

**BOROUGH OF PARK RIDGE
ZONING BOARD
AUGUST 16, 2022
REGULAR MEETING MINUTES**

The Public Meeting of the Zoning Board of the Borough of Park Ridge was held 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:

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

Also Present:

Mr. Brian Giblin - Attorney	Present
Ms. Tonya Tardibuono	Present
Mr. John Dunlea – Neglia Engineering	Present
Mr. Nick Dickerson – Colliers Planning	Present

APPROVAL OF MINUTES

The minutes of July 19, 2022 were approved on a motion from Mr. Mintz, seconded by Dr. Perez, and carried by all members eligible to vote.

RESOLUTION #2022-11

#ZB21-11

Glen Schauer

Lisa Everson

74 S Fifth Street

Block 1308 / Lot 3

Addition / Alteration

A motion was made by Mr. Mintz to approve the memorializing resolution extending the expiration date on resolution #2021-17. The motion was seconded by Dr. Perez, and carried by a roll call vote as follows:

Mr. Michael Mintz	Yes
Dr. Gregory Perez	Yes

Ms. Nettleship-Carraher
Mr. Jeff Rutowski

Yes
Yes

NEW APPLICATION #ZB22-5

**Valerie Vermiglio Kohn
82 Rivervale Road
Block 2007 / Lot 1
Subdivision**

Attorney, Mr. John Conte, from the law firm of Meyerson Fox Mancinelli & Conte was present as the attorney for the applicant.

Proof of service is in order.

Mr. Conte commented that they will not proceed with this application tonight since only five of the members are present and a D variance would require five yes votes.

The applicant is seeking a two-lot sub division Block 2007, lot 1. The existing lot has a two-family pre-existing non-conforming two-family home and a single-family home.

All bulk requirements are met with the exception of two. The original application submission called for three variances, but upon review only two variances are now required.

Mr. Conte asked if the application can be moved to the September 20, 2022 agenda. Chairman Pantaleo replied that the agenda for the September meeting is already booked. Mr. Conte asked if his application can be listed for September 20, 2022 in the event the scheduled applicant is not able to make it. The Board agreed. In the event the September 20, 2022 agenda is not available, this application will be listed on the October 18, 2022 agenda.

Mr. Rutowski asked for ariel view photos of this property.

There were no members of the public wishing to speak.

NEW APPLICATION #ZB22-1

**Julio & Evelyn Pecho
46 W. Park Avenue
Block 1202 / Lot 50
Retaining Wall**

Dr. Perez has recused himself from this application due to living within 200 ft. of the subject property.

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

Julio Pecho
46 W. Park Avenue
Park Ridge, NJ 07656

Evelyn Pecho
46 W. Park Avenue
Park Ridge, NJ 07656

Proof of service is in order.

Mr. Pecho spoke about the application. Mr. Pecho spoke about how he hired a contractor to construct a wall, patio and to take down several trees. The contractor assured Mr. Pecho that he would obtain all required permits from the Borough. The contractor did not apply for any permits and then disappeared. No soil moving permits were received.

Exhibit A-1 was marked as eight photographs submitted from Mr. Pecho. The photographs showed both the prior and current conditions of the yard.

Mr. Nettleship-Carraher asked the height of the wall. Mr. Pecho said the size varies, but approximately eight feet tall.

The applicants Engineer, Mr. William Page of Page Consultants, went over his qualifications and was sworn in by Attorney Giblin and accepted as an expert witness.

Retaining walls need to be eight-feet from the property line in the R-10 Zone and the max height of a wall is four-feet without being tiered.

Mr. Page spoke about the application.

A discussion was had pertaining to the distance from the wall to the property line.

Mr. Dunlea commented that the wall would need to be certified. Retroactively, the wall would need to be designed and then certified. That process would need to be done in order for a proper review to be completed.

Chairman Pantaleo commented that at first the height and location would need to be approved, and then the Board can go from there.

Concrete, boulders and other materials were used in the construction of the wall.

Mr. Pantaleo asked for elevations.

There appears to be a 15 ft. drop in one area.

The distance from the bottom of the wall to the neighbor's house is approximately 50-60 ft.

Mr. Dunlea went over his review.

Mr. Dunlea asked if a fence would be installed. Mr. Pecho said they were planning on installing a fence, but when they received a stop work order from the Borough, they did not make any changes to the project. Mr. Dunlea commented that the applicant will need a fence that Neglia Engineering will have to approve.

Mr. Dunlea asked if any trees were removed. The applicant said some, but they do plan on re-planting trees.

Mr. Dunlea said if the Board is to look favorably on this application, the applicant will need to have the integrity of the wall confirmed, a perc test will need to be performed, and confirmation of adequate drainage will be required.

The meeting was open for public comments and questions.

William Sheehan (Son)
6 Sixth Street
Park Ridge, NJ 07656

William Sheehan (Father)
1 Ryder Court
Stony Point, NY

Exhibit 01-, 0-2, 0-3 & 0-4 were submitted from Mr. Sheehan who lives directly behind 46 W Park Avenue.

The neighbor, Mr. Sheehan, is very concerned that the wall is not structurally sound. There are six-foot weeds growing out of the boulders. Mr. Sheehan is concerned that he would be liable if a child falls off this wall and into his yard and he doesn't want his family to get hurt from falling wall debris. He stated the wall is right on his property line and that is prohibiting him from installing a fence or shed. He also believes this wall is at least twelve feet.

Mr. Sheehan, the neighbor's father, explained how he is a retired New York Building Inspector. He said in his professional opinion this wall was not built to code and he never saw any type of drainage installed. Prior to the construction on the wall, he couldn't see the property at all, but now after the wall construction and tree removal he can. Mr. Sheehan asked about the 15% step-slope ordinance.

Chairman Pantaleo asked if the neighbor, Mr. Sheehan was opposed to a retaining wall. Mr. Sheehan said no, but not this wall.

Mr. Sheehan said this wall is built on the original old and crumbling wall.

The applicants apologized to the neighbors and stated that are trying to do the right thing. The applicants said they were not aware of the neighbors' concerns.

Mr. Dunlea commented that he would not confirm that this wall is acceptable.

Greg Perez
1 Sixth Street
Park Ridge, NJ 07656

Dr. Perez understands that aesthetics is a concern, but he is very concerned for safety. He also stated that it is not known what material is in this wall.

It was suggested to the applicants that they speak to their professionals and come up with a solution that works best for them. Their professionals can then confirm that the proposed solution will work with Neglia Engineering. Then when they come

back to the Board, a solution should already be worked out, it would just need Board approval.

The neighbor, Mr. Sheehan, commented that he would be ok with a retaining wall closer than eight-feet, but not directly on the property line.

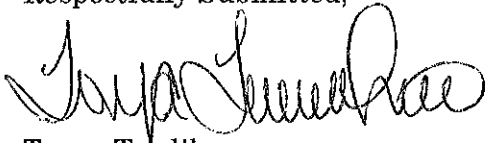
A motion was made by Mr. Mintz to carry this application to the October 18, 2022 Zoning Board of Adjustment meeting. The motion was seconded by Ms. Nettleship-Carraher and carried by all.

BOARD DISCUSSION

No Board discussion took place.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Tonya Tardibuono', written in a cursive style.

Tonya Tardibuono

BOROUGH OF PARK RIDGE

Resolution #2022-11
Application #ZB21-11
ZB 8-16-22

ZONING BOARD OF ADJUSTMENT RESOLUTION (Extend Res #)
2021-17

WHEREAS, GLEN SCHAUER and LISA EVERSON (hereinafter referred to as "Applicant"), are the owners of property known and designated as Lot 3 in Block 1308, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises commonly known as 74 S. Fifth Street; and

WHEREAS, the Applicant received approval from this Board by Resolution adopted September 21, 2021 to construct an addition and perform alterations on the property; and

WHEREAS, the Applicant has not been able to commence construction within one (1) year after the adoption of the Resolution by this Board; and

WHEREAS, pursuant to Park Ridge Ordinance §74-14 "Any variance from the terms of this Chapter hereafter granted by the Board of Adjustment, permitting the erection or alternation of any structure or structures, or permitting a special use of any premises, shall expire by limitation unless such construction or alteration shall have actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one (1) year from the date of publication of the notice of the judgment or determination of the Board of Adjustment ..."; and

WHEREAS, the Zoning Board of Adjustment has the authority under the New Jersey Municipal Land Use Law to extend its approvals.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE that the approval granted to GLEN SCHAUER and LISA EVERSON by Resolution adopted on September 21, 2021 is hereby extended for one (1)

additional year from the date of publication of the approval.

Ayes: 4

Nays: 0

Dated: August 16, 2022

Introduced by: Michael Mintz (M)
Seconded by: Michael Mintz (M)
Lynda Nettleship Carraker
Approved: Lynda Nettleship Carraker
Frank Pantaleo (F)
Frank Pantaleo