

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

Minutes of Regular Meeting
July 17, 2007

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 22nd day of December 2006 and in the Jersey Journal on the 27th day of December, 2006.

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

Absent: Messrs. Morton & DellaFave

A motion was made to accept the minutes of the June 19, 2007, meeting as prepared; all in favor with the exception of Mr. Cathcart and Mr. Wohlrab, who abstained.

Correspondence: Permit Fee Log & Certificate from Bldg Department – June 2007
Letter from Board Attorney to Ricardo Macasieb, re: recommendations of attorneys

The Chairman read the Rules of Procedure.

The Chairman announced that there were three applications to be heard at the meeting as well as one resolution from previous months to be read.

Case no. 1392 – J&M Builders – Block 133.01, Lots 4, 7, 9 & 10 – E. Winant and Hille Place (minor subdivision, site plan, variances)

Case no. 1406 – Shaker – Block 61, Lot 6 – 71 Park Street (use variance)

Case no. 1410– 421 Main St. LLC/Fine – Block 16.01/Lot 2 – 421 Main Street (use variance)

Resolution for **Case no. 1402- Hosseini, Block 16.01, Lot 3 – 429 Main Street** (use variance) (approved at June meeting)

Case no. 1410 – 421 Main St. LLC/Fine – Block 16.01 Architect Michael Napolitan was present for this application. He requested a continuance until August as his client received correspondence last Thursday from the Village regarding this application indicating that the plan had been sent to the Planning Board and that there were concerns about the parking area. He would like to look into some alternatives to try to find a solution to the parking problem. They would like a continuance until the next month. His client is attempting to buy the corner property.

Attorney DeMarrais asked if the application would still be the same because if there were any change then the applicant would have to re-notify all the necessary parties. Mr. Napolitan said he would still like to carry this to the next month and see what the status is then.

Attorney DeMarrais said that he had a resolution for case no. 1402 - Hosseini to be read. He advised the members to read the resolution carefully since there were many conditions included in this resolution. A short discussion was held. Cheryl Perrotta read the resolution into public record.

A motion was made by Cheryl Perrotta and seconded by Donald Vorhees to approve the resolution as read. All were in favor of this motion.

Roll call:

McCormack – Yes	Wohlrab – Yes
Vorhees – Yes	Perotta – Yes
MacNeill - Yes	Spontak – Yes

Case no. 1406 – SHAKER – 71 Park Street, Block 61, Lot 71 (use variance)

Affidavits were placed in the file that absent members Cheryl Perrotta and Thomas Spontak did listen to the tape and were familiar with the case.

Attorney DeMarrais said there was an open issue that required discussion and if the persons that heard the tape had any questions of counsel. The attorney and Mr. Shaker were present for the application. Cheryl Perrotta asked why there was a discussion about Paulison Avenue and the applicant answered that he brought it up for comparison as to a similar property. Ms. Perrotta did not feel they were the same size street, location, and the surrounding areas are very different. She questioned about the discussion that this was previously a rooming house but that had to be at least 25 years ago. Mr. Shaker said the building was previously an office before he purchased the property but it was vacant when he got it. His reason for pointing this out was that the property had more bathrooms than he needed. Mr. Cathcart said that it hasn't been used as a boarding house since at least the 1970s. The Board then set this application down for work session.

The Board members discussed the application. Charles McCormack felt that it is zoned for a two family and he doesn't think that three units will fit into it. Mr. Wohlrab said it does look small and parking might be hard, but not totally impossible to accommodate three families. He does appreciate that the applicant has attempted to cooperate by downsizing. Ms. Perrotta feels that parking would be a big problem and the lot is not big enough. Mr. Spontak said he agreed with Mr. Wohlrab that it would be very tight but not impossible. Mr. Cathcart does not like the tightness of the garages and Mr. Vorhees said he would prefer a two family but could live with a three family if he was sure that people would not start parking their cars on the street. The Board then came out of work session.

A motion was made by Mr. Cathcart and seconded by Donald Vorhees to deny the application for case no. 1406. Voting was four votes yes to deny the application and two votes no. The application was denied.

Roll call was taken:

Cathcart – Yes

Wohlrab - No

McCormack – Yes

Spontak - No

Vorhees – Yes

Perrotta – Yes

Case no. 1392 – J&M Builders – Block 133.01, Lots 4, 7, 9 & 10 – E. Winant and Hille Place (minor subdivision, site plan, variances)

Board member Philip Wolhrab, who lives within 200' of the application, stepped down. Attorney Elaine Berkewald represented the applicant. She said that she had requested that absent members be given a tape in order to be eligible to vote. The Chairman did not listen to the tape.

The Board had some concerns about the wetlands lot. Currently, it is four lots and they would like to sub-divide into three lots and then the other lot could be dedicated as a park. It could be a nice little pocket park. Nothing permanent could be erected on the park but DEP does allow movable benches on wetlands. Her client has authorized her to dedicate this lot to the Village to be used as a park if they voted to accept this. They would have to vote to accept this as a gift at no cost and they would dedicate this land. Another possible solution would be to have the lot have a deed restriction that it must be transferred with the other lot. No one is interested in accepting the dedication of 16,000 sq. ft. of wetlands, they want larger property. It would be guaranteed open space for the community if it were approved. If the application for two two-family dwellings on approximately one acre of land is approved; they would be willing to dedicate this area.

The engineer Massimo Piazza offered information at this time. He said that movable benches can be put on wetlands but nothing is permanent. It is permissible to clean the area. The area has not been maintained over the years. Attorney DeMarrais advised that he did discuss this with Village counsel, Martin Durkin, and he said that this would need to go before the Mayor and Board of Commissioners. On concept, there could be environmental problems, as the Village does not know what was previously on this land, if anything. He suggests that the applicant should send this proposal to the Mayor and Board of Commissioners so they could seriously consider this at their August meeting.

Mr. DeMarrais said that another resolution, if approvals are given for the two family homes, was that even though there are two tracts of land (4 & 10) that they could be combined and that the property owner or owners would also be the owners of the other tract and that they couldn't be separated. This could be done by deed restrictions. The owner of the two-family house on lot 4 would be responsible to maintain this lot. Ms. Berkewald said this would be acceptable to her client as well. She said it took three years for the DEP to decide if this was wetlands so they would have no problems with a deed restriction. Mr. DeMarrais suggested sending a letter to the Mayor and Board of Commissioners setting forth the proposal, copying Mr. DeMarrais, Mr. Durkin and the

Board. Ms. Berkewald said she would like to put this off until the September 18 meeting. She requested that Mr. Cathcart listen to the tape so he is eligible to vote. As this was announced at the public meeting, she will not need to renotice anyone.

Mr. Wohlrab asked if everyone was aware that it appears that this proposal is being offered if the applicant receives approval for two two-family homes. Mr. Wohlrab also questioned, as a property owner within 200', if property owners needed to be notified if this was being turned into a park. As a property owner, he would rather see the area cleaned up instead of being turned into a park. Since it is not really a park, neighbors would not need to be notified.

Ms. Berkewald was informed that if any expert testimony is necessary for the September meeting, she would be advised in advance. The applicant will be back in September.

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Barbara DeLuca
Acting Secretary

Tape #470