?

CREIGHTON: The maximum dwelling width is required to be 65.2 and it is 72.7, so it off by approximately 7 feet.

MENZE: If we were to conform, it would be something like that.

RAMAN: To be 18 feet off of the side yard.

MENZE: Right, it would be something like that on the top.

RUPP: You would have to come in 10 feet, to comply. So, explain to me why that is impossible. Tell me why?

MENZE: It is not impossible. We are talking about architecturally pleasing. Pleasing to the neighborhood. You know, it is going to look nicer to not have to cut that off, plus, we also, I am not sure if we could fit what we had in that. But the main thing.....

RUPP: Yes, you might not be able to fit what you want, but is it...?

MENZE: Well it is already there. This really is just keeping right in line with the existing house.

RUPP: Right, but my point is, if you brought it back so that it meets the side yard, then, essentially you would have a house with what appears to be an extended area on the first floor, with a garage, which is what you have now.

MENZE: No, because what you would have, it would come to here, so it would look really weird. It would be right like in the middle, not even to the clearance of the back door. Somewhere around here.

RUPP: Well you could bring it to the door, too.

MENZE: So I could bring it back further, is what you are saying.

RUPP: What I am saying is if it is a matter of aesthetics, the answer is—look, I am just trying to play devils advocate, here in terms of trying to establish the criteria for a hardship. Just having an addition, because you want an addition, is not a hardship.

CREIGHTON: The way that the house is laid out currently, there is only one full bathroom on the second level there. We do have 3 bedrooms, one of which is the master bedroom, and 2 very small bedrooms. Our family is expanding, so we are requiring extra bedroom space, as well as an additional full bathroom. So, from a hardship perspective, that is, we are trying to obtain those additional area, while still working with the architecture.

RAMAN: But the hardship is not for yourself. It is for the property or the building, that is the hardship.

CREIGHTON: Right, and this is the hardship of creating that addition and then still working within the architecture of the dwelling.

VON DER LIETH: Do you see how difficult this is, Mr. Creighton? I mean I am repeating myself, but you are already nonconforming, which is not your problem, with the garage. However, you are shooting up like a volcano, on that nonconforming part. Again, not the nonconforming part, not your problem, however, you are expanding on a nonconforming high, with such a small, with the lot width, it is a big deal. If we were

talking about another 20 feet to the side, obviously we wouldn't be having this conversation, but it is so visually overwhelming.

MENZE: It might be visually overwhelming, what you are seeing here, but I don't think that in reality it will be.

VON DER LIETH: What hurts it, because there is that existing, you know if you look at the house to the right, you don't know how far that their garage, they built over the garage, correct? We are looking at that picture.

CREIGHTON: Is that the house to the left, or . . . . The house to the left, they have a 2-car detached garage, that is not built over. They are actually on the corner of Park and Ellin. Their front door is actually on Park Avenue. They have a driveway that comes up, but they have a 2-car detached garage at the end of that driveway.

The one to the right, is existing.

VON DER LIETH: I am talking about the one to the right, the right of the house, the first picture.

CREIGHTON: The one to the right of the house, they have a single car garage and the house is over that single car garage. I believe that was the original. I am not sure that has ever been added.

VON DER LIETH: But what I am getting at, you know, there is no delineation right there of here is my property line and there is a house. It is pretty wide open to your house. Whereas, you are going right up against, it is almost making it look like a cityscape.

MENZE: That is a rear yard, remember.

CREIGHTON: His detached garage is actually set back further than our garage. The 2 don't actually line up. So, they are not right next to each other.

MENZE: I don't think that it could ever be, because it is a rear yard. A rear yard has to have what, 45 feet. So, you have quite a distance. I don't think that from the perspective of what you are seeing out there, it is overpowering. It really isn't that.

RAMAN: Mr. Rupp, isn't this the same as that earlier case, where . . . . legally we have the same criteria to apply, correct?

RUPP: That is correct. In all of these cases, the criteria is always the same.

RAMAN: What I am saying, these 2 cases in particular, they are exactly the same criteria, which is that there is an existing nonconforming use, but there is no reason to say that in itself is a hardship.

RUPP: They are increasing the degree of nonconformity, not by coming further out, but by, in other words, when you look at this application, right, the proofs probably required are the same as, lets assume there was nothing on the bottom floor and they are seeking a variance to put what is essentially a 2-story structure within 8 feet of the property line. That is essentially what the issue here is. The fact that they have a 1-story garage, let me give you another example. Lets say 15 years ago, someone came in and sought a variance to permit a 1-story garage, with the argument that sure it is within 8 feet of the sideline, but it is only one story. Therefore, it will have a limited visual impact. Then a variance is granted and then now they come in and say, well we want to build something over it, cause after all, we have it on the bottom already. That is kind of what the issue is.

In this case I am not sure how long the nonconformity was there, or the circumstances for it.

RAMAN: But again, the width and the lot line, they can both be solved with one change, which is to bring that room smaller.

CREIGHTON: Which would impact the architectural structure.

MENZE: Yes, I think that is detrimental. Then you are saying that doing that is detrimental to the neighborhood, in my opinion. It benefits everybody for to look like this and not for it to be pushed back.

VON DER LIETH: Do you know what the problem was with that, though. Believe me, it looks good. But the reason why we had you guys come back with revised plans, was because of that being too much.

MENZE: I don't see where those other drawings, by cutting it back...

VON DER LIETH: No, I thought you were going to come back with something on the second floor, the addition, that was going to be within the side yard setback parameters.

MENZE: That was not my understanding of bring it all the way into the 18 feet. From what I understood, there was .....

VON DER LIETH: Or something close to it. I didn't mean to say exact.

MENZE: That is what I showed you on there. The 8 feet and the 10 feet if we brought it a little bit further. I mean we certainly could bring it in to 8 feet or 10 feet on one of those designs. I wouldn't do the hip at all, because the hip just doesn't go with it.

If you wanted to bring it in a couple of feet, I don't think that is accomplishing anything. If that is what the Board wants, bring it in 2 feet, I just think that this looks much better than to bring it in 2 feet.

VON DER LIETH: So, in order not to have a variance, like you wouldn't ever come before us if you were putting an addition in that was, how many feet would it be from the structure right now?

MENZE: 10 feet in.

VON DER LIETH: 10 feet out.

RAMAN: Have you explored going back where you don't have variance problems, to regain the space?

MENZE: Well, going back, then we are really, you know, redoing a lot of the house. We just really wanted to add on to the side. Then we are adding on floor area. I don't know whether my floor area ratio would go up, because then I have 2 stories in the back. I don't know, I think we would go over in floor area ratio.

VON DER LIETH: Are there any more questions? None? Does anyone else have any questions? Okay, we will discuss the matter tonight. You can talk to Mrs. Beer in the morning. Okay, I appreciate it. Thank you.

WALKER: Excuse me, you already have a floor area ratio problem which no one has discussed. Even at the testimony, it says that you are going to be 22.4, where the required is 22.

CREIGHTON: Are you looking at the R-20 survey? Right, the R-15 is the last survey that was presented last month. It shows the R-15 indications, and the requirement for an R-15, is 25 and we are at 22.4.

MENZE: So, if we went to the back, it would have to be 2 stories, and it would go over on the floor area ratio.

VON DER LIETH: Yes, we are going to vote on this tonight.

BEER: You don't vote on it. You are going to authorize the attorney to make a decision.

RUPP: Yes, the Board does not generally do memorializing resolutions. So, what they usually do is they take a poll and then they instruct me on what type of resolution to draft.

VON DER LIETH: But we have to discuss it. Okay, thank you. Lets start with some of the resolutions that we have for this evening.

**NEW CASES:**

There are no new cases.

<b>CASE:</b> 12-01 Block: 1911 Lot: 1	Application of <b><u>Kevin Guarderas</u></b> , 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, 2012, May 15, 2012 and June 19, 2012 and closed. Determination forthcoming this evening.
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**WHEREAS, KEVIN GUARDERAS** (hereinafter referred to as "Applicant"), being the owner of premises known as 134 Morningside Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 1 of Block 1911 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 variance for bulk floor area for the expansion of a one family residential building and a soil movement permit; and

WHEREAS, the premises are located in an R-10 Residential Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on January 17, 2012, April 17, 2012, May 15, 2012, and June 19, 2012; and

WHEREAS, the BOARD has received the exhibits and documents with respect to this application as more particularly set forth on the list attached hereto and made part hereof; and

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 134 Morningside Avenue in the Borough of Park Ridge, a lot containing 25, 596 square feet, measuring approximately 125.01 feet by 204.77 feet, located within the R-10 Residential Zoning District.
2. Applicant has applied for a variance from the bulk floor area limitations to permit the construction of a new one family residence.
3. Within the R-10 One Family Residential Zoning District, the minimum building lot is 10,000 square feet, with a minimum lot width of 85 feet and a minimum lot

depth of 120 feet. The maximum Floor Area Ratio, (FAR) is 30%, with a maximum floor area of 3,333 square feet.

4. The premises are currently used as a one-family residential use. The existing structure has a front yard setback of 30.9' (25' required), a rear yard setback of 137.6' (35' required), and a side yard setback of 42.5' (15' required). The existing building coverage is 5.3% (maximum of 20% permitted), the existing Floor Area Ratio is 13.9% with a floor area of approximately 1,356 square feet, (maximum 30% permitted with a maximum of 3,333 square feet) and the existing impervious surface coverage is 13.9% (Maximum of 40% permitted).
5. The Applicant initially proposed a structure with an attached three car garage, having a front yard setback of 25', a side yard setback of 16' with a combined side yard of 46.6', a rear yard setback of 84.1', impervious surface coverage of 32.5%, building coverage of 18.7%, a floor area ratio of 27.34% and a bulk floor area of 6,998 square feet and required, in addition to a variance from the maximum bulk floor area, a variance from the 5' side yard setback for driveways and a variance to permit two driveway curb cuts. The Applicant thereafter revised its application to eliminate the second driveway curb cut, relocate the driveway at least 5' from the side lot line, reduce the floor area of the principal structure to 5,367 square feet (F.A.R. 20.3%) and add a 700 square foot, 3-car garage, attached via a roofed breezeway. Upon being advised that the attachment of the garage by a covered breezeway would require the inclusion of the garage in the floor area calculations, the Applicant again revised its application to eliminate the breezeway and to reduce the floor area to 4,751 square feet (F.A.R. 18.57%), inclusive of an attached 2-car garage (450 square feet).
6. The Applicant submitted its final revision for consideration at the June 19, 2012 meeting of the BOARD. The final plans further reduced the bulk floor area to 4,700 square feet (F.A.R. 18.37%), inclusive of an attached 450 foot 2-car garage. The front yard setback was increased to 45'. The side yard setback is 16.6' with a combined side yard setback of 59.6'. The rear yard setback is 94.0'. The impervious surface coverage was reduced to 30.1%. The building coverage was reduced to 12.3%. The Applicant further proposed to install a planting buffer along a berm on the easterly side of the lot all the way to the rear property line so as to screen the proposed building from the properties to the east of the subject property.
7. The final revised plans comply with the F.A.R. aspects of the limitations in floor area but exceed the maximum bulk floor area limitations of 3,333 square feet in the R-10 zone. The plans comply with the zoning requirements of the R-10 Zone in all other aspects. By reason of the foregoing, the BOARD finds that the Applicant requires a "C" variance only from the maximum bulk floor area limitations.
8. Although located in the R-10 Single Family Residential Zoning District, characterized by 10,000 square foot lots, the subject premises has a lot area of 25,586.37 square feet, more than 2 ½ times the required lot size in the district. Immediately behind the subject premises is the R-15 Zoning District characterized by 15,000 square foot lots. Across the street, and one block to the east is the R-20 Zoning District characterized by 20,000 square foot lots. The floor area limitations within the R-15 Zoning District provide for an F.A.R. of 25% up to a maximum of 4,250 square feet. The floor area limitations within the R-20 Zoning District provide for an F.A.R. of 22% up to a maximum of 4,800 square feet.
9. The Master Plan provides that the goal of the FAR limitations is "to emphasize the importance of the preservation of natural resources, encourage development of new and renovated dwellings that are compatible with existing neighborhood character, establish the appropriate building scale, form and mass and create a proper setback relationship to the street and to the adjacent dwellings."

10. The Applicant submitted an analysis of building floor area (excluding garage floor area) and lot size within the vicinity of the subject premises as testified to by Applicant's Planner, Mr. Karlebach. He testified that the average F.A.R., excluding garages was 16.3%, compared to the subject at 16.6%. He estimated that the average F.A.R., including garages, was 18.1%, compared to the subject 18.37%. He also testified to comparably sized homes in the vicinity, including 4 John Court at 5,293 square feet and 5 John Court at 4,414 square feet. The Planner further testified that an aerial view of the vicinity illustrated that the proposed building's footprint (building coverage) does not exceed the average footprint within the vicinity.
11. By reason of the foregoing, the BOARD finds that the proposed construction is consistent with scale, character and architecture of the neighborhood. Moreover, the proposed floor area of the proposed building (4,700 square feet) is less than the floor area (4,800 square feet) which would otherwise be permitted on a comparable size lot within the R-20 Zoning District.
12. By reason of the foregoing, the Board finds that the purposes of the Municipal Land Use Act to guide the appropriate use or development of all lands, to provide adequate light, air and open space, and to promote a desirable visual environment would be advanced by the granting of a variance from the bulk floor area limitations pursuant to N.J.S.A. 40:55D-70(c)2. In addition, the BOARD finds that the construction of a single one family residence upon the oversized lot in compliance with the bulk limitations for similar sized lots is a better zoning alternative than the subdivision of the subject premises and the construction of two single family residences in conformity with the bulk limitations within the R-10 zone (which would result in a larger combined building bulk).
13. Moreover, by reason of the substantially larger lot size of the subject premises (25,586 square feet as compared to 10,000 square feet required), the larger lot frontage (125.01' as compared to 75' required), the larger lot depth (204.77 as compared to 120' required), the BOARD finds that the strict application of the Zoning Ordinance as to the bulk floor area limitation (3,333 square feet) permitted within the R-10 Zoning District would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the Applicant pursuant to N.J.S.A. 40:55D-70(c)(1) by precluding the Applicant from constructing a home more in scale with the subject property.
14. The BOARD further finds that by reason of the proposed increased front yard setback (45' as compared to 25' required), the proposed rear yard setback of 94.0 as compared to 35' required, the proposed combined side yards of 59.6' as compared to 30' required (15' on each side), and the installation of a landscaped berm, the aesthetic benefits from the proposed construction outweigh any negative impact from the granting of a variance from the bulk floor area limitations in the R-10 Zoning District pursuant to N.J.S.A. 40:55D-70(c)(2) and that the variance can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
15. The Applicant further applied for a soil movement permit based on an estimate of 1,454 cubic yards of soil movement on the site and an estimate of 170 cubic yards of soil exported from the site.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70(c) the BOARD does hereby grant the Applicant's requested variance from the bulk floor area limitations in the R-10 zoning district as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD subject to the submission of a landscape plan to the BOARD'S Planner, for her approval, containing a 3-4' berm along the eastern side of the property, ornamental trees on top of the berm and evergreen plantings for screening, and be it further

RESOLVED that the BOARD hereby grants Applicant's request for soil moving permit to permit the movement of soil on and from the site, subject to the following conditions:

- A. That the Applicant not remove any soil from the site without first submitting to the Board Engineer and to the Borough Police Chief a written plan detailing the manner in which soil will be removed from the site, the destination of all soil to be removed from the site, the dates of removal, the times when soil would be removed from the site and the routes to be taken by vehicles removing the soil. No soil shall be removed from the site unless and until the Applicant receives approval from the Board Engineer and the Police Chief for the Borough of Park Ridge with respect to said plan.
- B. Applicant shall also comply with any and all conditions or requirements imposed by the BOARD Engineer with respect to erosion control, truck cleaning, or any other soil movement requirements the Board Engineer may deem necessary. These requirements may include specific conditions with regard to the maintenance of the vehicle tracking pad or Geomat on the site and with respect to the cleaning of Borough streets, if required by the Board Engineer. Applicant shall also be required to install silt fences or other erosion control practices, including hay-bales (if so requested by the Board Engineer) to prevent the spillage of soil from the site in the event of severe rainfall.
- C. Applicant shall also remove soil from the site in trucks filled to such weight as is deemed appropriate after consultation with the Board Engineer. If the Board Engineer determines that delivery vehicles should not be filled to capacity so as to minimize the possibility of damage to Borough streets, Applicant shall comply with said requests. In the event Applicant causes any damage to the street, Applicant shall provide repairs to same or compensate the Borough for the costs of any repairs.
- D. Applicant shall remove no more soil from the site than described on the plans submitted or during the soil movement hearing. In the event Applicant requires the removal of additional soil, Applicant shall return to the BOARD for subsequent hearings.
- E. Applicant shall specifically comply with all soil movement and soil control requirements set forth on the plans reviewed by the Borough Engineer and described at the aforementioned hearing.

#### GUARDERAS EXHIBITS

- 1 Application – 12/18/11
- 2 & 2a Certification of services – 12/29/11 and 1/3/12
- 3 Legal Notice – 1/6/12
- 4 Payment of Taxes – 12/27/11
- 5 Deed – 2/2/02
- 6 Survey –
- 7 Plot Plan
- 8 Site Plan – 12/22/11
- 9 Photographs – 9 photos – Undated
- 10 Soil Application
- 11 Seepage Pit Calculations – 12/26/11
- 12 Board Secretary transmittal by email – 1/17/12
- 13 Postponement and extension of time letter – 1/17/12
- 14 Revised Drainage Calculations – 2/6/12
- 15 Revised Legal Notice – 2/10/12
- 16 Revised Application – 2/7/12
- 17 Certification of services – 2/9/12
- 18 Planner Review – 3/15/12

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- 19 Board Secretary letter 3/15/12
- 20 Board Secretary letter 3/20/12
- 21 Revised Seepage Calculations – 4/5/12
- 22 Revised Plot Plan – 4/5/12
- 23 Planner Review – 4/16/12
- 24 Board Secretary letter 4/13/12
- 25 Revised Maps – 5/4/12
- 01-6 Undated photos
- 26 Planner Review
- 27 B.S.I. – 5/21/12
- 28 Revised Plan and Seepage – 5/31/12
- 29 Planner Review – 6/15/12
- 30 Engineer Review – 6/18/12
- 31 Aerial Photo of Premises in Question – 6/19/12
- 32 Certification of Reading 4/17/12 Transcript by Robert Brennan
- 33 Spreadsheet of F.A.R.'s in area
- 34 Mr. Kiersting's Home
- 35 Certification of Reading March 30, 2012 Transcript by Robert Brennan

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

**ROLL CALL:**

**Ayes:** Mr. Sigillito, Mr. Walker, Mr. Capilli, Mr. Hoskins, Mr. Raman

**Nay:** Mr. Sandler

**Abstain:** Dr. von der Lieth

<b>CASE:</b> 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 continued June 19, 2012. Determination forthcoming this evening.
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VON DER LIETH: Mr. Rupp handed this out tonight, we have to discuss this.

RUPP: I had prepared an initial draft of this resolution and furnished copies to Ms. Mancuso and Ms. Bogart, and Ms. Bogart initially got back to me with a request that I add a provision, which I did, which is found in paragraph H, on page 8. That was added.

Yesterday, I am not quite sure when, but it was late yesterday, I got another comment. This one was from Ms. Mancuso, who had requested that in lieu of the provision that says the first floor elevation could not be more than 5 feet. Ms. Mancuso requested that be 4.33 feet, which is presumably based upon the plans, I guess.

BOGART: Essentially I was just giving them so wriggle room and Eve said no.

VON DER LIETH: So, we have to all agree on that the resolution.....

RUPP: You have all have copies now, of the resolution except for page 8, is the same, and then you make a choice whether it is 5 or 4.3. Ms. Mancuso requested 4.33 because that is what the plans showed.

MANCUSO: If you recall that he came in with a building that was approximately a foot higher, that we made him redesign to lower. Why should we let him go back up again?

VON DER LIETH: Absolutely, good. Lets note for the record that it will be in the resolution 4.3. Everyone is okay with that. We have a resolution in the affirmative.

**WHEREAS, RAYMOND JANOVIC**, (hereinafter referred to as “Applicant”), being the contract purchaser of premises shown as Lot 11 in Block 1202 on the Tax Assessment Map for the Borough of Park Ridge, located along Leroy Place, a 12 foot wide private right of way in the Borough of Park Ridge, County of Bergen and State of New Jersey, applied to the ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE (hereinafter referred to as “BOARD”), pursuant to N.J.S.A. 40:55D-36, seeking a permit to allow the construction of a single family residential dwelling upon a lot not located upon a public street and for variances from the minimum street frontage and minimum lot depth requirements of the Zoning Ordinance; and

WHEREAS, the premises are located in an R-10 Residential Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on May 15, 2012 and June 19, 2012; and

WHEREAS, the BOARD has received the exhibits and documents with respect to this application as more particularly set forth on the list attached hereto and made part hereof; and

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 contract purchaser of a vacant lot located along Leroy Place, a 12 foot private right of way in the Borough of Park Ridge, containing 14,143 square feet, having a lot width of 142.59 feet and a lot depth of 9929 feet.
2. Pursuant to N.J.S.A. 40:55D-36, the Applicant has applied to the BOARD for a permit to allow the construction of a single family residential dwelling upon a lot not located upon a public street and for variances from the minimum street frontage and minimum lot depth requirements of the Zoning Ordinance.
3. Within the R-10 One Family Residential Zoning District, the minimum lot size is 10,000 square feet, the required front yard setback is 25 feet and the required side yard setback is 15 feet. The minimum lot width is 85 feet, the minimum street frontage is 75 feet and the minimum lot depth is 120 feet.
4. The lot complies with the minimum lot size and minimum lot width but does not comply with the minimum lot depth requirement nor with the minimum street frontage requirements since the lot does not front on a public street.
5. The Applicant has submitted revised plans for two story single family residential dwelling having a front yard setback of 25.5 (25' required), a side yard setback of 33.0' (15' required), a rear yard setback of 38.8' (35' required), a dwelling width of 46.54% of lot width (maximum of 65% of lot width permitted), a building height of 31.78' (maximum of 32 feet permitted), a building coverage of 13.70% of the lot (a maximum of 40% of lot permitted), a building floor area of 3,331 square feet. (a maximum of 3,333 square feet permitted) and a floor area ratio of 23.55% of the lot (a maximum of 30% of lot permitted).
6. N.J.S.A. 40:55D-35 provides, in part, that “no permit for the erection of any building... shall be issued unless the lot abuts a street giving access to such proposed building...” N.J.S.A. 40:55D-36 provides that where enforcement of the foregoing “would entail practical difficulty or unnecessary hardship... the BOARD OF ADJUSTMENT may... vary the application (thereof)... and direct the

issuance of a permit subject to conditions that will provide adequate access for firefighting equipment, ambulances and other emergency equipment...”

7. The subject property lies along a private right-of-way as described in a deed dated June 22 1945, and recorded in the office of the Bergen County Clerk on July 9, 1945, in Deed Book 2540 beginning at page 369, commonly known as Leroy Place, being approximately 12 feet wide and providing access to the subject premises from Pascack Road “to be used for the uses and purposes as such by the owners of land abutting the same, their heirs or assigns or their agents, servants or employees and for no other purpose, and not as a public road.” Leroy Place extends to the foot of 6<sup>th</sup> Avenue where there is a curb blocking vehicular access but which would allow emergency vehicle access if required.
8. In addition to the subject premises, the private road services lots 10, 12, 13, and 14 in Block 1202, which are currently improved.
9. The Fire Prevention Bureau of the Borough of Park Ridge did not object to the within application but requested that overhanging trees be cut back for the fire truck access. The Fire Department concurred with the additional request that a fire hydrant be added on Leroy Place.
10. The Water Department of the Borough of Park Ridge required that a one-inch copper line be installed from the main on Pascack Road (a distance of approx. 300-400 feet) to the proposed new house.
11. Subject to the conditions herein set forth, the BOARD finds that the private road provides adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety. The BOARD further finds that there is an existing accessible fire hydrant less than 200 feet from the subject property located near where Leroy Place dead ends into the foot of 6<sup>th</sup> Avenue and that, by reason thereof, the installation of a fire hydrant on Leroy Place is not required.
12. The BOARD finds that the denial of a permit to allow the construction of a single family residence upon the subject property by reason that such lot fronts on a private road rather than a public street would render the subject property unusable and that enforcement of the requirements of N.J.S.A. 40:55D-35 would entail practical or unnecessary hardship upon the applicant.
13. Moreover, the BOARD finds that by reason of the location of the subject lot, and the existing depth thereof, the street application of the Zoning Ordinance to preclude the construction of a single family residence meeting all of the zoning requirements with the exception of lot depth and street frontage would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the applicant.
14. Furthermore, by reason of the proposed structure meeting all of the setback requirements, that other improved lots along the south side of Leroy Place and 6<sup>th</sup> Avenue have a similar lot depth to the subject property, the fact that Leroy Place provides the sole means of access to a number of other existing residences, and that Leroy place provides adequate access for firefighting, ambulance, police and other emergency vehicles, the BOARD finds that a decision to grant a variance to allow the construction of a single family residential dwelling upon a lot not located upon a public street and for variances from the minimum street frontage and minimum lot depth requirements of the Zoning Ordinance 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, subject to the conditions herein contained.
15. The BOARD’S Planner and the BOARD’S Engineer have reviewed the application and have set forth certain recommendations respecting tree protection, building height, soil movement, soil investigation and percolation tests, erosion

control measures and soil conservation, as more particularly set forth in the report dated June 18, 2012, from Eve Mancuso, P.E. of Brooker Engineering, PLLC and the report dated May 9, 2012 from Brigitte Bogart, PP, formerly with Burgis Associates, Inc., which recommendations are hereby incorporated herein by reference.

16. The Applicant has submitted revised estimates with respect to soil movement calculations indicating a total soil movement of 469 cubic yards, consisting of 66 cubic yards of fill and 403 cubic yards of export.

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-36 and 40:55D-70(c), the BOARD does hereby grant the Applicant's requested variances to allow the construction of a single family residential dwelling upon a lot not located upon a public street and for variances from the minimum street frontage and minimum lot depth requirements of the Zoning Ordinance as more particularly set forth in this resolution and as shown on the revised plans submitted to the BOARD, subject to the following conditions:

- A. The Applicant shall mark in the field all trees to be removed. All trees to remain shall be specifically marked and protected with construction fencing during construction.
- B. Soil investigation and percolation test results shall be submitted to the BOARD Engineer at the time of construction but prior to the installation of the seepage pit to confirm the suitability of the soil in the specific proposed location of the seepage pits and to verify any assumptions in the drainage report submitted by the Applicant's Engineer, Richard L. Eichenlaub, P.E.
- C. Architectural plans must be submitted to confirm the height of the structure. If during the design stages it is determined that additional variance(s) are required, the Applicant shall be required to submit the appropriate applications before the BOARD.
- D. The Applicant shall obtain Bergen County Soil Conservation District Certification, if required.
- E. Applicant shall comply with the requirements of the Borough of Park Ridge Water Department, including specifically:
  - 1 The installation of a one (1') K copper line from the Main on Pascack Road to the proposed new house.
  - 2 Ball valves must be installed on either side of the meter. The meter shall be provided by the water utility.
  - 3 If the Applicant proposes on using pex piping for inside the house, copper must be run from the meter to the ceiling of the basement wall. Copper must be attached to the wall with brass straps.
  - 4 If, during surveys and excavation the site, any utilities are found, the Applicant must disconnect those services as per utility specifications prior to the issuance of a Certificate of Occupancy.
  - 5 Sewer line installation must meet all building code requirements;
- F. The Applicant shall cut back overhead tree branches and limbs as determined necessary by the Fire Department of the Borough of Park Ridge to provide safe and unimpeded access along Leroy Place for

firefighting equipment, ambulances and other emergency vehicles prior to the issuance of a Certificate of Occupancy.

- G. The Applicant shall comply with the applicable requirements of the Uniform Construction Code.
- H. The Applicant shall comply with the revised elevations, grading of the site and the location of the structure and improvements upon the site as shown on the latest revised plans submitted to the BOARD for its approval. Without limiting the foregoing, under no circumstances shall the first floor of the dwelling be located greater than 4.33 feet above the elevation of the roadway of Leroy Place immediately adjacent to the subject premises; and BE IT FURTHER RESOLVED that the BOARD hereby grants Applicant's request for a soil moving permit to permit the movement of soil on and from the site, subject to the following conditions:
- A. That the Applicant not remove any soil from the site without first submitting to the Board Engineer and to the Borough Police Chief a written plan detailing the manner in which soil will be removed from the site, the destination of all soil to be removed from the site, the dates of removal, the times when soil would be removed from the site and the routes to be taken by vehicles removing the soil. No soil shall be removed from the site unless and until the Applicant receives approval from the Board Engineer and the Police and the Police Chief for the Borough of Park Ridge with respect to said plan.
- B. Applicant shall also comply with any and all conditions or requirements imposed by the Board Engineer with respect to the erosion control, truck cleaning, or any other soil movement requirements the Board Engineer may deem necessary. These requirements may include specific conditions with regard to the maintenance of the vehicle tracking pad or Geomat on the site and with respect to the cleaning of Borough Streets, if required by Board Engineer. Applicant shall also be required to install silt fences or other erosion control practices, including hay bales (if so requested by the Board Engineer) to prevent the spillage of soil from the site in the event of severe rainfall.
- C. Applicant shall also remove soil from the site in trucks filled to such weight as is deemed appropriate after consultation with the Board Engineer. If the Board Engineer determines that delivery vehicles should not be filled to capacity so as to minimize the possibility of damage to Borough Street, Applicant shall comply with said requests. In the event Applicant causes any damage to the street, Applicant shall provide repairs to same or compensate the Borough for the costs of any repairs.
- D. Applicant shall remove no more soil from the site than described on the plans submitted or during the soil movement hearing. In the event Applicant requires the removal of additional soil, Applicant shall return to the BOARD for subsequent hearings.
- E. Applicant shall specifically comply with all soil movement and soil control requirements set forth on the plans reviewed by the Borough Engineer and described at the aforementioned hearing.

#### JANOVIC EXHIBITS

1. Application – 4/4/12
2. Certification of Services – 5/1/12
3. Legal Notice – 5/4/12
4. Payment of Taxes – 3/15/12
5. Deed – Contract of Sale – 3/17/12
6. Plot Plan – 4/23/12  
Site Plan
7. Elevations – 4/3/12

- Floor Plan  
Photographs
8. Storm Water Runoff – 4/3/12.  
Building Height – 4/3/12  
Soil Movement Calculations – 4/3/12
  9. Soil Moving Application – Undated
  10. Title Insurance – 2/27/12
  11. Water Utility letter – 4/26/12
  12. BSL – 5/2/12
  13. Planner Review – 5/9/12
  14. Engineering Review – 5/9/12
  15. BSL – 6/4/12
  16. Fire Department/Fire Bureau Review – 5/10/12
  17. BSL – 6/4/12
  18. Revised Plan
  19. Revised Stormwater/Bld.Notice/Soil Calculatons – 6/4/12
  20. Engineering Review – 6/18/12

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

**ROLL CALL:**

**Ayes:** Mr. Sandler, Mr. Sigillito, Mr. Walker, Mr. Capilli, Mr. Hoskins,  
Mr. Raman, Dr. von der Lieth

**Abstain:** None

<b>CASE:</b> 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. Hearing held June 19, 2012. Determination forthcoming this evening.
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VON DER LIETH: We have a resolution in the affirmative for this application.

**WHEREAS, EDWARD SWEENEY** (hereinafter referred to as “Applicant”), being the owner of premises known as 23 Cascade Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 2 in Block 1011 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 a second story deck over an existing first floor deck, a second story addition over an existing one story portion of the house and to add a roof and railings to an existing porch; and

WHEREAS, the premises are located in an R-10 Residential Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on June 19, 2012:

WHEREAS, the BOARD has received the exhibits and documents with respect to this application as more particularly set forth on the list attached hereto and made part hereof; and

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 23 Cascade Avenue in the Borough of Park Ridge, containing 6,200 square feet, measuring 62 feet by 100 feet, 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 second story deck on the side of the house, measuring approximately 8.2 feet by 14.4 feet, a second story addition and a roof to an existing front porch.
3. Within the R-10 One Family Residential Zoning District, the minimum lot size is 10,000 square feet, the required front yard setback is 25 feet and the required side yard setback is 15 feet. The existing structure has a side yard setback of 3.7' on the west and the existing deck on the east has a setback of 18.8'. The existing house is set back 20.8 from the front lot line. The existing first floor deck is set back 21.0' from the front lot line. The existing first floor deck is set back 21.0' from the front lot line. The existing porch is set back 15.8' from the front lot line and 5 feet from the westerly side lot line. The proposed second story addition and second story deck extend to within 20.8' and 21.0' respectively, of the front yard. The proposed roof to the existing porch will extend to within 15.8 feet of the front yard and to within 5 feet of the side yard.
4. The proposed additions are 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 of the Master Plan "to promote the continued maintenance and rehabilitation of the Borough's housing stock."
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, in furtherance of the zoning purposes 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 undersized lot, the strict application of the Zoning Ordinance to preclude the proposed addition of the second story deck over an existing one story deck, the second story addition over the existing one story portion of the house and the roof over the existing porch, which would encroach 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 location of the existing structure and the existing encroachments, the BOARD finds that a decision to grant a variance to permit the second story deck, second story addition and a roof and railings on the existing porch will not result in any substantial detriment to the public good nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge.

NOW, THEREFORE BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by 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 construction of the proposed additions as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD.

SWEENEY EXHIBITS

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1. Application – 5/23/12
2. Certification of Service – 6/5/12
3. Legal Notice – 6/8/12
4. Payment of Taxes – 5/24/12
5. Deed – 7/22/12
6. Survey – Existing Conditions – 8/4/12
7. Plot Plan – 4/3/12  
Site Plan  
Elevations  
Floor Plan
8. Photographs – photo – undated

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

**ROLL CALL:**

**Ayes:** Mr. Sandler, Mr. Sigillito, Mr. Walker, Mr. Capilli, Mr. Hoskins,  
Mr. Raman, Dr. von der Lieth

**Abstain:** None

<b>CASE:</b> 12-10 <b>Block:</b> 2303 <b>Lot:</b> 51	Application of <b><i>Jonathan and Danielle Schwartz</i></b> , 10 Tulip Court for rear yard and building coverage variances to construct an addition to existing house in an R-15 residential zone. Hearing held June 19, 2012. Determination forthcoming this evening.
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VON DER LIETH: We have a resolution in the affirmative for this application.

**WHEREAS, JONATHAN AND DANIELLE SCHWARTZ**, (hereinafter referred to as “Applicant”), being the owner of premises known as 10 Tulip Court, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 51 of Block 2303 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 rear yard and a building coverage variance to allow the construction of an attached one story garage, a covered rear porch, and enclosure of the existing open entrance way; 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 held a hearing in connection with the application, upon due notice as required by law, on June 19, 2012;

WHEREAS, the BOARD has received the exhibits and documents with respect to this application as more particularly set forth on the list attached hereto and made part hereof; and

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 10 Tulip Court in the Borough of Park Ridge, containing 12,089 square feet, measuring approximately 120 feet by 100 feet, and currently improved with an existing single family residential structure
2. Applicant has applied for a variance from the rear yard setback and building coverage requirements to allow the construction of an attached one story garage, a covered rear porch, and an enclosure of the existing open entrance way.

3. Within the R-15 One Family Residential Zoning District, the minimum lot size is 15,000 square feet, the required rear yard setback is 45 feet and the maximum building coverage is 20% of the lot area. The existing structure has a rear yard setback of 24.74' and an existing building coverage of 21.60%. The proposed additions will result in a building coverage of 27.33%. The proposed covered porch will extend to within 24.5 feet of the rear lot line.
4. The existing impervious surface coverage is 37.04% and is in excess of the maximum permitted of 34%. As a result of the reconfiguration of the garages and the driveway, the proposed impervious surface coverage is reduced to 34.95% and complies with the impervious surface coverage limitations within the R-15 Zone. The existing floor area ratio is 21.60% (2,611 square feet). The proposed floor area ratio is 24.70% (2,986 square feet) and complies with the maximum floor area ratio of 25 (not to exceed 4,250 square feet) permitted within the R-15 Zone.
5. The BOARD finds that the construction of the additions is consistent with the architecture and scale 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."
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 rear yard setback and the increase in building coverage 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, in furtherance of the zoning purpose to provide adequate light, air and open space, and to promote a desirable visual environment. Moreover, the proposed reconfiguration of the garage and driveway will result in a reduction in the impervious surface coverage. In addition, the rear yard is currently well screened with plantings.
7. Moreover, the BOARD finds that by reason of the location of the existing house and the undersized nature of the lot, the strict application of the Zoning Ordinance to preclude the proposed rear covered porch and the addition of the one story garage and enclosure of the existing open entrance way would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the Applicant.
8. Moreover, by reason of the open nature of the rear covered porch and the landscape screening in the rear yard, the BOARD finds that a decision to grant a variance to permit the rear yard encroachment of the rear covered porch and the additional building coverage will not result in any substantial detriment to the public good nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by 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 rear yard and building coverage requirements to permit construction of the proposed additions as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD.

#### SCHWARTZ EXHIBITS

1. Application – 5/20/12
2. Certification of Service – 6/1/12
3. Legal Notice 6/8/12
4. Payment of Taxes – 5/29/12
5. Deed – 10/14/05
6. Survey – 5/10/12

- Plot Plan
- Site Plan
- 7. Elevations – 5/22/12
- Floor Plan
- 8. Photographs (6) – 6/19/12

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

**ROLL CALL:**

**Ayes:** Mr. Sandler, Mr. Sigillito, Mr. Walker, Mr. Capilli, Mr. Hoskins,  
Dr. von der Lieth

**Abstain:** Mr. Raman

**NEW BUSINESS:**

None

**CORRESPONDENCE:**

None

**APPROVAL OF MINUTES:**

The Chairman entertained a motion that the May 15, 2012, minutes be approved as submitted. So moved by Mr. Hoskins and seconded by Mr. Raman.

WALKER: We have a correction to be made to the minutes. I am listed on the Wittrock application, as having voted for approval. I didn't hear that case, I was noticed. I should be taken off of that one, and made as a recusal.

**ROLL CALL:**

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

**Abstain:** Dr. von der Lieth

**APPROVAL OF VOUCHERS:**

**Brooker Engineering, Inc.**

Kevin Guarderas	\$165.00
Raymond Janovic	660.00*

(\*denotes *insufficient funds* – letter written to \*)

The Chairman entertained a motion that the Board recommend payment of the vouchers to the Mayor and Council, subject to funds, so moved by Mr. Sandler and seconded by Mr. Hoskins.

**ROLL CALL:**

**Ayes:** Mr. Sandler, Mr. Sigillito, Mr. Walker, Mr. Capilli, Mr. Hoskins,  
Mr. Raman, Dr. von der Lieth

**Abstain:** None

**DISCUSSION OF APPLICATIONS:**

The first application to be discussed was for Ashok Idnani. The attorney advised that the case was being carried and therefore didn't not require a vote this evening.

The members then discussed the application of *Robert and Laura Creighton*. The members felt that there is a very large piece of property and perhaps other plans could be tried. They felt that the design was good, but it is too close to the property line. The Planner explained that the house next door does have the garage, but it is only a single car garage. She felt that there is room to pull the encroachment in somewhat.

They didn't feel that there was any hardship as the addition is massive. The dwelling width is the indicator and the addition far exceeds the maximum allowed. The attorney was advised to draw a resolution of denial for the next meeting.

**ADJOURN:**

There being no further business to come before the Board, by motion of Mr. Capilli and seconded by Mr. Walker, the meeting was adjourned at 9:30 pm.

Respectfully Submitted.

Margot Hamlin,  
Transcriber