

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

Minutes of Regular Meeting
September 18, 2007

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 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, MacNeill, Wohlrab, Spontak, and Ms. Perrotta

Absent: Mr. Morton

A motion was made to accept the minutes of the August 21, 2007, meeting as prepared; all in favor.

Correspondence:

- Permit Fee Log & Certificate Log from Bldg Department – August 2007
- Planning Board Minutes – August 6, 2007
- Letter from attorney for Case # 1392 – J&M Builders, re: deed restriction
- Letter from Village Attorney to Zoning Board Attorney, re: conveyance of property
- Memo from NJRA Redevelopment Training Institute, re: training in redevelopment planning
- Letter from Board Attorney, re: 39 Webster – request for revision of plans
- Flyer from NJ Planning Officials, re: Mandatory Training Fall 2007 dates
- Memo from Planning Board Chairman, re: Case # 1414 – Reaxiom Group
- Memo from RP Traffic Bureau, re: Case 1414 – Reaxiom Group
- Advisory from NJ League of Municipalities, re: sign ordinance decision
- Notice of Public Hearing from City of Hackensack, re: local redevelopment and housing law

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

- Case # 1392 – Block 133.01, Lots 4, 7, 9 & 10 – J&M Builders (voting)
- Case # 1413 – Block 38/Lot 6 – 121 Highland Place – Brea (variance)
- Case # 1414 – Block 61, Lots 8 & 9 – 228-230 Main St. – Reaxiom Group (site plan approval, conditional use, variances)
- Case # 1415 – Block 112, Lot 16 – 26 Overpeck Ave – Zwernemann (variance)
- Case # 1416 – Block 99, Lot 9 – 132 Main St. – Prahm (variance)

The Chairman announced that the Board would first vote on Case # 1392 – J&M Builders. The testimony had been heard at previous meetings. At this point, Board member Philip Wohlrab excused himself, due to owning property within 200' of the application. Mr. DeMarrais distributed copies of a letter to the Board members and the applicant's attorney, regarding the applicant's proposal to deed lot 10 to the Village for

use as a park. The Mayor and Commissioners had considered this offer, but decided to decline it, as there were concerns regarding costs of upkeep and it now being off the tax rolls. The applicant's attorney, Elaine Berkenwald, indicated that the applicant would be agreeable to a deed restriction linking lot 10 to lot 4. This was the property would stay on the tax rolls and the property owner of lot 4 would be responsible for the upkeep of lot 10 as well. Ms. Berkenwald pointed out to the Board that the proposed 4 units of housing are on 41,000 sq ft. This translates to 4 units per acre – much less than the Master Plan's recommended density of 11 units per acre. Although they need a height variance, the house does not tower over the surrounding area. She acknowledged that the size of the house on lot 4 was of some concern to the Board members.

The Board went into worksession to discuss the case prior to voting on Case # 1392. Mr. Vorhees felt he would only be able to vote positively if there was a 2 family house on lot 7 and a one-family house on Lot 4. Mr. McCormack wished to deny the entire application, especially because the house on lot 4 for him was too big and too tall. He did not feel that wetlands nearby ruled out a below-grade garage. Mr. MacNeill felt he could vote favorably for a single-family home on Lot 4. Mr. Spontak agreed that he could not approve a two-family home on lot 4 being only 50 x 100 feet in size.

The Board came out of work session. Mr. Vorhees, seconded by Mr. McCormack, made a motion to deny the application. The resolution will be prepared and memorialized at the Board's October 16, 2007 meeting.

The Board continued with the hearing of cases.

Case # 1413 – Brea

An application to construct a two-story addition to the one-family home at 121 Highland Place, Block 38, Lot 6, requiring variances for lot area, lot width, front yard setback, side yard setback, and maximum building coverage.

Board member Donald Vorhees indicated that he had to step down as he was within 200' of the applicant.

The applicant, Bienvenido Brea, was sworn in. The Board was furnished with proof of service, taxes paid, and proof of publication. The applicant testified that they wish to enlarge their home, because they have a growing family. They have a young daughter now, whom they did not have when they bought. The Board acknowledged that the lot is very undersized at only 33 feet wide and that any improvement would require a variance.

The case was opened to the public.

Within 200' in favor of the application, the following appeared:

Donald Vorhees – 72 Grand Avenue. He testified that the addition would be great improvement to the property.

Within 200' opposed. No one appeared.

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

The case was set down for worksession.

Case # 1415 – Zwernemann

An application to construct a deck to be used in conjunction with an above-ground pool located to the rear of the one-family home at 26 Overpeck Avenue, Block 112, Lot 16, requiring a variance for rear yard setback.

The applicant, Louis Zwernemann, was sworn in. The Board was furnished with proof of service, taxes paid, and proof of publication. The applicant testified that they had recently replaced the above-ground pool and now wished to put a deck around the pool to allow for greater enjoyment of the pool. The rear yard setback of the proposed deck is 18 feet, while the Code requires 30 feet. The applicant testified that directly behind their property is a parking lot for a garden apartment complex, not a yard of a private house, so there would be no impact on the owners in that direction.

The case was opened to the public. No one appeared.

The case was set down for worksession.

Case # 1416 – Prahm

An application to pave a portion of the front yard to create an impervious paved driveway at the one-family home located at 132 Main Street, Block 99, Lot 9, requiring a variance for front yard coverage.

The applicant, Diane Prahm, was sworn in. The Board was furnished with proof of service, taxes paid, and proof of publication. The applicant testified that she would like to create a driveway in the front yard area of her home. The houses on both sides have driveways. Since she has no driveway and no parking is allowed in front of her home, she must park on the side streets and walk with groceries, etc. The Board considered the submitted survey dated 1998, altered with a yellow rectangular area marked to show the proposed driveway. It would be 10 feet wide by 18 feet long, to allow for one car to park. The case was opened to the public. No one appeared.

The case was set down for worksession.

The Board went into worksession and returned to regular session with the following decisions:

Case # 1413 – Brea

Ms. Perotta, seconded by Mr. DellaFave, made a motion to approve the application.

Roll Call:	Mr. Cathcart – Yes	Mr. McCormack – Yes
	Mr. DellaFave – Yes	Mr. MacNeill – Yes
	Mr. Wohlrab – Yes	Ms. Perotta – Yes
	Mr. Spontak – Yes	

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

Case # 1415 – Zwernemann

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

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

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

Case # 1416 – Prahm

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

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

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

Case # 1414 – Reaxiom Group

An application to construct a three-story building having commercial space on the first floor and apartment units (14 total) on the second and third floors at 228-230 Main Street, Block 61, Lots 8 and 9, requiring conditional use approval, site plan approval, and variances for front yard setback, side yard setback, rear yard setback, maximum building coverage, maximum impervious surface coverage, and minimum parking spaces.

The applicant was represented by attorney Kevin Kelly of Kelly, Kelly and Marotta. Mr. Kelly provided to the Board proof of service, which was marked Exhibit A-1 and proof of publication, which was marked Exhibit A-2. A letter to the Zoning Board from the RP Police Department, dated September 14, 2007, objecting to the application was read into the record and marked Exhibit B-1. A letter to the Zoning Board from the RP Planning Board, dated September 12, 2007, objecting to the application was read into the record and marked Exhibit B-2.

Mr. Kelly indicated that he received copies of both letters on Friday, September 14, 2007 and feels that he did not have enough time to properly prepare a response to the issues and concerns raised in the letters. He proposed to begin the case tonight and continue at the next meeting. He stated that residential apartments over commercial space is a conditional use in the C1-H Zone. He feels they need minor waivers from most non-conformities. However, he conceded that parking is an issue. Mr. Kelly wanted to have his objection recorded to the Planning Board appearing at the hearing to bring their own witnesses to object to the application.

Mr. DeMarrais advised the Board members that this application is a conditional use, which is permitted in the zone. However, the case is before the Zoning Board and not the Planning Board, because the applicant must seek bulk variances as well as the conditional use approval. This now places the application within the jurisdiction of the Zoning Board and approval requires five affirmative votes. Mr. DeMarrais also told the Board it was his opinion as Board counsel that the Planning Board has the right to be present at the meeting, to present their objections to the Zoning Board members and to have their

expert testify. Mr. Kelly indicated he understood the Zoning Board has a site plan committee. Mr. DeMarrais pointed out that the Planning Board has jurisdiction over the Master Plan.

Mr. Kelly indicated that tonight he just wanted to establish jurisdiction of the application – to have it determined that it is definitely a Zoning Board application.

Mr. Kelly indicated that he wished to voluntarily appear before the Planning Board to discuss the application and work out the issues. He indicated that they may be able to modify the plan. He is prepared to re-notice if the plan is substantially different from what is before the Board tonight.

The Zoning Board would not be bound by any recommendations from the Planning Board.

The applicant may also withdraw the application without prejudice.

It was announced to all present that the application would be carried to the Zoning Board's next meeting on October 16 with no need to re-notice or republish, and that Mr. Kelly would appear informally at the Planning Board's October 15 meeting to discuss the application.

There being no further business, the meeting was adjourned at 9:30pm.

Respectfully submitted,

Linda Quinn
Secretary

Tape #472