

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

Minutes of Regular Meeting
Tuesday, May 16, 2006

The Vice-Chairman, Mr. Morton, called the meeting to order at 8:10 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. Morton, McCormack, Vorhees, DellaFave, MacNeill,
Wohlrab and Ms. Perrotta
Absent: Mr. Cathcart

A motion was made to approve the minutes of the April 20, 2006 meeting as prepared; all in favor.

Correspondence:

Permit Fee and Certificate Log Reports for April 2006, from the Building Dept
Planning Board minutes – April 3 & 17, 2006
Notice from Borough Clerk of Little Ferry, re: ordinance amending the R-A
Multifamily Residential Zone
Notice from Village Clerk, re: Village Newsletter
Letter from Zoning Board attorney, re: Village Resolution # 15 and cell tower bids
Invoice RP#3 from Bernard Nelson

The Vice-Chairman read the Rules of Procedure.

The Vice-Chairman announced that there are three (3) cases set for hearing:

CASE # 1374 – NEXTEL, Block 75, Lots 3 & 4 – 239 Main Street (continued)
CASE # 1384 – RHY Construction – Block 134.01/Lot 18 – 81 Teaneck Road
CASE # 1386 – ROUSSEAU – Block 20, Lot 10 – 19 Barnes Drive

CASE # 1374 – Nextel. Block 75, Lots 3 & 4 – 239 Main Street (continued)
Gregory Czura, Esq. represented the applicant. Testimony had previously been heard on the case at the January 17, 2006, February 21, 2006 and April 20, 2006 meetings. Mr. Czura indicated he planned to make closing statements and a summation and had brought witnesses who had

testified at previous meetings. Mr. Czura provided a check for \$ 2500 to the Board Secretary to replenish the escrow account for professional review expenses for the case.

Mr. Czura began his remarks by noting that he and his client are aware that there are issues with the location they have chosen. They are aware of the provisions of the Village's wireless ordinance, which restricts such facilities to the I2 Zone, west of Industrial Avenue. Their intent with the application is not to deliberately disregard the ordinance. For Nextel, the I2 Zone is not useful because they already have adequate service in that area. Mr. Czura confirmed he had been made aware of the municipality's request for bids to construct a cellular tower on the Village DPW property, but this possibility does not help Nextel because there is no need to improve service in that area. Mr. Czura reminded the Board that Nextel's engineer, Mr. Manuel, had testified that the DPW site was too low in elevation. A tower built there would have to be higher than what is allowed to be of use to Nextel.

Mr. Czura acknowledged that the site at 239 Main Street is in the C1(H) Zone and reminded the Board that Nextel had already applied to the Historic Commission and received approval from them for the installation of the cellular towers. Mr. Czura noted that the towers, if built at 239 Main Street, would extend 8 feet above the allowed height, so they need a height variance too. However, if allowed, there would be no need for a monopole. Antennas would be attached to roof of building. He noted that the Municipal Building could also serve as a site for the antennas. Mr. Czura asserted that the Board should look at this case from a planning perspective only. Mr. Czura concluded his summation. The case was opened to the public. No one appeared. The case was set down for work session.

CASE # 1384 – RHY Construction, Block 134.01, Lot 13 – 81 Teaneck Road.

An application requiring site plan approval and variances to construct four townhouses at 81 Teaneck Road, Block 134.01, Lot 13 in an R-3 Zone. Carried from the April meeting. The Board was furnished with proof of taxes paid, publication and service to property owners. The applicant was represented by Christopher Minks, Esq. Mr. Minks stated that the applicant had prepared the application under the assumption that they required a "c" variance, but found just prior to the April meeting that they actually required a "d" variance, due to a density requirement. The earlier ordinance allowed 14 units per acre. The revised ordinance allows 12 units per acre. Mr. Minks described the lot as narrow with a wetlands buffer to the rear. He felt this application provided a good and beneficial use of the land. This area has a need for housing appealing to young commuting professionals. He was aware of the Village's concerns regarding parking, air, light and open space.

Mr. Thomas Cohen, licensed architect and planner, was sworn in. The Board accepted his credentials as an expert. Mr. Cohen explained that the applicant originally went before the Planning Board informally with a proposal for 6 to 8 units at this site. The Planning Board advised that such a project would be too dense and to revise it downward. Mr. Cohen described the challenges of the lot – narrow, sloping down from front to rear. The following exhibits were marked:

A1 – Site Plan

A-2 – Side view of proposed project

A-3 – Photograph board.

Width of lot created challenges. The garages would be under the units. Story above garages would cantilever out 3 feet to the south to create more living area. This would allow more maneuvering room in driveway below. Each unit would have garage space for one car with extra parking elsewhere on lot. Photo board of surrounding area. Lot currently has a one-family home on it. It is surrounded on right and left by apartment buildings. Across the street is a building with 4 apartments on the second floor over a commercial space on the first floor. Planning Board advised to reduce density from original plans of 6 to 8 units. At that time, density was understood to be allowed at 15 units per acre. This project works out to 13.64 units per acre, requiring a d (5) variance. Referring to Exhibit A-1, Mr. Cohen noted that the apartment unit to the north has a density of 39 units per acre, while the apartment complex to the south has a density of 46 units per acre. Mr. Cohen stated that the application was sensitive to overdevelopment and overcrowding. It is similar in height to the neighboring properties, which also have parking areas under living space.

Mr. Minks outlined what he felt were the positive criteria for approving the project: it is in a location suited for such density, is near public transportation, replacing an old structure, does not promote sprawl. The neighbor to the south is only 6 feet off the property line. The proposed building is closer to north property line to allow for more light and space. The Board then questioned whether approval of this application would affect the Village's COAH requirements, since at the current time the Village is in full compliance with the regulations. There is one unit on the property now. The new development, if approved, would mean a net increase of 3 units for COAH requirements. The Board questioned the width of the existing structure, which is approximately 17 feet wide, versus the proposed development, which would be 22 feet wide at the garage level and 25 feet wide on the second floor.

Steven Koestner, licensed New Jersey engineer, was sworn in and the Board accepted his credentials as an expert. Mr. Koestner referred to Exhibit A-1, the Site Plan. Improved lot coverage is allowed at 70%. Boswell has calculated it to be 78%, but Koestner has calculated it as 67.8% with no variance needed. They are proposing three stories, while the code allows two stories.

There was a discussion about parking. The Board expressed concern about guests, and where they would park.

Exhibit A-4 was marked – sheet 2 of the site plan, the landscaping plan. They plan landscaping along the border as a buffer. The front would be a green space, a lawn area bordering Teaneck Road.

There was discussion about drainage. Exhibit A-1 was discussed regarding seepage pits for roof and driveway runoff and for the rear parking area. Koestner asserted that this proposed development would actually decrease the runoff from the property compared to what is there now. It is in a flood zone and would need flood insurance. Rear of property includes a wetlands delineated area. Lighting was discussed. It was contemplated but not

shown. Per Boswell's letter, applicant expressed willingness to comply and address lighting issues.

Regarding sight line triangle requirements, to the north the applicant can address and comply. To the south, it is not on their property,

Board questioned why building is only three feet from the property line. Attorney indicated this was to allow a 25 turn-around area for cars on the other side.

There was discussion about garbage. It was noted that there was no dumpster area shown on the plans.

The case was opened to the public:

Within 200' against: Michelle Mickendrow was sworn in, VP of Meadow Edge Condominium Association at 89 Teaneck Road (property to the north of applicant.)

Concerned about the retaining wall. Concerned about possible damage to their driveway, structural damage to the retaining wall, and increased flooding.

No one else appeared.

Mr. Minks made a closing statement pointing out that the drainage for the site would actually be improved under the proposed construction. The benefits outweigh any negatives. It would bring in valuable ratables.

The case was set down for work session.

Case # 1386 – Denis Rousseau

An application for a variance to construct an addition to the existing residential home by expanding the garage on the first floor and adding an extra bedroom on the second floor. The Board was furnished with proof of taxes paid, service and publication.

Mr. Rousseau was sworn in. He testified that he wished to extend by 10 feet the garage attached to his house. He would like to enlarge the room above the garage and make a ½ bath into a full bath. The property is a corner lot at the curve on Barnes Drive. The existing garage door is only 7 feet wide. His current car cannot fit through the opening. There will be no change or increase in height.

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 to regular session with the following decisions:

Case # 1386 – ROUSSEAU

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

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

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

Mr. McCormack – Yes
Mr. DellaFave – Yes
Mr. Wohlrab – Yes

Case # 1374 – NEXTEL

Mr. Vorhees, seconded by Mr. McCormack, made a motion to deny the application. The Board attorney will prepare a resolution denying the application for memorializing at the next meeting.

Roll Call:	Mr. Morton – No	Mr. McCormack – Yes
	Mr. Vorhees – Yes	Mr. DellaFave – Yes
	Mr. MacNeill – Yes	Mr. Wohlrab – Yes
	Ms. Perrotta – Yes	

Case # 1384 – RHY Construction

Mr. Vorhees, seconded by Mr. MacNeill, made a motion to approve the application. The Board attorney will prepare a resolution for memorializing at the next meeting.

Roll Call:	Mr. Morton – Yes	Mr. McCormack – Yes
	Mr. Vorhees – Yes	Mr. DellaFave – No
	Mr. MacNeill – Yes	Mr. Wohlrab – No
	Ms. Perrotta – No	

Meeting adjourned at 10:55 pm.

Respectfully submitted,

Linda Quinn
Secretary

Tapes # 452, 453 & 454