

**BOROUGH OF PARK RIDGE
ZONING BOARD
NOVEMBER 23, 2021
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 Pantaleo stated that the meeting was being held in accordance with the Open Public Meetings Act.

Chairman Pantaleo asked everyone to stand and recite the Pledge of Allegiance.

ROLL CALL BOARD:

Mr. Steve Clifford	Present
Mr. Mike Curran	Present
Ms. Jamie De Martino	Present
Mr. Jake Flaherty	Absent
Mr. Frank Pantaleo	Present
Dr. Gregory Perez	Absent
Mr. Jeff Rutowski	Absent
Mr. Michael Brickman	Present

Also Present:

Mr. Brian Giblin - Attorney	Present
Ms. Tonya Tardibuono - Secretary	Present
Mr. John Dunlea – Engineer	Present
Mr. Nicholas Dickerson – Planner	Present

APPROVAL OF MINUTES

The approved minutes of October 19, 2021 were approved on a motion from Mr. Curran, seconded by Mr. Clifford, and carried by all members eligible to vote.

RESOLUTIONS

RESOLUTION#2021-19

#ZB21-18

Edward Wong Lio & Trang Minah Lio

6 Johnsvale Road

Block 1203 / Lot 17

Covered Porch

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

Mr. Steve Clifford	Yes
Mr. Mike Curran	Yes
Ms. Jamie DeMartino	Yes
Chairman Frank Pantaleo	Yes

RESOLUTION#2021-20

#ZB21-20

John Larsen

113 Ridge Avenue

Block 805 / Lot 12

Pool Equipment / Retaining Wall

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

Mr. Steve Clifford	Yes
Mr. Mike Curran	Yes
Ms. Jamie DeMartino	Yes
Chairman Frank Pantaleo	Yes

APPLICATIONS

CONTINUED APPLICATION

#ZB21-16

Ellen Kramer

8 Frederick Court

Block 1203 / Lot 41

Addition / Alteration

Mr. Giblin made an announcement that this application will be carried to the next Zoning Board of Adjustment meeting on December 21, 2021 at 8:00 p.m. The applicant agreed to consent to an extension of time. No additional notice will be required.

NEW APPLICATION

#ZB21-21

Kirker Kucukyan

110 N. 5th Street

Block 1001 / Lot 28

Circular Driveway

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

Kirkor Kucukyan
110 N. 5th Street
Park Ridge, NJ 07656

Mari Kucukyan
110 N. 5th Street
Park Ridge, NJ 07656

Lou Chiellini

The applicants General Contractor, Mr. Chiellini was sworn in by Attorney Giblin and accepted as an expert witness. Mr. Chiellini built the Kucukyan's home in 2007.

Proof of service is in order.

The applicant is seeking the following variances:

Circular driveways are not permitted on N. 5th Street.

Mr. Chiellini spoke about the application. He explained that N. 5th Street was a very tight street that is more difficult to navigate in the fall and winter months due to weather conditions. Mr. Chiellini also spoke about the dangers of backing out onto the street and how accidents have happened in the past. Mr. Chiellini spoke about the construction of the proposed driveway. He said the original garden would not be touched and spoke about the gas line location on the property.

Mr. Chiellini spoke about the seepage pits being relocated to the center of the existing island. Currently, the run off goes into slot drains that drain into the existing seepage pit.

The driveway can currently accommodate four cars.

Chairman Pantaleo asked if the existing driveway was to remain. Mr. Chiellini replied yes.

A discussion was had pertaining to the grade of the street, driveway and property. Mr. Dunlea said the applicant must confirm that the existing seepage pit can accommodate the additional run off. Mr. Giblin said if the Board should look favorable upon this application a condition can be that the engineer reviews the drainage.

A discussion took place as to what variance the applicant was seeking. Circular driveways are not permitted on N. 5th Street. Ms. De Martino asked if other homes on the street have circular driveways. Mr. Chiellini replied he does not think so.

Mr. Dunlea commented that if the Board looks favorable on this application, a soil moving permit would be required.

Mr. Dickerson has no comments on this application.

The meeting was open to the public for public comment and questions.

Ms. Jean Gunset -- 106 N 5th Street, Park Ridge

Ms. Gunset spoke about the 200+ year red oak tree on her property. She is concerned this project will cause harm to the tree's roots.

Ms. Gunset showed the following exhibits. Please note: Chairman Pantaleo asked Ms. Gunset to send copies of all exhibits to Ms. Tardibuoono. The Board has received no copies of these exhibits.

Exhibit -- 01 Calculation of measurements

Exhibit -- 02 Picture

Exhibit -- 03 Picture

Exhibit -- 04 Marked up plan from Ms. Gunset

Exhibit -- 05 Picture

Ms. Gunset is not an arborist. She is concerned the tree's roots will be disturbed.

Mr. Chiellini answered some of Ms. Gunset's questions. A Board discussion took place with all present members pertaining to the location of the tree and the location of the tree's roots. Construction will take place five ft. from the property line.

Mr. Chiellini commented that Mr. Kucukyan can cut down anything that hangs over his property.

Chairman Pantaleo recommended to Ms. Gunset that she should consult with an arborist on her own as he does not believe this Board should be imposing an inspection from an arborist as a condition of this application. Mr. Giblin said the Board does not have the jurisdiction to impose an arborist as an off-site condition.

Driveway will be seven ft. from the property line.

Ms. DeMartino asked why does the circular driveway ordinance only list specific permitted streets. Mr. Dickerson commented that he looked at the Borough's Master Plan and the reason for the circular driveway ordinance was to limit the amount of curb cuts in town.

A Board discussion took place regarding the application for 101 N 5th Street.

Chairman Pantaleo said he is concerned about the tree but is also aware of the concerns of the narrow street.

Mr. Curran believes the circular driveway to be a good addition to the property and understands the concerns of the tree. He believes the relocation of the seepage pit to be a good idea. He is in favor of the application.

Mr. Clifford agrees with Mr. Curran and Chairman Pantaleo. He has concerns about the tree roots.

Ms. De Martino asked if this Board can impose an arborist as a condition. Mr. Giblin said the Board does not have the jurisdiction to impose an arborist as an off-site condition.

The Board all agreed the neighbor should have an arborist look at the tree if she has some concerns.

Mr. Giblin will draft a resolution that will be voted on at the December 21, 2021 Board of Adjustment meeting.

A motion was made by Mr. Curran to grant the requested variance. The motion was seconded by Mr. Clifford, and carried by a roll call vote as follows:

Mr. Steve Clifford	Yes
Mr. Mike Curran	Yes
Ms. Jamie DeMartino	Yes
Mr. Michael Brickman	Yes
Chairman Frank Pantaleo	Yes

NEW APPLICATION

#ZB21-13

James & Kara Angelillo

23 N. Maple Avenue

Block 1506 / Lot 15

Garage Alteration

Attorney, Mr. Antimo Del Vecchio, from the law firm of Beattie Padovano was present as the attorney for the applicant.

Proof of service is in order.

The applicant is seeking the following variances:

D-2 Variance Second Dwelling Unit.

Barn Rear Yard Setback

Barn Side Yard Setback

A conversation took place about a D variance and only five Board members being present.

Mr. Del Vecchio spoke about the application. He described the property as having a single-family home and a barn structure with an apartment. The applicant is proposing to add an exterior staircase and remove an internal staircase to allow more room to install a hot water heater and a heating unit.

A question was raised if the apartment was a pre-existing non-conforming permitted use. The Borough gave the applicant a letter dated January 1989 that listed all legal two-family dwellings in Park Ridge. Mr. Del Vecchio believes this application would require a D2 variance.

The applicants Architect, Albert Dattoli of Montvale, New Jersey was sworn in by Attorney Giblin and accepted as an expert witness.

Mr. Del Vecchio marked the exhibits as follows:

Exhibit – 01 Affidavit of Notice

Exhibit – 02 Architecture Plans Dated 1/7/2021

Exhibit – 03 Survey of Property Dated 12/17/2020

Exhibit – 04 Site Plan Dated Revised 9/3/2021

Exhibit – 05 Completeness Review Letter

Mr. Dattoli went over the application and pointed out the proposed changes on the plans. He said by moving the stairs outside the building, you can improve the mechanical equipment in the building. Mr. Dattoli stated the use is not being intensified.

Mr. Giblin sworn in the homeowner Mr. James Angelillo who resides at 23 N Maple Avenue.

Mr. Angelillo spoke about the current mechanicals in the barn. He commented that he will be installing a new gas furnace and a new hot water heater.

The applicants Engineer, Andrea Piazza of Fair Lawn, New Jersey was sworn in by Attorney Giblin and accepted as an expert witness.

Ms. Piazza went over the existing conditions of the property. She commented that the property is well screened and vegetated.

Mr. Del Vecchio marked the exhibits as follows:

Exhibit – 06 Aerial Photo of the Property

Exhibit – 07 Photo of Front Lawn

Exhibit – 08 Photo of Gravel Driveway

Exhibit – 09 Photo of Barn

Ms. Piazza went over the above photo exhibits and the zoning schedule.

Ms. Piazza commented that all comments on Neglia Engineering's review letter can be complied with.

There will be no removal of shrubs or trees.

Mr. Dickerson said most issues from his 11/8/2021 review letter has been addressed (Attached).

The rental unit is currently not occupied. It is a guest house for now.

Mr. Del Vecchio marked the exhibit as follows:

Exhibit – 10 List from Zoning Officer Ms. Tardibuono showing all legal two-family homes in Park Ridge.

Chairman Pantaleo asked Mr. Giblin if we can put in the resolution that the rental apartment is in the barn, and not in the main house.

A conversation pertaining to FAR took place. Mr. Dattoli answered all Board questions.

A question was asked if this apartment was being used as an affordable accessory apartment. Mr. Del Vecchio answered no.

Mr. Dunlea went over his review letter dated 10/19/2021 (attached).

There will be no changes to vehicular access, no impacts to drainage, and only minor lighting improvements.

Chairman Pantaleo asked if there will be separate utilities for the rental unit. Mr. Angelillo replied no. He will include utilities with the rental.

There were no members of the public wishing to be heard.

Mr. Del Vecchio asked if the Board would take an informal poll as to their vote. Mr. Giblin replied no, there will be no informal polling as to what way the Board is leaning.

A Board discussion took place regarding the application for 23 N. Maple Avenue.

All Board members are in favor of this application.

Mr. Giblin will draft a resolution that will be voted on at the December 21, 2021 Board of Adjustment meeting.

A motion was made by Mr. Curran to grant the requested variance. The motion was seconded by Mr. Clifford, and carried by a roll call vote as follows:

Mr. Steve Clifford	Yes
Mr. Mike Curran	Yes
Ms. Jamie DeMartino	Yes
Mr. Michael Brickman	Yes
Chairman Frank Pantaleo	Yes

BOARD DISCUSSION

Mr. Curran asked if neighbors can provide testimony. Mr. Giblin replied yes, under oath they can.

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

Respectfully Submitted,



Tonya Tardibuono

Resolution #2021-19
Application # ZB 21-18
ZB 11-23-21

BOROUGH OF PARK RIDGE

ZONING BOARD OF ADJUSTMENT RESOLUTION

WHEREAS, EDWARD WANG LIO AND TRANG MINH LIO (hereinafter referred to as "Applicant"), being the owner of premises known as 6 Johnsvale Road, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 17 in Block 1203 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 rear yard setback variance to allow the construction of a roof over a rear yard patio.

WHEREAS, the premises are located in the R-20 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 October 19, 2021; 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 October 19, 2021, 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 6 Johnsville Road in the Borough of Park Ridge, also known and designated as Lot 17 in Block 1203 on the Tax Map of the Borough of Park Ridge, a non-conforming lot containing 14,154 sq. ft. (20,000 square feet required) with a lot width of 122 feet (110 feet required) and a lot depth of 135.57 feet (160 feet required) and currently improved with an existing single family residential structure.
2. The existing house is set back 39.5 feet from the rear lot line (50 feet required).
3. The Applicant proposes to build a roof over the existing rear patio. In the proposed location, the roof will encroach 28.5 feet into the required fifty (50') foot rear yard setback leaving a rear yard setback of 21.5 feet. The applicant testified that there are no walks proposed and that the patio will never be closed in.
4. The Applicant further testified that there are other homes in the area that have similar patios, and that it will enhance the home both functionally and aesthetically.
5. The BOARD finds that by reason of the location of the existing house on the lot and the shallowness of the rear yard, the strict application of the Zoning Ordinance to require a rear yard setback of fifty (50') feet to the patio roof 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).
6. The BOARD further finds that construction of the patio roof 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 front yard setback

variance for the proposed front portico and new steps outweigh any detriment pursuant to N.J.S.A. 40:55D-70 (c) (2).

7. Moreover, the BOARD finds that:

- (a) the proposed covered rear yard patio is open and does not impede the free passage of light and air,
- (b) that the house will be in keeping with the scale of the neighborhood, and
- (c) The proposed improvements are aesthetically pleasing and further the zoning purpose of maintaining the housing stock.

By reason of the foregoing, the BOARD finds that a decision to grant the a variance from the required rear yard setback 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 variance from the rear yard setback requirement so as to permit the construction of a roof over the existing rear yard patio, as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD with a rear yard setback of 21.5 feet.

Ayes: 4

Nays: 0

Dated: November 23, 2021

Introduced by: Mike Curran

Seconded by: Steve Clifford

Approved

Frank Pantaleo
Frank Pantaleo

EXHIBIT LIST

BOROUGH OF PARK RIDGE ZONING BOARD

APPLICANT: ZB 21-18
ADDRESS: 6 Johnsvale Road
BLOCK: 1203 LOT 17
ZONE: R-20

EXHIBIT:	ITEM NO.	DATE:
Application	1	8/23/2021
Denial of Application	2	1/19/2021
Plans by John Giammarino	3	7/05/2021
Survey by GB Engineering, LLC	4	3/30/2017

Resolution #2021-20
Application #ZB21-20
ZB11-23-21

BOROUGH OF PARK RIDGE

ZONING BOARD OF ADJUSTMENT RESOLUTION

WHEREAS, JOHN LARSEN (hereinafter referred to as "Applicant"), being the owner of premises known as 113 Ridge Avenue, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 12 in Block 805 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 side and rear yard setback variances to allow the construction of a retaining wall and for pool equipment.

WHEREAS, the premises are located in the R-20 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 October 19, 2021; 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 October 19, 2021, 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 113 Ridge Avenue in the Borough of Park Ridge, also known and designated as Lot 12 in Block 805 on the Tax Map of the Borough of Park Ridge, a non-conforming lot containing 19,000 sq. ft. (20,000 square feet required) with a lot width of 100 feet (110 feet required) and a lot depth of 190 feet (160 feet required) and currently improved with an existing single family residential structure.
2. The applicant proposes to install an in ground swimming pool together with a patio area and spa. As part of the installation, applicant proposes to construct a new retaining wall.
3. In the proposed location, the retaining wall will be three (3') feet from the side yard where ten (10') feet are required and will be three (3') feet from the rear yard where ten (10') feet are also required.
4. The pool equipment is proposed to be located five (5') feet from both the side yard and rear yard whereas fifteen (15') feet are required from each.
5. The applicant testified that he will be installing drainage and retention tanks to accommodate run off.
6. The applicant also testified that the property has a significant slope but he is proposing to re-grade it to make it level.
7. The applicant is also proposing significant new landscaping in front of the retaining wall.
8. The BOARD finds that by reason of the location of the existing house on the lot, 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).

9. The BOARD further finds that construction of the retaining wall 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 proposed outweigh any detriment pursuant to N.J.S.A. 40:55D-70 (c) (2).

10. Moreover, the BOARD finds that:

- (a) the proposed construction will improve drainage affecting adjacent properties;
- (b) that the house will be in keeping with the scale of the neighborhood, and
- (c) The proposed improvements are aesthetically pleasing and further the zoning purpose of maintaining the housing stock.

By reason of the foregoing, the BOARD finds that a decision to grant the variances from the required rear yard setback and side yard setback 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 variance from the rear and side yard setback requirement so as to permit the construction of a retaining wall and the installation of pool equipment as more particularly shown on the plans submitted to the BOARD with a rear yard setback of 21.5 feet.

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

APPLICANT: ZB 21-20
ADDRESS: 113 Ridge Avenue
BLOCK: 805 LOT 12
ZONE: R-20

EXHIBIT:	ITEM NO.	DATE:
Application	1	8/25/2021
Denial of Application	2	8/20/2021
Plans by DJ Egarian & Associates	3	7/21/2021
Survey by Pax Surveying	4	6/03/2021

The within approval is conditioned upon applicant obtaining a soil moving permit.

Ayes: 4

Nays: 0

Dated: November 23, 2021

Introduced by: Mike Curran (4)

Seconded by: James De Martino (4)

Approved: Frank Pantaleo (4)

331 Newman Springs Road
Suite 203
Red Bank New Jersey 07701
Main: 877 627 3772

Attach w/ZB

11-23-21

Mins

November 8, 2021

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

Application No. ZB21-13 Variance Application
James and Kara Angelillo (Applicant)
23 North Maple Avenue (Block 1506, Lot 15)
First Planning Review
Colliers Engineering & Design Project No. PRZ-0009

Dear Ms. Tardibuono,

As requested, our office has reviewed Application No. ZB21-13 submitted by James and Kara Angelillo (the Applicant), seeking variance relief for an expansion to an existing detached accessory barn 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, dated May 28, 2021;
2. Zoning Office Denial of Application, dated March 30, 2021;
3. Boundary and Topographic Survey, prepared by Massimo Piazza, PE, PLS, of Piazza Engineering, dated December 17, 2020;
4. Completeness and Variance Review, prepared by Gregory J. Polyniak, PE, PP, CME, CPWM and John J. Dunlea, PE of Neglia Engineering Associates, dated June 22, 2021 and revised through September 17, 2021;
5. Architectural Elevations, prepared by Albert Dattoli of Albert Dattoli Architect, dated January 7, 2021;
6. Response letter to Completeness Review, prepared by Andrea Piazza, PE of Piazza Engineering, dated September 10, 2021;
7. Site Plan, prepared by Massimo Piazza of Piazza Engineering, dated January 28, 2021, and revised through September 3, 2021.

A. Existing Conditions

The subject site, known as Lot 15 of Block 1506, is a 36,036 square foot parcel located in the R-10 Single Family Residential Zone District. The property is located on the west side of North Maple Avenue, approximately 200 feet north of the intersection with Park Avenue. The parcel contains approximately 149 feet of frontage along North Maple Avenue. The irregularly shaped parcel is almost "L" shaped, with a narrow portion of the lot extended north along the rear lot lines of adjacent Lots 13 and 14.

The subject site is currently developed with a 2.5-story detached single family structure, occupying a footprint of 2,357 square feet (including its covered porch and porte-cochere), a detached garage

Maser Consulting is now Colliers Engineering & Design

containing a footprint of 368 square feet, and an 841-square foot detached barn structure which is the subject of this application. Other existing site improvements include a gravel driveway, bluestone patio, pond, paver patios, and a fenced garden area.

Adjacent uses to the subject site include garden apartments to the south and southeast, a borough-owned lot to the west (including the municipal building/library, fire house, Memorial Field recreation complex), and generally single family residential dwellings to the north and east.

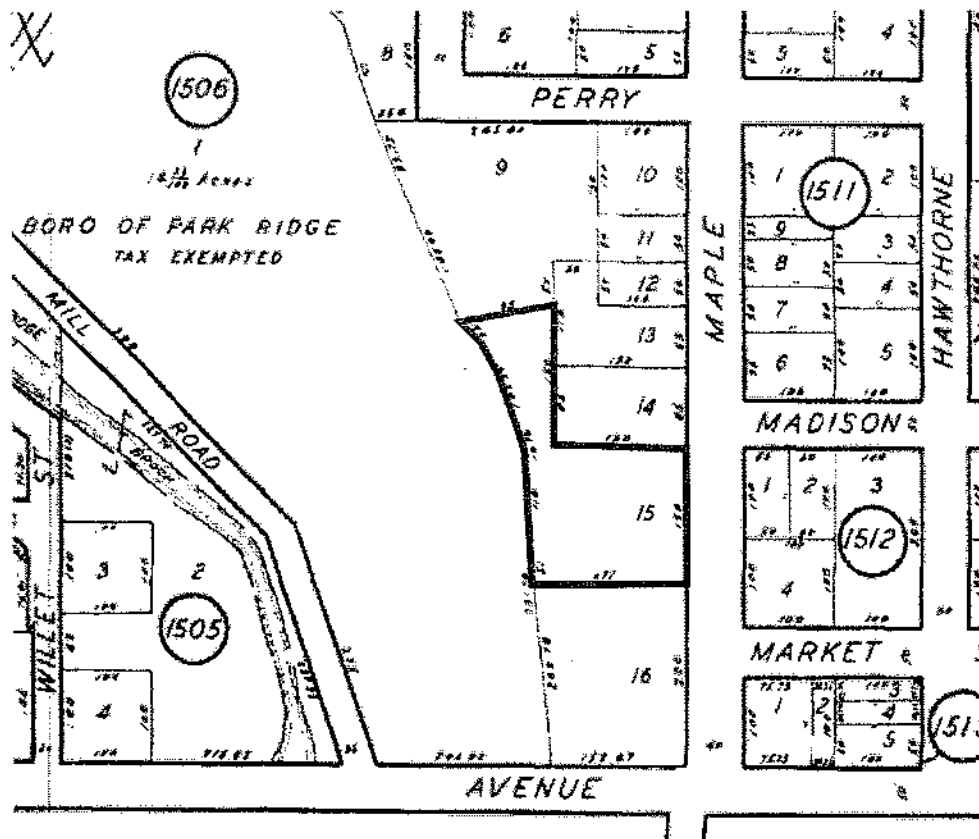


Figure 1: Tax Map with subject property identified.



Figure 2: Subject site with property boundaries approximated. (Source: Google Earth.)

B. Applicable Land Use Controls

The subject site is located in the R-10 Single Family Residential Zone District. The south, east, and western property boundaries also serve as the zone boundaries for the R-10 Zone. The zone permits single family detached dwellings, places of assembly, municipal buildings, community residences, and reservoirs/water supply reservations. The zone also permits private garages, swimming pools/tennis courts, fences/walls, signs, off-street parking, and offices of resident professionals as accessory uses.

It should be noted that the Borough adopted Ordinance 2021-016 on August 10, 2021, which permits affordable accessory apartments in principal or accessory buildings in the R-40, R-20, R-15, and R-10 Zones. While I ultimately defer to the Board Attorney, considering that the ordinance was adopted following the submission of this Application (but not deemed complete until September 17, 2021), and that nothing in the application materials suggests that the apartment is an affordable unit, or intended to be one, it is my opinion that this ordinance would not apply to the subject application. That said, Ordinance 2021-016 does include a provision for "Existing Accessory Apartments" whereby "Existing unauthorized accessory apartments may be legalized under this section without Borough subsidy..." provided that the unit can meet a list of criteria related to its use as an affordable unit, including:

- *The unit is currently vacant or is occupied by a qualified very-low, low- or moderate-income household unrelated to the owner.*
- *If the unit is currently in substandard condition, it shall be brought up to standard condition before a Certificate of Occupancy is issued in accordance with all of the requirements and procedures of Chapter 39, Affordable Housing, of the Code of the Borough of Park Ridge, except that no Borough subsidy shall be required to be paid to the owner to bring the unit up to standard condition.*
- *The unit will be affirmatively marketed pursuant to the Borough's affirmative marketing plan. If the unit is currently occupied by a qualified very-low, low- or moderate-income household unrelated to the owner, it shall be affirmatively marketed when the current tenant vacates the unit.*
- *The unit will be deed restricted for occupancy by and will remain affordable to a qualified very-low, low-, or moderate-income household for a period of 10 years from the date a Certificate of Occupancy is issued for it, consistent with the requirements of Chapter 39, Affordable Housing, and the rules of the Council on Affordable Housing, except that no Borough subsidy shall be required to be paid to the owner for the creation of the affordable accessory apartment.*

The zone opposite these areas is the NB (Neighborhood Business) zone, with the exception of the northwestern section of the subject lot, which abuts the R-20 (One Family Residential) zone district. The bulk requirements for the district and the conformance by the proposed development are provided in the following section.

The Borough's Land Use Element of its Master Plan, adopted in 2009, evaluated concerns at the time of the scale of single-family residential neighborhoods, noting the importance of the goal of maintaining the existing character and scale of single-family residential development, as well as protecting single-family districts from over development. It should be noted, that the Master Plan recommended "it is a strong goal of the Borough to protect the single-family districts from over development and encourage higher density developments near mass transit, the train station and the center of the municipality."¹

In describing the "Medium Density Residential" category², the Land Use Element states that "The neighborhoods that make up this land use category have been developed with smaller setbacks that [sic] the remainder of the municipality. Given this fact, it is the primary objective of this category to ensure that all new developments, renovations and additions be sensitive to the adjacent dwellings

¹ 2009 Master Plan, Page 12.

² Noted in the 2009 Master Plan as R-1; however, this district does not exist in the Zoning Code. Given that the section describes lots measuring 10,000 square feet in area, our office is not aware of any R-1 district and presume that this was a typo and was intended to refer to the R-10 district. This is supported by the fact that the tract that was later subdivided to create the subject property is shown on the Land Use Plan map as "Medium Density Residential."

by maintaining adequate setbacks, and constructing structures which are in scale with the surrounding neighborhood.”³

The 2009 Master Plan recommended new area and bulk regulations to address floor area ratio and dwelling volume for all single-family zoning districts in the Borough, the goal of which was to “[E]mphasize the important [sic] of the preservation of natural resources, encourage development of new and renovated dwellings that are compatibility [sic] with existing neighborhood character, establish the appropriate building scale, form and mass and create an [sic] proper setback relationship to the street and to the adjacent dwellings.”⁴ This goal was further illustrated by the following recommendations:

- Respect the existing views, privacy, access to light, and safety of neighboring properties.
- “New development and model/additions should not be disharmonious with the existing street setback patterns.....The relationships between properties, including the existing setbacks and spaces between buildings, the heights, lengths and materials of walls, roof forms, fences and plantings should be considered. Generally speaking, the floor are of the proposed development should not substantially exceed the median home size in the surrounding neighborhood, taking into consideration site-specific factors, such as lot size, bulk and mass, topography, vegetation, and the visibility of the proposed dwelling.”⁵
- The location and orientation of the garage should be designed to minimize its visual presence as seen from the adjoining street. By recessing and/or turning the garages away from the street front, groups of properties create a more continuous pedestrian oriented street frontage. Consideration should also be made to locate garages to the rear of the property. The garage should be detached from the dwelling, where feasible.

C. Proposed Conditions

The Applicant is seeking to expand the existing barn structure on the property, which is presently used as a rental apartment. The plans show modifications to the internal layout of the barn structure, the addition of a second story window, and a covered external staircase. As implied by the Zoning Officer's letter of denial (March 30, 2021), the barn structure is considered to be a second principal structure, and thus subject to the bulk requirements for principal structures.

BULK REQUIREMENTS – R-10 SINGLE FAMILY RESIDENTIAL ZONE DISTRICT				
	Required	Existing	Proposed	Variances
Minimum Lot Area (sq. ft.)	10,000	36,036	NC	
Minimum Lot Width (ft)	85	149.14	NC	
Minimum Street Frontage (ft)	75	148.84	NC	

³ Borough of Park Ridge Comprehensive Master Plan (2009), page 21.

⁴ Ibid, page 26.

⁵ Ibid, page 28.

Minimum Lot Depth (ft)	120	178.79	NC	
Minimum Front Yard Setback (ft)	25	103.1 (Dwelling)	NC	
Minimum Rear Yard Setback (ft)	35	31.5 (Dwelling) 9.4 (Barn)	NC (Dwelling) 7.2 (Barn)	ENC (Dwelling) V (Barn)
Minimum Side Yard Setback (ft)	15	27.3 (Dwelling) 7.9 (Barn)	NC (Dwelling) 7.9 (Barn)	ENC (Barn)
Maximum Dwelling Width (65% lot width)	96.94	<96.94 (Dwelling)	NC	
Maximum Building Height (ft)	32	*(Dwelling)	NC	
Maximum Building Coverage	20%	9.9	10.1	
Maximum Impervious Coverage	40%	14.8	15	
Maximum Floor Area Ratio	30%	** (Dwelling & Barn)	** (Dwelling & Barn)	
Maximum Gross Floor Area (sq. ft.)	3,333	** (Dwelling & Barn)	** (Dwelling & Barn)	
NC—No Change ENC-Existing Nonconforming Condition V-Variance *--Not Provided **--Not Provided, Applicant Shall Provide				

D. Variances

Summary

The Application requires the following variances:

1. "D(1)" or "D(2)" Use Variance for Expansion of Second Dwelling Unit (see note below)
2. "D(1)" or "D(2)" Use Variance for Number of Principal Buildings
3. "D(1)" or "D(2)" Use Variance for Number of Principal Uses
4. "C" Bulk Variance for Rear Yard Setback (Barn)
5. "C" Bulk Variance for Side Yard Setback (Barn)

In addition to the above, the site contains the following nonconforming conditions that do not appear to be modified by this application:

6. Rear Yard Setback (Dwelling)
7. Rear Yard Setback (Garage)
8. Rear Yard Setback (Patio)
9. Driveway Pavement Type

10. Driveway Setback
11. Driveway Width to Interior of Dwelling
12. Driveway Width on Opposite Side of Dwelling

'd' Variances

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

The R-10 Zone District permits single-family detached dwellings, along with other uses noted in the previous section. Except for affordable Accessory Apartments pursuant to the requirements of Ordinance 2021-016 as described above, a second dwelling unit is not permitted in the zone.

As noted in the Board's Completeness and Bulk Requirements Review Letter, revised through September 17, 2021, the proposed expansion of the studio apartment unit would represent an expansion of a non-conforming use, which would require 'd(2)' use variance relief. In order for the Board to consider this application under the 'd(2)' standard, the Applicant shall provide evidence to the Board that the use on site was in existence prior to the zoning ordinance; otherwise, 'd(1)' use variance relief will be 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. The Applicant is proposing modifications to an existing rental unit located on the property containing a detached single family structure. As noted above, it is not clear if this rental property is a preexisting nonconforming use.

3. Ordinance Section §101-12: Number of principal uses.

The Zoning Ordinance prohibits more than one principal use on each lot in any district. The Applicant is proposing modifications to an existing rental property located on the same lot containing a single family detached structure. As noted above, it is not clear if this rental property is a preexisting nonconforming use.

Status of Pre-Existing Nonconforming Use

Before considering the merits of the applicant's request to expand the nonconforming apartment use, the Board should hear testimony demonstrating that the use is in fact a legal preexisting use. The Applicant must show that the use commenced prior to the adoption of the ordinance forbidding such uses in this zone district. The burden of proof that the Applicant would need to show are similar to an applicant for a certification of a nonconforming use pursuant to N.J.S.A. 40:55D-68. The Applicant would need to provide documentation as to the date of commencement as compared to the adoption of the R-10 Zone where a second residential unit is prohibited. Absent a showing of evidence that the use is in fact legally pre-existing nonconforming, the Board should treat the application as a new D(1) use variance.

Criteria for D(2) Expansion of Nonconforming Use Variance

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.

The Board should note that the court held, in *Kohl v. Mayor and Council of Fair Lawn*, 50 N.J. 268 (1967), that for existing nonconforming uses, the applicant need not show that the property would have been entitled to a variance for the initial nonconformity. However, the applicant must satisfy the same positive and negative criteria test as a D(1) use variance with a focus on the impacts associated with the proposed expansion.

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:

- i. Does the proposed use inherently serve the public good?
- ii. Can the property accommodate any of the uses permitted within the R-10 Zone District without "undue hardship" to the property owner?
- iii. Why is this site in the R-10 Zone District particularly well-suited for the proposed use, where the proposed use is not permitted?
- iv. What public purpose is served by allowing this use within the R-10 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.”⁶

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

- i. What impact—aesthetic, noise, lighting, parking, traffic, etc.—would the grant of this use variance have on the surrounding properties?
- ii. 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?
- iii. Are there any reasonable conditions that the Board could impose to mitigate any of the potential increased impacts from this proposed expansion of the nonconforming use?
- iv. Are there similar nonconforming uses nearby?
- v. 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’ (Bulk) Variances

As noted above, the proposed development requires bulk variance relief from the following:

1. Ordinance Section §101-8 (Schedule IV-2): Rear Yard Setback for Barn

The rear yard setback in the R-10 zone is 35 feet. The existing barn structure is nonconforming at 9.4 feet, and the proposed improvements will further exacerbate this nonconforming condition with a setback of 7.2 feet. Is relief cognizable under “C(1)” hardship or “C(2)” flexible variance provisions?

2. Ordinance Section §101-8 (Schedule IV-2): Side Yard Setback for Barn

The side yard setback in the R-10 zone is 15 feet. The existing barn structure is nonconforming at 7.9 feet, and the proposed improvements, while not extending further into the setback, will involve adjustment to the roof, which will require variance relief. Is relief cognizable under “C(1)” hardship or “C(2)” flexible variance provisions?

⁶ Cox, W. M., as revised and updated by Jonathan E. Drill and Lisa A. John-Basta (2021). *New Jersey Zoning and Land Use Administration, 2021 Edition*. Newark, NJ: Gann Law Books. (p. 772).

In addition to the above, the site contains the following non-conforming conditions that do not appear to be modified by this application:

3. Ordinance Section §101-8 (Schedule IV-2): Rear Yard Setback for Dwelling

The rear yard setback in the R-10 zone is 35 feet, while the existing detached single family dwelling measures 31.5 feet.

4. Ordinance Section §101-21 A(1)(a): Rear Yard Setback for Detached Garage

The rear yard setback for a detached garage is 20 feet, while the existing structure is on the property line.

5. Ordinance Section §101-21 A(1)(a): Rear Yard Setback for a Patio

The rear yard setback for a patio is 10 feet, while the site contains a bluestone patio located within 10 feet of the property line.

6. Ordinance Section §101-23B: Driveway Pavement Type

The ordinance requires driveways be paved while the existing driveway is gravel.

7. Ordinance Section §101-23D: Driveway Setback from Property Line

The ordinance requires a driveway to be set back 5 feet from an adjacent property line, while the existing driveway is set back 2.5 feet.

8. Ordinance Section §101-23E(2)(a): Driveway Width on Side Closest to Interior of Dwelling

The ordinance requires a driveway width to not extend beyond 2 feet the side of the garage which is closest to the interior of the dwelling, while the driveway appears to extend beyond 2 feet.

9. Ordinance Section §101-23E(2)(b): Driveway Width Beyond the Width of the Garage

The ordinance requires a driveway width extension, not on the side of the driveway closest to the dwelling, for a garage measuring more than 12 feet in width and up to 24 feet in width, of 8 feet, while the driveway appears to extend beyond 8 feet.

N.J.S.A. 40:55D-70C: Municipal Land Use Law Requirements.

N.J.S.A. 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 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.

The second criteria 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.

The Applicant should be advised that, 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:

1. 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.
2. 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".
3. 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.

E. Waivers/Exceptions

The Applicant has not requested any waivers/exceptions, nor have we identified any as part of our review.

F. Comments

1. As indicated in the previous section, the Applicant's testimony should focus on how, if at all, the proposed design is consistent with the scale and character of the surrounding area?
2. As indicated in the bulk table, the Applicant has not provided information on the gross floor area of the single-family detached dwelling, nor the rental apartment. This information shall be provided. The Board should note that the Borough's definition for Floor Area Ratio



Engineering
& Design

applies to "The gross floor area of all principal buildings or structures on a lot divided by the total lot area...." If the floor area ratio does not comply with the zone and is proposed to expand as part of this development, then a "d(4)" use variance will be required. Based on our review of the plans, it does not appear that the floor area is proposed for expansion, as it does not appear that any exterior walls are being expanded on the barn structure, however, the Applicant shall clarify. Even if no expansion is proposed, such calculations should still be provided.

3. Testimony shall be provided on the proposed internal modifications to the rental unit.
4. The Applicant has not indicated that any new landscaping is proposed, nor are any trees proposed for removal. The Applicant's testimony should include photographic evidence of the rear and side yard areas, showing existing vegetative screening with neighboring properties, if any.
5. Our office defers to the Board Engineer on comments relating to any proposed site grading modifications.

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.

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

Nicholas Dickerson, PP, AICP, CFM
Board Planner

cc: Brian Giblin, Esq. Board Attorney (via email btgiblin@msn.com)
Gregory Polyniak, PE, PP, CME, CPWM and John J. Dunlea, PE, Board Engineer (via email gpolyniak@negliaengineering.com & jdunlea@negliaengineering.com)
James and Kara Angelillo, Applicant (via email: lollipopschoolnj@gmail.com)
Antimo A. Del Vecchio, Esq., Applicant's Attorney (c/o Beattie Padovano, LLC, 200 Market Street, Suite 401, Montvale, NJ 07645)
Massimo Piazza, Applicant's Engineer (11-15 River Road, Fair Lawn, NJ 07410)
Albert Dattoli, Applicant's Architect (70K Chestnut Ridge Road, Montvale, NJ 07645)



EXPERIENCED
DEDICATED
RESPONSIVE

negliagroup.com

October 19, 2021

Via: E-Mail

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

Attn.: Tonya Tardibuono, Secretary

Re: **Variance Application – Engineering Review**
Applicant(s): James & Kara Angelillo
23 North Maple Avenue (Block 1506, Lot 15)
Borough of Park Ridge, Bergen County, New Jersey
NEA File No.: PKRDSPL21.022

Dear Ms. Tardibuono,

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

- A Borough of Park Ridge, Application of Appeal, prepared by the Applicant, dated May 28, 2021;
- A Denial of Application, Borough of Park Ridge, prepared by Tonya Tardibuono, Park Ridge Zoning Officer, dated March 30, 2021;
- Certification of Applicant, dated May 20, 2021;
- Owner's Affidavit, dated May 20, 2021;
- A signed and sealed architectural plan set consisting of two (2) sheets, entitled "Proposed Alteration to the Existing Accessory Building, 23 North Maple Ave, Park Ridge, New Jersey," prepared by Albert Dattoli, R.A., dated January 7, 2021;
- A signed and sealed survey, entitled "Boundary and Topographic survey, 23 North Maple Avenue, Block 1506, Lot 15, Borough of Park Ridge, Bergen County, New Jersey," prepared by Massimo Piazza, P.E., P.L.S. of Piazza Engineering, dated December 17, 2020;
- A signed and sealed engineering plan, entitled "Site Plan, Additions to accessory structures, 23 North Maple Avenue, Block 1506, Lot 15, Borough of Park Ridge, Bergen County, New Jersey," prepared by Massimo Piazza, P.E., P.L.S., of Piazza Engineering, dated January 28, 2021, with the latest revision date of September 3, 2021; and
- Comment response letter prepared by Andrea Piazza, P.E., of Piazza Engineering, dated September 10, 2021.

1. Property Description

The subject property is a single lot identified as Block 1506, Lot 15, per the Borough of Park Ridge Tax Map Sheet No. 15. The subject property is commonly known as 23 North Maple Avenue and is located on the northwesterly side of North Maple Avenue, approximately 300 feet from the intersection with Park Avenue. The property is approximately 36,036 square feet (0.83 acres), and is located within the R-10 Zone, per the Borough of Park Ridge Zoning Map.

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

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

As requested, our office has prepared the following table which identifies the bulk deficiencies associated with this application:

Regulation	Ordinance Section	Required / Permitted	Existing	Proposed	Status
Use	§101 Attachment 1	See Note 1 Below	Once (1) Detached Dwelling and Barn Structure with One (1) Apartment Unit	Once (1) Detached Dwelling and Barn Structure with One (1) Apartment Unit	Variance Required ⁽¹⁾

Regulation	Ordinance Section	Required / Permitted	Existing	Proposed	Status
Regulation of Non-conforming Use	§101-26	See Note 1 Below	Non-Conforming Studio Apartment	Expanded Non-Conforming Studio Apartment	Variance Required ⁽¹⁾
Maximum Number of Principal Buildings	§101-11	1	2	2	
Maximum Number of Principal Uses	§101-12	1	2	2	
Minimum Rear Yard (house) Setback	§101 Attachment 2	35 feet	31.5 feet	31.5 feet	Existing Non-Conforming
Minimum Rear Yard (Barn) Setback	§101 Attachment 2	35 feet	9.4 feet	7.2 feet	Variance Required ⁽²⁾
Minimum Side Yard (Barn) Setback	§101 Attachment 2	15 feet	7.9 feet	7.9 feet	Variance Required ⁽³⁾
Garage Driveway Connection to Public Right-of-Way	§101-23.B	Paved	Gravel	Gravel	Existing Non-Conforming
Minimum Driveway Distance from Property Line	§101-23.D	5 feet	2.5 feet	2.5 feet	Existing Non-Conforming
Maximum Additional Driveway Width on Side Closest to the Interior of the Dwelling	§101-23.E(2)a	2 feet	> 2 feet	> 2 feet	Existing Non-Conforming
Maximum Additional Driveway Width Permitted for Garage Width Greater than 12 feet and Less than 24 feet	§101-23.E(2)b	8 feet	> 8 feet	> 8 feet	Existing Non-Conforming
Accessory Structure (Patio) Minimum Rear Yard Setback	§101-21.A(1)(a)	10 feet	< 10 feet	< 10 feet	Existing Non-Conforming
Accessory Structure (Garage) Minimum Rear Yard Setback	§101-21.A(1)(a)	20 feet	0 feet	0 feet	Existing Non-Conforming

(1) In accordance with §101 – Attachment 1 included within the Borough Code, permitted uses within the R-10 zone include the following:

- Single-family detached dwellings;
- Churches, temples or other places of worship, including parish houses, Sunday schools, rectories, parsonages or convents;
- Municipal buildings and facilities;
- Reservoir or water supply reservations; and
- Community residences.

In accordance with §101-26 of the Borough Code, *"no existing use, structure, building or premises devoted to a nonconforming use shall be enlarged, extended, reconstructed or structurally altered, except when changed to a conforming use or when required to do so by law as follows:*

- a. *Normal maintenance and repair of a structure containing a nonconforming use is permitted, provided that it does not extend the area or volume of space occupied by the nonconforming use and does not increase the number of dwelling units, and further provided that a structure shall not be repaired if it had been damaged to an extent exceeding 50% of its assessed value.*
- b. *Nothing in this chapter shall prevent the strengthening or restoring to a safe or lawful condition any part of any building or structure declared unsafe or unlawful by the construction official or other authorized state or Borough official.*
- c. *Change of title or ownership does not discontinue a nonconforming use.*
- d. *Notwithstanding the provisions set forth in this section, a nonconforming single-family dwelling which complies with the use requirements of this chapter and is nonconforming because of height, area, yard and/or parking requirements may be enlarged or extended, provided that any such enlargement, extension or alteration shall conform to the presently existing requirements of this chapter and that such requirements are no further violated."*

The Applicant is proposing to expand upon an existing studio apartment unit (defined as a dwelling unit per §101-4 of the Borough Code). As noted above, apartment units are not a permitted use in the R-10 zone. In accordance with §101-11 of the Borough Code, *"There shall be no more than one principal building on each lot in any district..."* Likewise, in accordance with §101-12 of the Borough Code, *"there shall be no more than one principal use on each lot in any residential district..."* Furthermore, in accordance with §101-21.A(6), *"no accessory structure shall be used for human habitation"*. The application appears to indicate that the barn structure is considered an accessory use structure. However, since a portion of the existing barn structure will continue to be utilized as a studio apartment unit, which supports human habitation, it is NEA's opinion that the existing barn structure would be considered a principal use structure. As such, based upon the above noted considerations, this application will require a 'd(2)' (expansion of a non-conforming use) variance.

- (2) The Applicant is proposing to construct a covered exterior staircase along the barn structure. This staircase will encroach upon the required rear yard setback. As such, a new variance for this proposed condition will be required.
- (3) The Applicant is proposing to raise a portion of the existing barn structure roof line. The existing barn structure currently encroaches upon the required side yard setback along the adjacent southeasterly property line. It is noted that the existing side yard setback dimension will not change. However, since the roof line that will be raised encroaches upon the aforementioned side yard setback, a new variance for the proposed conditions will be required.

4. Engineering Comments

- 4.1 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, as required, 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. The Applicant shall provide testimony at the Board hearing with respect to anticipated site disturbances and soil movement required to construct the proposed improvements.

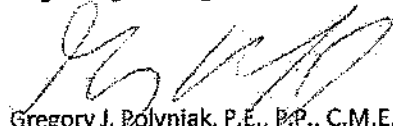
- 4.2 The Applicant shall provide testimony at the Board hearing addressing proposed vehicular access and parking associated with the rear barn structure and apartment unit.
- 4.3 The Applicant shall provide testimony at the Board hearing confirming that there are no proposed modifications to the existing utilities and that the proposed construction will not impact any such existing utilities.
- 4.4 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 the construction of the proposed improvements. Notation stating the same shall be provided on the plans.
- 4.5 The Applicant proposes improvements that will result in an increase in impervious coverage of 59 square feet, as compared to the existing conditions. Due to the de minimus nature of the overall increase in impervious coverage, on-site stormwater storage is not required. However, the Applicant shall verify if any new roof leaders are proposed as part of this project. NEA strongly recommends that all new leaders be connected to a subsurface conveyance system. Any and all new roof leaders shall be depicted on the plans.
- 4.6 The Applicant has indicated that other than building-mounted lights at doorways to comply with building codes, no lighting improvements are proposed. The Applicant shall provide notation on the plans indicating that any and all building-mounted doorway light fixtures are to be shielded such that they do not produce any glare and/or lighting spillage that would impact neighboring properties.
- 4.9. The Applicant shall provide the disturbance area on the site plan. The Applicant is advised that should the limit of disturbance exceed 5,000 square feet, the Applicant shall apply for and obtain approval from the Bergen County Soil Conservation District. Proof of approval shall be provided to the Borough prior to any soil disturbance activities.
- 4.12 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.
- 4.13 The Applicant shall ensure that stormwater runoff does not negatively affect neighboring properties, during and after construction. Any damages caused by an increase in runoff or improper drainage shall be repaired by the Applicant. Any damages incurred to surrounding public or private property as a result of construction shall be repaired by the Applicant. The Applicant shall revise the plans to include notation indicating the same.

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 NEA 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. NEA 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,
Neglia Engineering Associates



Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M.
For the Zoning Board Engineer
Borough of Park Ridge

Very truly yours,
Neglia Engineering Associates



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

cc: James & Kara Angelillo – Applicant *via regular mail*
Antimo A. Del Vecchio, Esq. – Applicant's Attorney *via regular mail*
Massimo Piazza, P.E. & P.L.S. – Applicant's Engineer & Surveyor *via regular mail*
Albert Dattoli, Architect – Applicant's Architect *via regular mail*