

****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, August 21, 2012, at 8:00 pm in the Council Chambers of the Municipal Building.

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: Mr. Raman, Mr. Walker, Mr. Hoskins, Mr. Capilli, Mr. Brennan
Absent: Mr. Flaherty, Mr. Sandler, Mr. Sigillito, Dr. von der Lieth
Also Present: William Rupp, Board Attorney
Elena Rega, Assistant Zoning Board Secretary

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:

CASE: 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. Hearing resumed and carried to August 21, 2012 for revised plans.
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CAPILLI: Mr. Rupp, he has been previously sworn in, is that correct?

RUPP: Yes, he has.

CAPILLI: Okay. Mr. Idnani, just we see we have a copy of the revised survey, showing the lot width at a 40 foot setback. What else, any changes, other changes beside that?

IDNANI: No, there were no other changes.

CAPILLI: Has everyone had a chance to look at this? Does anyone have any questions?

HOSKINS: Was there anything drawn on this plan that wasn't on the last time?

IDNANI: The only thing that is there, is it is showing you the setback, the 40 foot setback. The width of the lot is 131.45, or 60% of that is 78.87. The question last time, because it was so close, they wanted it to be confirmed. I don't need a variance for the width. So since that is well over what I had previously submitted, which is 77.16, is what the building was.

It is well below the 78.87, which is 60% of the 131.45.

CAPILLI: Other than that, Mr. Idnani, everything else remains the same, right?

IDNANI: Yes.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of August 21, 2012 – Page 2

RUPP: Mr. Idnani, we briefly discussed these issues at the last meeting. I just wanted to make sure that you understood. Initially, I should comment that you are here for a variance from the provisions of the Zoning Board. In order to qualify for that, the burden is upon you to demonstrate why you should be given these variances.

The statute gives us the criteria for granting those variances. You are here, what is essentially for, what is sometimes referred to as bulk variances. Essentially, you are violating the front yard setback. There are 2 possibilities for making a justification for that. It comes under paragraph C-1 of the statute, which essentially relates to practical difficulties or exceptional hardship relating to some feature of the property.

The second one is the C-2 variance. The C-2 variance indicates that somehow the requested variance furthers the purposes of zoning or the purposes of the master plan. In both cases, there is also a balancing test. You then have to identify and weigh the negative criteria and demonstrate that the variances can be granted without substantially impairing the intent and purpose of the Zone Plan, or Zoning Ordinance.

I am offering this opportunity for you to address those issues.

IDNANI: Thank you. I would be glad to address those. Basically, what I have, and we have discussed a lot of these issues before. I will summarize some things and some things that I didn't say before. I would go under the C-1 or C-2 criteria and explain why we should get the variances.

I have resided at 49 Oak Avenue for almost 30 years. God willing, I will be here for another 30 years. During my entire stay, it has been maintained as a single family dwelling and will continue to be so, as long as I live.

We like Park Ridge, and enjoy where we live. We have twin boys that are starting kindergarten next month, at East Brook. Due to the growing family, and other safety related issues, we need to have more room. Basically, we are proposing to add a portico in the front, and reconfigure and re-purpose the interior space, and add a bedroom on the second floor rear of the house, and a garage.

Currently, when you open the door, you are right at the landing of the staircase, which is a dangerous way to enter the house, particularly with the young kids, with all the energy to jump and run, rather than walk. After seeing the Olympics, the kids are jumping even more. In addition, there is no closet near the entrance, nor is there any entry foyer to speak of.

It is also customary in our culture, to leave shoes near the entrance, for hygienic purposes. There is no room for that either. So, the proposal is to add a foyer with a coat closet, so that when you enter the house, you are not at the stair landing, in the front, with a bench, so one can remove the shoes in a covered porch, open on three sides to protect visitors from the weather while the doorbell is being answered, and it has aesthetic benefits.

I would like to pass some pictures of the neighborhood.

CAPILLI: Mr. Walker would you add these photos to the record?

WALKER: Yes, and I have a couple of other items that haven't been read into the record.

Item 20 is Board secretary letter dated 7/19/2012.

Item 21 is an existing conditions survey dated 7/20/2012.

Item 22 is applicant's letter dated 8/13/2012.

Item 23 will be these photos – 4 photos undated- 2 sets.

CAPILLI: So, Mr. Idnani, these are just photographs from, obviously, I am seeing the addresses on here, which is around your property.

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of August 21, 2012 – Page 3

IDNANI: All of them are in the neighborhood. I think the first one that I gave you, 46 Oak Avenue, is southeast of ours, which is 49. 53 Oak is north of us. 57 Oak Avenue, the bottom one on the right, is north of us, also. 49, of course, is our property, that is picture 4.

The second picture that I gave you has 3 pictures of 3 neighbors. One is 78 Oak, which is north of our property. 82 Oak, which is also north of our property. 47 Oak, which is south of ours.

If you look at the first one if the 4 pictures, all of those neighbors have some sort of entrance, and most of them are, I would say between 25 and 30 feet from the curb. The 3 pictures that you have on the second one, all of those neighbors have a porch and they are anywhere between 15 to 20 feet, except 47 Oak, which is south of us, it doesn't have a porch to speak of. You will notice the garage, it is about 15 feet from the curb.

RAMAN: Excuse me, which one is that again?

IDNANI: 47. This one.

RAMAN: That looks like more than 15 feet.

IDNANI: Maybe 20 feet. That is the neighbor that doesn't have parking space and no garage.

RAMAN: You are claiming that 78 Oak is also only 15 or 20 feet away.

IDNANI: Yes.

RAMAN: Forgive me, but, I am an engineer and I think in distances, when I look at photographs, and looking at the height of the structure and just kind of using that as a guide, it again appears that this is more than 25 feet. You don't have an aerial view of these to substantiate what you are saying, do you?

WALKER: Nor, can we see where the street is. How wide is the street?

IDNANI: The street is right at the flag.

WALKER: How wide is that street again? Is it 25 feet or maybe a little more? Can a car park and one car pass, or two cars park?

IDNANI: Yes, one car can park. Two cars can park on either side and one car can pass.

BRENNAN: We don't know where the property line is, so it could be 25 feet, could be 15, who knows?

IDNANI: It shows up in the picture, but I guess when I got it printed at Staples, it didn't show up.

CAPILLI: Does anybody on the Board have any other questions for Mr. Idnani?

RAMAN: Well, the question that I have is as per what I heard the Attorney say. What special features of this site causes you to have a hardship? Because, actually, it is the crux of how we have to make a decision. Our hands are bound by what we can use as a criteria and I know the features of this site or how this furthers the zoning goals of the Borough itself. So, I didn't hear you specifically address the features of your property, and how that places a hardship.

IDNANI: The printout of the variances relied upon criteria of C-2, which is better planning alternate. It creates, other than the utility in safe in one for us and visitors because you enter the home on a stair landing. For the neighborhood, it provides a tremendous amount of aesthetic benefit. What is being created here, aside from the

Minutes of the Park Ridge Zoning Board of Adjustment
Meeting of August 21, 2012 – Page 4

utility for us, is to create an increase aesthetic benefit for the neighborhood and for the streetscape. The flow while it provides for the utility for us, it also provides a little bit of aesthetic relief and benefit to the façade of the home as well as the portico.

The front yard encroachment at the columns, at the front, is the only part, where the front yard encroachment about, I believe that Mr. Bruno had it there, 20.6 feet. The encroachment is 9 foot. We are only coming out 9 feet. The columns the required is only 5 feet. The columns are 4 foot in front of it. So, that beautifies the house as well as the block.

The portico is open on 3 sides. It is not a massive element on the front façade. We are interesting in creating and improving the home and not creating something that is massive. The benefits definitely outweigh the detriments here, because of the aesthetic benefit.

Just because other homes in the neighborhood don't have a foyer or a porch, doesn't mean it is necessarily bad. This home will not only be greatly improved from a utilitarian standpoint, but also from an aesthetic one. That is my justification.

CAPILLI: Thank you very much. Mr. Ludwig, do you have anything? Okay we will discuss this and you can call the office tomorrow morning.

RUPP: There are 2 things that the Board has to discuss. First of all I am not quite sure that if all of the Board members have heard everything. If not, they may have to read the transcript or listen to the tape.

The Board does not routinely move on resolutions in advance of the actual written resolution. That is permitted under the Land Use Act, but this Board has not routinely done that. So, we do not vote on something and then do a memorializing resolution. The actual decision isn't made formally until a resolution is adopted. The discussion, generally, merely instructs me to prepare some sort of a resolution, but there is actually no Board decision yet. A formal decision isn't voted until the next vote next month.

IDNANI: Also, Mr. Bruno had testified to this fact in his appearance. I just wanted to remind you of that.

CAPILLI: Okay, thank you very much.

IDNANI: Thank you very much. Goodnight.

CASE: 12-09 Block: 2501 Lot: 22	Application of <u>Robert and Laura Creighton</u> , 231 Ellin Drive for side yard variances to construct an addition to an existing home in an R-15 residential zone. Hearing begun June 19, 2012, carried to July 17, 2012 for revised maps. Hearing resumed and closed. Applicant has <u>withdrawn</u> their application.
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CAPILLI: The applicant has withdrawn their application. We will leave it at that.

WALKER: I have an item to add to the record.

Item 14 is a letter of withdrawal from the applicant dated 8/13/2012.

NEW CASES:

No new cases.

NEW BUSINESS:

None

CORRESPONDENCE:

N. J. Planner May-June – distributed

APPROVAL OF MINUTES:

The Chairman entertained a motion that the June 19, 2012 minutes be approved as submitted. So moved by Mr. Walker and seconded by Mr. Brennan. Carried unanimously.

VOUCHERS:

Brooker Engineering, PE	
Raymond Janovic	\$ 82.50*
Kevin Guarderas	82.50*
Brigitte Bogart	
Kevin Guarderas	652.50
Raymond Janovic	181.25

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

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

ROLL CALL:

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

Abstain: None

DISCUSSION OF APPLICATIONS:

The Board discussed the application of ***Ashok Idnani***. The members discussed that the applicant did eliminate one of the laundry rooms as was requested. Other members felt that the granting of the variance would improve the aesthetics of the home for the neighborhood. They felt that the encroachments were not excessive. They felt that the house is located where it is and has to be worked with in the location.

The Board felt that the application for the variances could be granted with the exception of the roof of the porch. The attorney stated that essentially the variance would be denied as presented but approved on the condition that the roof is not acceptable. Attorney advised to draw the resolution of approval for the next meeting, with the above conditions.

ADJOURN:

There being no further business to come before the Board, by motion of Mr. Hoskins and seconded by Mr. Walker, the meeting was adjourned at 8:30 pm.

Respectfully submitted,

Margot Hamlin,
Transcriber