

**BOROUGH OF PARK RIDGE
ZONING BOARD
MARCH 15, 2022
VIRTUAL REGULAR MEETING MINUTES**

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

Chairman Pantaleo stated that the meeting was being held in accordance with the Open Public Meetings Act.

Chairman Pantaleo asked everyone to stand and recite the Pledge of Allegiance.

Roll Call Board:

Mr. Michael Brickman	Present
Mr. Mike Curran	Present
Mr. Jake Flaherty	Present
Mr. Michael Mintz	Present
Mr. Frank Pantaleo	Present
Dr. Gregory Perez	Present
Ms. Lynda Nettleship-Carraher	Present
Mr. Jeff Rutowski	Absent

Also Present:

Mr. Brian Giblin Jr. - Attorney	Present
Ms. Tonya Tardibuono	Present
Mr. John Dunlea – Engineer	Present
Mr. Nick Dickerson – Planner	Present

Approval of Minutes

The minutes of March 15, 2022 were approved on a motion from Mr. Mintz, seconded by Dr. Perez, and carried by all members eligible to vote.

RESOLUTION#2022-6

#ZB21-16

Ellen Kramer

8 Frederick Court

Block 1203 / Lot 41

Addition / Alteration

A motion was made by Mr. Mintz to approve the memorializing resolution. The motion was seconded by Mr. Brickman, and carried by all members eligible to vote.

NEW APPLICATION

#ZB21-22

Michael & Christine DePol

30 Fourth Street

Block 809 / Lot 7

New Single-Family Home

Attorney, Mr. Antimo Del Vecchio, from the law firm of Beattie Padovano was present as the attorney for the applicant.

Proof of service is in order.

The applicant is seeking the following variances:

Side Yard Set-Back

Rear Yard Set-Back

Maximum Building Coverage

Driveway

Possible FAR

The following Exhibits were marked:

A-1 Affidavit of Notice

A-2 Plot Plan / Soil Erosion / Sediment Control Plan 9/10/21

A-3 Architect Plans 9/30/21

A-4 Letter Brigitte Bogart 11/10/21 – FAR Bonus

A-5 LEED for home project Checklist

A-6 Stormwater Management Plan

A-7 Letter Albert Dattoli 10/25/2021 – FAR Bonus

A-8 Illustration Front Facade 12/31/21

A-9 Letter Brigitte Bogart 1/5/22 – FAR Bonus

A-10 Site and Surrounding Development Analysis 3/2/2022

A-11 Colorized Proposed Home

A-12 Soil Movement & Plans 9/10/21

A-13 Master Plan Section 12/17/09

The following people will be offering their testimony:

Architect – Mr. Albert Dattoli

Engineer – Tibor Latinicsics

Planner – Ms. Brigitte Bogart

Albert Dattoli

The applicant's Architect, Mr. Albert Dattoli, went over his qualifications and was sworn in by Attorney Mr. Giblin, Jr. and accepted as an expert witness.

Mr. Dattoli spoke about the application and the design and materials to be used. The home is being designed for empty nesters and their desire to have a first-floor master suite.

Mr. Dattoli spoke about the requested variances showing Exhibits A-11 and A-3.

Mr. Dattoli explained how he believes this application to meet all of the criteria for the 2% FAR bonus. Incorporated in the plans are projections on the facade, varied amount of building materials, roofing, siding, windows and door trim. Mr. Dattoli went over Exhibit A-7.

Mr. Dattoli discussed the LEEDS checklist although the applicant is not seeing LEEDS certification at this time.

Chairman Pantaleo asked if the construction will be a complete knock down.

Floor board to peak will be 14 ft. The attic space will remain unfinished. A large portion of the attic will have unusable space due to the raised ceilings in the great room, the roof slope and duct work.

Mr. Mintz confirmed that all living space will be in the back of the home. Mr. Dattoli said yes.

A conversation took place with Mr. Dunlea and Mr. Dickerson discussing what is required to receive a FAR bonus. 2% would be granted if LEEDS certified and 4% for architectural guidelines.

The meeting was open to the public for comments and questions of Mr. Dattoli.

Paul Fellows
27 Fourth Street
Park Ridge, NJ 07656

Mr. Fellows was sworn in by Mr. Giblin, Jr. Mr. Fellows questioned the set-backs and existing height.

Kenneth Brown
26 Fourth Street
Park Ridge, NJ 07656

Mr. Brown was sworn in by Mr. Giblin, Jr. Mr. Brown said he believes this proposed construction will enhance the block and area. No questions at this time.

Tibor Latincsics

The applicant's Engineer, Mr. Tibor Latincsics of Conklin Associates, went over his qualifications and was sworn in by Attorney Mr. Giblin, Jr. and accepted as an expert witness.

Mr. Latincsics went over Exhibit A-2. The property is currently a dated ranch that fronts on Fourth Street.

Mr. Latincsics showed the planting rendering and spoke about in detail the planting schedule.

If there was no proposed porch on the back of the proposed home, the rear yard set-back would be 48.4 ft. where 50 ft. is required. The screened in porch triggers the variance.

Mr. Dunlea went over his application review letter dated March 7, 2022 (attached).

Mr. Dunlea asked about lighting. Mr. Latincsics replied there will be normal residential lighting.

Mr. Dunlea commented that the soil moving review will take place with the construction submission.

Mr. Dunlea stated that the drainage calculations are acceptable and work with the existing topography.

Mr. Dickerson went over his application review letter dated February 25, 2022 (attached).

Mr. Dickerson commented that the proposed driveway is not permitted by code.

A discussion was had pertaining to the covered porch and patio.

Mr. Pantaleo asked how many older trees were being removed. Mr. Latincsics replied one.

Two seepage pits will be on the site.

The meeting was open to the public for comments and questions of Mr. Latincsics.

There were no questions asked of Mr. Latincsics.

Brigette Bogart

The applicant's Planner, Ms. Brigette Bogart of Conklin, went over her qualifications and was sworn in by Attorney Mr. Giblin, Jr. and accepted as an expert witness. Ms. Bogart commented that she was the past Planner for Park Ridge for 17 years.

Ms. Bogart went over Exhibit A-2 and discussed the subject property and surrounding properties.

Ms. Bogart spoke about the comparisons on the surrounding properties:

FRONT YARD SET-BACK

12 ft. Smallest Yard Set-Back

69 ft. Largest Yard Set-Back

43 ft. Average Yard Set-Back.

Applicant Proposing - 40 ft

SIDE YARD SET-BACK

3 ft. Smallest Yard Set-Back

88 ft. Largest Yard Set-Back

31 ft. Average Yard Set-Back.

Applicant Proposing - 22 ft. / 18 ft.

REAR YARD SET-BACK

71 ft. Largest Yard Set-Back

55 ft. Average Yard Set-Back.

Applicant Proposing -- Porch 43.8 ft // 50 ft. to proposed structure and 50 ft. is required.

The requested variances are as follows:

SIDE YARD:

REQUIRED - 22 Ft.

EXISTING - 22.2 Ft.

PROPOSED - 18. Ft

VARIANCE REQUIRED

REAR YARD:

REQUIRED - 50 Ft.

EXISTING - 67.7 Ft.

PROPOSED - 43.8. Ft

VARIANCE REQUIRED

MAXIMUM BUILDING COVERAGE

REQUIRED - 18%

EXISTING - 11.3%

PROPOSED - 22.2%

VARIANCE REQUIRED

FLOOR AREA RATIO:

REQUIRED - 22%

EXISTING - 11.3%

PROPOSED - 28%

VARIANCE REQUIRED

Minimum lot area, minimum lot width and minimum lot depth are all existing non-conforming conditions.

Ms. Bogart explained the driveway ordinance 101-23 was created to prohibit front yard parking. Mr. Del Vecchio commented that just about every house in town violates this ordinance.

Ms. Bogart discussed the positive and negative criteria for all variances. Ms. Bogart spoke about the positive / negative criteria for a D4 variance in the event the Board decides this application will require a FAR variance.

Ms. Bogart discussed Exhibit A-13, The Park Ridge Master Plan and why the Floor Area Ratio ordinance was created.

An audience member asked if there is a conflict of interest since the applicant's Planner wrote the Park Ridge Borough Code. Mr. Del Vecchio replied no. Mr. Giblin Jr. stated that he doesn't believe there to be a conflict. However, if the Board believes there is a conflict, they can disregard Ms. Bogarts testimony.

Ms. Bogart went over the LEED checklist. Mr. Dickerson commented that the way the ordinance is written, in order to receive a LEEDS bonus, the home has to be LEEDS certified. Mr. Dickerson believes that this applicant should receive a 4% bonus for the architecture design, but not a 2% bonus for LEEDS certification. Mr. Mintz asked if previous applicants in Park Ridge received a LEEDS bonus without actually being LEEDS certified. Ms. Bogart replied yes. Mr. Dickerson said the ultimate decision belongs to the Board on whether they want to grant the 2% LEED bonus on this application.

An in-depth discussion took place regarding the proposed driveway by all members and professionals present.

The meeting was open to the public for comments and questions of Ms. Bogart

Kenneth Brown
26 Fourth Street
Park Ridge, NJ 07656

Mr. Brown had a question pertaining to the driveway.

Paul Fellows
27 Fourth Street
Park Ridge, NJ 07656

Mr. Fellows had a question pertaining to set-backs. Ms. Bogart answered all questions.

Carlyn Fellows
27 Fourth Street
Park Ridge, NJ 07656

Ms. Fellows was sworn in by Mr. Giblin, Jr. Ms. Fellows is concerned that this application will set a precedent in town. Mr. Giblin Jr. answered that every application is evaluated on its own merit.

Mr. Del Vecchio gave a summation on this application.

The meeting was open to the public for comments and questions.

Kenneth Brown
26 Fourth Street
Park Ridge, NJ 07656

Mr. Brown is in support of this application. Chairman Pantaleo asked Mr. Brown's opinion on the driveway. Mr. Brown said he doesn't know how to comment on this, but he has a paved section next to his driveway as well.

Paul Fellows
27 Fourth Street
Park Ridge, NJ 07656

Mr. Fellows gave his opinion on this application.

A Board discussion took place regarding the application for 30 Fourth Street.

The Board questioned if this application should be granted the 2% for LEEDS certification. Mr. Mintz commented that based on expert testimony and past approvals the 2% should be granted. Mr. Flaherty, Ms. Nettleship – Carraher and Dr. Perez agreed. Chairman Pantaleo commented that the applicant meets the criteria for a D variance. Mr. Curran agrees with a 4% FAR bonus for architecture design, but does not agree with the LEEDS bonus. He believes the applicant should be seeking a D variance. Mr. Brickman agrees with Mr. Curran. The Board decided this application would require a D variance.

The Board discussed the proposed driveway. All members gave their opinions. It was decided that the proposed driveway dimension would be 232 sq. ft. (12.8 ft.).

Mr. Mintz commented that the proposed home is a beautiful home. Chairman Pantaleo commented that the applicant submitted great plans and Dr. Perez agreed.

Mr. Giblin, Jr. will draft a resolution that will be voted on at the April 19, 2022 Board of Adjustment meeting.

A motion was made by Mr. Mintz to grant the requested variances and to modify the current plans to reduce the proposed driveway dimension to 232 sq. ft. (12.8 ft.). The motion was seconded by Mr. Brickman, and carried by a roll call vote as follows:

Mr. Michael Brickman	Yes
Mr. Mike Curran	Yes
Mr. Jake Flaherty	Yes
Mr. Michael Mintz	Yes
Dr. Gregory Perez	Yes
Ms. Lynda Nettleship-Carraher	Yes
Chairman Frank Pantaleo	Yes

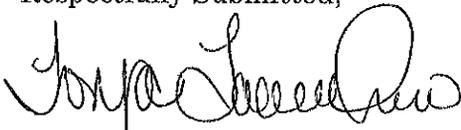
Board Discussion

A discussion was had pertaining to resuming in person meetings. It was decided that the Board will go back to in-person meetings. The next Board of Adjustment meeting is scheduled for April 19, 2022.

A Board discussion was had pertaining to the 2021 end of year Zoning Board of Adjustment report. It will be recommended to the Mayor and Council that no zoning ordinance changes be made.

The meeting was adjourned on a motion from Mr. Mintz, seconded by Ms. Nettleship-Carraher and carried by all.

Respectfully Submitted,



Tonya Tardibuono

Resolution #2022-6
Application #ZB21-16
ZB 3-15-2022

BOROUGH OF PARK RIDGE

ZONING BOARD OF ADJUSTMENT RESOLUTION

WHEREAS, ELLEN KRAMER (hereinafter referred to as "Applicant"), being the owner of premises known as 8 Frederick Court, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 41 in Block 1203 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 variances for rear yard setback, maximum floor area ratio, maximum gross floor area, setback for decks and maximum building height, to allow the construction of an addition to a single family house; and

WHEREAS, the premises are located in the R-10 Residential Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; 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 held a hearing in connection with the application, upon due notice as required by law, on February 15, 2022; and

WHEREAS, the BOARD has carefully considered the application and all evidence and testimony submitted in connection therewith; and

WHEREAS, the BOARD voted to approve the aforesaid application following the close of the public hearing thereon on February 15, 2022, and the within resolution is a memorialization of said approval pursuant to N.J.S.A. 40:55D-10g (2).

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 8 Frederick Court in the Borough of Park Ridge, also known and designated as Lot 41 in Block 1203 on the Tax Map of the Borough of Park Ridge, a conforming lot containing 10,786 sq. ft. (10,000 square feet required) with a lot width of 92 feet (85 feet required) and a lot depth of 120 feet (120 feet required) and currently improved with an existing single family residential structure.
2. The Applicant proposes to build an addition to the rear of the existing building.
3. The proposal also results in a rear yard setback of 29.5 feet whereas thirty-five (35') feet is required. The Board notes that the existing rear yard setback is nonconforming at 30.4 feet.
4. The applicant testified that the property and building were conforming when constructed, but the change in zoning for the area has resulted in the existing on-conformities and need for variance relief for this modest addition of 132 square feet.
5. The BOARD finds that by reason of the location of the existing house on the lot and the non-conforming size of the lot, that the strict application of the Zoning Ordinance 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).
6. The BOARD further finds that construction of the addition will enhance the aesthetics of the appearance of the building and will promote a desirable visual environment. The BOARD finds and concludes that the benefits from the granting of the variances for the proposed addition outweigh any detriment pursuant to N.J.S.A. 40:55D-70 (c) (2).
7. Moreover, the BOARD finds that:
 - (a) the proposed improvements are aesthetically pleasing and further the zoning

EXHIBIT LIST
BOROUGH OF PARK RIDGE ZONING BOARD

APPLICANT: ZB 21-16
ADDRESS: 8 Frederick Court
BLOCK: 1203 LOT 41
ZONE: R-10

EXHIBIT:	ITEM NO.	DATE:
Application	1	7/26/2021
Denial of Application	2	6/15/2021
Plans by John Gilchrist	3	9/06/2021
Survey by Conklin Associates	4	7/20/2021

purpose of maintaining the housing stock.

(b) the rear yard setback variance is not substantial and can be granted under N.J.S.A. 40A:55D-70(c)(2).

By reason of the foregoing, the BOARD finds that a decision to grant the variances for rear yard setback, maximum floor area ratio, maximum gross floor area, decks and maximum building height, front and rear yard to allow the construction of an story addition to a single family house 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)(1) and (2), the BOARD does hereby grant the Applicant's requested variances so as to permit the addition, as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD.

Ayes: 7

Nays: 0

Dated: March 15, 2022

Introduced by: Michael Mintz
Seconded by: Michael Mintz
Michael Brickman
Approved: Michael Brickman
Frank Pantaleo
Frank Pantaleo



EXPERIENCED
DEDICATED
RESPONSIVE

negliagroup.com

March 7, 2022

Via: E-Mail

Borough of Park Ridge
53 Park Avenue
Park Ridge, New Jersey 07656

Attn.: Ms. Tonya Tardibuono, Secretary

Re: **Variance Application – Engineering Review**
Applicant(s): Michael and Christine DePol
30 Fourth Street (Block 809, Lot 7)
Borough of Park Ridge, Bergen County, New Jersey
NEA File No.: PKRDSPL21.031

Dear Ms. Tardibuono,

As requested, we have completed an engineering review related to the recently submitted Variance Application. The submittal included the following documents:

- A Borough of Park Ridge, Application of Appeal, prepared by the Applicant, dated October 28, 2021;
- A Park Ridge Zoning Review Application, dated May 7, 2021;
- A certification of payment of taxes dated October 28, 2021;
- A certification of Applicant dated October 29, 2021;
- Owner's Affidavit dated October 29, 2021;
- Property owners of record within 200 feet request dated October 28, 2021;
- A floor area ratio letter prepared by Brigette Bogart, PP, AICP of Planning & Design Professionals LLC, dated November 10, 2021;
- Application for Soil Moving dated October 29, 2021;
- Stormwater design calculations prepared by Tibor Latincics, PE, dated September 10, 2021;
- Building Material Percentages Exhibit prepared by Albert Dattoli Architect, dated October 25, 2021;
- US Green Building Council Exhibit, undated;
- Signed and sealed engineering plan set consisting of two (2) sheets entitled, "Lot 7 – Block 809, 30 Fourth Street in the Borough of Park Ridge, Bergen County, New Jersey for Mike DePol," prepared by Tibor Latincics, PE, PP and Stephen P. Eid, PE, LS, of Conklin Associates, dated September 10, 2021 with no revisions;
- Signed and sealed architectural plan set consisting of five (5) sheets entitled, "Proposed residence 30 Fourth Street Block 809, Lot 7, Park Ridge, New Jersey," prepared by Albert Dattoli Architect, dated September 30, 2021;

LYNDHURST

34 Park Avenue
PO Box 426
Lyndhurst, NJ 07071
p. 201.939.8805 f. 201.939.0846

MOUNTAINSIDE

200 Central Avenue
Suite 102
Mountainside, NJ 07092
p. 201.939.8805 f. 732.943.7249

- Cover letter prepared by Antimo A. Del Vecchio, Esq., of Beattie Padovano, dated January 6, 2022;
- Correspondence regarding the floor area ratio bonus requirements prepared by Albert Dattoli, R.A., of Albert Dattoli Architect, dated December 31, 2021;
- Architectural exhibit prepared by Albert Dattoli, R.A., of Albert Dattoli Architect, dated December 29, 2021;
- Correspondence regarding the floor area ratio bonus requirements, prepared by Brigette Bogart, P.P., A.I.C.P., C.G.W., of Brigette Bogart Planning & Design Professionals, LLC, dated January 5, 2022; and
- Bergen County Soil Conservation District Plan Certification Letter, dated December 13, 2021.

1. Property Description

The subject property is a single lot identified as Block 809, Lot 7, per the Borough of Park Ridge Tax Map Sheet No. 8. The subject property is commonly known as 30 Fourth Street and is located on the northwesterly side of Fourth Street, approximately 765 feet to the southwest of the intersection with Ridge Avenue. The property is 13,500 square feet (0.31 acres) in size, and is located within the R-20 Zone, per the Borough of Park Ridge Zoning Map.

The existing site is currently occupied by a one and one-half-story frame residential dwelling with an asphalt driveway providing access onto Fourth Street. Additional site features include various landscaping areas, front entrance walkway, and rear walkways. The Applicant is proposing to demolish the existing structure and construct a new two-story dwelling. Additionally, the Applicant proposes to construct a pervious paver driveway and walkway. Furthermore, the Applicant is proposing to construct various landscaping improvements, a covered porch and a two-car garage.



2. Completeness Review

NEA previously issued a completeness review of the subject application and recommended that the application be deemed complete. Overall, NEA takes no exception to this application being heard by the Zoning Board of Adjustment.

3. Variances / Waivers

We defer to the Board Planner regarding the determination of variances and waivers. NEA recognizes the following potential variances, as identified within the submitted application and zoning denial letter, which we defer to the Board Planner on final determination regarding the same.

- Minimum side yard: 22 feet permitted, 22.2 feet under existing conditions, and 18 feet proposed
- Minimum rear yard: 50 feet permitted, 67.7 feet under existing conditions, and 43.8 feet proposed
- Maximum building coverage: 18% permitted, 11.3% under existing conditions, and 22.2% proposed
- Maximum floor area ratio: 22% permitted, 11.3% under existing conditions, and 28% proposed

NEA understands that the Applicant is seeking to utilize floor area ratio (FAR) bonuses related to the above-requested FAR variance. The Applicant shall provide testimony at the Board hearing related to said bonus requirements. Specifically, the Applicant shall address the LEED certification requirements stipulated within §101-19.D of the Borough Code.

4. Engineering Comments

- 4.1. The Applicant is advised that any import or export of soil to/from the site will be subject to the submission of a Soil Movement Application. A soil movement application shall be submitted if this variance application is granted approval. The Applicant shall note that the soil movement application contains specific checklist items that require submittal for completeness and review. Therefore, additional engineering comments may be provided upon formal submittal of the Soil Movement Application.
- 4.2. The Applicant shall provide testimony at the Board hearing addressing any existing or proposed deed restrictions, easements, or covenants or lands dedicated to public use which may exist of the subject property.
- 4.3. The Applicant shall protect any perimeter fencing, curbs, walkways, plantings, and walls on adjacent properties during construction. The Applicant shall be responsible for any damage to neighboring or public properties during construction.
- 4.4. The Applicant is proposing to increase the driveway curb-cut width within the municipal right-of-way relative to the existing conditions. The Applicant shall notify / acquire approval from the Mayor and Council prior to the construction of the proposed driveway, should the Board look favorably upon this application. All related correspondence / approvals shall be provided for review.
- 4.5. The Applicant proposes improvements that will result in an increase in impervious coverage of 1,624 square feet, as compared to the existing conditions. As such, the Applicant shall provide on-site stormwater storage volume equivalent to a two (2) inch rainfall over the net increase in impervious area. Therefore, the minimum required storage volume is determined as: $(1,624 \text{ square feet}) \times [(2 \text{ in.}) / (12 \text{ in./ft})] = 271 \text{ cubic feet (2,028 gallons)}$. The Applicant proposes two (2) seepage pits with a total capacity of 3,770 gallons. NEA takes no exception to the design methodology and finds the same acceptable.

- 4.6. The design and construction of seepage pits or recharge basins shall conform to the New Jersey Stormwater Best Management Practices Manual's Standard for Infiltration Basins. The Following comments pertaining to the same shall be addressed prior to construction, if granted approval:
- Testing:
 - The Applicant shall perform a percolation/permeability test in the vicinity of each proposed infiltration measure to determine percolation rates AND the seasonally high-water table of the subsoils below.
 - The Applicant shall notify NEA a minimum of 48 hours in advance of this testing so that a representative of our office may be present for the testing, as required.
 - The Applicant shall provide a signed and sealed copy of all testing results and information prepared by a Licensed Professional Engineer to the Building Department, who will subsequently issue them to NEA for review.
 - Design:
 - The bottom of the infiltration structure or stone, where applicable, shall be no less than two feet above the seasonal high groundwater table or bedrock.
 - The tested percolation rates shall be a minimum of 1.0 inches per hour, per NJDEP guidelines. Design percolation rates shall include a factor of safety of two for a design percolation rate of 0.5 inches per hour.
 - The Applicant shall provide calculations verifying that all proposed seepage pits will fully drain within 72 hours.
 - Should percolation testing yield unacceptable results, the Applicant shall provide a revised design which does not rely on infiltration.
- 4.7. The Applicant shall revise the plans to include top and bottom of curb spot elevations for the proposed inclined block curb.
- 4.8. The Applicant shall revise the plans to include additional spot elevations along the northerly proposed side yard paver walkway.
- 4.9. The Applicant is proposing a section of walkway providing access a doorway along the northerly dwelling façade at a slope exceeding 3V:1H. The Applicant shall re-evaluate the grading in this area to reduce the walkway slope in this area. NEA recommends a maximum slope if 5% along all walkways.
- 4.10. Based upon the proposed grading conditions, the Applicant is proposing to construct a retaining wall with a maximum height of 3.0 feet. The Applicant shall note that all walls in excess of three (3) feet (exposed height) will require associated wall stability calculations prepared by a licensed professional engineer in the State of New Jersey.
- 4.11. Upon completion of construction, and if granted approval, all retaining walls in excess of three (3) feet in height (exposed height) require certification by a licensed professional engineer in the State of New Jersey confirming that the wall was built in accordance with the plans and details and that it will support its design and intended loads.
- 4.12. It does not appear that any lighting improvements are included as part of this application. However, the Applicant shall provide testimony confirming the same.

4.13. The Applicant shall provide testimony with respect to the overall landscaping improvements.

4.14. The Applicant shall revise the plans to include a temporary soil stockpile construction detail.

3. Final Comments

- 5.1 This approval is subject to all other applicable rules, regulations, ordinances and statutes of the Borough, Bergen County, State of New Jersey or any other governmental agency having jurisdiction over same.
- 5.2 It is the Applicant's responsibility to determine what, if any, permits are required from outside agencies and internal municipal agencies and departments in order to construct the proposed development. These agencies include, but are not limited to Bergen County Planning/Engineering, Bergen County Soil Conservation District, municipal fire / police departments, Park Ridge Water, Park Ridge Electric, BCUA, NJDOT and NJDEP.
- 5.3 Should the Board look favorably upon this application, a performance bond, maintenance bond and inspection escrow will be required for on-site / off-site improvements, in accordance with the Municipal Land Use Law.
- 5.4 NEA recommends that a response letter be submitted that addresses each of the comments noted above.
- 5.5 The above comments are based on a review of materials submitted and/or testimony provided to date. NEA reserves the right to provide new or updated comments as additional information becomes available.

We trust you will find the above in order. Should you have any questions, please do not hesitate to contact the undersigned.

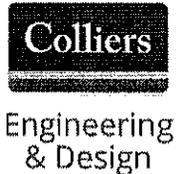
Very truly yours,
Neglia Engineering Associates



John J. Dunlea, P.E.
For the Zoning Board Engineer
Borough of Park Ridge

cc: Michael and Christine DePol – Applicant *via regular mail*
Antimo A. Del Vecchio Esq. – Applicant's Attorney *via e-mail*
Albert Dattoli Architect. – Applicant's Architect *via regular mail*
Tibor Latincsics P.E., P.P. – Applicant's Engineer *via regular mail*
Bridget Bogart P.P., A.I.C.P., C.G.W. – Applicant's Planner *via regular mail*
Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M. – NEA *via e-mail*
Nicholas Dickerson, P.P., A.I.C.P., C.F.M. – Board Planner *via e-mail*

331 Newman Springs Road
Suite 203
Red Bank New Jersey 07701
Main: 877 627 3772



February 25, 2022

Tonya Tardibuono, Zoning Board Secretary
Borough of Park Ridge
53 Park Avenue
Park Ridge, NJ 07656

Application No. ZB21-22 Variance Application
Michael and Christine DePol (Applicant)
30 Fourth Street (Block 809, Lot 7)
First Planning Review
Colliers Engineering & Design Project No. PRZ-0011

Dear Ms. Tardibuono,

As requested, our office has reviewed Application No. ZB21-22 submitted by Michael and Christine DePol (the Applicant), seeking variance relief for the construction of a detached single family residential structure.

The following documents, which were submitted in support of the Application, have been reviewed:

1. Application of Appeal to the Zoning Board of Adjustment, dated October 28, 2021;
2. Application for Soil Moving, dated October 29, 2021;
3. FAR Memo, prepared by Brigette Bogart, dated November 10, 2021;
4. Building Material Percentages, prepared by Albert Dattoli Architect, dated October 25, 2021;
5. Architectural Elevations, prepared by Albert Dattoli, of Albert Dattoli Architect, dated September 30, 2021;
6. Plot Plan & Sediment Control Plan, prepared by Tibor Latincsecs, PE and Stephen P. Eid, PE, PLS, of Conklin Associates, dated September 10, 2021;
7. Park Ridge Zoning Review Application, signed by Applicant October 29, 2021, denial by zoning officer issued January 4, 2022;
8. Zoning Office Denial of Application, dated January 4, 2022; and,
9. Completeness Review, prepared by Gregory J. Polyniak, PE, PP, CME, CPWM and John J. Dunlea, PE of Neglia Engineering Associates, dated December 6, 2021 and revised through January 28, 2022.

A. Existing Conditions

The subject site, known as Lot 7 of Block 809, is a 13,500 square foot parcel located in the R-20 One-Family Residential zone district. The property is located on the west side of Fourth Street, approximately 650 feet north of the intersection with Leach Avenue, and approximately 720 feet south of the intersection with Ridge Avenue. The parcel contains approximately 90 feet of frontage along Fourth Street.

The subject site is currently developed with a 1.5 story detached single family structure, occupying a footprint of approximately 1,500 square feet. Other existing site improvements include a driveway, walkways, and a frame shed.

Uses immediately adjacent to the subject site are detached single family in character.

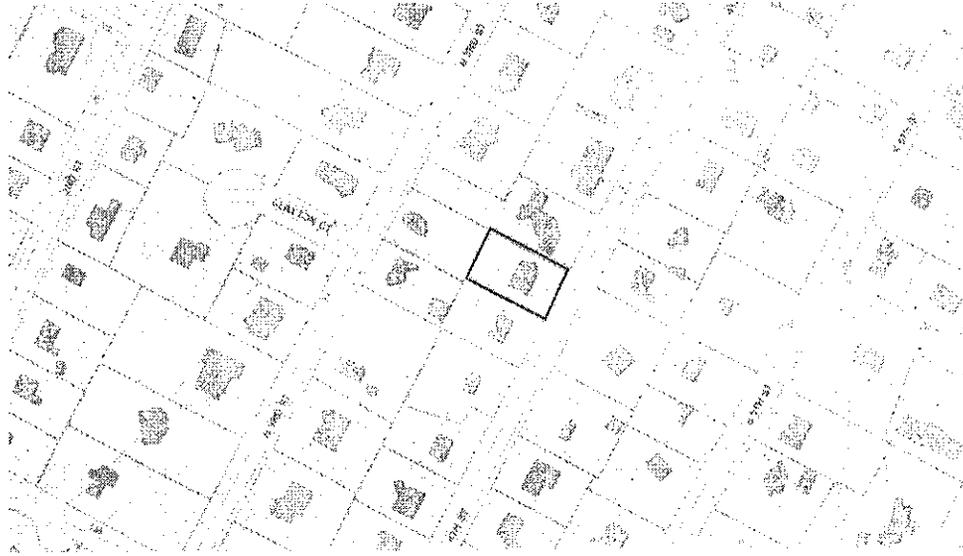


Figure 1: Subject Site and Surrounding (Source: Bergen County GIS)



Figure 2: Subject site with property boundaries approximated. (Source: Google Earth)

B. Applicable Land Use Controls

The subject site is located in the R-20 One-Family Residential zone district. The bulk requirements for the district and the conformance by the proposed development are provided in the following section.

The Borough's Land Use Element of its Master Plan, adopted in 2009, evaluated concerns at the time of the scale of single-family residential neighborhoods, noting the importance of the goal of maintaining the existing character and scale of single-family residential development. In describing the "Low Density-2 Residential" category, the Land Use Element states that "This area has developed in a relatively uniform residential pattern with most of the area characterized by detached single-family residences on lots approximately 20,000 square feet in area....A primary objective of the residential component of the land use plan is to reinforce this existing scale of development at this single-family residential density. It is recommended that future development in this portion of Park Ridge be in accordance with this density."¹

The 2009 Master Plan recommended new area and bulk regulations to address floor area ratio and dwelling volume for all single-family zoning districts in the Borough, the goal of which was to "[E]mphasize the important [sic] of the preservation of natural resources, encourage development of new and renovated dwellings that are compatibility [sic] with existing neighborhood character, establish the appropriate building scale, form and mass and create an [sic] proper setback relationship to the street and to the adjacent dwellings." The Master Plan outlined "key design and planning principles" that should be considered when residents/developers plan a home renovation or the construction of a new dwelling:

- Encourage the use of building setbacks on the upper floor levels to maintain adequate space, light, and a sense of openness from surrounding residences in existing residential neighborhoods;
- Promote alternative locations and orientations for garage and parking areas in order to emphasize the pedestrian qualities of the streetscape;
- Discourage fencing and retaining walls that front on public streets;
- Encourage building designs that reflect the natural landscape and scale of the surrounding neighborhood through use of smaller building components, cantilevered overhangs, and articulated exterior vertical walls;
- Establish massing and roof design criteria that emphasize the use of smaller elements that reflect the scale of the neighborhood;
- Provide more detailed design guidelines addressing grading, drainage, stream and tree preservation, resource conservation, green building, and universal design principles;
- Respect the existing views, privacy, access to light, and safety of neighboring properties;
- Reflect the local design goals and policies as expressed in the local community plan.²

¹ Borough of Park Ridge Comprehensive Master Plan (2009), page 20.

² Ibid, page 26.

This goal was further illustrated by the following recommendations:

- “New development and remodel/additions should not be disharmonious with the existing street setback patterns. One of the objectives of this plan is to promote single-family residential development (including additions and alterations) that are compatible with the existing neighborhood character. The design of these developments should consider the composition and integration of the outdoor spaces and the buildings that make up the physical neighborhood. The relationships between properties, including the existing setbacks and spaces between buildings, the heights, lengths and materials of walls, roof forms, fences and plantings should be considered. Generally speaking, the floor area of the proposed development should not substantially exceed the median home size in the surrounding neighborhood, taking into consideration site-specific factors, such as lot size, bulk and mass, topography, vegetation, and the visibility of the proposed dwelling. The relationships between residences on adjacent properties and between houses and the public street or area can be complex, and need to respect the privacy, views, light, solar access and noise effects on neighboring properties, to name a few. The relationships of building size, scale, image and location related to the public street are also important issues in the design of a single family dwelling.³
- Upper level setbacks in the design of residences to avoid excessive building bulk viewed from adjacent lots.

C. Proposed Conditions

The Applicant is seeking to demolish the existing 1.5 story single family structure, deck and outside improvements and replace it with a 2-story structure, pervious paver driveway, covered porch and patio. The proposed dwelling would contain a footprint of 2,996 square feet, approximately twice the footprint of the existing dwelling. The proposed development would also include new landscaping, stormwater system, and standby generator.

BULK REQUIREMENTS – R-20 SINGLE FAMILY RESIDENTIAL ZONE DISTRICT				
	Required	Existing	Proposed	Variances
Minimum Lot Area (sq. ft.)	20,000	13,500	13,500	ENC
Minimum Lot Width (ft)	110	90	90	ENC
Minimum Street Frontage (ft)	83	90	90	
Minimum Lot Depth (ft)	160	150	150	ENC
Minimum Front Yard Setback (ft)	40	48.1	40.2	
Minimum Rear Yard Setback (ft)	50	67.7	43.8	V
Minimum Side Yard Setback (ft)	22	22.2 & 21.9	18 & 22	V
Maximum Dwelling Width	60% lot width (54 feet)	45.6	50	
Maximum Building Height (ft)	32	Not provided	28.8	

³ Ibid, page 28.

BULK REQUIREMENTS - R-20 SINGLE FAMILY RESIDENTIAL ZONE DISTRICT				
	Required	Existing	Proposed	Variances
Maximum Building Coverage	18	11.3	22.2	V
Maximum Impervious Coverage	40	22.3	34.4	
Maximum Floor Area Ratio	22	11.3	28.0	V
Maximum Gross Floor Area (sq. ft.)	4,800	1,525*	3,780*	
ENC-Existing Nonconforming Condition				
V-Variance				
*Applicant shall clarify				

D. Variances

Summary

The Application requires the following variances:

1. "D(4)" Use Variance for Floor Area Ratio
2. "C" Bulk Variance for Maximum Building Coverage
3. "C" Bulk Variance for Minimum Side Yard Setback
4. "C" Bulk Variance for Rear Yard Setback
5. "C" Bulk Variance for parking in a front yard

In addition to the above, the site contains the following nonconforming conditions that do not appear to be modified by this application:

6. Minimum Lot Area
7. Minimum Lot Width
8. Minimum Lot Depth

'd' Variances

1. Ordinance Section §101-8 (Schedule IV-2): Maximum Floor Area Ratio.

The R-20 Zone District permits a maximum floor area ratio of 22 percent. The Applicant is proposing a total of 3,780 square feet of floor area on this 13,500 square foot site, which would yield a floor area ratio of 28 percent. Based on the lot area, a maximum floor area of 2,970 square feet would be permitted on this property. "D(4)" density variance approval is required to permit the floor area ratio deviation.

The Board should note that the Zoning Code permits floor area ratio bonuses under § 101-19, subsections D (Green building strategies) or E (Architectural guidelines) for residential development. The applicant is seeking both of these bonuses, and has supplied calculations and descriptions for the architectural guidelines bonus, as well as what appears to be an annotated excerpt of a LEED checklist for the green building strategies bonus. Concerning the architectural We agree with the Board Engineer's assessment that the applicant shall provide additional

information concerning the proposed improvements, particularly as it relates to the building façade projections, that would qualify it for the architectural guidelines bonus. Similarly, with regard to the green building strategies, we agree with the Board Engineer's assessment that since the application is not applying for LEED certification, then this bonus would not be applicable, based on the wording of the ordinance. It is our opinion, however, that if such green building strategies are being pursued, they could still go toward the Applicant's proofs in satisfying the positive and negative criteria. Considering that the LEED checklist submitted appears to be an excerpt (and appears to include calculations not pertaining to this project), the Applicant should be prepared to provide testimony on each of the green building strategies that are proposed as part of this development.

N.J.S.A. 40:55D-70D: Municipal Land Use Law Requirements.

Pursuant to the Municipal Land Use Law, a "D" use variance requires the Applicant to demonstrate to the Board that the variance can be granted without substantial detriment to the public good and without substantial impairment of the intent of the zone plan and zoning ordinance.

Positive Criteria (Special Reasons):

The Board should note that the court found, in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994), that the applicant need not show "special reasons" that a site is particularly suited for more intensive development if the use is permitted. The applicant is only required to demonstrate that the site will accommodate the problems associated with a larger floor area than that permitted by Ordinance. These problems typically involve the relationship of the proposal to the neighboring properties, such as intrusion into the side yard or visual incompatibility with the existing and surrounding buildings. The Board needs to determine whether the intent of zone plan and zoning ordinance will be substantially impaired by the proposed increase in floor area.

Negative Criteria:

The Applicant must demonstrate that the grant of the variances would not be substantially detrimental to the public good or substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance.

Regarding the "substantial detriment to the public good" prong of the negative criteria, the court affirmed in Medici v. BPR Co., 107 N.J. 1, that the focus is on the impact of the proposed use variance upon the adjacent properties and whether or not it will cause such damage to the character of the neighborhood as to constitute "substantial detriment to the public good".

The court also stated, with regards to the "substantial detriment to the zone plan and zoning ordinance" prong of the negative criteria, that "the added requirement that boards of adjustment must reconcile a proposed use variance with the provisions of the master plan and zoning ordinance will reinforce the conviction expressed in Ward v. Scott [11 N.J. 117 (1952)], the negative criteria constitute an essential 'safeguard' to prevent the improper exercise of the variance power" (107 N.J. 22). William Cox notes that the focus is on the "extent to which a

grant of the variance would constitute an arrogation of governing body and planning board authority.”⁴

The applicant should provide the answers to the following questions regarding the negative criteria:

- i. What impact—aesthetic, noise, lighting, parking, traffic, etc.—would the grant of this use variance have on the surrounding properties?
- ii. In what ways does the proposed use lessen or substantially increase any adverse impacts on surrounding properties as compared to other uses permitted in this district that could be developed on this particular lot?
- iii. What changes can be made, in terms of revisions to the plan or conditions, to mitigate any of the potential increased impacts from this proposed use?
- iv. Are there similar nonconforming uses nearby?
- v. What changes have occurred in the community since the adoption of the Zoning Ordinance and Master Plan that would justify an approval for this particular use?

‘c’ (Bulk) Variances

As noted above, the proposed development requires bulk variance relief from the following:

2. Ordinance Section §101-8 (Schedule IV-2): Maximum Building Coverage.

The R-20 Zone District requires a maximum building coverage of 18 percent. The Applicant is proposing 22.2 percent of building coverage. Bulk variance relief is required to permit this deviation. Is relief cognizable under “C(1)” hardship or “C(2)” flexible variance provisions?

3. Ordinance Section §101-8 (Schedule IV-2): Minimum Rear Yard Setback

The R-20 Zone District requires a minimum rear yard setback of 50 feet. The Applicant is proposing a rear yard setback of 43.8 feet. Bulk variance relief is required to permit this deviation. Is relief cognizable under “C(1)” hardship or “C(2)” flexible variance provisions?

4. Ordinance Section §101-8 (Schedule IV-2): Minimum Side Yard Setback

The R-20 Zone District requires a minimum side yard setback of 22 feet. The Applicant is proposing minimum side yard setbacks of 18 feet and 22 feet on each side of the proposed dwelling. Bulk variance relief is required to permit this deviation. Is relief cognizable under “C(1)” hardship or “C(2)” flexible variance provisions?

5. Ordinance Section §101-62B: Parking Location

The ordinance prohibits off-street parking in a required front yard. While an attached garage is proposed, the proposed development also includes a parking area in the front yard. As such,

⁴ Cox, W. M., as revised and updated by Jonathan E. Drill and Lisa A. John-Basta (2021). *New Jersey Zoning and Land Use Administration, 2021 Edition*. Newark, NJ: Gann Law Books. (p. 772).

bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

In addition to the above, the site contains the following nonconforming conditions that do not appear to be modified by this application:

6. Ordinance Section §101-8 (Schedule IV-2): Minimum Lot Area

The R-20 Zone District requires a minimum lot area of 20,000 square feet, where 13,500 square feet exists.

7. Ordinance Section §101-8 (Schedule IV-2): Minimum Lot Width

The R-20 Zone District requires a minimum lot width of 110 feet, where 90 feet exists.

8. Ordinance Section §101-8 (Schedule IV-2): Minimum Lot Depth

The R-20 Zone District requires a minimum lot width of 160 feet, where 150 feet exists.

N.J.S.A. 40:55D-70C: Municipal Land Use Law Requirements.

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first criteria is the C(1) or hardship reasons including exceptional narrowness, shallowness or shape of a specific piece of property, or exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or extraordinary and exceptional situation uniquely affecting a specific piece of property.

The second criteria involves the C(2) or flexible "C" variance where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment.

The Applicant should be advised that, pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-70C), deviation from a bulk standard can be granted under either a "C(1)" hardship variance or a "C(2)" flexible variance.

A "C(1)" hardship variance can be granted to relieve peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of a specific piece of property that is uniquely affected by (a) exceptional narrowness, shallowness or shape, (b) exceptional topographic conditions or physical features, or (c) other extraordinary and exceptional situation affecting the property or the lawfully existing structures. For a "C(1)" variance, the Applicant must demonstrate that there is some specific physical feature of the property that prevents compliance with the ordinance.

A "C(2)" flexible variance requires the Applicant to demonstrate that the benefits of allowing the proposed deviation will substantially outweigh any detriments associated with the deviation. The Applicant must show that the requested "C(2)" variance will result in a better plan for the property.

For both "C(1)" and "C(2)" variances, the Applicant must also demonstrate to the Board that:

1. The purposes of zoning (see N.J.S.A. 40:55d-2) would be advanced by the proposed deviation. Furthering one or more purposes of zoning would indicate that there is a benefit to granting the proposed variance.
2. The variance can be granted without substantial detriment to the public good. The focus is on the impact of the proposed variance upon the adjacent properties and whether or not it will cause such damage to the character of the neighborhood as to constitute "substantial detriment to the public good".
3. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance. The Applicant must demonstrate that the variance is not inconsistent with the intent and purpose of the ordinance requirements from which relief is sought.

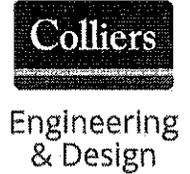
E. Waivers/Exceptions

The Applicant has not requested any waivers/exceptions, nor have we identified any as part of our review.

F. Comments

1. Dwelling width calculations in the table suggest that the maximum dwelling width is 60 feet. By our calculations, 60 percent of the 90 foot lot width would be 54 feet. In addition, the table suggests that the dwelling width of the existing and proposed structures is 50 feet. Based on our measurement, the existing structure appears to have a width of approximately 45.5 feet, while the proposed structure is 50 feet. The applicant shall clarify.
2. As indicated in the previous section, the Applicant's testimony should focus on how, if at all, the proposed design is consistent with the scale and character of the surrounding area.
3. In accordance with § 101-23C, no part of any driveway shall be located nearer than 10 feet to any other driveway on an adjoining parcel. These measurements have not been provided. The Applicant shall clarify.
4. Plans indicate that the new residential dwelling will contain a backup generator, but it is not clear if an HVAC system is proposed. The Applicant shall clarify. The Board should note that § 101-21A (8) requires that the closest portion of a HVAC unit shall be located a maximum of 5 feet from the principal structure, and a minimum of 15 feet from all property lines. If the HVAC unit is located in the side yard, then screening is also required.
5. Our office defers to the Board Engineer on comments relating to any proposed site grading modifications.

We reserve the right to make additional comments based upon further review or submission of revised plans or new information.



Should you have any questions concerning the above comments please do not hesitate to contact my office.

Sincerely,

Colliers Engineering & Design, Inc.

A handwritten signature in black ink, appearing to read "ND".

Nicholas Dickerson, PP, AICP, CFM
Board Planner

cc: Brian Giblin, Esq. Board Attorney (via email btgiblin@msn.com)
Gregory Polyniak, PE, PP, CME, CPWM and John J. Dunlea, PE, Board Engineer (via email
gpolyaniak@negliaengineering.com & jdunlea@negliaengineering.com)
Antimo A. Del Vecchio Esq., Applicant's Attorney (200 Market Street, Suite 401, Montvale NJ 07645)
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Albert Dattoli, Applicant's Architect (70K Chestnut Ridge Road, Montvale NJ 07645)
Brigette Bogart, Applicant's Planner (205 Franklin Avenue, Wyckoff, NJ 07481)