

**BOROUGH OF PARK RIDGE
ZONING BOARD
DECEMBER 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.

Chairman 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	Absent
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. Tom Behrens	Present

NEW APPLICATION

#ZBA 19-11

**Dave & Linda Bradler
11 Sixth Street
Block 1202 / Lot 15
Addition**

The applicants Architect, Chris Blake of Bergenfield, New Jersey was sworn in by Attorney Rupp. Mr. Blake was accepted as an expert witness from the Board.

The applicant David Bradler of 11 Sixth Street was sworn in by Attorney Rupp to offer testimony.

Proof of service is in order.

Mr. Bradler spoke about the application and why they are looking to expand his home. He spoke about his mother-in-law moving in his home and the need to make space for her.

Mr. Blake spoke about the application. The application is seeking variances for side yard, rear yard, building coverage, impervious coverage and FAR. Mr. Blake explained the home is a split level home located at the end of a dead end street.

Mr. Blake walked through all of the requested variances and commented that the home is located on an undersized lot.

Mr. Blake marked the following exhibits:

- Exhibit A4 A & B = 8 total photographs showing the home and the surrounding homes.

Mr. Bradler commented that there are large trees in the back of his property separating his residence from his neighbors.

A discussion took place regarding changing the driveway plans to 19 feet with a 16 feet curb cut. These changes would eliminate the impervious coverage variance.

Mr. Walker commented that he doesn't like the design of the entrance door into the bedroom.

Mr. Rupp asked if there was a basement in the home. Mr. Bradler replied, yes. Mr. Rupp asked what the basement is used for. Mr. Bradler replied playroom for the children.

What is the current height of the home? Mr. Blake replied 22 feet now and the proposed height is 26.75 feet. Mr. Behrens confirmed that according to code, it would be an additional level.

Mr. Walker commented that this application is a very common addition on a sugar maple split.

Mr. Bradler commented that he looked at other homes to purchase and move, but he and his wife ultimately decided to stay in their current home and add on an addition because they really love the town of Park Ridge.

How many bedrooms? Mr. Bradler replied 5 bedrooms total.

Mr. Walker commented that if the lot was conforming most of these variances would not be necessary. Mr. Rupp commented that we understand the position the applicant is in because of the undersized lot.

Mr. Walker asked if any trees will need to be taken down for the construction. Mr. Blake replied he doesn't believe so.

Mr. Pantaleo asked if the red deck was being removed. Mr. Blake replied the deck is being taken down and being replaced with the addition.

Chairman Flaherty asked if any of the Board members of professionals had any remaining questions. All replied no.

There being no members of the public wishing to speak, the hearing was closed and the Board will discuss the application.

The question of drainage came up. Mr. Lee replied all drainage will be reviewed when the application is submitted to the Building Department.

A discussion took place about the lights over the side entrance door and concerns about the light shining onto the neighbor's house. Mr. Rupp commented that a condition can be made in the resolution to make sure the light above the door is screened. The applicant commented that he will be sure to make sure the lights are screened.

Mr. Rutowski asked if the whole home would be re-roofed and re-sided. Mr. Blake replied yes.

The hearing was closed and the Board will discuss the application.

Chairman Flaherty announced that after 28-30 years this will be Mr. Walker's final Zoning Board of Adjustment meeting. Mayor Misciagna thanked Mr. Walker for his years of dedication and service and presented him with a plaque.

NEW APPLICATION-DISCUSSION & VOTE

#ZBA 19-11

Dave & Linda Bradler

11 Sixth Street

Block 1202 / Lot 15

Addition

A Board discussion took place regarding the application for 11 Sixth Street. Mr. Curran asked if the applicant would be permitted to install a patio. Ms. Tardibuono commented that he would need a variance.

Mr. Pantaleo asked if the Board can make a recommendation of lighting for the side door. The lighting would prevent a black alley way.

A discussion took place regarding the steps and what is the best accessible way to get into the home.

Mr. Curran doesn't like the idea of a side door. Mr. Rupp commented that the Board can make a condition of the resolution that the door needs to be removed.

The applicant was asked to return back into the room.

Mr. Rutowski commented that with this plan the number of steps is not reduced.

Mr. Pantaleo spoke about the entry way into the bedroom and how it's not an ideal situation. Mr. Rupp asked if there was any objection to removing the side door. The applicant and the Board were all in agreement to remove the side door from the plans. Mr. Curran commented that with the removal of the side door and walkway there is now room for a small patio. Mr. Behrens agreed.

The applicant is now requesting four variances:

- FAR
- Side Yard
- Rear Yard
- Building Coverage

A motion was made by Mr. Rutowski to instruct Attorney Rupp to prepare a resolution granting the requested variances.

Mr. Curran	Yes
Mr. Pantaleo	Yes
Dr. Perez	Yes
Mr. Rutowski	Yes
Mr. Walker	Yes
Chairman Flaherty	Yes

RESOLUTION #2019-12

#ZBA 19-05

Blue Hill Estates

87 Louville Ave

Block 712 / Block 5 & 6

R-10

2 Family Home

A motion was made by Mr. Pantaleo to approve the resolution of denial. The motion was seconded by Mr. Rutowski, and carried by a roll call vote as follows:

Mr. Curran	Yes
Mr. Pantaleo	Yes
Dr. Perez	Yes
Mr. Rutowski	Yes
Mr. Walker	Yes
Chairman Flaherty	Yes

RESOLUTION #2019-13

#ZBA 19-10

Dandenia & Michael Savino

14 Quackenbush Lane

Block 1501 / Lot 10

Inground Pool (Through lot)

A motion was made by Mr. Curran to approve the resolution of denial. The motion was seconded by Mr. Rutowski, and carried by a roll call vote as follows:

Mr. Curran	Yes
Mr. Pantaleo	Yes
Dr. Perez	Yes
Mr. Rutowski	Yes

Mr. Walker Yes
Chairman Flaherty Yes

BOARD DISCUSSION

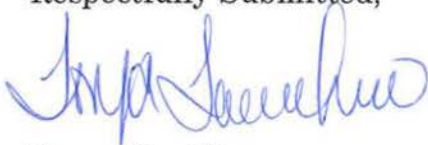
No Board discussion took place

APPROVAL OF MINUTES

The minutes of November 26, 2019 were approved on a motion from Mr. Pantaleo, seconded by Mr. Walker, and carried by all members eligible to vote.

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

Respectfully Submitted,



Tonya Tardibuono

Resolution #2019-13
Application # 19-10
ZB 12-17-19

BOROUGH OF PARK RIDGE
ZONING BOARD OF ADJUSTMENT

RESOLUTION

* * * * *

WHEREAS, MICHAEL and DANDENIA SAVINO (hereinafter referred to as "Applicant"), being the owner of premises known as 14 Quackenbush Lane, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 10 in Block 1501 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 for a proposed in-ground pool 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 November 26, 2019; and

WHEREAS, the BOARD has carefully considered the application and all evidence and testimony submitted in connection therewith;

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 14 Quackenbush Lane in the
Borough of Park Ridge, containing 19,703 sq. ft. (15,000 square feet required) and having
a lot depth of approximately 114.59 feet (150' required) and a lot width of approximately
144.92 feet (100' required), currently improved with an existing single family residential
structure and patio. The lot is a through lot with frontage along both Quackenbush Lane
and Pascack Road.

2. The existing house is located 23.8 feet from the front lot line along
Quackenbush Lane and 74.0 feet from the rear lot line along Pascack Road. Since the lot
is a through lot with frontage along both Quackenbush Lane and Pascack Road, both
yards are considered as front yards.

3. There is an existing metal fence enclosing the yard to the rear of the house
running from the southwest corner of the house, along the westerly side lot line, along
the rear portion of the lot setback approximately 20 feet from Pascack Road, along the
easterly side lot line and across the side yard so as to meet the southeasterly side of the
house.

4. The existing impervious surface coverage is 2,193 square feet (11.1%)
(maximum of 35% permitted).

5. Applicant proposes to install an in-ground pool to the rear of the existing house
measuring 515 square feet, with a patio measuring 675 square feet and pool utilities

measuring 24 square feet. The proposed impervious surface coverage nets out to 3,159 square feet (16%).

6. Pursuant to Section 101.21-D (1) of the Zoning Ordinance, there is a 20 foot required rear yard and side yard setback for a pool. There is also a 10 foot required setback for any accessory structure from the principal building. (Section 101.21-A (1)(b)) Section 101-21-D(3) provides, in part, that "The inner face of the side of all such swimming pools shall not be located less than 20 feet from any and all property lines, and any paved surfaces around the pool shall not be located less than 15 feet from all property lines. The area within the fifteen-foot setback shall be appropriately landscaped to serve as a buffer and visual screen. No part of the pool shall be nearer to any street line than the rear wall of the main building which is located nearest to the street, nor closer to the rear or side wall than the maximum depth of the pool." Section 101-21A(8)(b) provides that "all accessory equipment, including pool equipment, must be located at a minimum of 15 feet from all property lines."

7. The proposed pool is located 20.4 feet from the easterly side lot line and at least 80 feet from the westerly side lot line and is set back approximately 50 feet from Pascack Road. The patio surrounding the pool is located 17 feet from the easterly side lot line and at least 77 feet from the westerly side lot line. The proposed pool is located 10.4 feet from the existing house. The pool heater/filter is located 61.8 feet from the westerly side lot line and a least 75 feet from the lot line along Pascack Road.

8. The BOARD finds that by reason of the location of the existing house, the non-conforming lot depth and the fact that the existing lot is a through lot with frontages on both Quackenbush Lane and Pascack Road, the strict application of the Zoning Ordinance to require that the proposed pool not be located nearer to any street line than the rear wall of the main building would result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon the applicant.

9. Moreover, by reason that the proposed pool will be approximately 10 feet lower than Pascack Road, is screened by existing trees along the existing fence along Pascack Road and will not be easily seen from Pascack Road, that the proposed pool and patio will comply with the impervious surface coverage limitation and that the pool, patio and pool utilities, meet the required yard setbacks (with the exception of being nearer to any street line than the rear wall of the main building), the BOARD finds that a decision to grant the variance to permit the proposed pool and patio to be located nearer to the street line of Pascack Road than the rear wall of the main building 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), the BOARD does hereby grant the Applicant's requested variance to permit the proposed in-ground pool and pool patio to be located nearer to street line of Pascack Road than the rear wall of the main building, as more particularly set forth in this resolution and as shown on the plans submitted to the

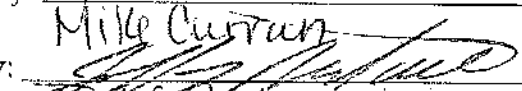
BOARD, subject to the Engineer's approval of the storm water and drainage calculations, seepage pit and soil movement permit.

Ayes: 6

Nays: 0

Dated: 12-17-19

Introduced by: 

Seconded by: 
JEFF RUTOWSKI

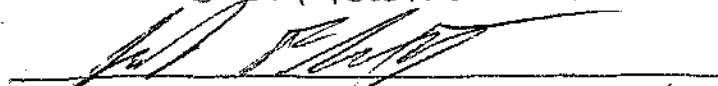

CHAIRPERSON, JAKE FLAHERTY

EXHIBIT LIST
BOROUGH OF PARK RIDGE ZONING BOARD

APPLICANT: ZB 19-10
ADDRESS: 14 Quackenbush Lane
BLOCK: 1501 LOT: 20
ZONE: R-15

EXHIBIT:	ITEM NO.	DATE:
Application	1	8/16/19
Owner's Affidavit/ Authorization	2	8/16/19
Certificate of Applicant	3	8/16/19
Tax Certification	4	8/16/19
Property Survey (Dated 3/19/19)	5	8/16/19
Pool Plan (Dated 6/28/19)	6	8/16/19
Property Owners within 200 Feet	7	8/16/19
Proof of Publication	8	11/13/19
Certification of Service (w/ Receipts)	9	11/13/19
Neglia Review Letter	10	11/26/19
Revised Plans	11	11/22/19
Photos of Property	12	11/26/19

Resolution #2019-12
Application #19-05
ZB 12-17-19
DENIED

BOROUGH OF PARK RIDGE

ZONING BOARD OF ADJUSTMENT

RESOLUTION

* * * * *

WHEREAS, BLUE HILL ESTATES, INC. and WALTER JANOVIC (hereinafter referred to as "Applicant"), being the owners of premises known as 87 Louville Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lots 5 & 6 in Block 712 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 use variance to permit the construction of a new two-family house on the subject property; and

WHEREAS, the premises are located in an R-10 One-Family 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 September 17, 2019 and October 15, 2019 and, at the

request of the Applicant, delayed closing argument and BOARD discussion until November 26, 2019; and

WHEREAS, the BOARD has carefully considered the application and all evidence and testimony submitted in connection therewith; and

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 and conclusions:

1. Applicant is the owner of premises located at 87 Louville Avenue in the Borough of Park Ridge., also known and designated as Lots 5 and 6 in Block 712 on the Tax Assessment Map of the Borough of Park Ridge.

2. The premises are located in the R-10 One-Family Residential Zoning District at the corner of Louville Avenue and Branton Street. The premises consist of two adjoining rectangular lots, lot 5 measuring 25' in width and 112.5' in depth, containing 2,812.5 sq. ft., and lot 6 measuring 50' in width and 112.5' in depth, containing 5,625 sq. ft., and having a combined width of 75' (minimum of 85' required), a lot depth of 112.5' (120' required) and a lot area of 8,437.5 sq. ft. (minimum of 10,000 sq. ft. required).

3. Lot 5 is currently improved with three shed structures. Lot 6 is currently improved with a shed and two 1 ½ story frame buildings. In addition, there are two shed structures located within the public right-of-way of Branton Street. Given the location of the existing structures and an existing fence enclosing both lots, the BOARD finds that Lots 5 and 6 form a single tract or parcel of land.

4. From the Deeds and Tax Records submitted in evidence, the subject premises, both undersized lots, were under the common ownership of Theodore Lentz and Colleen Lentz, husband and wife. After the deaths of both prior owners, the Estate of Colleen Lentz sold Lot 5 to Walter Janovic and Raymond Janovic as joint tenants with right of survivorship, and lot 6 to Blue Hill Estates, Inc. by separate deeds dated March 23, 2018, and recorded on April 14, 2018 in the Office of the Bergen County Clerk. No subdivision was obtained at the time of the above sales. Under the merger doctrine enunciated in *Loechner v. Campoli*, 49 N.J. 504, 231 A.2d 553 (1967); see also *Jock v. Zoning Bd. of Adjustment*, 184 N.J. 562 (2005), the BOARD finds that merger of the two lots had occurred during the period of common ownership despite the fact that such lots were designated as separate tax lots on the tax map and tax records of the Borough of Park Ridge.

5. According to the testimony of the Applicant's Planner, Brigette Bogart, both of the 1 ½ story structures are currently vacant but had previously been used as dwelling units. The structure to the rear has not been used as a dwelling since 2001. The structure toward the front has not been occupied since 2017. Both structures predate the adoption of a zoning ordinance in Park Ridge. Accordingly to the testimony of Robert Brand, a nearby resident at 93 Louville Avenue, the dwelling to the rear was initially a garage and was vacant for at least the past 17 years. The Board was not furnished with sufficient evidence to determine whether the conversion of the rear structure from a garage to a dwelling either predated the Zoning Ordinance or was otherwise lawfully accomplished.

6. Based on the testimony of Applicant's Planner and the photographs offered in evidence, although both structures have bathrooms, kitchens and bedrooms, they are in need of extensive repairs and renovations to render same suitable for occupancy. The shed structures and fence are in disrepair. The premises are littered with debris and overgrown vegetation.

7. The existing 1 ½ story structure to the rear of the property has a building coverage and floor area of 1,067 sq. ft. and is set back 7.6' from Branton Street (25' required), 17.9' from the southerly property line and 35.3' from the westerly property line. The existing 1 ½ story structure to the front of the property has a building coverage and floor area of 753 sq. ft. and is set back 8.5' from Louville Avenue, 5.2' from Branton Street. The total existing building coverage, including the shed structures, is 2,449 sq. ft. (29%) (maximum of 20% permitted). The total existing impervious surface coverage is 29.56% (maximum of 40% permitted). The existing floor area and F.A.R. is 1,820 sq. ft. (21.57%) (maximum of 30% permitted).

8. The Applicant proposes to demolish and remove all existing structures and debris from the premises and construct a new 2-story, 2-family dwelling and a detached garage. Two-family residential uses are not a permissible use within the R-10 Single Family Residential Zoning District.

9. According to the revised plans, last revised 10/1/2019, and the testimony of Applicants' architect, Joseph J. Bruno, the proposed 2-family dwelling will have a building coverage of 1,258 sq. ft., plus a covered front porch of 40 sq. ft., and a covered rear patio, deck and stairs of 283 sf. ft. The detached garage will have a building

coverage of 294 sq. ft. The total building coverage including the dwelling, covered porch and garage is 1,592 sf. ft. (18.86%) (maximum of 20% permitted). The proposed dwelling has a floor area of 2,516 sq. ft. and a floor area ratio of 29.82% (maximum of 30% permitted). The total impervious coverage, including the dwelling, porch, garage, patio, deck and stairway, and pavement (1,094 sf) is 2,907 sq. ft. (34.45%)(maximum of 40% permitted). The proposed dwelling would be set back 29' from Louville Avenue and 25 feet from Branton Street (25' required); 15' from the westerly side lot line (15' required), and 43 feet from the southerly rear property line (35' required). The proposed detached garage is set back 12.5' from the principal structure (10' minimum required) and 10 feet from the side and rear property lines (20' feet required). The proposed driveway is located 10 feet from the rear property line (minimum of 5' required) and the driveway width is 20' (maximum of 20 feet permitted). The A/C units are now located behind the required side and rear yard setbacks.

10. Based on the foregoing, the Applicant requires a use "d" variance for the proposed two-family dwelling, a "c" variance for the side and rear yard setback of the garage, and a "c" variance for the undersized lot.

11. The Applicants' Planner testified as follows:

- a. The proposed two-family residential use will advance the following purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-2):
 - a. To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare; ...
 - e. To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment; ...

i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement; ...

b. The proposed two-family residential use furthers the following residential goals and policies of the Borough of Park Ridge's Master Plan:

A. 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, ...

B. To promote the continued maintenance and rehabilitation of the Borough's housing stock.

C. To provide a variety of housing types, densities and a balanced housing supply, in appropriate locations to serve the Borough and region.

c. Although two-family residential uses are not permitted within the R-10 Single Family Residential Zoning District, Section 101.14 of the Zoning Ordinance provides that preexisting nonconforming owner occupied two family dwellings shall be permitted to be enlarged or otherwise improved, provided that no additional dwelling units result from the improvement and that none of the applicable zone district's yard, coverage and height restrictions are violated.

d. The Planner presented exhibits A-6, A-7 and A-8 identifying 86 two-family uses within Park Ridge, a map of the location of such two-family uses, and a chart showing that 5 of 26 two-family uses within the R-10 zoning district are located upon lots smaller than the subject premises.

12. On further questioning of the Applicant's Planner acknowledged that none of the two-family uses on smaller lots are located within the vicinity of the subject premises.

Moreover, of the thirty-four lots in the vicinity of the subject premises, only four were identified as two-family uses. The Applicant's Planner further acknowledged that a new one family dwelling would also advance the goals and objectives of the Municipal Land Use Law and the Master Plan. Moreover, the Applicant's Planner acknowledged that the Master Plan favors the removal of non-conforming two-family uses.

13. The BOARD's Planner, Joseph Burgis, testified that the subject premises, other than being undersized, was suitable for single-family residential use and that such a use would be more in keeping with the existing character of the neighborhood.

14. The BOARD finds that the testimony offered by the Applicant fails to demonstrate that the proposed two-family residential use is particularly suitable for the proposed site or that the site cannot be developed for single family use. Two-family residential uses are not permitted within the R-1 single Family Residential Zoning District. The predominant land use within the vicinity of the subject premises is that of single-family detached dwellings. The two existing dwelling structures on the premises do not render a new two-family dwelling on the site particularly suitable. Nor does the poor condition of the existing dwellings or the poor condition of the premises in general render the premises particularly suitable for a two-family use. The BOARD finds that permitting a new two-family residential use on the premises is contrary to the intent and purpose of the Zoning Ordinance and would invite property owners to allow their properties to fall into a state of disrepair in order to obtain a higher value from a two-family residential use. Enhancement of an owner's profitability is not a special reason. The poor condition of the property can be cured by the construction of a new one-family residence or vigorous enforcement of the Borough's property maintenance ordinances.

15. The BOARD also rejects the arguments that the granting of the proposed variance will promote the purposes of the Municipal Land Use Law or the Master Plan. The construction of a new conforming single-family dwelling will equally, if not to a greater extent, promote the purposes of the Municipal Land Use Law or the Master Plan by encouraging the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare;

promoting the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment; by promoting a desirable visual environment; by preserving the existing character of the residential neighborhoods in the Borough by encouraging development that is consistent with the existing densities and development patterns; by promoting the continued maintenance and rehabilitation of the Borough's housing stock; and by providing a variety of housing types, densities and a balanced housing supply, in appropriate locations to serve the Borough and region.

16. In seeking a "d" use variance for a use not permitted within the zone, the Applicant is not only required to establish that a two-family residential use is particularly suitable to the site but is also under an enhanced burden under *Medici v. BPR Co.* to establish that the granting of a variance would not substantially impair the intent and purpose of the zone plan and zoning ordinance. In the Summary of Emergent Development Considerations in the Master Plan, as referenced in the 2019 Periodic Reexamination of the Borough Master Plan, adopted by the Park Ridge Planning Board on November 13, 2019, it "is the Borough's desire to maintain the existing character and scale of development throughout the municipality, particularly the single-family residential neighborhoods" and "a strong goal of the Borough is to protect the single-family districts from over development" and "from the threat of proposed multi-family development within established single-family districts."

17. The BOARD finds that the Applicant has failed to meet the "enhanced quality of proof" set forth in *Medici v. BPR Co.*, 107 N.J. 1, 526 A.2d 109 (1987), requiring the

applicant to prove that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. The BOARD finds that it is the policy of the Master Plan and Zoning Ordinance to discourage new nonconforming two-family homes. Even assuming that the two existing dwellings on the subject property were lawfully established, the proposed application would constitute an enlargement of the non-conforming two-family use by increasing the floor area from 1820 sq. ft. to 2,516 sq. ft., an increase of more than 38%. Moreover, the mere fact that the floor area and number of bedrooms for the new proposed two-family use, would be no greater than the permissible floor area and number of bedrooms for a new one-family use, does not render the two-family use consistent with the intent and purpose of the Master Plan or Zoning Ordinance. Both the Planning Board and the governing body of Park Ridge have determined to treat one-family residential uses and two-family residential uses as two distinct uses, permitting one-family uses in the R-10 Zoning District while prohibiting two-family uses. The BOARD is not authorized under the Municipal Land Use Law to simply ignore this distinction or substitute its judgment as to what the Zoning Ordinance should or should not permit and prohibit.

18. Applying the foregoing principles to the within application, the BOARD finds that a decision to grant a use variance to permit a new two-family dwelling on the subject premises within the R-10 Single-Family Residential Zoning District will impair the intent and purpose of the zone plan and 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, that

the BOARD hereby denies the Applicant's requested use variance to permit a new two-family dwelling upon the subject premises within the R-10 Single-Family Residential Zoning District. By reason of the foregoing, the BOARD need not consider at this time the variance relief sought for the undersized lot and the rear and side yard setbacks for the detached garage. Such variances are more appropriately considered, to the extent necessary, in connection with an application for a new single-family dwelling.

Ayes: 6

Nays: 0

Abstentions: 0

Introduced by: ZANED

Seconded by: Frank pantaleo
Jeff RUTOWSKI

Approved: _____

JAKE FLAHERTY Chairperson

Dated: 12-17-19

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

APPLICANT: ZB 19-05
ADDRESS: 87 Louville Ave
BLOCK: 712 LOT: 5&6
ZONE: R-10

EXHIBIT:	ITEM NO.	DATE:
Application	1	4/18/19
Certificate of Applicant	2	4/18/19
Proof of Ownership (Lot 5) - A	3	4/18/19
Proof of Ownership (Lot 6) - B	4	4/18/19
Letter of Denial Dated 4/10/19 - C	5	4/18/19
Tax Certification - D	6	4/18/19
Property Owners within 200 Feet (Lot 5) - E	7	4/18/19
Property Owners within 200 Feet (Lot 6) - F	8	4/18/19
Existing Survey dated 4/6/2018	9	4/18/19
Certification of Service (w/Receipts)	10	7/8/19
Proof of Publication	10	7/8/19
Fire Department Review 7/1/19	11	7/1/19
Engineering Review - Neglia 6/10/19	12	6/10/19
Planner Review - Burgis Associates 9/13/19	13	9/13/19
Planner Review - Burgis Associates 10/11/19	13	10/11/19
Engineering Review - Neglia 10/15/19	12	10/15/19
Plans dated 3/24/19 - Revised 4/12/19	A1	4/18/19
Photos of Property	A2	9/17/19
Tax Records (3 pages)	A3/A4	9/17/19
Revised Plans 10/1/19	A5	10/15/19
List of 2 Family Homes in Park Ridge	A6	10/15/19
2 Family Dwellings overlaid on Zoning Map	A7	10/15/19
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