

**BOROUGH OF PARK RIDGE
ZONING BOARD
SEPTEMBER 15, 2020
VIRTUAL REGULAR MEETING MINUTES**

The Public Meeting of the Zoning Board of the Borough of Park Ridge was held virtually 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. Steve Clifford	Present
Mr. Mike Curran	Present
Mrs. Jamie DeMartino	Present
Dr. Gregory Perez	Present
Mr. Jeff Rutowski	Present

Also Present:

Board Attorney - Mr. William Rupp	Present
Board Secretary –	
Ms. Tonya Tardibuono	Present
Mr. Daniel Lee – Neglia Engineering	Present

Continued Application

#ZBA 18-10
Hornrock Properties
1 Sony Drive
Block 301 / Lot 1
ORL
Site Plan / Use Variance / Parking Variance

Mr. Rupp announced that Hornrock Properties is significantly changing their plans, therefore they were advised to file a new application.

Mr. Rupp made an announcement that the application will be carried to the October 20, 2020 at 8:00 p.m. meeting.

Mr. Lee commented that there is some engineering that will need to be reviewed if a new application is submitted.

Mr. Rutowski asked if 1 Sony Drive has new owners. Mr. Rupp replied that the new owners are a group and the prior owner is a part of the group.

Resolution #2020-06

#ZB 20-02

L&B Group LLC

81 Lawn Street

Block 1011 / Lot 10

(R-10)

New Home

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

Roll call vote:

Mr. Clifford Yes

Mrs. DeMartino Yes

Mr. Pantaleo Yes

Dr. Perez Yes

Mr. Rutowski Yes

Approval of Minutes

The minutes of August 18, 2020 were approved on a motion from Mr. Rutowski, seconded by Mr. Clifford, and carried by all members eligible to vote.

Board Discussion

No Board discussion took place

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

Respectfully Submitted,



Tonya Tardibuono

Resolution #2020-06
Application #ZB20-02
ZB 9-15-2020

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

RESOLUTION

* * * * *

WHEREAS, L&B GROUP, LLC (hereinafter referred to as "Applicant"), being the owner of premises known as 81 Lawn Street, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 3 of Block 1011 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 an undersized lot, front yard and rear yard setbacks; 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 virtual hearing in connection with the application, upon due notice as required by law, on August 18, 2020; 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;

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 vacant premises located at 81 Lawn Street in the Borough of Park Ridge, being known as Lot 3 of Block 1011 on the Tax Assessment Map for the Borough of Park Ridge, located within the R-10 Residential Zoning District, containing 7,500 square feet (10,000 sf required) with a lot width of 100 feet (85 feet required) and a lot depth of 75 feet (120 feet required). The lot is a corner lot located at the intersection of Lawn Street and Cascade Street and, by reason thereof, requires a front yard setback along both streets.
2. Applicant had acquired the subject premises from Seana Construction Company, LLC (hereinafter "Seana") on April 9, 2020.
3. Seana had initially applied to the BOARD seeking variances for an undersized lot, front yard and rear yard setbacks and floor area ratio (F.A.R.) with respect to the proposed construction of a new one-family residence on the subject premises. . During the course of hearings thereon on September 19, 2017 and November 21, 2017, Applicant submitted revised plans reducing the size of the proposed house and, utilizing revised design criteria, in order to qualify for an F.A.R. bonus and avoid the need for an F.A.R. variance.
4. The R-10 One Family Residential Zoning District requires a minimum front yard setback of 25 feet, a minimum rear yard setback of 35 feet, a minimum

side yard setback of 15 feet and permits a building height of 32 feet, a maximum building width of 65% of the lot width, a maximum building coverage of 20%, a maximum impervious coverage of 40%, a maximum floor area of 3,333 sf and a maximum Floor Area Ratio (FAR) of 30%.

5. A two-story frame dwelling and detached garage were previously demolished and the premises are now vacant.
6. As a result of the original hearings, the BOARD adopted a resolution on December 19, 2017, pursuant to the authority of N.J.S.A. N.J.S.A. 40:55D-70 (c)1 and (c)2 granting the Applicant's requested variances for front yard setback along Lawn Street, rear yard setback, lot size and lot depth, as more particularly shown on the plans submitted to the BOARD, subject to the following conditions:
 - A. The Applicant shall widen the pavement along Cascade Street from the end of the existing curb to the edge of the existing stone wall located in the public right-of-way adjacent to the adjoining property line to the west.
 - B. The Applicant shall preserve the two Spruce trees along Lawn Street and the two Cherry trees and one Oak tree along Cascade Street shown on the plans and install tree fencing at the drip line of the tree branches during construction so as to not damage or cut feeder roots inside the drip line of the tree branches.

7. The Applicant proposes to construct a new two-story house with a two-car basement garage and basement in accordance with the plans originally submitted by Seana and approved by the BOARD. The proposed house measures approximately 48.33' by 29.33' with a covered porch in the front and paver patio to the rear. The proposed house would be set back 16' from Lawn Street, 25' from Cascade Street, 21.67' from the rear lot line (opposite Lawn Street) and 26.17' from the side lot line (opposite Cascade Street). The proposed height as measured from the average grade to the midpoint of the roof is 24.69'. The proposed building width is 48.33' (48.33%). The building coverage, including the covered porch, is 1,495 s.f. (19.93%), the imperious coverage is 2,685 s.f. (35.8%) and the floor area is 2,522 s.f. (F.A.R. of 33.63%). In addition, there is a proposed seepage pit to handle the storm water runoff and full height curbing along the prior driveway curb cut.
8. The BOARD had noted during the hearings on the Seana application that the pavement of Cascade Street narrows from the existing curb to the subject property's westerly property line and that the proposed driveway in that area extends to the paved surface of Cascade Street. To facilitate traffic flow and ingress and egress to and from the subject property, the BOARD suggested and the Seana agreed to extend the paved surface of Cascade Street from the end of the existing curb to the end of an existing stone wall in the public right-of-way of Cascade Street adjacent to the adjoining property line to the west.

9. The original plans showed two Spruce trees in the front yard along Lawn Street and two Cherry trees and one Oak tree adjacent to and in the public right-of-way of Cascade Street which Seana had agreed to preserve. The BOARD conditioned approval on the preservation of said trees and the installation of tree fencing around said trees during construction to avoid cutting or damaging the feeder roots inside the drip line of the branches to said trees.
10. During the hearing on the current application, there was testimony that the 24' diameter Spruce tree in the front yard along Lawn Street and the two Cherry trees in the right-of-way of Cascade Street were now gone. In addition, there was testimony that there is a large Douglas Fir, not shown on the plans, located near the western sideline of the property within the public right-of-way along Cascade Street.
11. Park Ridge's Land Use Ordinances, Section 74-14, entitled "Expiration of variance," of Article II, "Zoning Board of Adjustment," of Chapter 74, "Land Use Procedures," of the Code of the Borough of Park Ridge provides that:

Any variance from the terms of this chapter hereafter granted by the Board of Adjustment, permitting the erection or alteration of any structure or structures or permitting a specified use of any premises, shall expire by limitation unless such construction or alteration shall have actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within one year from the date of publication of the notice of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the governing body or to a court of competent

jurisdiction, until the termination in any manner of such appeal or proceeding. In the case of variances granted in connection with subdivisions, the time limits governing said subdivisions shall govern, rather than the aforesaid.

12. The BOARD finds that Seana failed to commence construction on the structure permitted by said variance within one year from the date of publication of the notice of the judgment or determination of the Board of Adjustment and that no appeal from such determination was made. As a result, the variance granted to Seana had expired.
13. The BOARD finds that the neighborhood has not undergone any changes since the granting of the initial variance in 2017 and that there has been no change in the zoning regulations affecting said neighborhood which would alter the BOARD's previous findings and conclusions.
14. Subject to the conditions hereinafter set forth, the BOARD hereby incorporates the following findings and conclusions as more particularly set forth in its resolution dated December 19, 2017:
 - a. The BOARD finds that by reason of the existing undersized lot depth of the subject property, the undersized lot size, its location as a corner property having two street frontages, the strict application of the Zoning Ordinance with respect to front yard setbacks along Lawn Street, the rear yard setback, and the minimum lot depth and lot size requirements would result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon the Applicant.

- b. The BOARD finds that the residential goal and policy in the Master Plan is “to promote the continued maintenance and rehabilitation of the Borough’s housing stock.” The BOARD finds that the aesthetic benefits from the proposed new construction outweigh any negative impact from the front and rear yard setback requirements and lot depth and size requirements pursuant to N.J.S.A. 40:55D-70(c)(2).
- c. The BOARD finds that the proposed construction is consistent with the scale, character and architecture of the neighborhood.
- d. The proposed new home construction complies with the floor area, maximum F.A.R. (with bonus), building coverage, impervious surface coverage, maximum building width, height, front yard setback from Cascade Street and side yard setback. The proposed house is in keeping with the scale, character and architecture of the neighborhood and is aesthetically beneficial. Accordingly, the BOARD finds that the variances for front yard setback along Lawn Street, rear yard setbacks, and the existing lot size and depth can be granted without substantial detriment to the public good and that the granting of such variances will not 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 that the BOARD

does hereby grant the Applicant's requested variances for front yard setback along Lawn Street, rear yard setback, lot size and lot depth, as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD, subject to the following conditions:

- A. The Applicant shall preserve the remaining Spruce tree along Lawn Street and the remaining Oak tree along Cascade Street shown on the plans and install tree fencing at the drip line of the tree branches during construction so as to not damage or cut feeder roots inside the drip line of the tree branches.
- B. The Applicant shall obtain and plant such additional trees, of such species, at such locations, and of such a height and diameter as determined by the BOARD's Planner as replacements for the Spruce tree along Lawn Street and the two Cherry trees within the right-of-way of Cascade Street which had been removed since the grant of the original variance.
- C. The Applicant, at its sole cost and expense, shall contract for the services of an arborist, approved by the Borough of Park Ridge, to inspect the Douglas Fir near the western sideline of the property within the public right-of-way along Cascade Street and prepare a report, with photographs, on the means of preserving said tree and the effect of the proposed widening of the pavement along Cascade Street. The Applicant shall take such steps as required by the Board's Engineer in order to preserve such tree during construction.
- D. Unless the arborist's report otherwise indicates, the Applicant shall pay for the cost to the Borough to widen the pavement along Cascade Street from the end of

the existing curb to the edge of the existing stone wall located in the public right-of-way adjacent to the adjoining property line to the west. In the event the arborist advises that such pavement may damage the tree, the Applicant shall return to the Board for a further hearing to determine what action

Ayes: 5

Nays: 0

Dated: 9-15-2020

Introduced by: Jeff Rutowski @
JEFF RUTOWSKI

Seconded by: Frank Pantaleo @
Frank Pantaleo

EXHIBIT LIST
BOROUGH OF PARK RIDGE ZONING BOARD

APPLICANT: ZB 20-02
ADDRESS: 81 Lawn Street
BLOCK: 1011 LOT: 3
ZONE: R-10

EXHIBIT:	ITEM NO.	DATE:
Application (w/previous resolution)	1	5/21/20
Owner's Affidavit/ Authorization	2	5/21/20
Certificate of Applicant	3	5/21/20
Tax Certification	4	5/21/20
Site Plan (dated 6/12/17)	5	5/21/20
Architectural Plans	6	5/21/20
Property Owners within 200 Feet	7	8/14/20
Proof of Publication	8	8/14/20
Certification of Service (w/Receipts)	9	8/14/20
Neglia Review Letter	10	8/10/20
Burgis Review Letter	11	8/12/20