

**BOROUGH OF PARK RIDGE  
ZONING BOARD  
DECEMBER 20, 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	Present
Mr. Jake Flaherty	Present
Mr. Michael Mintz	Present
Dr. Gregory Perez	Present
Ms. Lynda Nettleship-Carraher	Present
Mr. Jeff Rutowski	Present

**Also Present:**

Mr. Brian Giblin Jr. - Attorney	Present
Ms. Tonya Janeiro – Board Secretary	Present
Mr. John Dunlea – Neglia Engineering	Present

**APPROVAL OF MINUTES**

The minutes of November 22, 2022 were approved on a motion from Mr. Mintz, seconded by Dr. Perez, and carried by all members eligible to vote.

**REVISED RESOLUTION #2022-16**

**#ZB22-5**

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

A motion was made by Mr. Mintz to approve the revised memorializing resolution. The motion was seconded by Mr. Flaherty, and carried by a roll call vote as follows:

Mr. Mike Curran	Yes
Mr. Jake Flaherty	Yes
Mr. Michael Mintz	Yes
Dr. Gregory Perez	Yes
Chairman Frank Pantaleo	Yes

**RESOLUTION #2022-17**

**#ZB22-6**

**Joseph Braunworth  
272 Prospect Avenue  
Block 2507 / Lot 2  
Second Floor Addition**

A motion was made by Dr. Perez to approve the memorializing resolution. The motion was seconded by Mr. Flaherty, and carried by a roll call vote as follows:

Mr. Mike Curran	Yes
Mr. Jake Flaherty	Yes
Mr. Michael Mintz	Yes
Dr. Gregory Perez	Yes
Chairman Frank Pantaleo	Yes

**CONTINUED APPLICATION #ZB22-7**

**Daniel Panarello / Kathleen Butler  
2 Kevin Court  
Block 2304 / Lot 20  
Inground Pool / Fence / Retaining Wall**

Chairman Pantaleo made an announcement that this application will be carried to the January 17, 2023 Zoning Board of Adjustment meeting at 8:00 p.m. The applicant agreed to consent to an extension of time at the previous meeting. No additional notice will be required.

**CONTINUED 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.

Mr. Curran listened to the audio recording from the August 16, 2022 meeting and is now eligible to vote on this application.

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

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

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

The applicants Engineer, Mr. William Page of Page Consultants, was sworn in by Mr. Giblin Jr. Mr. Page gave his qualifications at the August 16, 2022 meeting and was accepted as an expert witness.

Mr. Page described the new proposed wall construction. He stated that many of the boulders will be able to be reused in the new wall. Concrete dust will be placed in-between the boulders, when the rain turns to dust, the concrete will harden.

Chairman Pantaleo asked if the wall was going to be located in the same location. Mr. Page replied yes.

Mr. Mintz asked if the same variances are still required. Mr. Dunlea said they will still require a variance for the wall's set-back.

Mr. Dunlea stated that a Geotechnical Engineer will be required to be on-site at the beginning of construction.

The submitted plans show trees on top of the wall. Mr. Pecho said they decided to install a fence on top of the top tier instead. Ms. Janeiro asked Mr. Giblin Jr. that the fence requirement be listed in the resolution.

**The meeting was open for public comment and questions of the applicants and their professional.**

William Sheehan  
1 Ryder Court  
Stony Point, NY

Mr. Sheehan is the father of the owner of the adjacent property, 6 Sixth Street.

Mr. Giblin Jr. swore in Mr. Sheehan. Mr. Sheehan was the Director of Planning and Zoning for thirty-six years in Stony Point, New York.

The bottom of the wall will be 24 x 24 x 24.

Mr. Sheehan asked if the wall will be removed completely and replaced. Mr. Page replied that it depends on what the conditions of the wall are once the construction begins.

The wall will be 7 ft. face to face.

Mr. Sheehan asked if the drainage can be directed to the northeast corner of the property. Mr. Page said that would be acceptable. Mr. Dunlea said it isn't an issue as long as it doesn't impact the neighbors.

Mr. Sheehan asked if the walls will be sloped. Mr. Page replied yes.

Mr. Sheehan asked how the walls will be maintained. Mr. & Mrs. Pecho replied they will take care of the grass.

Mr. Sheehan asked if they would be importing stone. Mr. Page replied yes.

Mr. Sheehan commented that he hopes a better contractor will be hired for the job this time.

Mr. Mintz made a motion for the Board to have a Board discussion regarding 46 West Park Avenue. All members were in favor.

Chairman Pantaleo said as long as all involved with this application agreed on the revised plans, the Board would agree as well.

Mr. Flaherty asked what sizes the imported boulders would be.

Mr. Dunlea said the Geotechnical Engineer would be on site and would have to certify the wall at the end of construction.

A motion was made by Mr. Rutowski to grant the requested variances. The motion was seconded by Mr. Mintz, and carried by a roll call vote as follows:

Mr. Mike Curran	Yes
Mr. Michael Mintz	Yes
Ms. Nettleship-Carraher	Yes
Mr. Jeff Rutowski	Yes
Chairman Frank Pantaleo	Yes

#### BOARD DISCUSSION

No Board discussion took place.

The meeting was adjourned on a motion from Mr. Mintz, seconded by Mr. Flaherty, and carried by all.

Respectfully Submitted,

Tonya Janeiro

Resolution #2022-16  
Revised Resolution #2022-14  
Application # ZB 22-5  
ZB 12-20-22

BOROUGH OF PARK RIDGE  
ZONING BOARD OF ADJUSTMENT RESOLUTION

\*\*\*\*\*

\*

WHEREAS, Valerie Vermiglio Kohn, has applied to the Board of Adjustment of the Borough of Park Ridge under Application No. ZB 22-5 for permission to subdivide premises designated as Lot 1 in Block 2007 into two (2) lots. Said property is located in the "R15" (Residential) zone pursuant to Ordinance 101 et. seq.; and

WHEREAS, the applicant has, by affidavit, presented satisfactory proof to the Board that all owners of the property situate within and without the municipality and within 200 feet of the premises to be affected have been given notice pursuant to the applicable statutes; and

WHEREAS, the applicant has also submitted an Affidavit of Publication that notice of said hearing was duly published as required by law; and

WHEREAS, on October 18, 2022, the Board of Adjustment held a public hearing at which time it heard the testimony and considered the argument on behalf of the applicant; and

WHEREAS, at said hearings the Board also hearing and gave consideration to all other persons desiring to be heard; and

WHEREAS, on October 18, 2022, after due consideration and deliberation the Board did adopt a voice resolution approving the application; and

WHEREAS, pursuant to N.J.S.A. 40:55D-10(g) said decision must be reduced to writing and shall include findings of fact and conclusions based thereon; and

WHEREAS, the statute further provides that the Board may provide such written decision by the adoption of a resolution of memorialization at a subsequent meeting; and

WHEREAS, the Board of Adjustment does hereby on this 22<sup>nd</sup> day of

November, 2022, adopt, ratify and confirm the following findings as its findings of fact and conclusions of law upon which its determination of October 18, 2022 was based:

1. The applicant is the contract purchaser of the premises known as Lot 1 in Block 2007 on the tax assessment map of the Borough of Park Ridge. The property is situate within the "R15" (Residential) zone.

2. The applicant proposes to subdivide the lot into two lots. Proposed lot 1.01 is developed with a non-conforming two-family home as well as a single-family dwelling. Proposed lot 1.02 will be developed with a single-family home.

3. The property is located on Rivervale Road and is irregular in shape. It has 187 feet of frontage on Rivervale Road and a maximum depth of 374.2 feet. The lot contains a lot area of 87,641 square feet.

4. The applicant's proposal is depicted on plans titled "Minor Subdivision for Valerie Kohn, Lot 1 Block 2007 82 Rivervale Road, Park Ridge, Bergen County, N.J." dated March 15, 2022, revised to September 13, 2022, prepared by Lantelme, Kurens and Associates, P.C.

5. In support of the proposal, the applicant presented testimony from several witnesses.

6. The applicant's first witness was Sean McClellan, an engineer, who was qualified and testified as an expert witness.

7. The witness described that there is an existing non-conforming two-family home as well as a single family home on the property and that the proposal is to subdivide the lot into two (2) separate lots to be designated Lots 1.01 and 1.02.

8. The witness testified that the proposal would require the following variances:

For proposed lot 1.01, the minimum combined side yard is proposed at 15.4' where 18' is the minimum required;

For proposed lot 1.02, the minimum lot width is proposed at 87' where 100' is the minimum required.

9. The witness further testified that nothing will be disturbed in the rear of the property and that there will be no runoff issues.

10. The witness also testified that there will be parking for the new house to be constructed including a new two (2) car garage.

11. The witness also testified that a portion of the property will be deeded to the Borough to be added to the right-of-way.

12. The applicant's next witness was Michael F. Kauker who qualified and testified as an expert in planning.

13. The witness testified that the variances requested can be granted because the benefits of the proposal outweigh the determinants.

14. Specifically, the witness testified that the lot is extremely oversized for the zone and that the variances being requested are not substantial.

15. The witness also testified that the proposed lot is in an ideal location. It is isolated from the older part of the property and the proposal is consistent with the Master Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Adjustment of the Borough of Park Ridge does hereby approve the application of Valerie Vermiglio Kohn under Application No. ZB 22-5 for permission to subdivide the property into two (2) lots designated as lots 1.01 and 1.02.

**BE IT FURTHER RESOLVED**, that said approvals are subject to the following conditions:

1. The lots shall be developed as proposed in the plans submitted to the Board, titled by "Minor Subdivision for Valerie Kohn, Lot 1 Block 2007 82 Rivervale Road, Park Ridge, Bergen County, N.J." dated March 15, 2022, revised to September 13, 2022, prepared by Lantelme, Kurens and Associates, P.C.

2. Applicant shall comply with all the requirements of the Subdivision Ordinance of the Borough of Park Ridge.

3. If another governmental agency grants a waiver or variance of a regulation, affecting this approval or the conditions attached to it then this Board shall have the right to review that issue as it relates to this approval and these conditions and modify or amend the same.

4. Within thirty (30) days of approval, the applicants shall submit to the Secretary of the Board twelve (12) copies of the approved subdivision plan. (Each plan must be individually signed and sealed by a professional engineer or land surveyor).

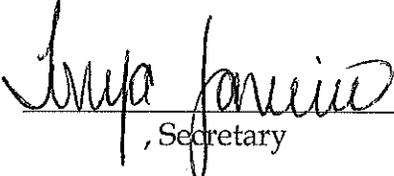
5. Applicant shall record this subdivision map or deed in the County Clerk's Office within one hundred ninety (190) days of approval as required by N.J.S.A. 40:55D-47. In the event the applicant records a deed, it shall be reviewed and approved by the attorney for the Board prior to recording.

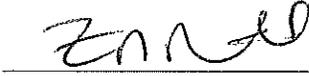
6. Within thirty (30) days of the recording and prior to receipt of any building permits, the applicant shall submit to the Board and the Building Department proof of said recording in the form of a deed or map.

7. Applicant to comply with all federal, state and local laws, rules, regulations and obtain all other required governmental approvals in implementation of this development.

ATTEST:

APPROVED:

  
\_\_\_\_\_  
, Secretary

  
\_\_\_\_\_  
, Chairman  
FRANK Pantaleo

I hereby certify the foregoing to be a true copy of a resolution adopted by the Board of Adjustment at a meeting held on the 22<sup>nd</sup> day of November, 2022.

  
\_\_\_\_\_  
, Secretary

Resolution #2022-17  
Application #ZB22-6  
ZB 12-20-2022

BOROUGH OF PARK RIDGE  
ZONING BOARD OF ADJUSTMENT

RESOLUTION

\*\*\*\*\*

WHEREAS, Joseph Braunworth (hereinafter referred to as "Applicant"), being the owner of premises known as 272 Prospect Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 2 in Block 2507 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 to allow the construction of an addition over the existing garage; and

WHEREAS, the premises are located in the R-15 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 November 22, 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 November 22, 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 272 Prospect Avenue in the Borough of Park Ridge, also known and designated at Lot 2 in Block 2507 on the Tax Map of the Borough of Park Ridge, a non-conforming lot containing 11,888 sq. ft. (15,000 sq ft. required) a lot width of 120 feet (100 feet required) and a lot depth of 100 feet (150 feet required). The property is currently improved with an existing single family residential structure.
2. The Applicant proposes to construct an addition above the existing garage. The existing footprint of the home will not change.
3. The applicant adduced testimony from his architect, Joseph Bruno, who was qualified and testified as an expert witness.
4. The witness testified that the lot is nonconforming because of insufficient lot area as well as insufficient lot depth.

---

5. The witness also testified that the proposal is to build an addition over the existing garage. However, since the rear setback from the garage 16.71 feet where 45 feet are required, the applicant requires a variance.
6. The BOARD finds that by reason of the location of the existing house on the lot, the strict application of the Zoning Ordinance to require a rear yard setback of forty-five (45') feet for the addition 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-

EXHIBIT LIST

Application #:

Applicant: Joseph Braunworth

Property Address: 272 Prospect Avenue  
Block 2507 Lot 2

Application received on August 15, 2022

Survey (undated and unsigned)

Denial of Application dated June 14, 2022

70(c)(1). As testified to, the addition will not exceed the existing footprint of the building.

7. The BOARD further finds that the construction of the addition does not negatively impact the adjacent properties.

8. The BOARD finds and concludes that the benefits from granting of the variance to permit the construction of an addition above the garage in the rear yard outweighs any detriment pursuant to N.J.S.A.40:55D-70(c) (2).

By reason of the foregoing the BOARD finds that a decision to grant the variance from the minimum rear yard setback 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 variance for an insufficient rear yard setback so as to permit the proposed addition over the garage as depicted on the plans submitted to the Board and as more particularly set forth in this resolution.

Ayes: 5

Nays: 0

Dated: December 20, 2022

Introduced by: Imc Ann

Seconded by: Greg Perez  
Jake Flaher

Approved: Frank Pantaleo