

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

Minutes of Regular Meeting
June 19, 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, Wohlrab, Miele, Alberque, Orth,
Ms. Perotta
Absentee: Messrs. Frontera,

Correspondence:

*Mayors Advisory RE: Affordable housing COAH Trust Funds, A-2950

*Mayor's Advisory RE: S-1534/A-2586, Equalizes standing of private and public colleges before land use agencies.

*Mayor's Advisory RE: Two Legislative Issues I. COAH Extension Advances in Both Houses; II. MLUL Exemption for Private Colleges Advances

Ms. Perrotta read the rules of procedure.

*The Chairman announced there are no (0) cases to be memorialized.

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

Case #1478	7 Spruce Avenue Block 98/Lot3	Variance
Case #1479	110 Mt. Vernon Street Block 81/1.01, 2, 2.01	Use Variance

*The Chairman announced there is one (1) case to be continued from the May 19th meeting.

Case #1477 209 Main Street Block 80 /Lot 5

The Chairman asked Mr. Kelly to step forward and present his summation. Ms. Perrotta will step down pursuant to prior order of Judge DellaCruz.

Mr. Kelly presented his case. Mr. Kelly understood the Board did not have a full 7 to hear the case but his client has authorized him to go ahead and accept the ruling of the Board if a vote is held. Mr. Garrett can address the extension of the rear sidewalk according to the plans submitted.

A few questions were raised regarding the red sticker on the building. Mr. Kelly spoke to Mr. Landolfi and he was told it was not for the current occupants but for a sprinkler head that has been corrected.

Also he was questioning stairs proceeding to the basement and Mr. Landolfi stated these are issues that can be addressed in the permit process.

A question was raised as to the lease with Dunkin Donuts. It is a silent lease in regards to parking. No parking spaces have been removed. There are 15 which were testified for. We will contact Dunkin Donuts regarding the dumpster issue.

Mr. DellaFave asked to clarify the reference to the dumpster. Mr. Kelly explained there are two dumpsters that need to be addressed with the tenant.

Mr. Kelly presented section I to the addendum of the lease to the Board referencing the dumpster.

Mr. Alberque asked if the sidewalk would be 3' from the building. Mr. Garrett added yes it will be a 3' sidewalk along the east side of the building. The ballards will be in the sidewalk which will not add more than 3'.

There are no questions from the Board.

Mr. Kelly presented the closing of the case.

This is a site when prior owner limited the site by leases. Several difference applications have been made for site. Current application is consistent with other applications that have come in front of Board and approved. Currently there is a dentist upstairs and Dunkin Donuts downstairs. We meet the positive criteria for bulk area. We are altering the use of the building slightly but ultimately it is commercial no matter what you're looking at. At one time the ordinance called for only commercial uses and the Board of Commissioners have reconsidered and the Master Plan is now calling for apartments. The use of the apartment is going to be opposite the main traffic. The type of use is compatible and the office use in the back will also be off peak. We are only seeking an office, no other commercial use. The impact with these two uses is consistent and will work well together.

The positive criteria is met because the site is uniquely situated. It is bringing proposed business and residential tenants into the area. This meets the revised Master Plan and revised Zoning Ordinance that pre-dates what was allowable when the two uses went in. The site will be safer than what is currently configured. My client is proposing some aesthetic improvements.

The negative impact is consistent with the Master Plan and the Land Use Laws and it will be better than what has been proposed for the site. We will deal with our tenant in regards to the dumpsters. In addition the lease is silent as to the number of spaces for Dunkin Donuts and we will take care of that and post the spaces belong to the building and not just Dunkin Donuts. In addition I ask the Board not to hold the limitation of parking along the area to the only landlord who actually has parking. All other parking is Boro parking.

We ask the Boards consideration and approval of the application.

Exhibits marked: Exhibit A-19 New Plan dated 6/12/12; Lease Agreement A-10

Mr. Cartison Vorhees, Cathcart, Wohlrab, Alberque, DellaFave, Frontera and Miele.

Case has already been opened to public.

Mr. Kelly at this point there are six present who heard the case. Mr. Kelly stated they are prepared to accept six voting members. As a condition of approval we will remove the signage for parking.

Mr. Cartison just to be clear the application is for the apartment and the office. Mr. Kelly stated yes.

The Chairman polled the Board about any issues. Mr. DellaFave questioned the garbage. Mr. Kelly stated this will be a health issue and will be addressed between the tenant and the landlord.

Mr. Vorhees motioned to accept the application as proposed subject to signage and clarification of the dumpster.

Mr. Cathcart stated the testimony is accepted.

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

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

Mr. Vorhees motioned to accept. Seconded by Mr. DellaFave

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

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

Mr. Rafael Paportes was sworn in. Mr. Paportes represented himself. 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 May 31, 2012.

Mr. Paportes stated he is applying to install a driveway at his residence. Parking becomes difficult on weekends. Mr. Paportes presented 8 photos as evidence and they were marked as Exhibits A1 – A8.

Mr. Vorhees asked which house was his. Mr. Paportes stated he is the third on the left.

Mr. DellaFave asked if he was going to eliminate the wall on the property. Mr. Paportes stated they will cut through it and will have to remove part of the entry. The driveway will be on the right side of the property.

Mr. Paportes stated all other properties have driveways.

Mr. DeMarrais remarked about the Manno survey presented. Will the driveway be in conformity? Yes it will.

Mr. Wohlrab asked if there will be pavers. Mr. Paportes stated yes there will be.

Mr. Cathcart asked if the Board had any questions.

Mr. Mieles asked if only one on-street parking would be eliminated. Yes, only one.

Mr. Cathcart opened to the public within 200'.

Diane Barbieri, 3 Spruce Avenue appeared. Ms. Barbieri stated she is the next door neighbor and she is in favor of the application.

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.

Mr. Vorhees motioned to approve application as presented. Seconded by Ms. Perrotta

Roll Call: Cathcart, Perrotta, Vorhees, DellaFave, Wohlrab, Mieles

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

Mr. Norman Wax, Architect, appeared to present application.

Mr. Cathcart asked if there was an attorney present. Mr. Wax is not an attorney.

Mr. DeMarrais explained to the applicant that a corporation has to be represented by an attorney. This is a state law.

Mr. Wax asked if an attorney could come to the hearing could they continue.

Mr. DeMarrais explained the attorney needs to know the application. They need to be able to present the Variance and the criteria set by statute and state law.

All corporations need to be represented by an attorney.

Mr. Wax asked if an attorney is present, does it mean they have to present the case.

Mr. Cathcart stated if no attorney is present, the Board will not hear the case. The case can be carried without requiring re-noticing. Mr. Cathcart stated a corporate attorney is required. The Board does not hear corporate cases unless the attorney is present.

Mr. Vorhees asked who the applicant is. Mr. Wax stated he is on behalf of the occupant. Mr. Cathcart stated the application is incorrect. It needs to be done by the applicant not the architect.

Mr. DeMarrais explained whoever owns the property needs to be in attendance. The owner is the Archdiocese of Newark and Father Larry Evans is present.

The application needs to be redone.

Mr. Cathcart again stated the case will be carried to the next meeting.

Mr. DeMarrais explained the process of the application to Mr. Wax.

Mr. Cathcart asked Mr. DeMarrais what do we need to go further. Mr. DeMarrais stated if the owner of the property can come forward. Father Larry Evans stated he has the authority and he is the owner and can sign as the owner of the building.

Ms. Perrotta asked Mr. Wax if a page was missing from the plans. It was stated the floor plans were not submitted but they can submit them prior to the next meeting.

The lawyer needs to be an attorney within the State of New Jersey and who is a Land Use lawyer.

The next meeting will be held on July 17 and they do not need to re-notice.

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

Meeting adjourned at 9:00 p.m.

(Note: Please refer to the Transcription of the June 19, 2012 meeting for the rest of the minutes.)

Respectfully submitted,

Francine Orovitz