

**BOROUGH OF PARK RIDGE
ZONING BOARD
MAY 16, 2023 – 8:00 P.M.
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 Meeting Act, P.L. 1975, Chapter 231.

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	Absent

Also Present:

Mr. Brian Giblin. - Attorney	Present
Ms. Tonya Janeiro – Board Secretary	Present

APPROVAL OF MINUTES

The minutes of April 18, 2023 were approved on a motion from Mr. Mintz, seconded by Mr. Flaherty, and carried by all members eligible to vote.

NEW APPLICATION

ZB23-3

Christine Malkames / Anthony Oberhaus

9 Glenbrook Drive

Block 502 / Lot 1

13 Ft. High Existing Fence

Attorney, Jennifer Berardo from the law firm Wells, Jaworski & Liebman, LLP was present as the attorney for the applicant, the applicants are Ms. Christine Malkames and Mr. Anthony Oberhaus.

Proof of service is in order.

The residential single-family home is located on 3.8 acres. Neighboring the property is the commercial building located at 1 PIM Plaza that houses the company Promotion in Motion.

When the applicant purchased the property, Hertz owned the building located at 1 PIM Plaza. Since the new owners purchased the commercial building, loading docks were installed and additional lights were placed on the property.

Ms. Berardo said the 13 ft. fence was installed without permits. The applicants are now asking for forgiveness.

The fence is only visible from homeowner and by the rear loading dock at the PIM building.

Ms. Berardo said she believes this application to be in line with the Master Plan and no substantial detriment to the surrounding areas.

Mr. David Sudacki from Lapatka Associates in Paramus, New Jersey, was sworn in by Mr. Giblin to offer testimony. Mr. Sudacki went over his qualifications and was accepted as an expert witness.

Exhibit A-1 partial property line survey detail from Lapatka Associates dated January 6, 2023, and revised on April 5, 2023.

Exhibit A-2 partial land survey from James E. Dunn dated March 22, 1999, and revised on March 30, 1999.

Exhibit A-3 seven photographs of existing fence from Mr. David Sudacki.

Mr. Sudacki showed on Exhibit A-2 the fence surrounding the property and the various fence heights.

PIM has head on parking in an elevated area facing the subject property.

The 13 ft. fence is not visible from the street.

Chairman Pantaleo asked if the fence is structurally sound. Mr. Sudacki replied he did not check the structural integrity of the fence, but nothing indicated that the fence was not structurally sound.

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

Ms. Christine Malkames
9 Glen Brook Drive
Park Ridge, NJ 07656
Property Owner

Ms. Malkames said she purchased the property in 1999 and never had any issues with the previous tenants. When Hertz sold the building, the issues began. The new owners cut down trees and installed security lights. She went to the town and worked with Bo Scannavino. Mr. Scannavino put her in contact with the building's owners and together they came up with the fence solution. When the fence was

installed she could no longer see the lights, parking lot and loading deck of the surrounding commercial property at 1 PIM Plaza. She commented that she feels the fence made a huge difference and it would be devastating to them to have to take the fence down.

Mr. Flaherty asked for a timeline as to when the building was sold and when the fence was installed. Ms. Malkames commented that she wasn't exactly sure, but believes the fence was installed sometime in 2018. Mr. Flaherty asked if the applicants were aware of the zoning code on fences, Ms. Malkames replied no. Mr. Flaherty asked if the previous building owner had an issued with the fence. Ms. Malkames replied no.

It was asked who constructed the fence. Ms. Malkames said it was a friend of their tree removal company.

Ms. Nettleship-Carraher asked who paid for the fence. Ms. Malkames replied that she did. Ms. Nettleship Carraher asked who Bo Scannavino is. Ms. Janeiro replied that he was the Construction Official at the time.

Ms. Malkames asked the owner if they would consider taking the lights down, but they said for safety reasons they cannot.

It was asked of Ms. Malkames if they had a 6 ft. fence if they would be able to see the paring lot lights. Ms. Malkames replied yes.

Chairman Pantaleo asked if the footings are secure. Ms. Malkames replied they are very secure.

Mr. Curran asked if there was a specific design to this fence. Ms. Malkames said no, they just repeated the same design of the existing 6 ft. fence.

Chairman Pantaleo asked if there was an existing 6 ft. fence. Ms. Malkames replied yes.

Dr. Perez asked if the footings were original. Ms. Malkames replied that new footings were installed.

Ms. Nettleship – Carraher asked who owns the chain link fence shown on the survey. Ms. Malkames said the fence is original from 1978 and is located on both properties.

Mr. Mintz asked if the metal poles support both fences. Mr. Sudacki replied one long pipe is anchored to both panels.

Mr. Curran asked if there had been any fence issues in previous storms. Ms. Malkames replied no.

Mr. Flaherty asked when the PIM building was constructed. Ms. Malkames replied she believes in 1990.

No public present.

Ms. Berardo said this is a unique situation. Her client's property is a significantly large property abutting a commercial property. The change in elevation and grade result in an impact from the commercial site. The fence creates a nice buffer between both properties and uses. The applicant apologizes for not receiving proper permits prior to the install of the fence.

Mr. Flaherty said this is a unique application. He looks favorable on this application.

Ms. Nettleship-Carraher asked how the town found out about this fence. Ms. Janeiro said a neighbor complained about the applicant having the fence with no proper permits.

Mr. Mintz asked if the town engineer has reviewed or will review the existing fence.

Ms. Nettleship-Carraher asked why the town cannot do anything regarding this situation. Ms. Janeiro replied PIM is located in a commercial zone and they are not in violation of any laws. The lights are needed for safety and the elevation makes it difficult to control the light bleed.

Chairman Pantaleo spoke about this application and said he feels for the applicant especially since it was not always this way.

Mr. Mintz asked if the rest of the fence was 7 ft. or 6 ft. Ms. Malkames said that the fence is 6 ft. Mr. Pantaleo commented that this application will incorporate the entire existing fence.

A conversation by all Board members took place regarding inspections on the existing fence. It was decided that that the entire fence of various heights will be included in this application and Mr. Dunlea, the Board Engineer, will inspect the existing fence.

Dr. Perez commented that he wishes the applicant installed 10 ft.- 12 ft. arborvitaes instead of a fence. He doesn't believe that the installer didn't know that a permit was required or that a 13 ft. fence is not permitted.

It was discussed that if the fence was not properly installed, the applicant would be permitted to take the fence down and re-install the exact same height fence.

Mr. Giblin will draft a resolution that will be voted on at the June 20, 2023 Board of Adjustment meeting.

A motion was made by Mr. Mintz to grant the requested variances. 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
Ms. Lynda Nettleship-Carraher	Yes
Chairman Frank Pantaleo	Yes

BOARD DISCUSSION

Ms. Janeiro said the only pending application we have at this time is an application for 203 Pascack Road.

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 blue ink, appearing to read "Tonya Janeiro", is written over the printed name.

Tonya Janeiro