

**BOROUGH OF PARK RIDGE  
ZONING BOARD  
SEPTEMBER 17, 2019  
8:00PM  
REGULAR MEETING MINUTES**

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

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

Mr. Flaherty asked everyone to stand and recite the Pledge of Allegiance.

**Roll Call:**

Chairman Jake Flaherty	Present
Vice Chairman Frank Pantaleo	Present
Mr. Mike Curran	Present
Mr. Gary Ingala	Present
Dr. Gregory Perez	Present
Mr. Jeff Rutowski	Present
Mr. William Walker	Present
Mr. Steve Clifford	Absent

**Also Present:**

Board Attorney - Mr. William Rupp	Present
Board Secretary - Ms. Tonya Tardibuono	Present
Board Engineer / Neglia - Mr. Dan Lee	Present
Board Planner / Burgis Associates - Mr. Joseph Burgis	Present

**CONTINUED APPLICATION**

**#ZBA 18-10**

**Hornrock Properties**

**1 Sony Drive**

**Block 301 / Lot 1**

**ORL**

**Site Plan / Use Variance / Parking Variance**

Mr. Rupp made an announcement that this application will be carried to the October 15, 2019 meeting. The applicant's Attorney, Mr. Peter Wolfson, agreed to consent to an extension of time. No additional notice will be required.

CONTINUED APPLICATION

#ZBA 19-05

Blue Hill Estates

87 Louville Ave

Block 712 / Block 5 & 6

R-10

2 Family Home

Attorney Robert Mancinelli of Meyerson, Fox, Mancinelli & Conte was present as the attorney for the applicant. The applicant is Blue Hill Estates, Inc. & Walter & Raymond Janovic.

Proof of service is in order.

Mr. Mancinelli spoke about the application. The applicant is seeking to demolish the existing structures on lot 5 & 6 and construct a new two story two family dwelling with a one story two car detached garage. Lot 5 currently has 3 sheds located on the property and lot 6 is currently developed with 2 1 ½ story structures and three sheds.

Mr. Mancinelli spoke about the following variances: Use variance, building coverage, rear yard and side yard/rear yard for the garage. He commented that additional variances may be needed.

The applicants Architect, Joseph Bruno of Park Ridge, New Jersey was sworn in by Attorney Rupp. Mr. Bruno was accepted as an expert witness from the Board.

Mr. Mancinelli marked the following exhibits:

- Exhibit A-1 = Joseph J. Bruno Architect – Plans dated 3/24/19, revised 4/12/19.

Mr. Bruno spoke about the current conditions on both lots. He mentioned that the building will have a common entrance to both apartments.

Mr. Mancinelli asked Mr. Bruno to describe the surrounding neighborhood. Mr. Bruno described the surrounding areas. Mr. Bruno also spoke about elevations and the construction material to be used.

Mr. Bruno went over the variances required and why the design of the proposed home was designed as it was. Mr. Bruno spoke about what the applicant would be allowed to build on the lot without any variances.

Mr. Bruno went over the Planners report from Burgis Associates, Inc. dated September 13, 2019 (Attached Exhibit #13).

Mr. Ingala asked how two homes were able to be built on one block and lot. Mr. Mancinelli commented that the applicant purchased this property two years ago and it was his understanding that the property was like this for many years. The current owners have not touched the property. Mr. Walker asked if the homes were inhabited currently. Mr. Mancinelli replied no.

Mr. Burgis asked how this design related to other homes in the neighborhood. Mr. Bruno replied that they designed the home to look like a one family home.

Mr. Rutowski asked about parking and the deck. Mr. Bruno answered his questions.

Mr. Walker asked if you can attach a garage to the home. Mr. Bruno replied the structure would look too massive.

Mr. Rupp asked about the garage dimensions. A discussion took place regarding parking and the garage.

Mr. Bruno stated that a stepping stone walkway from the garage to the front door will need to be added to the final engineering plans and if need be the driveway will be designed smaller. Mr. Rupp asked how far the driveway was from the property line. Mr. Bruno replied 3 feet. Mr. Rupp stated the ordinance is 5 feet. Mr. Bruno will make the driveway smaller.

Chairman Flaherty asked if any of the public had questions of Mr. Bruno. There were no questions or comments.

Mr. Mancinelli went over the deed information exhibit B of the application. The current owner filed with the County Clerk March 23, 2018.

Mr. Walker asked why construct a 2 family dwelling instead of cleaning up the current property. Mr. Mancinelli commented that his client believes it would be better to take down the two residences and build a two family. Mr. Mancinelli commented that if the Board doesn't approve this application, the owner has the right to continue the current non-conforming use.

Mr. Burgis asked if there was a basement in the proposed building. Mr. Bruno replied yes, accessible through the 1<sup>st</sup> floor apartment only. There will be no windows in the basement. It's not for living space, it is for storage only.

**The applicants Planner, Brigette Bogart of Brigette Bogart Planning and Design Professionals located in Ramsey was sworn in by Attorney Rupp. Ms. Boggart was accepted as an expert witness from the Board.**

Ms. Boggart passed out photographs

Mr. Mancinelli marked the following exhibits:

- Exhibit A-2 = 2 pages of photographs taken by Ms. Bogart dated 7/16/19.

Ms. Bogart spoke about the photographs. She commented that the first home was built in 1920 and was used as a residence until 2002 and the second home was built 1940-1950 and was occupied until 2017. Ms. Bogart commented that Municipal Land Use law was adopted in 1975 and the Borough of Park Ridge adopted the zoning ordinance in 1977.

Ms. Bogart went over the proposed development. She commented that the proposed two family home will be an owner occupied home.

Mr. Pantaleo asked if there were any 2 family homes in the R-10 district. Ms. Bogart replied, yes, however she doesn't have specific addresses at this time. Mr. Rupp asked are there is any 2 family homes in the 200 feet radius. Ms. Bogart will look into the specific addresses.

Ms. Bogart went over the D variances and C variances.

Ms. Burgis asked Ms. Bogart to speak about the magnitude of the deteriorated structures. Ms. Bogart commented that the structures are not deteriorated just cluttered. It doesn't require a knock down, just a cleanup.

Mr. Burgis commented that the Master Plan encourages the removal of two family homes. Ms. Bogart said two family homes are encouraged to be owner occupied. Mr. Rupp said you can't condition on owner occupied two family homes, it's unlawful.

Mr. Lee commented that the engineering review will take place when the plans come to the Building Department (Engineering review attached Exhibit #12).

A discussion took place pertaining to the ownerships of the two lots. Lot 5 is owned by Walter and Raymond Janovic and Lot 6 is owned by Blue Hill Estates.

Chairman Flaherty asked if any of the public had questions of Ms. Bogart.

Robert Brennan – 93 Louville Avenue, Park Ridge: When was the last time somebody lived in the dwelling? Ms. Bogart comment that she received mail records and it looks like the last time there was an occupant was in the early 2000's.

A conversation took place regarding the placement of the garage.

Mr. Walker commented that it was a high structure for only two floors. Mr. Bruno said the floors have 8 feet ceiling heights and the attic will be a pull down stair only with space for AC units and storage.

This application will be continued at the next Park Ridge Zoning Board of Adjust meeting on October 15, 2019. No additional notice will be required.

**RESOLUTION**

#ZBA 19-08

David & Jenny O'Sullivan  
252 Capri Terrace  
Block 2409 / Block 7  
Fence

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

Mr. Ingala	Yes
Dr. Perez	Yes
Mr. Rutowski	Yes
Mr. Walker	Yes

**RESOLUTION**

#ZBA 19-09

Matthew & Lauren Capilli  
199 Park Avenue

Block 2301 / Block 11

**Circular Driveway**

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

Mr. Ingala	Yes
Dr. Perez	Yes
Mr. Rutowski	Yes
Mr. Walker	Yes

**APPROVAL OF MINUTES**

The minutes of August 20, 2019 were approved on a motion from Mr. Pantaleo seconded by Mr. Rutowski and carried by all members eligible to vote.

**BOARD DISCUSSION**

A board discussion was had pertaining to scheduling applications. The following was decided...

OCTOBER 15: Hornrock and 87 Louville will be listed on the Agenda

NOVEMBER 26: 14 Quackenbush Lane will be listed on the Agenda

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

Respectfully Submitted,



Tonya Tardibuono

Resolution #2019-10  
Application #19-08  
ZB 9-17-19

**BOROUGH OF PARK RIDGE**

**ZONING BOARD OF ADJUSTMENT**

**RESOLUTION**

\* \* \* \* \*

WHEREAS, DAVID O'SULLIVAN and JENNY O'SULLIVAN (hereinafter referred to as "Applicant"), being the owners of premises known as 252 Capri Terrace Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 7 in Block 2409 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 a variance from Section 101-21E of the Zoning Ordinance to allow the erection of a 6 foot fence within the front yard; and

WHEREAS, the premises are located in an 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 August 20, 2019; 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 application at the conclusion of the meeting on August 20, 2019, subject to the approval of the within memorializing resolution 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 252 Capri Terrace in the Borough of Park Ridge, containing 13,184 square feet (15,000 square feet required) and currently improved with an existing single family residential structure and in-ground swimming pool. The premises are located at the corner of Capri Terrace as it turns from a north/south direction to an east/west direction, having a street frontage along the east/west portion of Capri Terrace of 99.24 feet (75 feet required) and a street frontage along the north/south portion of Capri Terrace of 82.78 feet (75 feet required) with a arc of 40.02 feet at a radius of 25.00 feet at the intersection.

2. Applicant has applied for a variance from Section 101-21E of the Zoning Ordinance to allow the erection of a 6 foot wooden fence within the required front yard setback along the north/south portion of Capri Terrace.

3. Within the R-15 One Family Residential Zoning District, the required front yard setback is 30 feet along both street frontages (§ 101-13). The existing house is setback 34.65 feet from the east/west portion of Capri Terrace and 31.25 feet from the north/south portion of Capri Terrace.

4. The proposed six foot solid wooden fence would replace an existing 4 foot chain link fence and extend from the rear corner of the westerly side of the house to the westerly side lot line, then along the westerly side lot line to the rear lot line, then along the rear lot line to a point 21.5 feet from the front lot line along the north/south portion of Capri Terrace, then northerly to a point 10 feet east of the rear corner of the easterly side of the house, then westerly 10 feet to the rear corner of the easterly side of the house.

5. Section 101-21E of the Zoning Ordinance provides, in part, that "no fence or wall shall be erected, altered or constructed in any residential zone which shall exceed six feet in height above ground, except that no fence exceeding four feet in height shall be permitted in the front yard."

6. The BOARD finds that the proposed 6 foot fence would provide additional safety and privacy for the in-ground swimming pool. Moreover, there is a change in topography at the proposed location of the fence. The property east of the proposed fence slopes sharply to Capri Terrace while the property west of the fence is level up to a retaining wall for the concrete decking to the pool. The BOARD further finds that relocating the proposed fence closer to the easterly side of house will unreasonable restrict the usable rear yard. Moreover, the proposed fence meets the sight triangle requirement of 25 feet from the intersection of the north/south portion and east/west portion of Capri Terrace and, according to the report from the Police Department, would not result in any sight issues or other traffic problems.

7. The BOARD finds that by reason of the lot being on a corner of the intersection of the north /south portion and east/west portion of Capri Terrace (which results in two



front yards), the change in the topography of the lot and the location of the existing pool, the strict application of the Zoning Ordinance to prohibit a six foot fence in the front yard as measured from the north/south portion of Capri Terrace would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the applicant.

8. The BOARD further finds that the proposed 6 foot fence within the front yard setback would promote the purposes of zoning by promoting a desirable visual environment and by promoting increased public safety around the existing swimming pool and that the benefits derived therefrom substantially outweigh any detriment..

9. The BOARD further finds that a decision to grant the variance to permit a six foot fence within the front yard setback along the north/south portion of Capri Terrace 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 by reason of adequate sight distance and absence of any other traffic issues.

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), that the BOARD hereby grants the Applicant's requested variance from the provisions of Section 101-21E of the Zoning Ordinance so as to permit the erection of the proposed six foot fence within the front yard setback from the north/south portion of Capri Terrace, as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD.

Ayes: 4

Nays: 0

Dated: 9-17-19

Introduced by: William Walker  
William Walker

Seconded by: Don C. Parn  
Ernesto Perez

Approved: Jake Flaherty

Jake Flaherty Chairman

**EXHIBIT LIST**  
**BOROUGH OF PARK RIDGE ZONING BOARD**

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APPLICANT: ZB 18-09  
ADDRESS: 199 Park Avenue  
BLOCK: 2301 LOT: 11  
ZONE: R-10

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<b>EXHIBIT:</b>	<b>ITEM NO.</b>	<b>DATE:</b>
Application	1	7/30/19
Owner's Affidavit/ Authorization	2	7/30/19
Certificate of Applicant	3	7/30/19
Tax Certification	4	7/30/19
Survey	5	7/30/19
Property Owners within 200 Feet	6	8/16/19
Proof of Publication	7	8/16/19
Certification of Service (w/Receipts)	8	8/16/19
E-Mail dated 7/30/19 from Chief Madden	9	7/30/19

Resolution #2019-11  
Application #19-09  
ZB 9-17-19

**BOROUGH OF PARK RIDGE**  
**ZONING BOARD OF ADJUSTMENT**  
**RESOLUTION**

\* \* \* \* \*

WHEREAS, MATTHEW CAPILLI AND LAUREN CAPILLI (hereinafter referred to as "Applicant"), being the owners of premises located at 199 Park Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 11 of Block 2301 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"), for a variance from Section 101-23E(1)(b) for an additional curb cut; and

WHEREAS, the premises are located in an R-10 Residential Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on August 20, 2019; 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 has carefully considered the application and all evidence and testimony submitted in connection therewith; and

WHEREAS, the BOARD voted to approve the application at the conclusion of the meeting on August 20, 2019, subject to the approval of the within memorializing resolution 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 199 Park Avenue, Park Ridge, N.J., also known and designated as Lot 11 in Block 2301 as shown on the Tax Map of the Borough of Park Ridge, located within the R-10 Residential Zoning District.

2. According to the survey provided and testimony of the Applicant, the premises are trapezoidal in shape and contain 10,173 square feet (10,000 sf required) with a street frontage of 80.0 feet  $\pm$  (75 feet required), a lot width measured at the building setback line of 86.0 feet  $\pm$  (85 feet required) and a lot depth of 103.93 feet  $\pm$  (the average as measured from each corner and the midpoint of the street frontage) (120 feet required). The existing lot is non-conforming as to lot depth.

2. The premises are currently improved with a single family house which is set back 26.1 ft. from Park Avenue.

3. According to the testimony of the Applicant, the existing impervious surface coverage is 2,694 square feet.

4. The Applicant proposed to add a proposed circular driveway, 12' in width but flaring out to 14 feet in width at the front property line, and set back 0.0' from the easterly side property line and connected to an existing driveway, 16 feet  $\pm$  in width and

located within 2.0 feet ± of the westerly property line. The proposed driveway will result in two curb cuts located within 48 feet of each other. According to the testimony of the Applicant the additional impervious coverage from the proposed new driveway will be 800 square feet resulting a in a total impervious coverage of 3,494 square feet of 34.35% (maximum of 40% permitted).

5. Paragraph E(1)(b) of Section 101-23 of the Zoning Ordinance limits driveway curb cuts to one per any property except for lots having a street frontage of 100 feet or more, on certain designated streets (which include Park Avenue) and which meet the requirements of paragraph D thereof, which requires that no driveway be located nearer than 5 feet to any property line measured from the closest edge of the driveway to the property line. The proposed curb cut and driveway require variances by reason of the lack of a minimum street frontage of 100 and the failure to maintain a minimum 5 foot distance to any property line.

6. The Applicant explained and the Board so finds that traffic along Park Avenue in the vicinity of the subject property creates a hazard in backing vehicles onto Park Avenue, particularly due to the curvature of Park Avenue in that vicinity. The proposed circular driveway will facilitate vehicular ingress and egress to and from the subject property and will improve traffic safety.

7. The BOARD finds, however, that the proposed driveway can be maintained at a 12 foot width without impairing the turning radius so as to create a minimum 2 foot setback from the easterly property line.

8. Subject to the foregoing condition, the BOARD finds that by reason of the trapezoidal shape of the property which results in a street frontage of only 80 feet, the location of the subject property at a curve along Park Avenue and the traffic along Park Avenue, the strict application of the Zoning Ordinance with respect to the limitation in the number of curb cuts and the setback of the proposed driveway from the easterly property line would result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon the Applicant pursuant to N.J.S.A. 40:55D-70 c(1).

9. The BOARD further finds that permitting two driveway curb cuts will provide additional off-street parking and will lessen the unsafe condition from backing out onto Park Avenue. Subject to the conditions hereinafter set forth, the BOARD finds that the safety benefits from the proposed additional driveway curb cut outweighs any negative impact from the limitations on the number of curb cuts and the setbacks of driveways, pursuant to N.J.S.A. 40:55D-70(c)(2).

10. The BOARD conditions the grant of a variance for two curb cuts and minimum 5 foot setback of the driveway from the side property line upon the condition that the new proposed driveway shall not be located nearer than two (2) feet to the easterly property line.

11. Subject to the foregoing condition, and for the reasons set forth above, the BOARD finds that the variances for the number of curb cuts, and driveway location may be granted without 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. N.J.S.A. 40:55D-70 (c)1, and (c)2 , the BOARD does  
hereby grant the Applicant a variance from the provisions of Section 101-23E(1)(b) and  
Section 101-23D of the zoning ordinance so as to permit two curb cuts and a driveway  
within five (5) on the easterly property line, as more particularly set forth in this  
resolution and as shown on the plans submitted to the BOARD, subject to the condition  
that the proposed new driveway shall not be located nearer than two (2) feet of the  
easterly sideline of the property.

Ayes: 4

Nays: 0

Dated: 9-17-19

Introduced by: 

Seconded by: William Walker

Approved: Jake Flaherty



**EXHIBIT LIST**  
**BOROUGH OF PARK RIDGE ZONING BOARD**

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APPLICANT: ZB 18-09  
ADDRESS: 199 Park Avenue  
BLOCK: 2301 LOT: 11  
ZONE: R-10

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EXHIBIT:	ITEM NO.	DATE:
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Tax Certification	4	7/30/19
Site Plan / Survey	5	7/30/19
Property Owners within 200 Feet	6	7/30/19
Proof of Publication	7	7/30/19
Certification of Service (w/Receipts)	8	7/30/19
2 Photos of Property	9	8/20/19



34 Park Avenue – PO Box 426  
LYNDHURST, NEW JERSEY 07071  
Tel: 201.939.8805 • Fax: 201.939.0846

1119 Raritan Road – Suite 2  
CLARK, NEW JERSEY 07066  
Tel: 201.939.8805 • Fax: 732.943.7249

**Via: E-mail**

June 10, 2019

Ms. Tonya Tardibuono  
Zoning Board Secretary  
53 Park Avenue  
Park Ridge, NJ 07656

**RE: Use Variance Application**  
**Applicant: Blue Hills States, Inc. & Walter Janovic**  
87 Louville Avenue  
Block 712, Lot 5&6  
Borough of Park Ridge  
Bergen County, New Jersey  
NEA No.: PKRDSPL19.019

Dear Ms. Tardibuono:

As requested, Neglia Engineering Associates (“NEA”) has reviewed the below noted documents in reference to the above referenced project. Specifically, we have reviewed the following documents:

- Application of Appeal to the Zoning Board of Adjustment with Exhibits A through F, dated April 17, 2019;
- Signed, but not sealed, Property Survey consisting of one (1) sheet entitled “Plat of Survey on Premises Located at 87 Louville Avenue, Borough of Park Ridge, Bergen County, New Jersey” prepared by Paul J. Troast, P.L.S. of Troast Surveying Assoc., Inc., dated April 6, 2019 with no revisions; and
- Signed and sealed architectural plans consisting of four (4) sheets entitled “Proposed New Two Family Residence, 87 Louville Avenue, Park Ridge, New Jersey” prepared by Joseph J. Bruno, AIA of Joseph J. Bruno, AIA Architect, dated March 24, 2019 with latest revision date March 12, 2019.

**1. General Information**

The subject property is located within the R-10 One-Family Residential District and is situated on Block 712, Lots 5 and 6, commonly known as 87 Louville Avenue. The site is situated at the southwest corner of Louville Avenue and Branton Street with approximately seventy-five (75) feet of frontage on Louville Avenue and 112.5 feet of frontage on Branton Street. The site is currently occupied by two (2) 1½ -story buildings. Associated on-site improvements include multiple sheds, concrete walkways, gravel areas, and wood fencing.

The Applicant proposes to demolish the existing structures and associated improvements to accommodate the construction of a two-family, two (2)-story dwelling with frontage on Louville Avenue which is a prohibited use in this zone. Associated proposed improvements include a covered porch, concrete walkways, stairs, asphalt driveway, air conditioning condensers, and a one (1)-story, two (2) car, detached garage with access on Branton Street.

**2. Variations/Waivers**

- a. We defer to the report of the Board Planner regarding any required variances or waivers.

**3. Engineering Review**

Since this application seeks use variance approval to construct a two (2) family home in the R-10 zone which is a prohibited use, a full engineering review is not required at this time. Should the application receive approval from the Zoning Board, an application must be made to the Building Department for Engineering review to receive permits for construction. The comments provided below are typical comments of a Building Department Application review.

- a. Construction details of all proposed site related improvements shall be provided on the plans. This shall include sidewalks, driveways, curb, utility trench repair, ROW repair, HVAC, generators and transformers.

**N**  
**NEGLIA**  
ENGINEERING ASSOCIATES

- b. The Applicant shall protect any perimeter fencing, curbs, walkways, plantings, and walls on adjacent properties during construction, if approved. The Applicant shall be responsible for any damage done to neighboring properties during the installation of proposed improvements. A note on the plan stating the same shall be provided.
- c. The Applicant shall be responsible for the repair and reconstruction of pavement, curb, sidewalk, or other public property damaged during construction. A note stating the same shall be provided on the plan.
- d. Existing and proposed grading and drainage information shall be provided. Any increase in impervious coverage must be addressed by the installation of drainage improvements supported by calculations prepared by a New Jersey licensed Professional Engineer. Any import or export of soil to/from the site will be subject to the submission of a Soil Movement Application.
- e. The Applicant is responsible for any negative drainage impacts to adjacent properties due to on-site grading or drainage. Should a negative impact be identified during and/or upon completion of the project, the impact shall be addressed immediately. A note shall be provided on the plan stating the same.
- f. The Applicant shall illustrate the approximate locations for all existing and proposed water service, sanitary service, gas service, cable, electric, telephone and fiber-optic utility lines.
- g. Locations of all existing and proposed trees shall be noted on the plans. Any trees to be removed are subject to the review of the Shade Tree Commission.
- h. Any landscaping improvements must be depicted on the plans with a planting schedule indicating the species, quantity and planted size.
- i. A lighting plan illustrating the proposed lighting fixtures shall be provided with a lighting schedule indicating light fixture size, mounting height, wattage and quantity.

**4. Final Comments**

- a. 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.
- b. 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.
- c. NEA recommends that a response letter be submitted that addresses each of the comments noted above, where appropriate.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

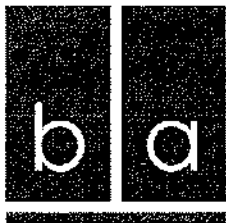
Very truly yours,  
Neglia Engineering Associates



Daniel C. Lee, P.E., C.M.E.  
For the Board Engineer  
Borough of Park Ridge

DCL/jv

cc: Michael J. Neglia, P.E., P.P., P.L.S., Board Engineer *via email*  
Joseph H. Burgis, P.P., A.I.C.P., Board Planner *via email*  
Blue Hills Estates, Inc. & Walter Janovic – Applicant *via e-mail - [bluehillswj@gmail.com](mailto:bluehillswj@gmail.com)*  
Paul J. Troast, P.L.S. – Applicant's Surveyor *via regular mail - P.O. Box 8081, Paramus, NJ 07653*  
Joseph J. Bruno, AIA – Applicant's Architect *via regular mail - 29 Pascack Road, Park Ridge, NJ 07656*



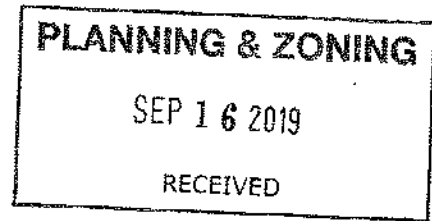
**B U R G I S**  
ASSOCIATES, INC.

COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

PRINCIPALS:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LL.A. ASLA*

## MEMORANDUM

To: Park Ridge Zoning Board of Adjustment  
From: Joseph Burgis PP, AICP & Tom Behrens, PP, AICP  
Subject: Blue Hill Estates, Inc. & Walter Janovic  
Use and Bulk Variance Request  
Block 712 Lots 5 & 6  
87 Louville Avenue  
Date: September 13, 2019  
BA#: 3563.05



### I. INTRODUCTION

The applicants, Blue Hill Estates, Inc. and Walter Janovic, are requesting use and bulk variance relief to demolish the existing dwelling and several accessory structures to develop a new two-family dwelling with a detached garage at the above referenced property. The property is located in the R-10 One-Family Residential Zone wherein two-family dwellings are not a permitted use. Several bulk variances are also required as detailed herein.

### II. SUBMISSION

Our office is in receipt of and has reviewed the following documents:

1. Application, checklist and related materials.
2. Architectural plans prepared by Joseph J. Bruno, AIA, dated revised April 12, 2019.
3. Site survey prepared by Troast Surveying Associates, Inc., dated April 6, 2018.

Exhibit B

### III. REVIEW

#### A. Property Description

The subject site, identified as Block 712 Lots 5 and 6, comprises a total lot area 8,437 square feet (19.4 ac) at the westerly corner of Louville Avenue and Branton Street with frontages of 75 feet and 112.5 feet, respectively. Lot 6 is developed with a 1 ½-story dwelling and separate 1 ½-story structure, the current use of which is not provided but is adjacent to a gravel driveway with access to Branton Street. Several improvements, including sheds, fencing and paving are located off of the property and in the Branton Street right-of-way. Lot 5 is developed with 3 sheds.

There are no known environmental features impacting the site. Surrounding development generally consists of detached single-family dwellings.

#### B. Proposed Development

The applicant proposes to demolish the existing structures on Lots 5 and 6 to accommodate the development of a new 2,516 square foot 2-story, 2-family dwelling and 441 sf detached 2 car garage with associated site improvements. The main entrance to the house will face Louville Avenue and the driveway to the garage will be located on Branton Street.

The following is offered for the Board's consideration with respect to specific elements of the development proposal:

1. Existing Uses and Conditions. The applicant should provide an overview of the uses of all existing structures on the site.
2. Lots. The applicant should confirm whether Lots 5 and 6 will be formally merged. This is unclear based on the application materials and could impact the extent of required variance relief as the proposed dwelling straddles the existing shared lot line. The permitted building envelope plan on sheet 1 of the plans relates to the existing 50 ft by 112.5 ft configuration of Lot 6 while the zoning table evaluates the development's compliance as if Lots 5 and 6 have merged. Again, this should be clarified.
3. Dwellings. The proposed two-family dwelling will contain one 2-bedroom unit on each the 1<sup>st</sup> and 2<sup>nd</sup> floor. No floor plan for the basement has been provided the use(s) and delineation of which should be provided. Management and access of basement and garage spaces should be confirmed. The dwelling units share a common main entrance at the front of the house facing Louville Avenue.

The applicant should address secondary means of ingress/egress to the 2<sup>nd</sup> floor unit, if required by building code. It is noted the driveway and garage are located approximately 65 feet from the front entrance steps which provide the only access to the 2<sup>nd</sup> floor unit with no walkway connecting those areas as shown on the plans.

4. Parking. Residential Site Improvement Standards (RSIS) require a total of 3 parking spaces for the two proposed 2-bedroom units. The development appears to be compliant with this requirement given the two-car garage and additional driveway space.
  5. Landscaping. No landscaping, drainage or fencing details have been provided. Such features should be addressed by the applicant through testimony and could be required conditions of approval should the Board find the application favorable.
  6. Lighting. No exterior lighting details have been provided. The applicant should provide details for any such proposed lighting related to the house, garage or otherwise and confirm compliance with ordinance lighting requirements.
  7. A/C Units. A detail on the plot plan depicts the approximate location of the proposed air condensing units on the westerly side of the dwelling. The applicant should confirm compliance with §101-21(8) that condensing units be located a maximum of 5 feet from the principal structure and minimum of 15 feet from all property lines. Accessory equipment must be screened with evergreen plantings or fencing of at least 4 feet in height if located in the side yard and/or is visible from the street.
  8. Sidewalks. There appear to be no public sidewalks in the vicinity of the site. The Board should consider whether to grant a waiver from providing sidewalks in this location of the community.
- C. Master Plan. The Borough's Land Use Plan incorporated in its November 17, 2019 Comprehensive Master Plan places the site in the R-10 One-Family Residential Zone. In the Plan's 'Summary of Emergent Development Considerations,' it is noted the Borough desires to maintain the residential densities prescribed in the Land Use Plan and prevent development which may be incompatible with the scale of existing single-family neighborhoods. Similarly, the Plan seeks to "protect and reinforce the prevailing detached single-family residential development patterns in the community. The applicant should discuss how the proposed development represents a better alternative to the existing conditions and prescribed zoning and its compatibility with the surrounding single-family neighborhood.

The Borough's Land Use Plan goals and objectives applicable to the proposed development are as follows:

Goal 3.4A: *To preserve the existing character of the residential neighborhoods in the Borough by encouraging development that is consistent with the existing densities and development patterns; limit the scale of development to the level and locations, prescribed herein.*

The applicant should discuss the proposed development's consistency with the surrounding development pattern.

Goal 3.4B: *To provide a variety of housing types, densities, and a balanced housing supply, in appropriate locations, to serve the Borough and region.*

While two-family development may be permitted elsewhere in the Borough, the applicant should discuss the site specific context of the proposed development as it relates to its location within the R-10 Zone.

D. Zoning. The site is located in the R-10 One-Family Residential wherein the proposed two-family dwelling is not permitted. The following table illustrates the bulk requirement of the R-10 Zone as compared to the proposed development conditions.

Table 1: R-10 Zone District

Area & Bulk Regulations	Requirement	Existing	Proposed <sup>(1)</sup>
Minimum Lot Area	10,000 sf	8,437 sf (E)	8,437 sf (E)
Minimum Lot Width	85 ft	75 ft (E)	75 ft (E)
Minimum Street Frontage	75 ft	75 ft	75 ft
Minimum Lot Depth	120 ft	112.5 ft (E)	112.5 ft (E)
Minimum Front Yard Setback	25 ft	8.5 ft, 5.2 ft (E)	25 ft, 25 ft
Minimum Side Yard Setback	15 ft	35.3 ft	49 ft
Maximum Dwelling Width			
Louville Avenue	48.75 ft	21 ft	35 ft
Branton Street	73.12 ft	44 ft	46 ft
Minimum Rear Yard Setback	35 ft	30.3 ft (E)	15 ft (V)
Minimum Front Yard Setback (Deck)	25 ft	N/A	25 ft
Minimum Side Yard Setback (Deck)	15 ft	N/A	27.5 ft
Minimum Rear Yard Setback (Deck)	20 ft	N/A	37.0 ft
Maximum Building Height	32 ft	23 ft	31.66 ft
Maximum Building Coverage	20%	29.0% (E)	20.61% (V)
Maximum Impervious Coverage	40%	29.56%	38.55%
Maximum Floor Area Ratio	30%	21.57%	29.82%
Maximum Gross Floor Area	3,333 sf	?	2,516 sf
Min. Garage Side Yard Setback	20 ft	N/A	10 ft (V)
Min. Garage Rear Yard Setback	20 ft	N/A	10 ft (V)
Max. Garage Height	1 ½-sty/12 ft	N/A	1 sty/12 ft

(V) Variance Required

(E) Existing Nonconforming Condition

(1) Based on Lots 5 and 6 combined in 75 ft by 112.5 ft lot configuration.

Required Variance Relief

1. 'd'(1) Use Variance. The applicant proposes the development of a two-family dwelling where such uses are not permitted in the R-10 One-Family Residential Zone in accordance with Schedule IV-2 of Chapter 101 (Attachment 2). Variance relief is required.
2. Minimum Rear Yard Setback – Principal Building. The applicant proposed a minimum rear yard setback of 15 feet where the R-10 Zone requires a minimum rear yard setback of 35 feet. Variance relief is required.

3. Maximum Building Coverage. The applicant proposes a maximum building coverage of 20.61% where the R-10 Zone permits a maximum building coverage of 20%, representing a deviation of approximately 52 square feet.
4. Front Yard Setback – Steps. §101-16.B.(2) permits front steps to project a maximum of 4 feet into a required front yard. The proposed front steps have a minimum setback from the front lot line adjacent to Louville Avenue where the R-10 Zone requires a minimum front yard setback of 25 feet. Variance relief is required.
5. Minimum Accessory Structure Setback. §101-21.A.(1)(a) requires in all residential zones that detached garages have a minimum setback of 20 feet where minimum side and rear yard setbacks of 10 feet are proposed.
6. Minimum Accessory Structure Setback from Principal Building. §101-21.A.(1)(b) requires a minimum accessory structure setback of 10 feet from principal buildings where a minimum setback of approximately 6 feet is proposed from the detached garage to the deck. The setback from the garage to the nearest outer wall of the dwelling is 11.7 feet.
7. Minimum Driveway Setback. §101-23.D. requires a minimum driveway setback of 5 feet from property lines where the proposed driveway has a minimum setback of 2 feet. Variance relief is required.
8. Air Condensing Unit(s) Setback. §101-21(8)(b) requires a minimum accessory equipment setback of 15 feet from all property lines, where based on the proposed location of air condensing units it appears those units will be less than the required 15 feet from the westerly lot line. Variance relief is required.

### Statutory Criteria

#### 'd'(1) Use Variance

As noted above, the development application requires variance relief for a 'd'(1) use variance. The Municipal Land Use Law (MLUL) sets forth the statutory positive and negative criteria for variance relief. It permits a Zoning Board of Adjustment to grant a 'd'(1) variance "in particular cases and for special reasons" as prescribed in *Medici v. BPR, Co.*, 107 NJ 1 (1987). In accordance with the guidelines set forth in *Medici*, an applicant for a use variance must demonstrate that special reasons are satisfied by either showing that the proposed use is one which "inherently serves the public good" or that the proposed use promotes the general welfare because the proposed site is particularly suitable for that use. The *Medici* decision provides that in conjunction with the demonstration of the negative criteria, an enhanced quality of proof must be demonstrated to indicate that the grant of the requested use variance is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance.



## 'c'(1)'/c'(2) Bulk Variances

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

1. Physical Features Test: An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
2. Public Benefits Test: An applicant may granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition to the above, an applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and it will not substantially impair the intent and the purpose of the master plan and zoning ordinance.