

**BOROUGH OF PARK RIDGE
ZONING BOARD
SEPTEMBER 20, 2022
REGULAR MEETING MINUTES**

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

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

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

ROLL CALL BOARD:

Chairman Frank Pantaleo	Present
Mr. Michael Brickman	Present
Mr. Mike Curran	Present
Mr. Jake Flaherty	Present
Mr. Michael Mintz	Absent
Dr. Gregory Perez	Present
Ms. Lynda Nettleship-Carraher	Present
Mr. Jeff Rutowski	Present

Also Present:

Mr. Michael Gannaio - Attorney	Present
Ms. Tonya Janeiro	Present
Mr. John Dunlea – Neglia Engineering	Present
Mr. Nick Dickerson – Colliers Planning	Present

APPROVAL OF MINUTES

The minutes of August 16, 2022 were approved on a motion from Dr. Perez, seconded by Ms. Nettleship-Carraher, and carried by all members eligible to vote.

NEW APPLICATION #ZB22-5

**Valerie Vermiglio Kohn
82 Rivervale Road
Block 2007 / Lot 1
Subdivision**

Chairman Pantaleo made an announcement that this application will be carried to the October 18, 2022 Zoning Board of Adjustment meeting at 8:00 p.m. The applicant agreed to consent to an extension of time. No additional notice will be required.

NEW APPLICATION

#ZB21-15

Ramon Fonseca

42 Highview Avenue

Block 1808 / Lot 13

2nd Floor Addition

Attorney, Ms. Erica Edwards, from the law firm Erica Edwards Law Offices, LLC was present as the attorney for the applicant.

Proof of service is in order.

The following people will be offering their testimony:

Architect – Jensen Vasil

Engineer – Guy Lagomarsino

Planning Consultant – Charles Heydt

Applicant – Ramon Fonseca

The applicant's Architect, Mr. Jensen Vasil, from Optimized Engineering Associates, went over his qualifications and was sworn in by Attorney Gannaio, and accepted as an expert witness.

Exhibit A-1 was marked as drawings Z-001 to Z-005 revised site plan, survey and zoning calculations dated July 8, 2022.

Mr. Vasil spoke about the proposed application. The single-family home is located in the R-20 zone. The 9,250 sq. ft. lot is undersized as the R-20 zone requires 20,000 sq. ft. The property is a pre-existing non-conforming property. A 2 ½ story, 32 ft. height home is being proposed. The current FAR is 19.96 %, maximum 22% is permitted and 35.78% is being proposed. The existing side yard set backs are 3.4 ft. and 12.3 ft., 22 ft. is permitted and 7.66 ft. and 12.3 ft. are proposed.

The original submission had a larger top floor with bathroom. The proposed plans now only show for storage on the top floor. The bathroom was removed and the dormers are now smaller. The original plans proposed balconies off the top floor. The plan was changed to propose Juliet balconies now.

The proposed driveway included a planting strip.

Currently there are three trees on the property. One tree is being removed and two will be remaining.

The proposed deck has plantings all around it. The plantings and deck stairs will screen the proposed ac units.

The existing basement will remain and the new construction will only have a crawl space. The existing basement is damp and not a good space for storage. Only a mechanical unit will be stored in the basement.

The proposed outside design of the home (Exhibit Z-004) is a modern farmhouse design with a slate looking roof and metal railings. The material of the siding will be board and batten.

Mr. Vasil went over the design of each floor.

Mr. Flaherty asked Mr. Vasil to go over side yard set-backs.

Mr. Flaherty asked if this application is a whole proposed demo of the existing home, but keeping the foundation. Mr. Vasil commented that the old foundation will be utilized and the home will be squared to the property line.

Mr. Vasil commented that the proposed FAR percentage came down slightly from the original submitted plans. His opinion that a green building strategies bonus would not help put with this application. The attic is counted in the FAR, but a basement is not.

Chairman Pantaleo asked if this lot was conforming would a FAR variance be required. Mr. Vasil said no.

Mr. Dickerson asked about a green architectural bonus. Mr. Vasil said he doesn't believe it would help with this application.

Mr. Dickerson asked how many bedrooms the home currently has. Mr. Vasil replied three.

The fence shown in Z-002 is the neighbor's fence. On the right side of the home Mr. Fonseca will install a fence where the arborvitaes currently are located.

OPEN TO THE PUBLIC TO ASK QUESTIONS OF MR. VASIL

Mark Sgro – 39 Highview Avenue

Mr. Sgro asked about side yard set-backs. Mr. Vasil described the construction of the foundation work. Mr. Sgro asked if there would be a full set of stairs going to the attic. Mr. Vasil replied yes. Mr. Vasil said you cannot do much with that attic since the ceiling height will be 5 ft. in some areas (7 ft. in the middle). Mr. Sgro does not agree with Mr. Vasil's opinion that the proposed home is in alignment with the other homes in the area. Mr. Brickman asked if Mr. Sgro is worried about the proposed construction or the aesthetics. Mr. Sgro spoke about the Borough's Master Plan and how he does not believe this construction is what the Master Plan permits.

Mark Parrasch – 46 Highview Avenue

Mr. Parrasch asked where the cars are being parked for this proposed 4 family home. Mr. Parrasch also commented that he was told the applicant's father and brother are moving into the home. Mr. Vasil replied that cars can be parked tandem in the driveway. Mr. Dickerson said this applicant is compliant with RSIS standards.

Mr. Parrasch asked for an explanation regarding the construction of the existing and the newly constructed foundations. Mr. Vasil described the construction. Mr. Parrasch asked why this was listed as an addition, when in fact this is new

construction. Mr. Vasil replied that for zoning purposes this is an addition, but for construction purposes this is a R5 new construction.

The applicant's Engineer, Mr. Guy Lagomarsino, from Optimized Engineering Associates, went over his qualifications and was sworn in by Attorney Gannaio, and accepted as an expert witness.

Mr. Lagomarsino gave an overview of his revised plans dated December 14, 2021. Mr. Lagomarsino replied to all comments on Mr. Dunlea's September 12, 2022 review letter (letter attached).

Mr. Lagomarsino said the grade does not change too much.

Mr. Lagomarsino spoke about the two proposed dry wells. Currently there are no dry wells on the property.

Mr. Lagomarsino spoke about the results of the percolation test he performed. He said all results are within state limits.

Mr. Lagomarsino spoke about soil moving.

Mr. Dickerson asked if the remaining shed will remain on site. Lagomarsino said yes.

A conversation took place regarding the dry wells. Mr. Dunlea commented that the applicant will be required to have open grates on the dry wells.

OPEN TO THE PUBLIC TO ASK QUESTIONS OF MR. LAGOMARSINO

Mark Parrasch – 46 Highview Avenue

Mr. Parrasch commented that there is a high-water table on this street and with the recent construction of a wall and fence he now has standing water in his yard. He said when there is a heavy rainfall, the continuous fence footing does not allow for the natural flow of water and 8" of water is now pooling in his yard after rainfalls. Mr. Flaherty asked if there will be less water on the property now with the proposed seepage pits. Mr. Lagomarsino replied yes.

The applicant, Mr. Roman Fonseca, was sworn in by Attorney Gannaio.

Mr. Fonseca was asked when the fence and wall combination was constructed. He replied approximately six months ago.

A discussion was had pertaining to the wall. It was suggested that the wall be broken up to allow for the natural flow of water. The wall was constructed of QP material.

Mr. Lagomarsino commented that the grade cannot be changed on this property.

Mr. Fonseca asked Mr. Parrasch about the water he has discharging on to his property. Mr. Parrasch said he would redirect the pipe off of his property.

The applicant's Planning Consultant, Mr. Charles Heydt, went over his qualifications and was sworn in by Attorney Gannaio, and accepted as an expert witness.

Mr. Heydt commented that this property is substantially undersized. The property width is 50 ft. wide, where 110 ft. is required.

Mr. Heydt described the surrounding neighborhood and the existing and proposed home. Mr. Heydt said that there are many one, two and three story homes in the area and the proposed home is conforming at 32 ft.

Mr. Heydt commented that the proposed home is compliant with the maximum building width.

Mr. Heydt said the home would have to be 6 ft. in width to be conforming.

Mr. Heydt spoke about FAR, RSIS driveway standards, existing and proposed side yards and rear and front set-backs being complaint, how the proposed building is keeping up with the neighborhood, HVAC Equipment and improving stormwater run-off.

Mr. Heydt spoke about how an enclosed garage is not possible for this application.

Mr. Heydt discussed in detail the positive and negative criteria.

Mr. Heydt believes that this application enhances the overall neighborhood and aesthetics and that there is sufficient separation of homes.

Mr. Heydt believes that nothing with the proposed plans is egregious.

Mr. Heydt stated that design guidelines in the Master Plan are just guidelines and this applicant meets many of the guidelines.

Chairman Pantaleo spoke about the history of board and batten construction.

Mr. Dickerson thanked Mr. Heydt for a thorough presentation and commented that all issues from his July 19, 2022 review letter have been addressed (letter attached).

Mr. Rutowski asked if a four-bedroom home is common in this area. Mr. Heydt replied that the density varies greatly. There are much larger homes and much smaller homes.

Mr. Dunlea has no questions of Mr. Heydt

OPEN TO THE PUBLIC TO ASK QUESTIONS OF MR. HEYDT

Mark Sgro – 39 Highview Avenue

Mr. Sgro spoke about the downtown area of the Master Plan. Mr. Dickerson spoke about the Master Plan and how it is divided into specific areas. This property would fall into the low density to residential category. Mr. Heydt commented that the Master Plan offers suggestions only. Mr. Sgro commented that he doesn't believe

this contemporary design belongs. Mr. Curran commented that all of the surrounding homes greatly vary in styles.

Dawn Parrasch – 46 Highview Avenue

Ms. Parrasch asked how this proposed construction conforms. Mr. Heydt replied that no conformity is required. Nothing in the guidelines specifies the exact look or design.

Mr. Fonseca commented that this is a home he is going to personally live in with his family.

Mr. Fonseca has owned the home approximately two years and has been maintaining the property since his purchase.

Mr. Rutowski asked if he thought about changing the design. Mr. Fonseca replied no, why should I?

OPEN TO THE PUBLIC TO ASK QUESTIONS OF MR. FONSECA

Dawn Parrasch – 46 Highview Avenue

Ms. Parrasch commented that he purchased the home in March 2021.

Mark Sgro – 39 Highview Avenue

Mr. Sgro said he would like to see the home constructed. He is just concerned about the design of the home conforming with neighborhood.

Mark Parrasch – 46 Highview Avenue

Concerned with the overall design of the home in the neighborhood.

A Board discussion took place regarding the application for 42 Highview Avenue.

Dr. Perez believes the current structure is an eyesore. With the hardships he believes the scope of the project seems to fit.

Chairman Pantaleo spoke about the different style homes surrounding this property and the lack of a garage. He is in favor of this project.

Mr. Flaherty understands the hassle with the undersized lot. He believes the two dry wells are a major improvement, but would like to see something in the resolution to fix the current wall / fence issue with drainage.

Mr. Brickman also believes something should be in the resolution to fix the current wall / fence drainage issue.

Mr. Rutowski asked for an explanation on the material to be used for the railings in the front of the home.

Ms. Janeiro asked Mr. Dunlea if the wall / fence issue can be addressed during his engineering building review. Mr. Dunlea replied yes.

Mr. Gannaio will draft a resolution that will be voted on at the October 18, 2022 Board of Adjustment meeting.

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

Chairman Frank Pantaleo	Yes
Mr. Michael Brickman	Yes
Mr. Mike Curran	Yes
Mr. Jake Flaherty	Yes
Dr. Gregory Perez	Yes
Ms. Lynda Nettleship-Carraher	Yes
Mr. Jeff Rutowski	Yes

BOARD DISCUSSION

No Board discussion took place.

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

Respectfully Submitted,



Tonya Janeiro



EXPERIENCED
DEDICATED
RESPONSIVE

negligroup.com

October 19, 2021
Revised September 12, 2022

Via: E-Mail

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

Attn.: Ms. Tonya Janeiro, Secretary

Re: **Variance Application – Engineering Review**
Applicant(s): Ramon Fonseca
42 Highview Avenue (Block 1808, Lot 13)
Borough of Park Ridge, Bergen County, New Jersey
NEA File No.: PKRDSPL21.023

Dear Ms. Janeiro,

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

- A Borough of Park Ridge, Application of Appeal, prepared by the Applicant dated June 8, 2021;
- A Denial of Application, Borough of Park Ridge, prepared by Tonya Tardibuono, Park Ridge Zoning Officer, dated April 6, 2021;
- An architectural plan set consisting of five (5) sheets, entitled "Fonseca Residence, 42 Highview Avenue, Park Ridge, NJ," prepared by Jensen C. Vasil, Architect, dated February 21, 2021 with latest revision date of July 8, 2022;
- A signed and sealed boundary survey, entitled "Survey of Property, Tax Lot 13 Block 1808, 42 Highview Avenue, Borough of Park Ridge, Bergen County, NJ," prepared by Marc J. Cifone, P.L.S., and Jeffrey S. Grunn, P.L.S., dated February 15, 2021, revised with topographic information on August 6, 2021;
- An engineering plan set consisting of two (2) sheets, entitled, "Proposed detention plan for 2 ½ story extension, 42 Highview Ave. Park Ridge, NJ," prepared by Guy Lagomarsino, P.E., of Optimized Engineering Associates, dated August 2021, revised through December 14, 2021; and
- A signed drainage report entitled, "Drainage Investigation for Stormwater Control, 42 Highview Avenue," prepared by Guy Lagomarsino, P.E., of Optimized Engineering Associates, dated August 20, 2021, revised through December 12, 2021.

1. Property Description

The subject property is a single lot identified as Block 1808, Lot 13, per the Borough of Park Ridge Tax Map Sheet No. 18. The subject property is commonly known as 42 Highview Avenue and is located on the easterly side of Highview Avenue, approximately 130 feet from the intersection with Chestnut Avenue. The property is 9,250 square feet (0.21 acres), and is located within the R-20 Zone, per the Borough of Park Ridge Zoning Map.

LYNDHURST

14 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

The existing site is currently occupied by a one and one half (1 ½)-story frame, residential dwelling and asphalt driveway providing access onto Highview Avenue. Additional site features include a rear wood deck and shed. The Applicant proposes to expand the first floor and second floor, construct a new deck, and install landscaping improvements.



2. Completeness Review

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

3. Variances / Waivers

We defer to the Board Planner regarding the determination of variances and waivers. Neglia recognizes the following potential variances, as identified within the submitted application, which we defer to the Board Planner on final determination regarding same:

- Minimum Deck Setback: 20 feet permitted, 16 feet under the existing conditions, and 12.30 feet proposed;
- Minimum Side Yard Setback: 22 feet permitted, 3.40 feet under the existing conditions, and 7.66 feet proposed;
- Maximum Building Coverage: 18% permitted, 12.79% under the existing conditions, and 18.76% proposed;
- Maximum Floor Area Ratio: 22% permitted, 19.96% under the existing conditions, and 40.40% proposed;

- Minimum Lot Area: 20,000 square feet permitted, 9,250 square feet under the existing conditions with no proposed change to the same (this is an existing non-conforming condition);
- Minimum Lot Width: 110 feet permitted, 50 feet under the existing conditions with no proposed change to the same (this is an existing non-conforming condition);
- Minimum Street Frontage: 83 feet permitted, 50 feet under the existing conditions with no proposed change to the same (this is an existing non-conforming condition); and
- Minimum Side Yard Setback: 22 feet permitted, 12.30 feet under the existing conditions with no proposed change to the same (this is an existing non-conforming condition).

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. **This comment remains applicable.**
- 4.2 The Applicant shall provide testimony at the Board hearing addressing any existing or proposed deed restrictions, easements, or covenants or lands dedicated to public use which may exist of the subject property. **This comment remains applicable.**
- 4.3 Th 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. **This comment remains applicable.**
- 4.4 The Applicant shall provide testimony with respect to the locations of any proposed A/C and/or mechanical equipment. The Applicant is advised that all such equipment shall be screened and/or located such that it is not visible from the public right-of-way. **This comment remains applicable.**
- 4.5 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. **This comment remains applicable and shall be addressed by way of notation on the plans.**
- 4.6 As defined in Ordinance §50-6(E), any addition or development to an existing structure which is equal or greater than 25% of the existing primary dwelling and structure shall comply with the following provisions: All stormwater, based upon a 25-year storm event, must be retained on the property. The owner must provide drainage calculations and design for the entire structure, including calculations for existing drainage and calculations for proposed drainage. However, the Applicant has designed a stormwater management system to decrease stormwater runoff from 10-year storm. The Applicant shall provide a revised drainage design and corresponding calculations as per the requirements listed above. The Applicant has revised the drainage design based upon a 25-year storm event, as required per Ordinance §50-6(E). Neglia takes no exception to the drainage design methodology utilized for sizing of the seepage pits. **No action is required at this time.**
- 4.7 The Applicant shall provide the length and slope of the proposed 4-inch diameter PVC piping connecting the proposed roof leaders to the seepage pits. This comment has been addressed. **No further action is required.**
- 4.8 The plans and seepage pit details illustrate an overflow pipe that discharges to the rear portion of the property. The Applicant shall revise the plans to illustrate the precise pipe invert and discharge location for this overflow pipe. The Applicant is advised that this pipe discharge shall not directly discharge stormwater onto any adjacent

properties and/or negatively affect neighboring properties. Testimony with respect to the overall drainage design shall be provided at the Board hearing. **It appears that the aforementioned overflow pipe has been removed from the plans. However, testimony with respect to the overall drainage design shall be provided at the Board hearing.**

- 4.9. The design and construction of seepage pits or recharge basins shall conform to the New Jersey Stormwater Best Management Practices Manual's Standard for Infiltration Basins. The following comments pertaining to the same shall be addressed prior to construction, if granted approval:

- Testing:
 - The Applicant shall perform a percolation/permeability test in the vicinity of each proposed infiltration measure to determine percolation rates AND the seasonally high-water table of the subsoils below.
 - The Applicant shall notify Neglia a minimum of 48 hours in advance of this testing so that a representative of our office may be present for the testing, as required.
 - The Applicant shall provide a signed and sealed copy of all testing results and information prepared by a Licensed Professional Engineer to the Building Department, who will subsequently issue them to Neglia for review.
- Design:
 - The bottom of the infiltration structure or stone, where applicable, shall be no less than two feet above the seasonal high groundwater table or bedrock.
 - The tested percolation rates shall be a minimum of 1.0 inches per hour, per NJDEP guidelines. Design percolation rates shall include a factor of safety of two for a design percolation rate of 0.5 inches per hour.
 - The Applicant shall provide calculations verifying that all proposed seepage pits will fully drain within 72 hours.
 - Should percolation testing yield unacceptable results, the Applicant shall provide a revised design which does not rely on infiltration.

The above comment remains applicable and shall be addressed prior to construction, if granted approval.

- 4.10. 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. **This comment remains applicable.**
- 4.11. The Applicant proposes removal of an existing 6-inch diameter tree within the front yard of the property. Said tree removal is subject to the review of the Borough's Shade Tree Commission. The Applicant shall acquire approval from the Shade Tree Commission prior to construction, if granted approval. The Applicant shall provide testimony confirming that additional trees will be removed. **This comment remains applicable.**
- 4.12. The Applicant proposes to install shielded light fixtures along the front and rear portion of the dwelling. The Applicant shall ensure that said fixtures are shielded such that they do not result in any glare or lighting spillage onto neighboring properties. Testimony confirming the same shall be provided at the Board hearing. **This comment remains applicable.**
- 4.13. The Applicant illustrates minor landscaping improvements along the the front and rear portions of the dwelling. Testimony with respect to said improvement shall be provided at the Board hearing. **This comment remains applicable.**

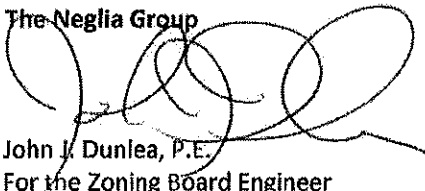
- 4.14 The Applicant shall ensure that all disturbed work areas are stabilized with topsoil, seed, hay, and straw mulch to ensure lawn growth. The Applicant shall revise the plans to include notation indicating the same. **This comment remains applicable and shall be addressed by way of notation on the plans.**
- 4.15 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. **This comment remains applicable and shall be addressed by way of notation on the plans.**

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. **This comment remains applicable.**
- 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. **This comment remains applicable.**
- 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. **This comment remains applicable.**
- 5.4 Neglia recommends that a response letter be submitted that addresses each of the comments noted above. **This comment remains applicable.**
- 5.5 The above comments are based on a review of materials submitted and/or testimony provided to date. Neglia reserves the right to provide new or updated comments as additional information becomes available. **This comment remains applicable.**

We trust you will find the above in order. Should you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,
The Neglia Group



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

cc: Ramon Fonseca – Applicant *via regular mail*
Jensen C. Vasil – Applicant's Architect *via regular mail*
Jeffrey S. Grunn, P.L.S. & Marc J. Cifone, P.L.S. – Applicant's Surveyors *via regular mail*
Guy Lagomarsino, P.E. – Applicant's Engineer *via regular mail*
Nicholas A. Dickerson, PP, AICP – Board Planner

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



Engineering
& Design

July 19, 2022

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

Application No. ZB21-15 Variance Application
Ramon Fonseca (Applicant)
42 Highview Avenue (Block 1808, Lot 13)
Third Planning Review
Colliers Engineering & Design Project No. PRZ-0008

Dear Ms. Tardibuono:

As requested, our office has reviewed Application No. ZB21-15 submitted by Ramon Fonseca, (the Applicant), seeking variance relief for an expansion to an existing detached single-family residential structure. **This review has been revised based upon our receipt of revised submission materials from the Applicant; our revised comments are shown in bold.**

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 June 8, 2021;
2. Park Ridge Zoning Review Application, dated March 9, 2021;
3. Zoning Office Denial of Application, dated April 6, 2021;
4. Completeness Review, prepared by Gregory J. Polyniak, PE, PP, CME, CPWM and John J. Dunlea, PE of Neglia Engineering Associates, dated June 29, 2021 and revised through September 22, 2021;
5. Engineering Review, prepared by Gregory J. Polyniak, PE, PP, CME, CPWM and John J. Dunlea, PE of Neglia Engineering Associates, dated October 19, 2021;
6. Drainage Investigation for Stormwater Control, prepared by Guy Lagomarsino, PE, of Optimized Engineering Associates. Dated August 20, 2021 and revised through December 12, 2021;
7. Proposed Detention Plan, prepared by Guy Lagomarsino, PE, of Optimized Engineering Associates. Dated August 2021 and revised through December 14, 2021;
8. Site Plan, Survey and Zoning Calc's, prepared by Jensen C. Vasil Architect P.C. Dated February 21, 2021, and revised through **July 8, 2022**;
9. Topographic Survey of Property, prepared by Jeffrey S. Grunn, PLS, of Lakeland Surveying. Dated August 6, 2021;
10. Cover letter from Erica Edwards, Esq., dated December 9, 2021; and,
11. Response letter from Jensen C. Vasil, dated December 2, 2021.

A. Existing Conditions

The subject site, known as Lot 13 of Block 1808, is a 9,250 square foot parcel located in the R-20 One-Family Residential zone district. The property is located on the east side of Highview Avenue, approximately 200 feet north of the intersection with Park Avenue, and 60 feet south of the

intersection with Perry Street. The parcel contains approximately 50 feet of frontage along Highview Avenue.

The subject site is currently developed with a 1.5-story detached single-family structure, occupying a footprint of approximately 1,183 square feet. Other existing site improvements include an attached porch, attached deck, asphalt driveway, and a frame shed.

Uses immediately adjacent to the subject site are detached single-family in character. To the southwest of the site is a garden apartment development, and to the north is a place of assembly (United Methodist Church).

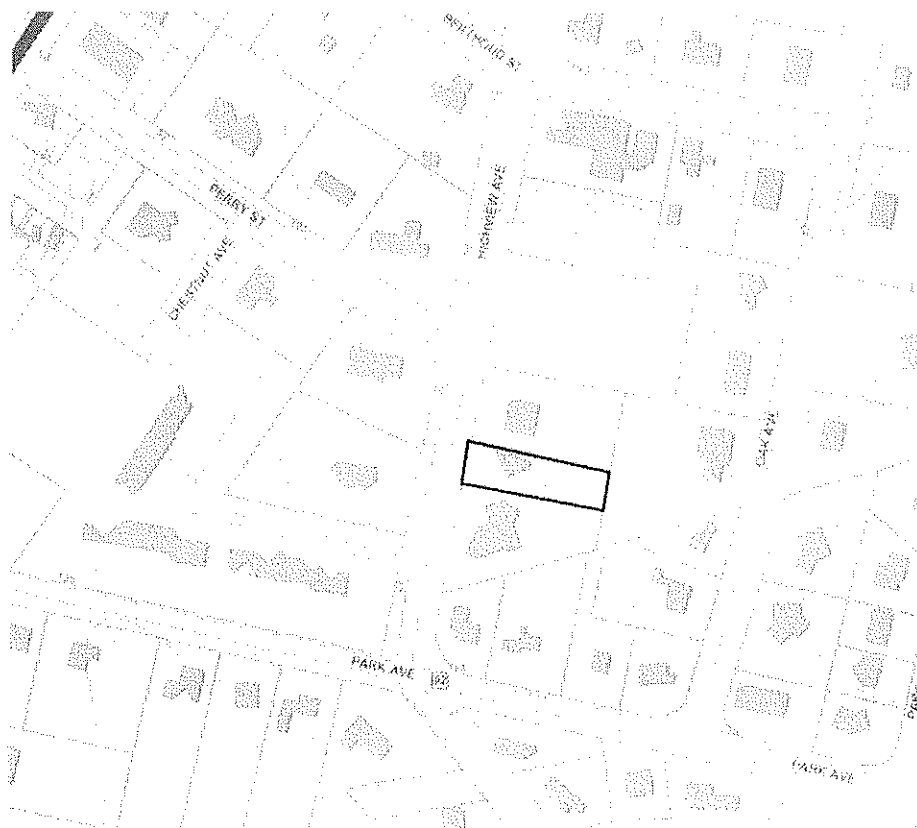


Figure 1: Subject Site and Surrounding (Source: Bergen County GIS)



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

B. Applicable Land Use Controls

The subject site is located in 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. In describing the "Low Density-2 Residential" category, the Land Use Element states that "This area has developed in a relatively uniform residential pattern with most of the area characterized by detached single-family residences on lots approximately 20,000 square feet in area....A primary objective of the residential component of the land use plan is to reinforce this existing scale of development at this single-family residential density. It is recommended that future development in this portion of Park Ridge be in accordance with this density."¹

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

¹ Borough of Park Ridge Comprehensive Master Plan (2009), page 20.

relationship to the street and to the adjacent dwellings.” The Master Plan outlined “key design and planning principles” that should be considered when residents/developers plan a home renovation or the construction of a new dwelling:

- Encourage the use of building setbacks on the upper floor levels to maintain adequate space, light, and a sense of openness from surrounding residences in existing residential neighborhoods;
- Promote alternative locations and orientations for garage and parking areas in order to emphasize the pedestrian qualities of the streetscape;
- Discourage fencing and retaining walls that front on public streets;
- Encourage building designs that reflect the natural landscape and scale of the surrounding neighborhood through use of smaller building components, cantilevered overhangs, and articulated exterior vertical walls;
- Establish massing and roof design criteria that emphasize the use of smaller elements that reflect the scale of the neighborhood;
- Provide more detailed design guidelines addressing grading, drainage, stream and tree preservation, resource conservation, green building, and universal design principles;
- Respect the existing views, privacy, access to light, and safety of neighboring properties;
- Reflect the local design goals and policies as expressed in the local community plan.²

This goal was further illustrated by the following recommendations:

- “New development and remodel/additions should not be disharmonious with the existing street setback patterns. One of the objectives of this plan is to promote single-family residential development (including additions and alterations) that are compatible with the existing neighborhood character. The design of these developments should consider the composition and integration of the outdoor spaces and the buildings that make up the physical neighborhood. 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 area 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. The relationships between residences on adjacent properties and between houses and the public street or area can be complex, and need to respect the privacy, views, light, solar access and noise effects on neighboring properties, to name a few. The relationships of building size, scale, image and location related to the public street are also important issues in the design of a single-family dwelling.³Page 28
- Upper-level setbacks in the design of residences to avoid excessive building bulk viewed from adjacent lots.

² Ibid, page 26.

³ Ibid, page 28.

C. Proposed Conditions

The Applicant is seeking to expand the existing single-family structure, both with a new second story, an expansion to the rear of the structure, and a new deck. The addition would expand the building footprint from approximately 1,183 square feet to 1,494 square feet. The proposed development would include new exterior lighting, landscaping, a smaller driveway, stormwater system, new electric, new plumbing, and a new HVAC system. **The revised plans replace the second-floor balconies with Juliet balconies, eliminate the attic plan office space, bathroom, and patio area, modify the roof overhang by the front door, and modify the attic floor windows.**

BULK REQUIREMENTS - R-20 SINGLE FAMILY RESIDENTIAL ZONE DISTRICT				
	Required	Existing	Proposed	Variances
Minimum Lot Area (sq. ft.)	20,000	9,250	9,250	ENC
Minimum Lot Width (ft)	110	50	50	ENC
Minimum Street Frontage (ft)	83	50	50	ENC
Minimum Lot Depth (ft)	160	185	185	
Minimum Front Yard Setback (ft)	40	47.5	40	
Minimum Rear Yard Setback (ft)	50	102.3 (dwelling) 95.04 (deck)	90.21 (deck); ~95.21 (dwelling)	
Minimum Side Yard Setback (ft)	22	3.9 (south side) (ENC) 12.3 (north side) (ENC)	7.7 (south side) 12.3 (north side)	V
Maximum Dwelling Width	60% lot width	68.6% (ENC)	60%	
Maximum Building Height (ft)	32	25.5	32	
Maximum Building Coverage	18	12.79	*	*
Maximum Impervious Coverage	40	23.96	24.67	
Maximum Floor Area Ratio	22	19.96	35.78	V
Maximum Gross Floor Area (sq. ft.)	4,800	1,846	3,310	
Deck Setback to Rear/Side Yards (ft)	20	16 (ENC)	12.3	V
ENC-Existing Nonconforming Condition				
V-Variance				
*Applicant shall clarify				

D. Variances

Summary

The Application requires the following variances:

1. "D(4)" Use Variance for Floor Area Ratio
2. "C" Bulk Variance for Maximum Building Coverage

3. "C" Bulk Variance for Minimum Side Yard Setback (on both sides)
4. "C" Bulk Variance Deck Setbacks
5. "C" Bulk Variances for parking:
 - (a) Number of enclosed parking spaces
 - (b) Parking in a front yard
 - ~~(c) Number of off-street parking spaces~~
 - (d) Setback from property line.
6. "C" Bulk Variance for HVAC Equipment Setback

In addition to the above, the site contains the following nonconforming condition that would be eliminated by this application:

7. Maximum Dwelling Width

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

8. Minimum Lot Area
9. Minimum Lot Width
10. Minimum Street Frontage

'd' Variances

1. Ordinance Section §101-8 (Schedule IV-2): Maximum Floor Area Ratio.

The R-20 Zone District permits a maximum floor area ratio of 22%. The Applicant is proposing a total of 3,738 square feet of floor area on this 9,250 square foot site, which would yield a floor area ratio of 40.4%. Based on the lot area, a maximum floor area of 2,035 square feet would be permitted on this property. "D(4)" density variance approval is required to permit the floor area ratio deviation.

The revised plans show that the floor area has been reduced to 3,310 square feet, resulting in a reduced FAR of 35.78%, which still requires variance relief.

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

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.

Positive Criteria (Special Reasons):

The Board should note that the court found, in Coventry Square v. Westwood Zoning Bd. of Adjustment, 138 N.J. 285 (1994), that the applicant need not show "special reasons" that a site is particularly suited for more intensive development if the use is permitted. The applicant is only required to demonstrate that the site will accommodate the problems associated with a larger floor area than that permitted by Ordinance. These problems typically involve the

relationship of the proposal to the neighboring properties, such as intrusion into the side yard or visual incompatibility with the existing and surrounding buildings. The Board needs to determine whether the intent of zone plan and zoning ordinance will be substantially impaired by the proposed increase in floor area.

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."⁴

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. What changes can be made, in terms of revisions to the plan or conditions, to mitigate any of the potential increased impacts from this proposed use?
- 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:

2. Ordinance Section §101-8 (Schedule IV-2): Maximum Building Coverage.

⁴ 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).

The R-20 Zone District requires a maximum building coverage of 18 percent. The Applicant is proposing 18.76 percent of building coverage. Bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

Based on the revised submission (**December 2021 plans**), the total building coverage has been reduced to 18 percent, which would conform with the zone requirement; however, the plans do not appear to show any change to the building dimensions. The response memo to the Board Engineer's review letter from the Applicant's architect suggests that the rear deck was reduced to remove the building coverage variance. In our opinion, a deck would not be included in the calculation of building coverage, based on the code definitions of "Building" and "Building Coverage." The Applicant shall provide revised calculations of building coverage to clarify if a variance is required.

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

The R-20 Zone District requires a minimum side yard setback of 22 feet. The Applicant is proposing minimum side yard setbacks of 7.7 feet and 12.3 feet on each side of the proposed dwelling. The existing dwelling is 3.9 feet and 12.3 feet, so it is acknowledged that the proposed improvements would decrease the nonconforming conditions. Bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

4. Ordinance Section §101-21A(1)(a): Side setback for decks greater than 325 square feet.

The code requires a 20-foot setback for decks containing more than 325 square feet of area. The proposed deck is proposed to be located 12.3 feet from the side lot lines. The deck on the existing structure measured 16 feet from the side property line, exacerbating a nonconforming condition. Bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

5. Ordinance Section §101-16B(4): Side setback for decks

In addition to the above, the ordinance also permits patios and decks in any rear yard, and they must conform to the building side yard setbacks in all zones. Considering that the proposed deck is proposed to be located 12.3 feet from the side lot lines, it is less than the 22-foot side yard requirement of the R-20 zone. Therefore, bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

6. Ordinance Section §101-23A and §101-62B: Parking Enclosure

The ordinance (101-23A) requires one-family dwellings for which site plan approval is not required to have at least 1 off-street parking space be enclosed. Another section of the code (101-62B) requires a minimum of 1 enclosed parking space for residential development. The existing house does not appear to contain a garage, nor is a garage proposed as part of the proposed improvements. Considering that it is not clear whether the proposed development intends to preserve any of the existing nonconforming structure, bulk variance relief may be necessary to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

7. Ordinance Section §101-62B: Parking Location

The ordinance prohibits off-street parking in a required front yard. The proposed parking will be provided largely within the front yard area. While the existing driveway is nonconforming in this regard, it is proposed for modification as part of this application. As such, bulk variance relief is required to permit this deviation. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

8. Ordinance Section §101-62B: Number of Off-Street Parking Spaces

The proposed renovation will include 3 bedrooms, plus a "Guest Bedroom/Den." As such, a 4-bedroom house is required to provide a minimum of 2.5, rounded to 3 parking spaces. No information on the existing number of bedrooms have been provided. The ordinance requires compliance with the New Jersey Residential Site Improvement Standards (RSIS). It should be noted that the RSIS requires a minimum 9 foot by 18-foot space for each parking space. The proposed driveway measures 10 feet by 45 feet. As the proposed driveway cannot accommodate the parking on site, a variance and a "de minimus" exception will be required. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

Per RSIS, any fractional number of parking spaces of one half or less may be disregarded, therefore no variance is required.

9. Ordinance Section §101-21A(8): Accessory equipment setback

The revised plans show the AC condenser units located approximately 11 feet from the side property line when 15 feet is required. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

10. Ordinance Section §101-23D: Parking Location

The plans show the proposed driveway to be located within **2.3** feet of adjacent Lot 12. The ordinance requires a minimum 5 feet to any property line measured from the closest edge of the driveway to the property line. It should be noted, however, that the existing driveway appears to encroach onto adjacent Lot 12 and is thus an existing nonconforming condition. The adjustment of the driveway would appear to reduce, but not eliminate, this nonconforming condition. Is relief cognizable under "C(1)" hardship or "C(2)" flexible variance provisions?

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

11. Ordinance Section §101-8 (Schedule IV-2): Minimum Lot Area

The R-20 Zone District requires a minimum lot area of 20,000 square feet, where 9,250 square feet exists.

12. Ordinance Section §101-8 (Schedule IV-2): Minimum Lot Width

The R-20 Zone District requires a minimum lot width of 110 feet, where 50 feet exists.

13. Ordinance Section §101-8 (Schedule IV-2): Minimum Street Frontage

The R-20 Zone District requires a minimum street frontage of 83 feet, where 50 feet exists.

14. Ordinance Section §101-15G: Minimum Street Frontage

The ordinance requires a minimum street frontage for all lots except those in the NB (Neighborhood Business Zone) to not be less than 75 feet, where 50 feet currently exists.

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

NJSA 40:55D-70(c) sets forth the criteria by which a variance can be granted from the bulk requirements of a zoning ordinance. The first 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. It is not clear how much, if any, of the existing structure is intended to remain. The plans note that the existing foundation will be "reused where possible." The Applicant shall clarify.
2. The Board should note that the Zoning Code permits floor area ratio bonuses under § 101-19, subsections D (Green building strategies) or E (Architectural guidelines) for residential development. Our office has not received any information that would suggest that these design guidelines or green building strategies are being considered. The Applicant shall clarify.
3. 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.
4. In accordance with § 101-23C, no part of any driveway shall be located nearer than 10 feet to any other driveway on an adjoining parcel. These measurements have not been provided. The Applicant shall clarify.
5. In accordance with §101-23D and § 101-62B, no driveway shall be located nearer than 5 feet to any property line measured from the closest edge of the driveway to the property line. This measurement has not been provided. The Applicant shall clarify. **The revised plans show that the driveway is located 2 feet, 4 inches from the neighboring property.**
6. Testimony shall be provided on the proposed internal modifications to the residential structure. Such testimony should include the existing number of bedrooms.
7. The plans indicate that the residential dwelling will contain a new HVAC system, however, no details have been provided. The Applicant shall clarify. The Board should note that § 101-21A (8) requires that the closest portion of a HVAC unit shall be located a maximum of 5 feet from the principal structure, and a minimum of 15 feet from all property lines. If the HVAC unit is located in the side yard, then screening is also required.

As noted in the previous section, the revised plans show the AC condenser units located within the side yard. The applicant shall provide details on what screening is proposed or if an additional bulk variance is required.

8. The plans appear to show existing fence encroachments onto neighboring Lots 12 and 17. It is not clear if these fences are owned by the property owner or the neighboring property owners. The Applicant shall clarify, and whether or not any of these encroachments will be corrected as part of the proposed development.
9. The existing frame shed is 8.4 feet from the rear property line, and 5.3 feet from the side property line. Per §101-21 B(2), 8 feet is required, which represents a nonconforming condition for the side property line. It is not clear if the shed is proposed to remain. The Applicant shall clarify.

10. Our office defers to the Board Engineer on comments relating to any proposed site grading modifications.
11. **On Sheet Z-003, proposed Detail 4 is labeled "Proposed 2nd Flr Plan." This appears to be in error, as it illustrates the roof. The Applicant shall clarify.**
12. **The proposed attic plan shows the elimination of the office, bathroom, and balcony areas, and is labeled as "storage."**

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.
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