

**BOROUGH OF PARK RIDGE
PLANNING BOARD
MAY 29, 2024 7:00PM
SPECIAL MEETING MINUTES**

The Public Meeting of the Planning Board of the Borough of Park Ridge was held on the above date.

Mr. Ferraro stated that the meeting was being held in accordance with the Open Public Meetings Act, P.L. 1975, Chapter 231. Chairman Mital asked everyone to stand and recite the Pledge of Allegiance.

Roll Call Board:

Chairman Ray Mital	Present
Vice Chairman Peter Von Bradsky	Present
Mayor Keith Misciagna	Absent
Councilman Greg Hoffman	Present
Ms. Jessica Mazzearella	Absent
Mr. Mark Bisanzo	Absent
Mr. Mark Cristaldi	Present
Mr. Donald Schwamb	Present
Mr. Marc Weinberg	Present

Also Present:

Mr. Robert Ferraro	Board Attorney
Mr. John Dunlea	Board Engineer – Neglia Engineering
Mr. Nicholas Dickerson	Board Planner – Colliers
Ms. Tonya Janeiro	Board Secretary

Open to the Public for Non-agenda Items

No questions / comments from any members of the public.

Approval of Minutes

The minutes of April 10, 2024 were approved on a motion from Councilman Hoffman, seconded by Mr. Cristaldi and carried by all members eligible to vote.

Continued Application

PB24-1
Yana Hanessian
146 Fremont Avenue
Block 901 / Lot 27
Minor Sub-Division

This hearing is a continuation of the April 10, 2024 hearing.

Mr. Bisanzo has recused himself from this application.

Attorney, Mr. Matthew Capizzi from the law firm of Capizzi Law was present as the attorney for the applicant. The applicant is Ms. Yana Hanessian.

Proof of service is in order.

Previous / New Exhibits were marked as follows:

- Exhibit A-1 1962 Tax map (previously marked on 4/10/24).
- Exhibit A-2 Planning Board application received May 17, 2024.
- Exhibit A-3 Four sheets of revised plans dated 5/7/24 from Costa Engineering Corporation - Title sheet / area map / property owners, preliminary and final minor sub division plans, boundary and topographic survey and construction details.
- Exhibit A-4 Seven sheets of plans dated 8/10/13 and revised 8/5/15 from Bella Studios and Mr. Bruno Cividini, PE pertaining to the 2015 construction at 146 Fremont Avenue.
- Exhibit A-5 Final plat of major subdivision dated 7/20/1990.
- Exhibit A-6 County of Bergen Department of Planning and Engineering approval dated April 10, 2024.
- Exhibit A-7 Planning Board resolution dated 8/12/15.
- Exhibit A-8 Colorized copy of site plan (Exhibit A-3 Sheet 2 of 4).
- Exhibit A-9 Zoning permit for 146 Fremont Avenue dated 8/24/2015 signed by Mr. Robert Ludwig.
- Exhibit A-10 Certificate of Occupancy for 146 Fremont Avenue dated 3/15/2023 signed by Mr. Keith Dalton.

The subject property is located at 146 Fremont Avenue. The property has frontage on Fremont Avenue and Dibella Drive. A single-family home currently sits on the lot. The applicant is seeking to subdivide an existing lot into two lots. Proposed lots 27.01 and 27.02. Proposed lot 27.01 would contain the existing dwelling, while proposed lot 27.02 could contain a new single-family dwelling.

Mr. Capizzi spoke about some changes in the application.

The impervious coverage variance is being eliminated. The elimination was due to the removal of the existing shed and the elimination of portions of the existing driveway.

The neighbor to the west of the property had some concerns regarding drainage. The drainage plan has now been put on the site plan.

The Gross Floor Area was previously identified incorrectly as the home was listed as two-story on the plans, but in fact the home is a one-story single-family home.

An OPRA was filed to obtain copies of the building plans from a 2015 addition.

The Fremont lot has existing non-conformities. Mr. Capizzi went over the existing non-conformities.

The Dibella lot will now have buffering on the easterly side of the lot, a 4 ft. picket fence proposed and the proposed driveway have been modified.

Mr. Capizzi spoke about the several letters received by the attorney, Mr. John Lamb, from the law firm of Beattie Padovano. Mr. Lamb represents Mr. and Mrs. Lizza, owners of the property at 3 Dibella Drive. The letters are dated May 6, 2024, May 7, 2024, May 9, 2024, May 22, 2024 and May 23, 2024. Mr. Capizzi asked if he

could speak to the issues that Mr. Lamb spoke about in the letters prior to bringing up his first witness. The board agreed.

The question on ability for access on Dibella Drive has now been retracted. That proves that we have street frontage. The lot is a through lot as verified by the board professionals.

This property is not a flag lot. The new lot will not be accessed by crossing one home to get to another. Mr. Lamb referenced an unpublished appellate case, Franco vs. The Planning Board of Little Silver. Mr. Capizzi said there are multiple reasons why this case is not relative to the 146 Fremont Ave. case. He believes the board should dispose of relativity from the Little Silver case.

They had a previous mistake in their calculations of the gross floor area. They have obtained building permits, plans and the CCO. They have also provided back up evidence on how they did their calculations.

Mr. Robert L. Costa, the applicant's engineer from Costa Engineering Corporation in Hackensack, New Jersey, was previously sworn in by Mr. Ralph on April 10, 2024 to offer testimony.

Mr. Costa said that the previous plans stated that 146 Fremont Avenue was a two-story home. In fact, it is a one-story home with a great room constructed with dormers to let the light in. That would not be included in the floor area. The constructed front porches are also not included in the floor area. Mr. Costa spoke about the home's previous construction and referenced Exhibit A-4.

Mr. Costa spoke about changes to proposed Lot 27.01

Mr. Costa spoke about the borough floor area definition and the max gross floor Area. This application is 3,698 sq. ft., and Mr. Bella's plans in Exhibit A-4 calculated the max gross floor Area at 3,543 sq. ft.

Mr. Costa spoke about the boroughs floor area ratio definition. The basement would not be included in this calculation.

The shed was previously approved in 2015, but it is being removed. The lot line was shifted to the north. Lot 27.01 now has 26,101.43 sq. ft., and Lot 27.02 has 20,000 sq. ft., and a portion of the existing driveway was removed. The previous impervious coverage variance is now not required.

The existing driveway and Belgium Block curbing and the existing driveway to the west are about 1 ½ ft. to 2 ft. closer than is permitted by ordinance. If this becomes an issue, they can make modifications.

The adjacent neighbor had issues with drainage. An infiltration system will be installed, with the overflow directed towards the street.

Mr. Costa spoke about changes to proposed Lot 27.02.

The proposed lot is now 20,000 sq. ft.

A four ft. high picket fence is proposed.

The landscaping will remain as-is.

Mr. Costa went over the modified driveway. The driveway will now have a 5 ft. setback on either side.

Mr. Costa commented that the existing 6 ft. fence on 3 Dibella Dr. was constructed with no permits and no variances.

Mr. Costa does not believe there is a sight issue, as he testified at the last hearing.

Mr. Costa commented that the street is newly paved, and if damaged during construction, the applicant will repair the street area that was damaged.

Mr. Costa said they can comply with the entire contents of the Neglia Engineering letter dated May 28, 2024 (attached).

Vice Chairman Von Bradsky asked who the existing 6 ft. fence belongs to on the eastern edge of the property. Mr. Costa replied, to the neighbor.

Vice Chairman Von Bradsky inquired about the proposed fence running the entire frontage of the proposed new lot. It was stated that the neighbor, Ms. Lorenz, was concerned about delivery people walking through their property.

The existing trees will remain on the proposed Lot 27.02.

Mr. Weinberg asked if the existing small white picket fence belonged to the applicants. Mr. Costa replied, No, it's the neighbor's fence. The proposed 4 ft. high fence will be placed where the board would like it. Either in front of the landscaping or behind. The applicant is open to installing any type of fencing.

Vice Chairman Von Bradsky commented that with the trees, tiny driveway, and existing fence, he believes it looks rather tight. He would like to see it all open.

Mr. Capizzi commented that the applicant has no issues removing the landscaping. He believed that the neighbors wanted the existing landscaping to remain. The landscaping will be up to the board.

The existing trees were not a condition of the 1990 sub-division plan. They were planted by the owner at some point.

Mr. Weinberg asked about the proposed setbacks. Mr. Capizzi said they are conforming.

Mr. Dunlea has no questions, and all of his concerns were addressed.

Mr. Dickerson has no questions and all of his concerns were addressed.

Public Questions to be Asked of Mr. Costa

Ms. Amanda Lorenz - 6 Dibella Drive (Block 901 / Lot 43)

Ms. Lorenz lives next door to the subject property.

Exhibits were marked as follows:

Exhibit L-1 Photo taken early March 2024.

Exhibit L-2 Photo taken early May 2024. Street View.

Ms. Lorenz asked if the new homeowner could take the fence down. No, it would be a condition of board approval.

Ms. Lorenz asked if she could put vegetation on her side. Mr. Costa said he was unsure if you could plant as you may have a drainage system easement.

Ms. Lorenz read the sight distance borough code. Mr. Costa said that is the sight distance of a street at an intersection; this is only a driveway.

Mr. Costa described how to calculate sight distance.

Mr. Mike Pantoliano - 1 Dibella Drive

Mr. Pantoliano asked if plantings cannot be placed on an easement, then how could a driveway be placed there? Mr. Costa said the public is driving over pipes everywhere. Mr. Dunlea said there are no issues with the driveway placement regarding the drainage pipes.

Attorney Mr. Arthur Neiss from Beattie Padovano is the attorney representing Mr. and Mrs. Lizzi at 3 Dibella Drive.

Mr. Neiss said that during sight-distance testimony, Mr. Costa said most people today drive SUV's. Mr. Neiss said that statement is incorrect.

Mr. Neiss read the sight-triangle ordinance 87-4. Mr. Costa replied that your client (Mr. Lizzi) has a fence that is violating this exact ordinance.

Mr. Neiss questioned how the calculations were changed so scientifically. Mr. Costa said the original calculations were a mistake. He said he explained all of the calculations in depth during his testimony. The gross floor area was originally done with the 2015 documents, and not a field measurement. When the field measurements were completed, they were 100 sq. ft. larger than what was approved in 2015. The front porch, side covered porch, garage, and basement are not included in the gross floor area. Mr. Neiss asked when the porches were constructed. Mr. Costa replied that he believes along with the 2015 addition.

Mr. Will Fenwick – 3 Rock Court

Mr. Fenwick commented that he is an attorney but is at this hearing as a resident only.

Mr. Fenwick said the police and fire departments previously had no issue with the plans. He asked if the revised plans were sent to them. Mr. Capizzi said he was unsure, as that is up to the board.

Mr. Fenwick asked Mr. Costa if other homes in town have street frontages of only 21 feet. He was unsure.

Mr. Andrew Lorenz - 6 Dibella Drive (Block 901 / Lot 43)

Mr. Lorenz questioned why the original calculations were off by 1800 sq. ft. Mr. Costa said the home is only a one-story home. He apologized for his mistake. The calculations have been fixed, and the current proposed numbers are the correct ones.

Mr. Lorenz asked for the definition of a flag lot. Mr. Costa said Park Ridge has no flag lot definition, but in his opinion, this is not a flag lot.

Public Testimony

Ms. Amanda Lorenz - 6 Dibella Drive (Block 901 / Lot 43)

Ms. Lorenz was sworn in by Mr. Ferraro.

The following Exhibits were marked:

Exhibit L-1 Photo taken early March 2024 (Previously marked earlier in the evening).

Exhibit L-2 Photo taken early May 2024. Street View. (Previously marked earlier in the evening).

Exhibit L-3 Photo taken early May 2024.

Exhibit L-4 Photo taken early May 2024.

Ms. Lorenz described the issue she believes there is with the line of sight on the Exhibits.

No public questions of Mr. Accardi.

Mr. John Accardi – Wanaque, New Jersey. Mr. Accardi is a collision investigation specialist. He is a retired Oradell Police Officer and a retired Major Crime Scene Investigator for Bergen County. Mr. Accardi was hired by Mr. and Mrs. Lorenz to offer testimony on line of sight.

Mr. Accardi gave his qualifications. Mr. Capizzi asked if he was an engineer. Mr. Accardi replied, No. Mr. Capizzi asked the last time Mr. Accardi appeared in court regarding line of sight issues. Mr. Accardi said he has been retired for 13 years now and only works in the private sector as a scene technician now. Mr. Capizzi doesn't believe Mr. Accardi's background is applicable to this application and doesn't think the board should accept his qualifications.

Mr. Dunlea said if sight-triangles are in issue, the applicant should testify more to sight issues.

A conversation was had by board members and their professionals, and Mr. Capizzi regarding allowing Mr. Accardi to be accepted as a witness. Mr. Ferraro said if the board permits Mr. Accardi to be an expert witness, then Mr. Capizzi can cross-examine him.

The board accepted Mr. Accardi as an expert witness.

The following Exhibits were marked:

Exhibit L-5 Photo of line of sight by the proposed new driveway.

Exhibit L-6 Photo of line of sight by the proposed new driveway.

Mr. Accardi explained how he came up with Exhibits L-5 and L-6 using Mr. Costa's Exhibit A-8. He said sight-triangles do apply to the driveways.

Mr. Accardi spoke about the natural obstructions of every make and model of vehicle. He explained the sight-triangle on Exhibit L-5 and L-6 and how it applies to this application.

Ms. Lorenz commented that she believes that street frontage has to do with safety.

Mr. Dunlea said if there are sight-triangle issues, he strongly recommends a sealed sight-triangle exhibit be issued by the applicant.

Mr. Ferraro questioned Exhibit A-5. He asked where the Lorenz driveway was in relation to the proposed driveway.

It was asked what causes obstructions on the applicant's property. Mr. Accardi said the existing arborvitae cause obstruction on the applicant's property, and so does the existing fence the Lizzi's property (3 Dibella Drive),

Vice Chairman Von Bradsky questioned sight distances.

Councilman Hoffman questioned the sight-triangles.

Mr. Schwamb asked how high the existing fence was on the Lizzi's property (3 Dibella Drive). The existing fence is six feet.

Mr. Weinberg questioned the property lines and who owns the trees in front of the proposed home. The trees are the applicants.

Mr. Ferraro asked about the proposed fence on the applicant's property. The fence will be in the line of sight.

Vice Chairman Von Bradsky questioned sight distances. Mr. Dunlea read from the borough code. He stated that he wants sight-triangle plans from the applicant.

Ms. Lorenz spoke about her privacy. Mr. Capizzi said Ms. Lorenz must also follow the town's laws.

Mr. Capizzi asked Mr. Accardi if he was familiar with the ordinance Mr. Dunlea just read. He replied yes.

A conversation was had pertaining to the sight-triangle issues and the current landscaping and proposed fencing.

Mr. Capizzi asked Mr. Accardi if he looked at his client's driveway. He said there are no sight obstructions. Mr. Capizzi asked if the Lorenz driveway allows for a turn around. Mr. Accardi said no. Mr. Capizzi asked how many properties on Dibella Drive allow for a turn around. Mr. Accardi said he was only aware of two.

Mr. Capizzi asked if the police were contacted to see if there were any accidents on Dibella Drive. Mr. Accardi said no. Mr. Capizzi said the Park Ridge Police Department had no issues with the plans. Mr. Accardi said he thinks the plans need to be looked at closer.

Public Questions to be Asked of Mr. Accardi

Attorney Mr. Arthur Neiss from Beattie Padovano is the attorney representing Mr. and Mrs. Lizzi at 3 Dibella Drive.

Mr. Neiss questioned Exhibit L-2.

Mr. Garik Hovhannisyan – 2 Arrowhead Road

Mr. Hovhannisyan asked if anybody really drives 25 mph on a cul-de-sac. Mr. Accardi said he cannot answer that, as some people drive slowly and some fast.

Ms. Louellen Kaiser – 164 Leach Avenue

Ms. Kaiser was sworn in by Mr. Ferraro.

She lives on the corner of Leach Avenue and Evelyn Street. Ms. Kaiser said several driveways on Dibella Drive allow for k-turns.

She said, please don't destroy this area, as this town needs areas for children. We need to stop building on top of each other. She commented that she often takes her grandchildren to the cul-a-sac to play.

Ms. Kaiser believes that approving this street frontage would set a precedent for future applications.

No board or public questions of Ms. Kaiser.

Mr. Burton Hall – 98 N 5th Street

Mr. Hall was sworn in by Mr. Ferraro.

Mr. Hall agrees with everything Ms. Kaiser said (previous speaker).

Mr. Hall said properties should not be made smaller and smaller. Ordinances should mean something.

No board or public questions of Mr. Hall.

Ms. Krysta Harrick – 7 Bingham Trail

Ms. Harrick was sworn in by Mr. Ferraro.

Ms. Harris is confused as to why the ordinance permits 83 ft. but the applicant is asking for only 21 ft.

No board or public questions of Ms. Harrick.

Ms. Pana Diamantopoulos – 142 Fremont Avenue

Ms. Diamantopoulos was sworn in by Mr. Ferraro.

Ms. Diamantopoulos feels that you should be allowed to sell your property and do what you want with it. She has approximately 100 ft. of street frontage and trees that cause an obstruction pulling out of her driveway, but she goes slowly.

Public Questions to be Asked of Ms. Diamantopoulos

Ms. Amanda Lorenz - 6 Dibella Drive

Ms. Lorenz asked why don't you cut the trees down that are causing an obstruction? Ms. Diamantopoulos replied because the trees are not dead.

Mr. Burton Hall – 98 N 5th Street

Mr. Hall asked Ms. Diamantopoulos what if the property does not conform to the zone requirements? Ms. Diamantopoulos said that should be up to the town, but she doesn't believe that people should be making that decision for the town. She thinks this application is good for the community.

Ms. Linda Caron – 208 Alberon Drive

Ms. Caron stated that money is always an issue, but is it more important to have the money or have a serious accident with a child or adult?

Ms. Krysta Harrick – 7 Bingham Trail

You mentioned you have 100 ft. of street frontage. You previously mentioned that the Lizzi property used to be a part of your lot. Do you know how much street frontage the Lizzi's? It was determined to be approximately 100 ft. Ms. Harrick said that is why their property was allowed. Ms. Diamantopoulos asked if the amount of street frontage is not permissible. Mr. Ferraro said a variance is needed.

Ms. Susan Delorenzo – 22 West Park Avenue

Ms. Delorenzo was sworn in by Mr. Ferraro.

Ms. Delorenzo lives on West Park Avenue, and she said people speed on her street like it's a race track. She believes in property rights, but the ordinances that are in place should be followed. When the residents next to 146 Fremont Avenue purchased their property's, the street was as it currently exists. The rules keep changing. The downtown is changing. Ms. Delorenzo believes that the residents are saying, can you keep the ordinances in place to keep the neighborhoods untouched and safe. When it comes to Chief Madden, they are not watching the speed on her street, and she had to go through hoops to even get a crosswalk in town. She loves the police and backs the blue, but she doesn't believe they are always watching everything in town.

Mr. Will Fenwick – 3 Rock Court

Mr. Fenwick was sworn in by Mr. Ferraro.

Mr. Fenwick said that the purpose of the MLUL is to secure public safety (NJSA40:55D-2b). This has not been proven on this application. Mr. Fenwick commented that the Fire and Police Departments have not commented on the revised plans.

Although the borough has no definition of a flag lot, it is very clear that the drafters of the Master Plan included a flag lot provision for the safety of the public. It is also clear that they do not want non-conforming lots sprouting up all over town.

Mr. Fenwick is a District Four County Committee Member in the area of Rock Court. There are several large lots in that area, and he doesn't believe anybody wants to see the properties divided into wedge-shaped properties.

There has been no testimony offered regarding whether other properties in the borough have a street frontage this small.

He urges the board members to vote no on this application.

No board or public questions of Mr. Fenwick.

Ms. Gail Mitnik – 75 N Avenue

Ms. Mitnik was sworn in by Mr. Ferraro.

Ms. Mitnik said she has five children ages twenty-one to three. She has never allowed her children to play in the street. A street is for driving, not for playing.

No board or public questions of Ms. Mitnik.

Ms. Stephanie Mocas – 20 Storms Avenue.

Ms. Mocas was sworn in by Mr. Ferraro.

Ms. Mocas grew up playing on a cul-de-sac. She spoke about moving to New York City and her children going to a park to play. She built her home in the confines of what the town allows. She moved back to Park Ridge because of the character of the town. Building should be done to the permitted ordinances.

No board or public questions of Ms. Moka.

This application will be carried to the next Planning Board meeting on June 12, 2024 at 8:00 p.m. No additional notice will be required. Mr. Capizzi said he would send a letter to Ms. Janeiro consenting to the extension of time.

Board Discussion

No Board discussion took place.

The meeting was adjourned on a motion from Councilman Hoffman, seconded by Mr. Weinberg, and carried by all.

Respectfully Submitted,



Tonya Janeiro