

ZONING BOARD OF ADJUSTMENT
VILLAGE OF RIDGEFIELD PARK
Bergen County, NJ

Minutes of Regular Meeting
July 17, 2012

The Chairman, Mr. Cathcart, called the meeting to order at 8:00 p.m. in the Municipal Building.

The Chairman announced that this meeting is being held in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 seq., notice of which was published in the Record on the 29th day of December 2008.

Roll Call: Present: Messrs. Cathcart, Vorhees, DellaFave, Frontera, Mieses, Alberque, Orth,
Ms. Perotta
Absentee: Messrs. Wohlrab,

Correspondence:

- Mayor's Advisory RE: Legislative Recap

Ms. Perrotta read the rules of procedure.

*The Chairman announced there are two (2) cases to be memorialized.

Case #1478 7 Spruce Avenue Block 98/Lot 3 Variance

Case #1477 209 Main Street Block 80/Lot 5 Use Variance

*The Chairman announced there are two (2) new cases to be heard.

Case #1479 110 Mt. Vernon Street Block 81/1.01, 2, 2.01 Use Variance

Case #1480 146 Hazelton Street Block 27/Lot 11.01 Variance

*The Chairman announced there is one (1) case requesting extension

Case #1465 90 Mt. Vernon Street, OCM Grace Church
Block 80/Lot 21

Case #1465 90 Mt. Vernon Street, OCM Grace Church Block 80/Lot 21

Mr. Cathcart announced they are requesting a six month extension.

Mr. Alberque motioned to approved extension. Seconded by Ms. Perrotta

Roll Call: Cathcart, Perrotta, Vorhees, DellaFave, Frontera, Miele, Albuquerque, Orth

***The Chairman announced there are two (2) cases to be memorialized.**

Case #1478 7 Spruce Avenue Block 98/Lot 3 Variance

Ms. Perrotta read the Resolution into the record. Motion to be approved by Mr. Cathcart as drafted.

Roll Call: Cathcart, Perrotta, Vorhees, DellaFave, Miele

Case #1477 209 Main Street Block 80/Lot 5 Use Variance

Mr. Miele read the Resolution into the record.

Roll Call: Cathcart, Vorhees, DellaFave, Miele, Albuquerque

***The Chairman announced there are two (2) new cases to be heard.**

Case # 1480 146 Hazelton Street Block 27/Lot 11.01 Variance

Ms. Bozena Tomaszewski was sworn in. Ms. Bozena Tomaszewski represented herself. This case is a Variance application for a driveway.

Mr. Cathcart stated property taxes are current and noticing was served and notice ran in the Record on July 6, 2012.

Ms. Tomaszewski stated she has two driveways and lives across the street from Roosevelt School. There is no parking on the street. Two parking spaces are not enough. She purchased the house in 1977. This parking area was there in 1985 when she installed her pool. She stated when she purchased the house the property was all blacktopped. She re-did the side walk and driveway after three years and the driveway was already there.

Mr. Vorhees – How many cars? Mrs. Tomaszewski - I have two cars and I have tenants. My tenants have two cars. There are four parking spots.

Mr. DellaFave. You have two parking in the garage and two outside. Therefore you have four parking spots.

Ms. Tomaszewski stated parking is very bad especially because of the school. This has existed for years.

Mr. DellaFave stated this part does go through an easement from the County of Bergen.

Mr. Cathcart asked Ms. Tomaszewski if she has been parking there for over 20 years.

Mr. DeMarrais asked how did this come to be? Ms. Tomaszewski stated she wanted to re-pave the area and the town told her it was illegal.

Mr. Miele, can you access all three spots by the curb cut. Ms. Tomaszewski said there is a curb, but the curb is very low.

Mr. DeMarrais asked if this had been used. Ms. Tomaszewski said sometimes yes and sometimes no. She is concerned if she gets new tenants and she has no parking.

Mr. Alberque, when did you purchase house? Ms. Tomaszewski said 1977 and it was there. She states the parking has always been there.

Ms. Perrotta asked if there was an older survey and Ms. Tomaszewski stated no.

Mr. Miele, if this is a county easement we do not have jurisdiction over it. You are asking for us to approve this to be re-surfaced. We cannot say if it is illegal.

Ms. Tomaszewski says yes but what happens to my pool if they widen the road.

Mr. DellaFave states the easement comes up to the fence not the yard.

Mr. DeMarrais stated there are issues. The first issue is whether or not this is existing non-conforming use. If you find it to be which you can from the testimony. You may want to bring someone in from the Construction dept. if you doubt the testimony is accurate. If it wasn't used it could have been abandoned and does not need a variance. My opinion is she does not need a variance unless a curb cut is necessary. You are not overruling anyone's easement. You are not violating the County. Is it existing? Was it abandoned? Do not accept can still issue the variance. Is still paved?

Ms. Tomaszewski, yes it's paved. I want to put new black top down. If allowed I will put pavers.

Mr. Miele, if we approve variance that becomes a legal driveway and she can do what she wants.

Mr. DeMarrais - If it's an exiting non-conforming use. They need a variance because it's too much impervious land. The Board has every right to to go look.

Mr. Alberque - You did not apply to expand your driveway. Ms. Tomaszewski said no. I am not expanding. It was already there.

Mr. DeMarrais stated the Board has the right to over-rule the Construction Official if it is a valid non-conforming use and say she does not need a variance because it has been used. .

Ms. Perrotta - if we approve it, we can make sure it is according to the easement and the building dept. We are only approving the black top that has been there for 20 years?

Mr. Cathcart – we are discussing approving re-blacktopping the driveway. Does anyone have an issue to hold up the Variance for something that was already there?

Mr. DellaFave is concerned about the curb cut.

Mr. Cathcart, per Ms. Tomaszewski's testimony there is no curb cut.

Mr. Cathcart opened to the public within 200' in favor. No one in favor appeared.

Mr. Cathcart opened to the public within 200' in opposition. No one in opposition appeared.

Mr. Cathcart opened to the public outside 200'. No one in favor appeared. No one in opposition appeared.

Ms. Perrotta asked to have the Resolution include this has been on the property for 20 years and the easement is the property owners' responsibility with the County.

Mr. Cathcart stated we are not responsibility if the County comes in.

Mr. DeMarrais stated he will put in according the any easements in the Resolution.

Mr. Vorhees motioned to approve application as presented. Seconded by Mr. Frontera.

Roll Call: Cathcart, Perrotta, Vorhees, DellaFave, Frontera, Miele

Case #1479 110 Mt. Vernon Street Block 81/1.01, 2, 2.01 Use Variance

Mr. Vorhees and Mr. DellaFave recused themselves because they are on the Finance Board of St. Francis Church.

Mr. Cathcart stated property is tax exempt and noticing was served and notice ran in the Record on June 7, 2012.

Mr. Donald F. Miceli, Esq., attorney represented St. Francis of Assisi Church and the applicant. He will present three witnesses.

Father Larry Evans II, 114 Mt. Vernon St., Ridgefield Park, NJ 07660 was sworn in. Father Larry is the Pastor of St. Francis and the parish is the owner of the property.

Mr. Miceli, how many parking spots on the property.

Father Larry stated there are 90 lined spots and three handicapped. We have 7:30 a.m masses with approximately 35 – 40 people of whom there are 10 cars and the others walk to mass.

Mr. Miceli how many other services are during the week?

Father Larry stated the other services would be Funerals in which there are probably three per month with about 10 cars unless it's a large funeral. The Parish has three spaces which are occupied during the week for employees of the church.

Mr. Miceli asked how many spaces is the church willing to provide to the Han Al School for parking.

Father Larry stated a maximum of 70.

No further questions for Father Larry.

Ms. Soojin Jeon of 333 Grand Avenue, Palisades Park, NJ was sworn in.

Ms. Jeon stated she is employed by the Han Al School as and Administrative Assistant. We are a no for profit. We are not a Charter School, it is a private high school.

Mr. Miceli asked if it is tuition based.

Ms. Jeon stated yes. The maximum number of students will be 800 for both buildings. We are hoping to have 100 for the first year.

Mr. Miceli – Building A will be initially occupied. And Building B will be used next year.

Ms. Jeon stated yes. We will have approximately 40 teachers fro 800 students and 10 administrative staff for a total of 50.

Mr. Miceli asked about students driving to school. Ms. Jeon – No students will be allowed to use a car.

Mr. Cathcart asked if they have any idea of how many buses they will need.

Ms. Jeon stated they hope for 800 students but are not sure yet. She said we would have a maximum of 8 – 9 buses.

Mr. Cathcart said you will need at least 20 buses.

Ms. Perrotta asked about parking for the teachers and staff. They will have off street parking in the 70 spots.

Mr. Miceli stated the buses will not be dropping students at the curb but on the property.

Mr. Miceli – what are hours of operation.

Ms. Jeon stated 8:00 – 3:00 for classes and extra curricular activities after hours.

Mr. Mieles asked what is the capacity of the school? Mr. Cathcart stated that is a question for the architect.

Ms. Jeon stated the teacher student ratio is 1:20. We are regulated by the State.

Mr. Miceli stated Building B will be brought up to code and there is an addition of a handicapped lift.

Mr. Miele will there be students from out of town. Ms. Jeon stated yes.

Mr. Miceli asked other than the handicapped lift will there be any further enlargement of the building. Ms. Jeon stated no.

Mr. Alberque commented that as the school grows there may be an issue with traffic and the buses coming in.

Ms. Perrotta asked what the grades were. Ms. Jeon stated 9 – 12 and all Academic.

Mr. Wax asked if the questions could be held for the architect.

No further questions for Ms. Jeon.

Mr. Norman Wax of 141 Washington Avenue, Lawrence, NY 11559 was sworn in. He is employed by the Han Al School as an Architect and Planner. He is licensed in the State of New Jersey. He is qualified to be an expert.

Mr. Miceli - Did you prepare the drawings for the Han Al HS application? Mr. Wax – Yes.

Drawings will be Exhibits will be A00 – A401

Mr. Miceli - Were you engaged by the applicant? Mr. Wax – Yes.

Mr. Miceli - Did you prepare the drawings of the facility? Mr. Wax – Yes.

Mr. Miceli - Is it an existing school? Yes

Mr. Miceli – What architectural changes did you make to the school?

Mr. Wax – We are making no changes to the school except to bring it up to safety codes. There are no physical changes to the school. We are upgrading the alarm systems, fire protection, handicapped facilities and general stuff that were not quite up to date.

You heard testimony that the goal is 800 students. That number came from the state codes manner of setting capacity for schools. The original school has a capacity of 485 students and the other school is 427. The probability or possibility of this many students is questionable.

Ms. Perrotta – How many classrooms? Mr. Wax – 40 something.

Mr. Cathcart – What is the occupancy of both buildings? Mr. Wax – that is the capacity. All codes do the same thing. They take each room and they set by sq. foot how many people can occupy that space. They also assume all that space is occupied at the same time. Their focus is on exiting safety so that there is ample exiting capacity.

Ms. Perrotta – If you have 800 students in the buildings would it be safe to exit. Mr. Wax stated it would be like Disney Land. It would be packed.

Ms. Perrotta – I can't remember 40 classrooms in the school.

Mr. Miele – How did you count 40 classrooms?

Mr. Wax - There are only 8 in the old school for a total of 28 in both schools. We counted the classrooms.

Mr. Miele – Can you break down the 28 between both buildings?

Mr. Wax – Building A has 9 classrooms and Building B has 10 for a total of 19 classrooms and other spaces that can be used as classrooms.

Mr. Miele – will you be changing the classrooms. Mr. Wax – no we are making no changes.

Ms. Perrotta – will you use the rooms that aren't used as classrooms now as classrooms. Mr. Wax – he is unsure. That would fall under the realm of running the school.

Ms. Perrotta – How many students per class? Mr. Wax – approximately 20.

Mr. Wax stated 400 – 500 students are more realistic.

Mr. DeMarrais This is a project of a large magnitude. The Board has the right to retain your own expert, Boswell Engineering to review the plans. It is an abandoned use. It was used a school. You don't have to, but you have the option. When was it last used as a school?

Father Larry stated since 2009 full time school. Both building have been used on Sunday's and at night for Religious Education.

Ms. Perrotta – How many students come for religious classes.

Father Larry stated maybe on Sundays 250 – 300 and on Monday's may be 100. It overlaps right now, with parents at church and students in class.

Mr. Alberque asked how many students were in the school when it was full time. Father Larry understood it was about 220.

Mr. Vorhees – How many students when it was at maximum capacity.

Father Larry believes it was about 1000. I came here from a teaching position at Paramus Catholic.

Mr. Miceli – There will be no interior changes? Mr. Wax – That is correct.

Mr. Miceli – Bldg. A. will be the initial building? Mr. Wax – Yes.

Mr. Cathcart – What is the anticipated opening? Mr. Wax – September

Mr. Miceli – Are you familiar with the criteria of NJ statutes of an application for a Use Variance? Mr. Wax – Yes.

Mr. Miceli – Positive Criteria is it a beneficial use? Mr. Wax – Yes.

Negative Criteria – Based it was formerly a school do you consider parking adequate? Mr. Wax – yes I do. I would also like to mention (Exhibit A004) that in addition to the existing drop off on Bergen Ave. we have the ability to put in a second line of buses coming off of Mt. Vernon and exiting on Park Ave.

Mr. Cathcart stated that is a hard turn.

Mr. Wax stated he is simply offering alternates for school buses.

Mr. Miceli – Have you an informed opinion on impact on impairment to the Master Plan Zoning Ordinance.

Mr. Wax – I don't think so. What you have now is a derelict building. There is no other use for these buildings. It is not zoned for a multiple dwelling. It really can't be used for anything other than a school. I think this out ways any possible other consideration.

Mr. Mieles asked it seems you can only maximum this to 300 – 400 students. Does you client understand that most likely they will not reach 800 students and is that acceptable to them?

Mr. Wax deferred to the school.

Mr. Alberque asked if the convent and rectory have anything to do with this. Mr. Miceli said no they are not part of this.

Mr. Frontera asked if all classes will start at same time. Ms. Jeon said yes, all at the same time.

Mr. DeMarrais stated that none of the students will have cars. How will you enforce this?

Ms. Jeon - We will not allow them to bring cars. We have a handbook that parents and students will sign. We can put that provision in the handbook.

Mr. Mieles asked if it is still a viable project for 400 – 500 students.

Ms. Jeon – Yes.

Mr. Mieles asked where is the garbage going to be stored and will it be picked up by the DPW? Yes, probably two times a week.

No further questions from the Board.

No further witnesses from Mr. Miceli.

. No one in opposition appeared.

Mr. Cathcart opened to the public outside 200'. No one in favor appeared.

Mr. Cathcart opened to the public within 200' in favor.

Mr. Nicholas DellaFave questioned the architect mentioned to clarify a question. Mr. Cathcart stated Mr. DellaFave cannot ask a question because you are part of the Board. Mr. DellaFave just wanted to clarify the changing of the footprint. Mr. Cathcart - The building footprint is not changing.

Ms. Maryann Cummings 98 Laurel Street, Ridgefield Park, NJ. I'm in favor of the school. Is this your first venture in schooling or do you have another school? Ms. Jeon, this is the first in the states. We have an international school in Guatemala. Is this school open to anyone? Ms. Jeon, yes. A comment about parking is that there is parking problems with all the schools. When my kids went to St. Francis there were no offices because they were used for classrooms. I believe this is good for the community. Based on the size of the school the number seemed large. Are your teachers certified by NJ or do they not come under the regulations? There are no regulations because we are private but we will hire by state standards. Are the classes taught in English? Mr. Cathcart stated it is an inappropriate question and cannot be asked.

Ms. Maryanne Guercio 265 Main Street, #416, Ridgefield Park, NJ. I would like to say we've had the school open and garbage was never a problem. Cars and parking, we've had that for years. What you're looking at as a problem we see as different ways. I'm in favor.

Mr. Cathcart opened to the public within 200' in opposition. No one appeared.

Mr. Cathcart opened to the public outside 200' in opposition. No one appeared.

Work Session.

Ms. Perrotta motioned to approve. Seconded by Frontera.

Roll Call: Cathcart, Perrotta, Frontera, Miele, Alberque, Orth.

Mr. Cathcart motioned to adjourn. Seconded by Ms. Perrotta.

Meeting adjourned at 9:35 p.m.

(Note: Please refer to the Transcription of the July 17, 2012 meeting for the rest of the minutes.)

Respectfully submitted,

Francine Orovitz