

**BOROUGH OF PARK RIDGE
ZONING BOARD
SEPTEMBER 19, 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
Vice Chairman Jake Flaherty	Absent
Mr. Michael Brickman	Present
Mr. Mike Curran	Present
Mr. Michael Mintz	Present
Dr. Gregory Perez	Present
Ms. Lynda Nettleship-Carraher	Present
Mr. Jeff Rutowski	Present

Also Present:

Mr. Michael Gannaio. - Attorney	Present
Ms. Tonya Janeiro – Board Secretary	Present
Mr. John Dunlea – Board Engineer	Present
Mr. Nicholas Dickerson – Board Planner	Present

APPROVAL OF MINUTES

The minutes of August 15, 2023 were approved on a motion from Mr. Mintz, seconded by Mr. Brickman, and carried by all members eligible to vote.

RESOLUTION #2023-12

ZB23-5

**Meaghan Mallon
54 Linden Avenue
Block 1508 / Lot 8
Home Addition**

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

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

NEW APPLICATION

ZB23-4

Calvin J. Wilson
203 Pascack Road
Block 1019 / Lot 15
Two Principal Buildings on One Lot

Proof of service is in order.

Attorney, Mr. Jonathan Goodelman from the law firm of Cole, LLC was present as the attorney for the applicant. The applicants are brothers, Calvin Wilson and Ryan Wilson.

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

Calvin Wilson
203 Pascack Road
Park Ridge, NJ 07656

Davis Santiago
203 Pascack Road
Park Ridge, NJ 07656

Mr. Santiago is the uncle of the Wilsons and the builder of the new home.

Mr. Goodelman spoke about the application. The applicant is seeking to live in the existing single-family home while construction moves forward for a new single-family home in the rear of the property. The stipulation of this application will be that a Certificate of Occupancy (CCO) can only be issued once the demolition of the original single-family home is complete.

Mr. Goodelman stated that no variance relief is required for the proposed new single-family home.

Mr. Calvin Wilson stated that his brother, Mr. Ryan Wilson, is overseas serving in the military.

Mr. Rutowski asked if the applicants will be living in the home while the new home is being constructed. Mr. Goodelman replied yes.

Dr. Perez asked why is the current structure not being demolished prior to the new construction beginning. Mr. Goodelman replied for economic reasons.

Will the current home be rented out at any time? Mr. Goodelman replied no.

Dr. Perez asked who currently lives at 203 Pascack Road. Mr. Wilson replied himself and his brother Ryan when he is not deployed.

Mr. Santiago was sworn in by Mr. Gannaio and gave his home address as 203 Pascack Road. Chairman Pantaleo asked who actually lives at 203 Pascack Road. He said Mr. Wilson testified it was just him and his brother Ryan. However, Mr. Santiago just testified that he also lives at 203 Pascack Road. Mr. Wilson said himself, his brother and his Uncle Davis Santiago all live at 203 Pascack Road.

Dr. Perez asked if any of the rooms are rented out currently at 203 Pascack Road. Mr. Wilson replied no.

Mr. Santiago said he was a long-time resident of Park Ridge and built a home in 2005 at 4 South First Street. Chairman Pantaleo asked if he still resided in the home. Mr. Santiago said no. The home was sold in 2013 due to a divorce and he moved to Oradell.

Dr. Perez asked how long will construction take on the new home. Mr. Santiago replied seven to twelve months from start to finish. Mr. Goodelman stated his clients will then seek a Temporary Certificate of Occupancy (TCO) to move in to the new home and then the existing home will be demolished prior to receiving the CCO on the new home.

Mr. Rutowski wants to be sure the language of the conditions are all spelled out properly in the resolution.

Chairman Pantaleo asked what happens if the applicant runs out of money or if the property is seized. Mr. Dunlea suggested a performance bond is put in place and a TCO will only be issued when the utilities are cut from the existing home.

Mr. Goodelman suggested that a condition of the resolution state that if the new construction is not complete by twenty-four months, the existing home must be demolished.

Renderings of the property were marked as Exhibits A-1, A-2 and A-3.

Mr. Dickerson stated that all of his questions were answered with the previous testimony. He suggested that a condition of approval state that a CO can only be issued once the exiting home was demolished.

The applicants' Engineer, Mr. Robert Weissman of Weissman Engineering located in Midland Park, was sworn in and accepted as an expert witness.

Mr. Dunlea asked about the existing well on the property. Mr. Weissman said he is not sure if the existing well is in use, but the well will be capped and sealed by a licensed well driller and the news home will be tied into the municipal water.

Mr. Weissman commented that the applicant proposed to remove 25 trees. Mr. Dunlea said all tree removal is subject to Shade Tree approval.

Mr. Weissman said all proposed lighting will be domestic lighting only.

Mr. Weissman spoke about the current shared driveway. There are no easements on file for the existing driveway. The proposed plans show a new driveway being installed for the new home. The current driveway will then only have access to the neighbor's home, as it will no longer be a shared driveway.

A discussion took place regarding the sanitary sewer. An easement will be required.

Mr. Dunlea commented that any off-site drainage issues will need to be addressed.

Mr. Dunlea said all grading will need to be shown where the building will be demolished.

Ms. Nettleship-Carraher asked if the old building would be in the way when they are constructing the new building. Mr. Dunlea said no as they are two separate individual structures. Mr. Dunlea's only concern is the stormwater management.

The property is located in the R-20 Zone where 20,000 sq. ft. is required. This lot is 26,023 sq. ft. The street frontage required for this zone is 83 ft. The applicant has 97.89 ft.

Mr. Brickman asked if the well was going to be capped. Mr. Weissman replied yes.

Mr. Dickerson asked if there are any issues with the removal of the shared driveway. Mr. Goodelman said that any damage to the existing driveway due to the configuration his client will repair. The existing driveway is nine ft. and widening to approximately ten ft. A question was asked what if the applicant puts a fence on the property line. It may hinder the neighbor's access to their driveway. Mr. Mintz asked if this is a relevant question since the applicant is only here asking for two homes on one property.

Chairman Pantaleo asked who will be living in the new home. Mr. Wilson replied Mr. Santiago, Mr. Ryan Wilson and myself.

Dr. Perez believes that if the applicants live elsewhere during construction they would be motivated to complete the new build as soon as possible.

Mr. Brickman asked how long can you live in the original structure. Chairman Pantaleo explained the applicant is looking to stay in the original home until the new home is completed.

The estimated cost of the new building will be \$700,000. The cost of the demolition of the existing home is approximately \$50,000. The home was built in 1921. A question was asked about underground tanks. Mr. Calvin believes a tank sweep was completed when the home was purchased.

Ms. Nettleship-Carraher asked how the home is currently heated. Mr. Santiago replied gas.

Dr. Perez asked if there is anything preventing the applicant from renting the existing home. Mr. Gannaio said not unless it's a condition of the resolution. Mr. Goodelman said we can stipulate that neither property will be rented. It is not the intent of his client to rent either home.

The meeting was open to the public to ask questions of Mr. Weissman.

Caroline Sinno – 207 Pascack Road

Ms. Sinno moved into her home a year and a half ago. She said she had a few questions to ask. Mr. Goodelman said his client is not here for site plan approval and questions about trees and underground tanks are not appropriate questions for this application. Mr. Gannaio said the Board will deem what is appropriate and told Ms. Sinno to go ahead with her questions. Ms. Sinno asked if there would be a tank sweep. Chairman Pantaleo said the applicant would need to look into this. Ms. Sinno asked what the setback of the new home would be. Mr. Weissman replied 85 ft. from the right-of-way line.

Mr. Curran said the original home was non-conforming and asked if the new home would be conforming. Mr. Weissman replied yes.

Mr. Gannaio commented that the original home was a pre-existing non-conforming home, but the new home will be conforming.

Ms. Sinno asked if trees would be replanted. Chairman Pantaleo said the Shade Tree Committee would have to make that recommendation. Mr. Weissman commented that it looks as if 20 trees will remain and 25 trees will be removed.

Linda Underwood – 205 Pascack Road

Ms. Underwood asked how close to her property is the new home. Mr. Weissman said the new home will be 10 ft. further from the existing home.

Ms. Underwood asked what trees would be removed from the property. Mr. Weissman replied no trees on Ms. Underwood's property would be removed.

Ms. Underwood thanked the Board for their time.

The applicant will need to move out of the existing home when utilities are shut off and cannot move into the new home until the utilities are turned on and a TCO is issued.

Mr. Goodelman believes the large size of the lot can handle this application request. He believes that the benefits outweigh the negatives.

A Board discussion took place regarding the application for 203 Pascack Road.

Ms. Nettleship-Carraher spoke about precedents. This seems to be the first time this request has been asked of the Board.

Mr. Curran spoke about a recent job like this that he worked on in Ridgewood. Chairman Pantaleo commented that different towns have different ordinances. Mr. Curran spoke about the new home being conforming. He also stated that he feels more comfortable with this application knowing that there will be only one set of utilities making only one home livable at a time.

A discussion was had regarding performance bonds and transition periods. Mr. Dunlea said bonds are calculated according to the MLUL. Mr. Rutowski believes the bond should be for the cost of demo only.

Dr. Perez believes that this project will move forward regardless of where the applicant is living. The new home will be a nice addition to Pascack Road.

Chairman Pantaleo has some concerns regarding starting the project and running out of funds. He stated that it has nothing to do with the applicant as he is concerned with two principal homes on one lot.

The following conditions were discussed:

- Eighteen months to build Sunset Clause.
- Performance Bond.
- Only one service at a time - water, electric and gas.
- No renting of either dwelling while two homes are on the lot.

Mr. Gannaio will have the Board Attorney, Mr. Giblin, draft a resolution that will be voted on at the October 17, 2023 Board of Adjustment meeting.

A motion was made by Mr. Mintz to grant the requested variances with the above conditions. 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. Michael Mintz	Yes
Dr. Gregory Perez	No
Ms. Lynda Nettleship-Carraher	Yes
Mr. Jeff Rutowski	Yes
Chairman Frank Pantaleo	No

BOARD DISCUSSION

No Board discussion took place.

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

Respectfully Submitted,



Tonya Janeiro

Resolution #2023-12
Application #ZB23-5
9-19-2023

BOROUGH OF PARK RIDGE

ZONING BOARD OF ADJUSTMENT RESOLUTION

WHEREAS, MEAGHAN MALLON (hereinafter referred to as "Applicant"), being the owner of premises known as 54 Linden , in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 8 in Block 1508 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 in order to construct an addition to the existing house. The property is non-confirming in several respects, as follows;

Building Coverage	Existing	Required
Minimum Lot Area	6,250 square feet.	10,000 square feet
Minimum Lot Width	50 feet	85 feet
Minimum Street Frontage	50 feet	75 feet
Minimum Side Yard	7.3/10.3 feet	15 feet
Maximum Dwelling Width	64.8%	65%
Maximum Building Coverage	21.3%	20%
Maximum Impervious Coverage	43.1%	40%

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 August 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 August 15, 2023, 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 54 Linden Avenue in the Borough of Park Ridge, also known and designated as Lot 8 in Block 1508 on the Tax Map of the Borough of Park Ridge, a non-conforming lot containing 6,250 square feet. (10,000 square feet required) with a lot width of 50 feet (85 feet required) and a lot depth of 125 feet (120 feet required) and currently improved with an existing single family residential structure.
2. The existing property and structure also contain several pre-existing non-conformities including street frontage, floor area ratio, maximum dwelling width, side yard setbacks, building coverage and impervious coverage.
3. The Applicant provided the Board with a copy of the survey of the property prepared by Brunswick West, Inc. dated September 15, 2020.
4. The applicant then called her architect, John DeThomasis, as a witness and he was qualified and testified as an expert in architecture on behalf of the applicants.

5. The witness testified that the existing dwelling is a one and one-half (1 ½) story home on a lot that is non-conforming in many respects which creates a hardship.

6. The witness further testified that the existing home contains one thousand four hundred (1,400) square feet including the second-floor dormer and there is no bathroom on the second floor, and that the ceiling height for the second floor is seven (7') feet.

7. The witness further stated that the proposed addition will add two (2) bathrooms to the second floor as well as provide a washer and dryer which are currently located in the basement.

8. The witness testified that, if the proposal is approved, the house will contain approximately eighteen hundred (1,800) square feet.

9. The witness also testified that the addition extends vertically from the existing walls of the structure and does not expand the footprint of the dwelling at all.

10. The witness also testified that there are no changes proposed to the driveway or garage and that any air conditioning equipment which is added will comply with the Ordinances regarding required screening.

11. 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).

5. 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).

6. Moreover, the BOARD finds that:

- (a) the proposed improvements are aesthetically pleasing and further the zoning purpose of maintaining the housing stock.
- (b) the variances are not substantial and can be granted under N.J.S.A. 40A:55D-70(c)(2).
- (c) None of the non-conformities will be reviewed under the proposal.

By reason of the foregoing, the BOARD finds that a decision to grant the variances required to allow the construction of the addition 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: 5

Nays: 0

Dated: September 19, 2023

Introduced by:

Michael Mintz

Seconded by:

Gregory Perez

Approved

Frank Pantaleo
ZAN

<p style="text-align: center;">EXHIBIT LIST</p> <p style="text-align: center;">BOROUGH OF PARK RIDGE ZONING BOARD</p>

APPLICANT: ZB 22-2
ADDRESS: 54 Linden Avenue
BLOCK: 1508 LOT 8
ZONE: R-10

EXHIBIT:	ITEM NO.	DATE:
Denial of Application	1	June 22, 2023
Application	1	June 27, 2023
Plans by John DeThomasis	3	October 10, 2022, Rev. to June 6, 2023
Survey by Brunswick West, Inc.	4	September 15, 2020
Four (4) photos of property	5	A1 A through A1D



EXPERIENCED
DEDICATED
RESPONSIVE

negliagroup.com

Celebrating 75 Years

July 13, 2023

Via: E-Mail

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

Attn.: Ms. Tonya Janeiro, Secretary

Re: **Variance Application – Engineering Review**
203 Pascack Road (Block 1019, Lot 15)
Borough of Park Ridge, Bergen County, New Jersey
NEA File No.: PKRDSPL23.014

Dear Ms. Janeiro,

As requested, we have reviewed the recently submitted Variance Application for completeness determination. The submittal included the following documents:

- A Borough of Park Ridge Denial of Application, prepared by Tonya Janeiro, dated March 16, 2023;
- A Borough of Park Ridge Zoning Review Application, dated March 16, 2023
- A Borough of Park Ridge Application of Appeal to the Zoning Board of Adjustment, dated May 1, 2023;
- Signed and sealed engineering plan sheet, entitled "Plot Plan, Soil Erosion and Sediment Control Plan, Lot 15, Block 1019, Current Tax Assessment Map No. 10, 203 Pascack Road, Borough of Park Ridge, Bergen County, New Jersey," prepared by Robert J. Weissman, P.E., P.L.S., of Weissman Engineering Co., P.C., dated December 12, 2022;
- Signed and sealed survey, entitled "Property Survey, Property Situated In: Borough of Park Ridge, Bergen County, New Jersey, Lot No.: 15 (Tax Map), Block No.: 1019 (Tax Map)," prepared by Christopher Lantelme, P.E., P.L.S., of Lantelme, Kurens & Associates, P.C., dated December 12, 2021; and
- Signed and sealed architectural plan set consisting of seven (7) sheets, entitled "New Single-Family House, Block 1019, Lot 15, 203 Pascack Road, Park Ridge, N.J.," prepared by Martha Victoria, R.A., of MV Architecture, LLC, dated October 25, 2022.

1. Property Description

The subject property is a single lot identified as Block 1019, Lot 15, per the Borough of Park Ridge Tax Map Sheet No. 10. The subject property is commonly known as 203 Pascack Road and is an irregularly shaped lot located along the southeasterly side of Pascack Road approximately 55 feet to the northeast of the intersection with Etheridge Place. The property is approximately 26,023 square feet (0.53 acres), and is located within the R-20 Zone, per the Borough of Park Ridge Zoning Map.

The existing site is currently occupied by a two-story residential dwelling, with an asphalt driveway, covered porch, entrance walkways and a rear-yard patio. In addition, the property contains a rear-yard shed, rock walls, well(s), and stone swale. The Applicant is proposing to construct a two-story dwelling and associated site improvements. The proposed improvements will also consist of an asphalt driveway, rear-yard covered porch, and stormwater management system. It shall be noted that the Applicant has indicated that the existing dwelling will remain in-place until the proposed dwelling is complete.

2. Completeness Review

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

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

3. Variances / Waivers

Neglia defers to the Board Planner with respect to variances, waivers, and other elements explicitly requiring zoning review as it relates to the Borough of Park Ridge Ordinances.

4. Engineering Comments

- 4.1. At such time as a hearing is scheduled regarding this matter, a representative or owner of the project site shall be present to address questions from the Board.
- 4.2. 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.
- 4.3. We note and emphasize a discrepancy between the architectural plans and the engineering plans. The architectural plans indicate the existing dwelling is to remain as a guest house while the engineering plans indicate the existing dwelling will be removed prior to issuance of the certificate of occupancy. The Applicant shall provide testimony confirming the proposed plans for the existing dwelling.
- 4.4. We note that the Applicant is proposing improvements (extension of a driveway curb cut) within the Pascack Road municipal right-of-way. The Applicant shall review and confirm if Mayor and Council approval is required for these improvements. All related correspondence and approvals shall be submitted for review.
- 4.5. 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 on the subject property.
- 4.6. Maintenance of on-site stormwater management features shall be the responsibility of the property owner and said responsibility shall transfer over to any future property owner. Notation indicating the same shall be added to the plans.
- 4.7. Based upon the submitted engineering plan, the Applicant is proposing improvements that will result in an increase in impervious coverage of 1,040 square feet, as compared to the previously existing conditions. As such, the Applicant is required to 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: $(1,040 \text{ square feet}) \times [(2 \text{ in.}) / (12 \text{ in./ft.})] = 173.33 \text{ cubic feet (approximately 1,296.53 gallons)}$. The Applicant proposes two seepage pits, which have a capacity of approximately 1,000 gallons each. Overall, at this time, we take no exception to the drainage design methodology utilized. However, testimony with respect to the drainage design shall be provided at the Board hearing.
- 4.8. The design and construction of the proposed seepage pits 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 Neglia 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 Neglia 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.
- 4.9. The Applicant shall provide swales along the southeasterly portion of the proposed driveway to ensure that stormwater runoff does not impact the adjacent property.
- 4.10. The site plan sheet shall be revised to illustrate the location of all proposed roof drains.
- 4.11. The site plan sheet shall be revised to include construction details for pipe trenching, roof leader downspouts, drainage inlets, and reconstruction of the rock wall.
- 4.12. The Applicant proposes to construct the gas, water, and electric utilities through the location of the existing house. The Applicant also indicates the existing house will be demolished prior to issuance of certificate of occupancy for the new dwelling. The Applicant shall provide testimony on the demolition of the existing dwelling as it relates to construction of the proposed utilities.
- 4.13. The Applicant is proposing to cap and seal an existing well. Testimony addressing the same shall be provided at the Board hearing.
- 4.14. The Applicant is proposing a new sanitary utility easement on the adjacent property. Copies of all proposed easement descriptions shall be provided for review and testimony regarding the same shall be provided at the Board hearing.
- 4.15. The Applicant shall provide the limit of disturbance. If the proposed total limit of disturbance exceeds 5,000 square feet, the Applicant shall apply for and obtain plan certification from the Bergen County Soil Conservation District. Proof of approval shall be provided to the Borough prior to any soil disturbance activities, if granted approval.
- 4.16. The plans shall be revised to illustrate the location of the proposed temporary soil stockpile. An associated detail shall be added to the plan. The temporary soil stockpile shall not exceed eight (8) feet in height.
- 4.17. The Applicant is proposing to remove twenty-five (25) trees to accommodate the proposed improvements. Tree removal is subject to review and approval by the Borough's Shade Tree Commission. Approval from the Borough's Shade Tree Commission shall be obtained prior to construction, if granted approval.
- 4.18. The Applicant shall provide testimony addressing any proposed lighting improvements. Based upon the testimony provided at the Board hearing, a point-to-point analysis and iso-contours may be required for review prior to construction, if granted approval.
- 4.19. The Applicant shall revise the proposed grading to illustrate the proposed contours through the existing dwelling.
- 4.20. The Applicant shall ensure that the proposed stormwater runoff does not negatively impact the adjacent properties. A note stating the same shall be added to the site plan.
- 4.21. Based upon the nature of the proposed improvements, it does not appear that any landscaping improvements are included as part of this application. The Applicant shall provide testimony confirming the same.
- 4.22. 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. Notation indicating the same shall be added to the plan.
- 4.23. The Applicant shall note that any demolition and/or construction material disposal shall be disposed of in accordance with all applicable regulations. A note stating the same shall be provided on the plans.
- 4.24. The Applicant is responsible for ensuring that any and all soils imported to the site are certified clean soils as identified by the current NJDEP Residential Standards, with a copy of the said certification provided to the Building Department and

Neglia for all soils. No recommendation for Certificate of Occupancy / Construction Completion will be provided without this certification.

- 4.25. The operations of soil movement vehicles are not to be utilized in a way that would deposit soil on any street, sidewalk, public place, or within any other private property. Any soil tracked onto the street must be immediately removed. If tracked soil remains overnight, the DPW shall remove it and assess the Applicant for those costs.
- 4.26. The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth. The Applicant shall revise the plans to include notation indicating the same.
- 4.27. Any damages incurred to surrounding public or private property as a result of construction shall be repaired by the Applicant. Notation indicating the same shall be added to the site plan.

5. 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. Neglia 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. Neglia 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,
The Neglia Group



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

cc: Brian Giblin, Esq. – Board Attorney (*via e-mail*)
Nicholas Dickerson, P.P., A.I.C.P., C.F.M. – Board Planner (*via e-mail*)
Calvin J. Wilson – Applicant (*via e-mail*)
Joseph Barbieri, Esq. – Applicant's Attorney (*via regular mail*)
Robert J. Weissman, P.E., P.L.S. – Applicant's Engineer (*via regular mail*)

June 21, 2023

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

Calvin J. Wilson (Applicant)
203 Pascack Road (Block 1019, Lot 15)
First Planning Review
Colliers Engineering & Design Project No. PRZ-0013

Dear Ms. Janeiro,

As requested, our office has reviewed application ZB 23-4, submitted by Calvin J. Wilson (the Applicant), seeking use variance approval to construct a single-family residential structure on a property containing another existing 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, submitted May 1, 2023.
2. Plan entitled, "Property Survey," prepared December 21, 2021 by Christopher J. Lantelme, PE & LS, consisting of 1 sheet.
3. Plan entitled, "Plot Plan, Soil Erosion and Sediment Control Plan" prepared December 12, 2022 by Robert J. Weissman, PE & LS of Weissman Engineering Co., PC, consisting of 1 sheet.
4. Plans entitled, "New Single Family Home," prepared October 25, 2022 by Martha Victoria, RA, of MV Architecture LLC, consisting of 7 sheets. Includes a site plan and grading plan.

A. Existing Conditions

The subject property is known as 203 Pascack Road and located at Lot 15 of Block 1019. The property is located between the Pascack Road's intersections with Cascade Street and Etheridge Place. The property has a total area of 26,021 square feet, and contains an existing 2 story residential structure. Surrounding properties are predominantly detached single family residential in character.

B. Prior Approval(s)

No information concerning prior approvals for the existing development on the site were submitted as part of this Application.

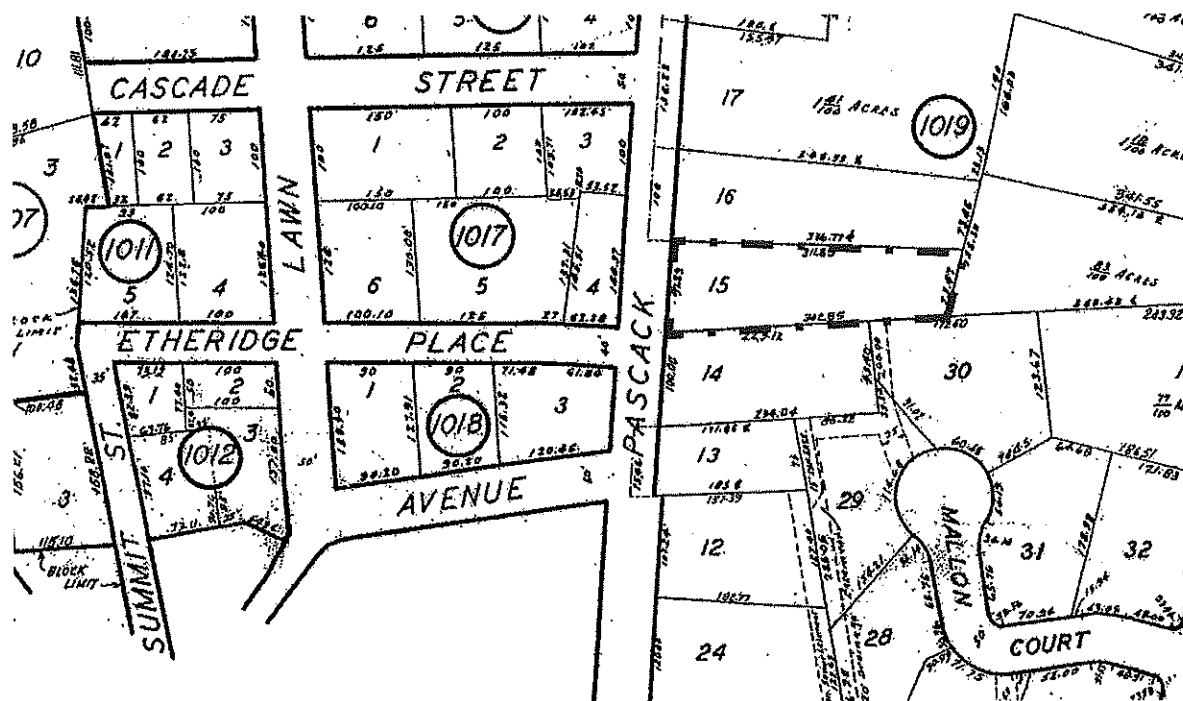


Figure 1: Tax Map of subject property, with boundaries approximated



Figure 2: Aerial image of subject property, with property boundaries approximated. Source: Bergen County GIS

C. Applicable Land Use Controls

The subject property is located within the Borough's R-20 (One-Family Residential) zone. The zone permits those uses permitted in the R-40 Zone, including single-family detached dwellings, places of worship, municipal buildings and facilities, reservoirs or water supply reservations, and community residences.

This area is also identified in the Borough's 2009 Master Plan as the "Low Density-2 Residential":

"Low Density-2 Residential. (R-20) This low density residential category defines a housing density of approximately two dwelling units per acre. This designation encompasses the approximately half of the residential areas in the Borough. 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. There is one street, South Fifth Street, which has been developed on lots significantly smaller than 20,000 square feet; this plan recommends that these lots be designated as medium density development in accordance with the existing development pattern. 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."

D. Proposed Conditions

The applicant is seeking to construct a 2.5 story residential structure on the subject property, containing 4 bedrooms plus an office/guest room. While the building is being constructed, the applicant plans to remain in the existing house. Based on the application description, the existing house would be demolished before obtaining a certificate of occupancy on the new house. Improvements relating to the existing house, including a shed, well, and driveway.

E. Variances

Summary

Based on the information submitted to date, the Applicant requires variance relief from the following:

1. "D(1)" Use Variance for Principal Use
2. "D(1)" Use Variance for Number of Principal Buildings
3. "D(1)" Use Variance for Number of Principal Uses
4. "C" Bulk Variance for Gross Floor Area

"D" Variances

1. Ordinance Section §101-8 (Schedule IV-4): Principal Use

The R-20 Zone District permits single-family detached dwellings, along with other uses noted in the previous section. A second dwelling unit is not permitted in the zone. "D(1)" use variance relief is required.

2. Ordinance Section §101-11: Number of Principal Buildings

The Zoning Ordinance prohibits more than one principal building on each lot in any district. "D(1)" use variance relief is required.

3. Ordinance Section §101-12: Number of Principal Uses

The Zoning Ordinance prohibits more than one principal use on each lot in any district. "D(1)" use variance relief is required.

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. The Applicant also needs to demonstrate to the Board, by a showing of "special reasons," that the site is peculiarly suited for the particular use being proposed.

Positive Criteria (Special Reasons):

The Applicant must demonstrate that the particular use is peculiarly fitted or particularly suitable to the site and its setting and that special reasons exist to support the grant of the variance application. These special reasons exist when one or more purposes of zoning are promoted (N.J.S.A. 40:55D-2).

The court also found in Saddle Brook Realty v. Board of adjustment, 388 N.J. Super. at 76, that there are three categories of circumstances where the "special reasons" may be found where: (1) the proposed use inherently serves the public good; (2) the property owner would suffer "undue hardship" if compelled to use the property in conformance with the permitted uses of the zone; or (3) the use would serve the general welfare because the "proposed site is particularly suitable for the proposed use".

The applicant should answer the following questions regarding the positive criteria:

- (a) Does the proposed use inherently serve the public good?
- (b) Can the property accommodate any of the uses permitted within the R-20 Zone District without "undue hardship" to the property owner?
- (c) Why is this site in the R-20 Zone District particularly well-suited for the proposed use, where the proposed use is not permitted?
- (d) What public purpose is served by allowing this use within the R-20 Zone District?

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."¹

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

- (a) What impact—aesthetic, noise, lighting, parking, traffic, etc.—would the grant of this use variance have on the surrounding properties?
- (b) 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?
- (c) 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?
- (d) Are there similar nonconforming uses nearby?
- (e) 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" Variances

- 4. Ordinance Section 5101-8 (Schedule IV-2): Gross Floor Area.** The ordinance permits a maximum gross floor area of 4,800 square feet. The plans indicate that the existing residential structure contains 1,250 square feet of gross floor area, and the proposed residential structure will contain 3,640 square feet of gross floor area, for a total gross floor area of 4,890 square feet. Bulk variance relief will be required to permit this deviation. We note, however, that this deviation will be eliminated upon the demolition of the existing building.

For bulk 'c' variances, 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 of these 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.

¹ Cox, W. M., as revised and updated by Jonathan E. Drill and Lisa A. John-Basta (2023). *New Jersey Zoning and Land Use Administration, 2023 Edition*. Newark, NJ: Gann Law Books. (p. 526-527).

The second 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.

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:

- 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.
- 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".
- 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.

F. Waivers/Exceptions

The Applicant has not requested any exceptions at this time.

G. Comments

General

1. The application documents note that the existing dwelling will be demolished before obtaining a certificate of occupancy of the new dwelling, however, the plans submitted by the architect, which includes plans referred to as a site plan and a grading plan, note that the existing house will remain as a guest house. The Applicant shall clarify, and plans shall be revised accordingly.



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2. Demolition of the existing residential structure should be a condition of any approval.
3. The property survey shows that a shared driveway and driveway apron are used between the subject lot and Lot 15. It is not clear how the removal of the driveway on the subject lot will impact access to Lot 15. Does a recorded shared access exist between the two properties?
4. The Applicant shall provide evidence of all outside approvals.
5. The Applicant shall comply with all applicable development fees.

Should you have any questions concerning the above comments please do not hesitate to contact my office. We reserve the right to make additional comments based upon further review or submission of revised plans or new information.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

A handwritten signature in black ink, appearing to read "ND", written over a horizontal line.

Nicholas Dickerson, PP, AICP, CFM
Project Manager/Board Planner

cc: John Dunlea, PE, Board Engineer (via email)
Brian Giblin, Esq. Board Attorney (via email)
Cole Shotz, Esq., Applicant's Attorney (via email: jbarbiere@coleshotz.com)
Weissman Engineering Co., PC, Applicant's Engineer (via email: info@weissmanengineeringpc.com)
MV Architecture LLC, Applicant's Architect (via email: mvarchitecturenj@gmail.com)
Calvin J. Wilson, Applicant (via email: davisassociatesdesign@gmail.com)