

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

Minutes of Regular Meeting
May 15, 2007

The Chairman, Mr. Cathcart, called the meeting to order at 8:00 p.m. in the Municipal Building. The Chairman announced notice of 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 22nd day of December, 2006 and in the Jersey Journal on the 27th day of December, 2006.

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

Mr. Vorhees, seconded by Mr. Cathcart, made a motion to accept the minutes of the April 19, 2006 meeting as prepared; all in favor.

Correspondence:

Permit Fee Log & Certificate Log from Bldg Department – April 2007
Planning Board Minutes – April 2, 2007
Notice from Township of Teaneck, re: adoption of ordinance # 4007
Notice from NJ League of Municipalities of Seminar on Historic Preservation
Correspondence from Boswell Engineering, re: drainage review of application by J&M Builders.

The Chairman noted that there were only five Board members present, and that there were several use variance applications on the agenda. As a use variance application needs five affirmative votes to pass, all members present would have to vote affirmatively. In addition, the J&M Builders application did not have enough members to vote on it, as one of the present members lives within 200' of the proposed development.

Attorney Elaine Berkenwald, Esq, representing Case # 1392 – J&M Builders – asked the Board to grant an adjournment of the case to the next meeting. The Chairman announced to all interested parties present that the case would be held on June 19, 2007, and there would be no need to re-notice or re-publish.

Attorney Berkenwald then asked the Board to consider granting an extension for her client from another case, Francisco Ferreiro, who was granted a resolution by the Board

for Case # 1383 in March of 2006, to convert a commercial storefront to a residential apartment at 126 Paulison Avenue. The applicant's attorney asked for a one-year extension, but the Board attorney advised that the Board can grant only a six-month extension. Mr. Vorhees, seconded by Mr. Cathcart, made a motion to grant Mr. Ferreiro a six-month extension for Case # 1383. A copy of the resolution is attached.

The Chairman announced that there are three (3) cases remaining to be heard.

Case # 1402 Hosseini – Block 16.01, Lot 3 – 429 Main
Case # 1406 Shaker – Block 61, Lot 6 – 71 Park Street
Case # 1408 Cuevas/Calvo – Block 25, Lot 18 – 40 Hazelton Street

The Chairman read the Rules of Procedure.

Case # 1402 – Hosseini – Block 16.01, Lot 3 – 429 Main Street

An application requiring a use variance to conduct auctions twice a month at the store located at Block 16.01, Lot 3 – 429 Main Street.

The applicant, Fatima Hosseini, was sworn in. The Board was presented with proof of service, and proof of publication. The Chairman noted that taxes are not current. The owner of the property has not yet paid the taxes. Therefore, the applicant's case cannot be heard. The Chairman announced to all interested parties in attendance that Case # 1402 would be carried to the June 19, 2007 meeting of the Board with no need to re-notice or re-publish. However, hearing of the case at that time would be contingent upon the taxes being current.

Case # 1408 – Cuevas/Calvo – Block 25, Lot 18 – 40 Hazelton Street

An application requiring a variance to replace the gravel driveway with concrete at the premises located at Block 25, Lot 18 – 40 Hazelton Street.

The applicants, Yani Cuevas and Alberto Cuevas Calvo, were sworn in. The Board was presented with proof of service, proof of publication and taxes paid. The Chairman read the denial letter. The applicants testified that they wished to pave their driveway to replace the gravel that is there now. The applicants gave the Chairman a photo of the area, which was labeled Exhibit A-1. They testified that the gravel has made it very difficult to for them to remove snow during this past winter. The large pieces of gravel broke their snow blower. Also, in the fall the gravel traps leaves and dirt, which gets tracked into the house.

The Board noted on the plan that the applicant used the abbreviation for inches, when they meant to indicate feet. The applicants indicated that they had meant feet, not inches, on the plan. They testified that they have a two-family home and it is important to have off street parking, because street parking is limited and you can't park on Bergen Avenue at all. They will keep the current curb cut on Bergen if allowed to pave the larger area. They don't need a larger curb cut. The case was opened to the public. No one appeared. The case was set down for work session. The Board went into work session and returned with the following decision:

Case # 1408 – Cuevas/Calvo

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

Roll Call: Mr. Cathcart – Yes Mr. McCormack – Yes
 Mr. Vorhees – Yes Mr. DellaFave – Yes
 Mr. Wohlrab – Yes

The Chairman announced that the resolution would be prepared and memorialized at the June 19, 2007 meeting.

Case # 1406 – Shaker – Block 61, Lot 6 – 71 Park Street

An application requiring a use variance to convert the existing storefront to a three-family dwelling at the premises located at Block 61, Lot 6 – 71 Park Street.

The Board was presented with proof of service, proof of publication and taxes paid. The Chairman read the denial letter. Daniel McNerney, Esq. represented the applicant. Mr. McNerney gave his opening remarks, in which he noted that 6 months ago his client was before this Board with an application for 4 units, which was denied. Now the application is for 3 units. Mr. McNerney acknowledged that this is a use variance application, which requires 5 affirmative votes to be approved. He indicated that he wished to proceed, and to begin to present testimony. The absent members could listen to the tape of the proceedings and certify their eligibility to vote on the case.

The architect for the project, Marios Lachanaris, was sworn in. Mr. Lachanaris gave his credentials, which were accepted by the Board. He introduced the plans for the project, which consist of one page, sheet 1 of 1. It is a pre-existing non-conforming lot, 37 ½ feet wide, 120 feet deep. It is a through lot with frontage on both Park Street and Grove Street. There is no front setback. It is currently vacant. In the past, it was used as a boarding house. Mr. McNerney noted that the Building Department had indicated some months back that they were falsifying information regarding the garage. Mr. McNerney introduced photos of the garage to show that they were not falsifying information. The photos were marked Exhibits A-1, A-2 and A-3. The photos show a double garage door on left, and on the right a single garage door and a regular access door for pedestrians. The photos showed four cars inside - two on the left and two on the right. Mr. McNerney indicated that his client wished to change the single garage door on the right to a double-sized one. Then, two cars could easily get in and out of the right side, as they now can on the left side. Mr. McNerney stressed to the Board that this evidence clearly shows that they did not falsify evidence, as the previous Construction Official of the Building Department had accused them of doing.

Exhibit A-4 was introduced and marked, showing a car with the door open, to indicate that there is sufficient room, in the opinion of the applicant, to fit four cars in the garage.

Exhibit A-5 was introduced and marked, showing a minivan with door open next to a sedan, again illustrating the amount of room for someone to get in and out of the car when it is inside the garage.

Presently, the garage on the left side has access only through the front garage doors. The plans call for an opening in the rear, per the fire code, in the wall that separates the two

sides of the garage, allowing people to pass from one garage to the other and out the rear exit from the right-hand side garage.

Exhibit A-6 was introduced and marked, being a revised site plan eliminating parking in the rear yard, dated 5/15/07. The new plan has parking for two cars on the driveway entering from Park Street. Between the building and the garage on Grove Street would remain lawn, as it is now. A new concrete walkway is planned from the garage to the house.

Exhibit A-7 was marked, being the proposed 3 family residential building plan, dated 12-14-06. Mr. Lachanaris described the plan as outlined in the Exhibit. There would be two separate living spaces on the first floor – each with one bedroom. The second floor would have a large apartment with three bedrooms. There would be no change to the exterior. There are now 4 separate meters. All units have separate utilities. The existing lot has many pre-existing non-conforming variances required. RSIS standards.

5.9 rounded to 6 parking spaces are required. They are not changing the footprint of the building or the garage. A nine-foot width is required for parking spaces. The driveway parking spaces are 8.1 feet at the narrowest spot. They need to request a design waiver. Mr. Lachanaris states that there would be no negative effect on the neighborhood. The property is near the C-1(H) Zone. No parking is being taken from the street, and they are not expanding coverage. This could be a buffer between the commercial and the residential areas.

Mr. McNerney called the applicant to testify. Dr. Ashraf Shaker was sworn in. He gave his address as 125 Hudson Avenue and stated that he and his wife own several properties in town besides their home on Hudson. He purchased 71 Park Street over a year ago. He pointed out that the entire block of Park Street is 3 and 4 family homes, even though it is an R-2 Zone for them too. He wants to change the commercial property to a residential use, have quality tenants, people with jobs, responsible. He decision to seek a variance for a three-family, rather than convert it to a two-family, which is allowed, is an economic decision.

The case was opened to the public.

Within 200', in favor of the applicant – No one appeared.

Within 200', against the application – the following appeared:

Sally Moore – 69 Park Street, tenant. She testified that parking in the area is horrendous. A three-family house at 71 Park Street would magnify the problem. Many people park on street even when driveways and garages are available. She feels the plan to park two cars in the driveway off Park Street is unworkable. She is concerned about the noise and fumes. Windows of first-floor tenant at 69 Park Street are right along this driveway. They would be impacted in a very negative way. She testified that she did not appear when the last application for the 4 family was discussed, because the owner of her building did not make the tenants aware of the application until it was too late.

Howard Goldman – 69 Park Street, tenant. He testified that he did not believe the driveway between 69 and 71 Park Street was wide enough. Someone parking there would have to step out onto 69 Park Street's property. Concerned about activity in the driveway

at night. No unrestricted parking is allowed in front of 71 Park Street, since there are meters. Also the RP Police park on Park Street 24 hours a day.

Fred Rosen – Planning Board Chairman. Indicated that a question raised in the Planning Board's letter to the Zoning Board about this case was addressed by the revised site plan. He acknowledged that there will be no parking in the back area – it will remain lawn. He is concerned about the size of the parking spaces – they appear too small.

The applicant, Dr. Shaker, stated that a commercial use is also a possibility for him, but there might be more parking problems with that. He needs to do something with it.

No one else came forward.

The Chairman stated that the regular members who were absent from this meeting must now listen to the tape of tonight's proceedings.

The Board attorney reminded all members that they must be prepared to state their reasons for voting the way they do.

The Chairman confirmed for the applicant and attorney that the next meeting will be Tuesday, June 19, 2007.

The meeting was adjourned at 9:45 pm.

Respectfully submitted,

Linda Quinn
Secretary

Tape # 466