BOROUGH OF PARK RIDGE
ZONING BOARD OF ADJUSTMENT
June 16, 2015
REGULAR MEETING

The Public Meeting of the Zoning Board of Adjustment of the Borough of Park Ridge was held at Borough Hall on the above date.

Chairman Raman stated that the meeting was being held in accordance with the Open Public Meetings Act. He then asked everyone to stand and recite the Pledge of Allegiance.

Roll Call Board:

Chairman Sid Raman	Present
Mr. Matthew Capilli	Present
Mr. Robert Brennan	Absent
Mr. Jake Flaherty	Present
Mr. Thomas Hoskins	Present
Mr. William Walker	Present
Dr. Eric von der Lieth	Absent
Mr. John Sigillito, Alt. #1	Absent
Mr. Gil Sandler, Alt. #2	Present

Also Present:

Mr. William Rupp	Board Attorney
Mr. Robert Ludwig	Zoning Officer
Ms. Eve Mancuso	Board Engineer
Ms. Brigette Bogart	Board Planner

APPLICATION #ZBA 15-08
Artyom & Gayane Harutyunyan
Block 2003, Lot 9
25 Kinderkamack Rd.
Fence Height

Mr. Walker read the exhibits into the record.

The following people were sworn in by Mr. Rupp to offer testimony:

Gayane Harutyunyan
25 Kinderkamack Rd.
Park Ridge, NJ

Artyom Harutyunyan
25 Kinderkamack Rd.
Park Ridge, NJ

Mrs. Harutyunyan explained the proposal to erect a six foot fence to ensure safety and privacy for her family. The subject property is on a corner lot, therefore a variance is need for the six foot fence along Royal Ave. The fence would be behind the tree line as not cause any line of sight issue along Royal Ave.

Chairman Raman asked if the fence would be placed in the same position as the previous fence.

The Harutyunyans stated that the fence would be in a slightly different spot and placed on their property line. Mrs. Harutyunyan then stated that while the current fence is wood, the proposed fence would be beige vinyl. She further explained that the fence would not extend past the front line of the home. The only reason a variance is needed is because they are on a corner lot so their side yard is considered a front yard.

Chairman Raman thanked the Harutyunyans for their testimony and there being no further questions and no public present to speak on this application the hearing was closed.

<u>APPLICATION #ZBA 15-07</u>
Simon Sherfer
Block 606, Lot 1
94 Colony Ave
Fence Height

Mr. Walker read the exhibits into the record.

The following people were sworn in by Mr. Rupp to provide testimony:

Ms. Jenna Sherfer
94 Colony Ave
Park Ridge, NJ

Mr. Simon Sherfer
94 Colony Ave
Park Ridge, NJ

Mr. Sherfer stated that he would like to replace a four foot post and rail fence with a six foot vinyl fence. A variance is required as the lot sits on a corner. The fence will be in the same place as the current fence. The fence will be at least 20 feet from the corner. The fence will be 4 feet of solid fence and then 2 feet on lattice on top; the fence will attach to the neighbor's 4 foot fence. The variance is only required on the side lot that is considered a front lot as it is a corner property.

There being no further questions and no public present to speak on this application the hearing was closed.

APPLICATION #ZBA 15-03
Jaime Ferrara & Christine Mazza
Block 604, Lot 20
95 Brook Rd.
Side yard setback, Height, FAR, Deck Setback

Mr. Walker read the exhibits into the record.

Attorney Andy Del Vecchio came forward to represent the applicant.

Mr. Del Vecchio presented the original copies of the proofs of service and tax certifications which were marked as exhibit A-1.

Mr. Del Vecchio stated that he will offer testimony from the project's engineer and design professionals.

Mr. Robert Roselli was called to offer testimony as a professional engineer and sworn in by Mr. Rupp.

Mr. Roselli then offered his qualifications and was expected as an expert witness by the Board.

Mr. Del Vecchio then described the project and stated the variances that are being requested. He stated that they are proposing a new home to be built on a corner lot with the following variance relief sought:

FAR
Height
Rear Yard Setback

The original application submitted proposed a deck setback variance requirement, but the applicant has decided to reduce the size of the deck by 2 feet and is thus no longer seeking that variance.

Mr. Del Vecchio offered an engineering drawing dated October 2014 (identical to that submitted with the original application) and marked as A-2. Mr. Del Vecchio further stated that in response to the Borough Engineer's comments a new engineering drawing has been supplied to the Borough Engineer and will be submitted incorporating any other changes in response to tonight's board comments ahead of the next meeting, at which he will also offer planning testimony as the project's Planner was unavailable to offer testimony at this meeting.

Mr. Roselli described the current conditions of the lot. He stated that it is a corner lot located at Brook Rd. and Holbrook Dr. The lot contains an 11 foot grade change diagonally across the lot from front to back which is shown on the plans. This is significant as it effects the height calculation at the back of the home. Mr. Roselli stated that on the updated plan prepared in response to the Board Engineer's comments he has added a retaining wall to adjust the grade to minimize the height variance required. The revision is dated 4/29/15 but has not yet been submitted to the Board. This revision was marked as exhibit A-3.

Mr. Del Vecchio stated that they did not submit the revised drawing as he was hoping to submit a fully revised plan incorporating any Board comments from this hearing.

Chairman Raman countered that it is difficult for the Board to understand the changes made that have made without the plan in front of them.

Mr. Del Vecchio then stated that that due to the revision on A-3 they are now asking for a proposed height of 30.3 at the front and 35.2 in the rear. After some discussion it was determined that the applicant is still seeking a D variance for height.

Ms. Bogart explained to the Board and the applicant that FAR bonuses are available which may eliminate the need for an FAR variance if they use certain architectural details. She further explained that height may be affected by such changes as well.

A discussion ensued about the difference between maximum floor area and maximum floor area ratio and the requirements of each.

Mr. Ludwig asked the applicant to confirm that the retaining wall proposed is compliant with the Zoning Ordinance. He explained what the requirements are for a retaining wall and the Mr. Roselli stated that he believes it is compliant and if not he will adjust it so that it does comply.

Mr. Del Vecchio then asked Mr. Roselli to discuss drainage; which he does not anticipate changing, regardless of changes being proposed to the plan. Mr. Roselli asserted that the drainage proposed is designed to improve runoff and will include landscaping berm and seepage pits to accommodate a 25 year storm. Mr. Roselli confirmed that the changes shown on A-3 are in response to the Board Engineer's comments. Mr. Roselli was asked to address the topography of the lot in relation to the adjacent lot. He confirmed that while he does not have any calculations the adjacent lot is definitely lower.

Mr. Walker commented that due to the topography the impact would be intensified to the neighbor in the back.

Ms. Mancuso commented that she is concerned with the NW runoff and the original plan proposed a swale that she was concerned might exacerbate a known drainage problem in the area. The changes in the plan being talked about tonight address that issue. Ms. Mancuso stated that at this point she only needed the applicant to demonstrate that they are able to address the drainage concerns, but final drainage calculations would be handled at the time of building permit review.

The Board stated that they would like to see the changes being proposed in hard copy before they hear any further testimony.

Ms. Bogart urged the applicant's architect to review the bonuses available for FAR.

An announcement was made that the hearing will be continued to the July 21 meeting and the applicant stipulated that the time for the Board to act is extending through July 21.

At 9:06 pm the meeting was adjourned for five minutes so that the next applicant can be made aware that the board is ready to hear their application.

APPLICATION #ZBA 15-02
Dean & Cynthia Albanis dba Peppercorns
Block 604, Lot 44
176 Colony
Amended Use Variance

Mr. Robert Mancinelli came forward and introduced himself as the attorney representing the applicant.

Mr. Walker read the exhibits into the record.

Mr. Mancinelli stated that the applicant is seeking an amendment to a 2011 variance to approve outdoor dining at his client's restaurant on Colony Ave. The prior resolution requires that any change to the outdoor dining approved requires a new approval by the Zoning Board.

Mr. Mancinelli then described the business and stated that the current restaurant has been in business for over 30 years and the lot has been used as a restaurant for over 100 years. The restaurant is located in a residential zone and therefore must obtain a variance anytime a change is made as it is a non-conforming use in the zone.

Mr. Joseph Bruno
29 Pascack Rd.
Park Ridge, NJ

Mr. Bruno was sworn in by Mr. Rupp to provide testimony. He was accepted as a licensed architect to provide expert testimony.

Mr. Bruno offered a photograph of the covered outdoor dining area to illustrate the current conditions. He further stated that applicant proposes to remove railings and columns and replace them with folding aluminum windows that can be opened in warm weather and closed in the winter months.

Mr. Bruno stated that there is more than adequate parking currently and that the application does not change that. In the event of an approval there will remain more than adequate parking. Mr. Bruno testified that there will be an aesthetic benefit and the character of the surrounding neighborhood would be unaffected by the alteration. Mr. Bruno further stated that the proposal does not constitute an expansion as the size of the restaurant will not increase.

Mr. Bruno stated that the area is currently used in accordance with the outdoor dining ordinance.

Ms. Bogart stated that the area could be used year round now and there would no longer have to adhere to the outdoor dining regulations. Ms. Bogart further stated that she does not see any issue with this as there is ample parking for the restaurant.

Mr. Dean Albanis, owner of the subject property and restaurant, was sworn in by Mr. Rupp.

Mr. Albanis stated that he has been running the restaurant for approximately 35 years. He stated that the approval for outdoor dining in 2011 and began operating the outdoor dining space in 2012. Mr. Albanis stated that the outdoor dining is rarely used and he feels that the proposal is a better use of the space and he has more than adequate parking to accommodate any increase in business. Mr. Albanis further stated that he will continue to adhere to the stipulations in the previous resolution that his landscaping and fencing be properly maintained.

The status of the service of alcohol was discussed and it was determined that it is the owner's responsibility to make any adjustments with the ABC to his liquor license.

There being no further questions from the board and no one from the public wishing to speak on the application, the hearing was closed.

RESOLUTION OF APPROVAL
APPLICATION #ZBA 15-06
Audra Walsh
Block 2304, Lot 30
265 Vitmar Pl.
Deck Setback

Mr. Hoskins made a motion to approve the resolution. The motion was seconded by Mr. Capilli. Mr. Hoskins, Mr. Capilli, Mr. Walker and Mr. Sandler; the Board members present and eligible to vote on the application; all voted in the affirmative, therefore the application was approved.

The Board then instructed Mr. Rupp to prepare resolutions in the affirmative for the applications for 25 Kinderkamack Rd., 94 Colony Ave., and Peppercorn's Restaurant at 176 Ave.

With no more business before the board a motion was offered, seconded and approved by all to adjourn. The meeting was therefore adjourned at 9:42 p.m.

Respectfully submitted,

Julie Falkenstern
Zoning Board Administrator