

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

Minutes of Regular Meeting
February 21, 2006

The Chairman, Mr. Cathcart, called the meeting to order at 8:05 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 et seq., notice of which was published in The Record on the 16th day of December, 2005.

Roll Call: Present: Messrs. Cathcart, Morton, McCormack, Vorhees, MacNeill,
Wohlrab, Spontak, & Ms. Perrotta
Absent: Mr. DellaFave

A correction was made to the minutes of the January 17, 2006 meeting, noting that the Vice-Chairman presiding over the meeting was Mr. Morton, not Mr. Cathcart. A motion was made to accept the minutes as corrected; all in favor.

Correspondence:

Planning Board Minutes – January 9, 2006 Meeting
Building Department Permit Fee Log, Certificate of Compliance Log and
Certificate of Occupancy Log – January 2006
Notice from Borough of Ridgefield: copy of ordinance # 1961, amending Borough
Code
Letter from attorney DeMarrais, re: hiring of expert for Nextel case
Thank you note from Board Secretary for fruit basket

The Chairman read into the record the minutes of the Reorganization meeting of the Board.

The Chairman read the Rules of Procedure.

The Chairman announced that there are five (5) cases set for hearing:

CASE # 1374 – NEXTEL, Block 75, Lots 3 & 4 – 239 Main Street
CASE # 1380 – FOX MARKETING, Block 63, Lot 5 – 20 Paulison Avenue
CASE # 1381 - HOSSEINI, Block 16.01/Lot 3 – 429 Main Street
CASE # 1382 – FERRARO, Block 68.01, Lot 15 – 436 Teaneck Road
CASE # 1383 – YEAGER/FERREIRO, Block 46, Lot 18 – 126 Paulison Avenue

Case # 1382 – Ferraro – Block 68.01/Lot 15 – 436 Teaneck Road

An application for permission to construct a deck to the rear of the existing one-family dwelling located at 436 Teaneck Road, Block 68.01, Lot 15.

The applicant, Valerie Ferraro, was sworn in. The Board was furnished with proof of service, publication and taxes paid. The Chairman read the denial letter from the Zoning Officer. Ms. Ferraro testified that she wished to build a deck to the rear of her home, to allow for greater access to the back yard and to give more space for entertaining. The deck would be built upon and would be the same size as the pre-existing concrete patio.

The case was opened to the public. No one appeared. The case was set down for work session.

CASE # 1383 – Yeager/Ferreiro – Block 46/Lot 18 – 126 Paulison Avenue

An application for a use variance to convert the storefront to an apartment at 126 Paulison Avenue, Block 46, Lot 18. Elaine Berkenwald, Esq. of the Law Offices of Dennis Oury, LLC, represented the applicant. Ms. Berkenwald furnished the Board with proof of service, publication and taxes paid. The document was marked Exhibit A-1. The Chairman read the denial letter from the Zoning Officer.

Ms. Berkenwald began by noting that the Board had approved a similar application by Mr. Ferreiro in November 2002. However, the applicant was unable to begin work in the time allotted and the variance lapsed. Mr. Ferreiro came before the Board in 2005 but the application was denied without prejudice for lack of information. Ms. Berkenwald stated that the conversion of the old deli to an apartment would be an improvement to the property and surrounding neighborhood because a residential use would be more in conformity and would be less intense. Mr. Francisco Ferreiro was sworn in. He confirmed that his last application to the Board was denied without prejudice due to lack of information on parking and lighting among other things. He indicated these were addressed on the new architectural plans submitted. Mr. Ferreiro submitted color photographs marked A-2 to A-13 of the rear of the property, showing how cars could be parked. The Board questioned the size of the parking spaces on the plan – the dimensions were not marked. Mr. Ferreiro testified that he felt they were probably 19' by 9'. He indicated parking spaces would be assigned to specific apartments. He was open to the leases having restrictions to limit the number of cars. There was discussion about the paving of the rear yard for parking, and what effect this would have on drainage; also, requirements for barriers around lot, reflection of headlights. The attorney for the applicant asked the Board to consider granting the approval.

The case was open to the public. Within 200' in favor: no one appeared. Within 200' opposed, the following persons appeared:

Elizabeth Cseh – 122 Paulison Avenue. Mrs. Cseh has lived next door to 126 Paulison for 43 years. There is a shared driveway between the two properties. She was concerned about her liability if someone gets hurt in the driveway and about the safety issues with more traffic going down driveway. Bldg creates a blind spot for drivers backing out. She was worried about safety of children with nearby primary school. Mrs. Cseh felt there had been no problem in the past when there was a deli. There was not a lot of traffic.

Ethel Tumminelli – 123 Paulison Avenue. Concerned about parking. Photos show cars blocked in by others.

Within 200' in favor, the following appeared:

Kim Drakeford – tenant at subject property, 126 Paulison Ave. Felt plan to clean up back and make it more available for parking was a very good idea. She would prefer to park in back, rather than on street. Now there is too much debris.

Outside 200' in favor – no one appeared. Outside 200' opposed – no one appeared.

The case was set down for work session.

Case # 1381 – Hosseini – Block 16.01, Lot 3 – 429 Main Street.

An application to permit retail/wholesale sales of rugs at 429 Main Street, Block 16.01, Lot 3. The applicant, Fatima Hosseini, was sworn in. The Board was furnished with proof of service, publication and taxes paid. The Chairman read the denial letter from the Zoning Officer. Ms. Hosseini testified that she is a prospective tenant, not the property owner, and that she wishes to rent space in the above-referenced building to sell rugs and antiques. She confirmed that part of the building is in Bogota and that she must secure approvals from the adjoining municipality as well as from Ridgefield Park.

The case was opened to the public. No one appeared. The case was set down for work session.

The Board went into executive session at 8:45 pm to consider Cases 1381, 1382 and 1383, and returned with the following decisions:

Case # 1382 – Ferraro

Mr. McCormack, seconded by Mr. Vorhees, made a motion to approve the application.

The resolution was read into the record. A copy of the resolution is attached.

Roll Call:	Mr. Cathcart – Yes	Mr. Morton – Yes
	Mr. McCormack – Yes	Mr. Vorhees – Yes
	Mr. MacNeill - Yes	Mr. Wohlrab - Yes
	Ms. Perrotta – Yes	

Case # 1381 – Hosseini

A motion was made and seconded to approve the application. A resolution will be memorialized at next month's meeting.

Case # 1383 – Yeager/Ferreiro

A motion was made and seconded to approve the application. A resolution will be memorialized at next month's meeting.

The Board then opened the next case on the agenda:

Case # 1380 – Fox Marketing – Block 63, Lot 5 – 20 Paulison Avenue

An application to construct a second story addition to the premises at 20 Paulison Avenue, Block 63, Lot 5.

William Soukas, Esq. represented the applicants. The Board was furnished with proof of service, publication and taxes paid. The Chairman read the denial letter from the Zoning Officer. Mr. Soukas stated that the applicants have owned the property for 3 years and use is as a printing shop, which is a permitted use in the I-1 Zone. The applicants wish to construction an addition and extension of the building. It is on an undersized lot, which is very narrow. This case had

been scheduled for January. Due to a deficiency in notice, the case had to be postponed to February. Mr. Soukas acknowledged receiving a copy of a letter to the Zoning Board from the Planning Board, recommending that the application be denied, as it appears to be intended for residential use. Architect George Tsairis was sworn in. The Chairman accepts Mr. Tsairis' credentials. The following exhibits were marked:

- A-1: four photos of property as it currently exists.
- A-2: Sheet SP1 – site plan; existing and proposed
- A-3: Sheet SA1 – first and second floor
- A-4: Sheet A2 – proposed front and rear elevations
- A-5: Proposed right and left elevations.

Mr. Tsairis testified that site has many existing non-conforming issues. The building meets the property line on three sides. The height proposed is 32 feet. The addition has been designed with a pitched roof, rather than a flat roof, to make for a more pleasing transition from a commercial building to adjacent residential buildings. The Board questioned whether there were any plans to use the space as residential space. Mr. Soukas indicated it would be strictly commercial, for the printing business, and that the applicants would have no problem with the resolution specifically prohibiting residential use. He stated that markings on plans labeling one space “bedroom” were an error, and were probably from an early plan that was subsequently changed. The applicants want to remove the shed in the rear of the property to allow for extension of the building. They want to remove some impervious coverage. The result will be that impervious coverage will be reduced in the end, providing more drainage.

Applicant Benjamin S. Fox was sworn in. He is one of the principles and owners of Fox Marketing. Mr. Fox testified that they have been in the space for 3 years for their printing business. With the currently layout and the volume of business they do, the space is very cramped. Their business is growing and they would like to stay in Ridgefield Park. This addition would give them office space and a storage area for files. Mr. Fox confirmed that there are no plans to use the space as a residence and that if required by the Board as a condition for approval, they would agree to an open floor plan in the new addition.

The case was opened to the public. No one appeared. The case was set down for work session.

The Board went into work session at 9:25 PM and returned with the following decision:

Case # 1380 – Fox Marketing

A motion was made and seconded to approve the application. A resolution will be memorialized at next month's meeting.

The Board then opened the next case on the agenda.

Case # 1374 – Nextel Communications – Block 75, Lots 3 & 4 – 239 Main Street

An application requiring a use variance and site plan approval to erect cellular towers on the roof of the Camelot Co-op apartment building at 239 Main Street, Block 75, Lots 3 & 4. This case was continued from the January 17, 2006 meeting. Gregory J. Czura, Esq. of Czura Stilwell, LLC represented the applicant. Mr. Czura stated that he has two witnesses to present tonight. The Board asked about the ownership of the Camelot, which had been questioned in January. Mr. Czura provided a title search report, which was marked Exhibit A3. Gregory Van Cleef has signed as owner. Counsel to the Board indicated that

if it is a corporation with shareholders, there must be a resolution by the corporation approving of the application.

Art Lorenz of Papay Engineering was sworn in. The Board accepted his credentials as a site engineer. He prepared the drawings, last revised 12/7/05. The exhibits were marked as follows:

A-4: Sheet 1

A-5: Sheet 4

A-6: Sheet 6

Mr. Lorenz described the structural layout of the Camelot. He then described the planned equipment. There would be a 12' by 20' equipment shelter and two sectors of antennas that would be ballast mounted, and designed to withstand winds of up to 80 MPH. The load-bearing columns of the building would support the equipment shelter. The facility is unmanned. Sound emitted is similar to an A/C or heating unit. The Board questioned whether equipment would require warning signs indicating it is dangerous to health. Mr. Lorenz testified there is no high voltage. The placement of the antennas would make it impossible for someone to stand in front of them. If you could physically stand in front of them, federal law would require warning signs. However, the placement of the antennas as indicated in the application does not require warning signs.

Mr. DeMarrais then opened up a question period for the audience. He explained that this was the time to ask questions specifically regarding the testimony of Mr. Lorenz, the site engineer.

Mr. Lorenz was asked how much the equipment shed weighed. He responded 800 pounds over a 36 sq foot area.

What sounds are emitted? Some sounds from the air handlers, similar to a/c and heating equipment as previously testified.

Have there been any failures of similar designs in high wind? Mr. Lorenz testified that there have not been any.

David Karlebach, licensed professional planner, was sworn in. The Board accepted his credentials as an expert in planning. Mr. Karlebach testified that he has reviewed the Village's master plan, master plan updates and wireless ordinance. He reviewed the Nextel Communications application as it relates to above documents. He testified that this application is not for a new tower or new construction. It seeks to locate on an existing building, which is something the master plan recommends. He stated that the wireless telecommunications ordinance of the Village limits facilities to the I-2 Zone, west of Industrial Avenue. He testified that although the site they are seeking approval for is not in the I-2 Zone west of Industrial Avenue, it will be a passive use, not objectionable. Mr. Karlebach reviewed the 4 step balancing test from a planning perspective for determining the value of an application: 1) identify public interest at stake; 2) identify any detrimental effects; 3) identify reasonable conditions of approval; 4) analyze benefits versus negative effects.

The following exhibits were introduced and marked:

A-7: Photos of 239 Main Street as it exists currently and with proposed cellular antennas installed.

A-8: Photos of equipment on roof of 234 Main Street (Municipal Building).

Mr. Karlebach questioned the point of the wireless ordinance requiring facilities to be a minimum of 500 feet from a school. He testified that from a planning standpoint, he could not see the reason for a proximity clause in the ordinance.

Mr. DeMarrais then opened up a question period for the audience. He explained that this was the time to ask questions specifically regarding the testimony of Mr. Karlebach. There was a question about health effects. Mr. DeMarrais indicated this had been covered by the testimony of the RF engineer at last month's meeting. There was a question about the method of analysis for determining the benefits of a use. Mr. Karlebach responded that from a planning perspective, it is an objective method of analysis taking into account needs of both public and client. Mr. Karlebach completed his testimony.

The Chairman then announced that the case would be continued at the Board's next meeting on March 21, 2006, at which the radio frequency expert retained by the Village would make a presentation.

The meeting was adjourned at 11:30 pm.

Respectfully submitted,

TAPE # 447 & 448

Linda Quinn
Secretary