

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

Minutes of Regular Meeting
Tuesday, September 19, 2006

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 16th day of December, 2005.

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

A motion was made to approve the amended minutes of the June 20, 2006 meeting; all in favor. A motion was made to approve the minutes of the July 19, 2006 meeting as prepared; all in favor.

Correspondence:

Permit Fee and Certificate Log Reports from Bldg Dept. for August 2006
Planning Board Minutes – July 10 & 24, 2006 and August 7, 2006
Notice from Teaneck Municipal Clerk, regarding proposed Ordinances for
The Township of Teaneck
Letter from Bernard Nelson, re: outstanding payment for services/Nextel application

The Chairman read the Rules of Procedure.

The Chairman announced that there are two (2) cases set for hearing:

CASE # 1393 – Ridgefield Park Storage, LLC – Block 87/Lot 5 – 9-13 Lincoln Ave.
CASE # 1391 – Choi - Block 60/Lot 4 – 39 Webster Street

Case # 1393 – Ridgefield Park Storage, LLC, Block 87/Lot 5 – 9-13 Lincoln Avenue.
An application requiring a use variance to construct a 39-unit apartment complex at 9-13 Lincoln Avenue, Block 87/Lot 5 in the C-1 (H) Zone.

The applicant was represented by Daniel Gielchinsky, Esq. who presented the Board with the affidavit of service and proof of publication, which was marked exhibit A-1. Mr. Gielchinsky asked for his client's application to be carried to the next meeting without need to notice or publish again. This would allow for a necessary review of the application by the Ridgefield Park Historic Commission, prior to hearing by the Zoning

Board of Adjustment. The Chairman announced to all present that Case # 1393 would be carried to the next meeting of the Board on October 17, 2006, and that re-noticing and re-publishing would not be required by the applicant.

Case # 1391 – Choi

An application requiring variances to construct an addition to the existing two-family home at 39 Webster Street, Block 60, Lot 4.

The applicant was represented by John Schepisi, Esq. The Board was furnished with proof of taxes paid, proof of service and affidavit of publication. Mr. Schepisi explained that the applicant had appeared informally before the Planning Board with a different architectural plan, more similar to the boxy, rectangular styles found in some surrounding towns. However, the Planning Board advised that the application as presented at that time would not be approved. The architect for the applicant then re-worked the plan, keeping the existing 2-family home, but renovating the inside to make it for one-family and designing a new addition in a similar style, for one family. The application requires a D-(6) variance for the height of the building. Mr. Schepisi pointed out that the height of the new structure is lower than the existing structure it will be attached to, but higher than the ordinance allows, so the variance is required.

Mr. Schepisi stated that the property in question has a significant slope from Main Street west to Lincoln. The existing house has a roofline 40 feet above grade. It was felt that an addition with a roofline at 28 feet, complying with Code but 12 feet shorter than existing house, would not look pleasing. The design of the addition complements the existing house, with the same roofline. The same siding (a modern type of clapboard) will be used on the existing house and addition to unify them. There will be a stone retaining wall on the Lincoln Avenue side. The new garage would be below grade with a grass-covered roof. There is already a curb cut. Garage will be 2 feet from property line. Mr. Schepisi stated he felt ordinance was ambiguous regarding setback requirements for an accessory building. (1 ft, 5 ft., 20 ft.?)

Mr. Schepisi called Mark Martin, architect, to testify. Mr. Martin was sworn in. The Chairman accepted his qualifications. The site plan, sheet 1, was marked Exhibit A-1. Mr. Martin testified to the change in elevation of the property and the challenges inherent in this. They will be utilizing two existing curb cuts, not creating a new one. The two-car garage addition will be where the existing driveway is on Webster. Mr. Martin stated he could not find anything in the Village ordinance requiring a 20-foot setback for an accessory building, as indicated in the Zoning Officer's letter of denial. He testified the new garage would not have an adverse impact on the adjoining homeowner, because it will be below grade and they will look out on the landscaping on top of the garage, rather than cars in a driveway.

The Board questioned the height of the accessory garage relative to the neighbor's property. Mr. Martin testified that the roof of the garage, which will be landscaped, would be level with the retaining wall along the edge of the neighbor's property. Garage roof would be 5 feet above grade. There would be an evergreen screen as well on the berm between the garage and the neighbor's retaining wall.

Mr. Martin completed his testimony. The Board allowed questions for Mr. Martin from the audience. John Olson of Ringwood, nephew of Louis Chiesa (adjacent property owner), asked about the curb cut. He wanted to know if the existing curb cut on Lincoln would be enlarged. Mr. Martin testified that it would not need to be expanded. It was of sufficient size as is.

Kate Spontak, 103 Ridgefield Ave, member of RP Shade Tree Commission, asked about the large oak tree on the property and noted that an arborist has not yet been consulted regarding the impact of the proposed construction on it. She asked whether there were any street trees that would be impacted by the proposed construction. Mr. Martin stated that they were using existing curb cuts, so there would be no impact on street trees.

There were no more questions for Mr. Martin.

Mr. Schepisi called Mr. John Ballas to testify. Mr. Ballas was sworn in. Mr. Ballas is a real estate agent with 34 years experience. The Chairman accepted his credentials as an expert. Mr. Ballas introduced a map of the area around 39 Webster St. It was marked Exhibit A-2. All the two-family homes in the immediate area were highlighted. All are on lots significantly smaller than the applicant's lot. Mr. Ballas introduced a photo board, which was marked Exhibit A-3. He showed that 10 houses in the immediate area are higher than 34 feet. He testified that the planned addition would be aesthetically pleasing and would be in keeping with the neighborhood.

Mr. Schepisi called Laurence Parisi to testify. Mr. Parisi was sworn in. Mr. Parisi is a licensed NJ architect and planner. The Chairman accepted his credentials as an expert. The architectural plans were marked Exhibit A-4. Mr. Parisi testified that the applicant appeared informally before the Planning Board with an initial design more like the typical box-like duplex seen in Fort Lee or Ridgefield. Based on feedback from the Planning Board, the design was re-worked to be more in keeping with the area, while working with the property slope.

Mr. Parisi testified that except for the accessory building setback and height, no variances are required. He felt if they lowered the building height to 28 feet to avoid the need for a variance, the roofline would look squat and out-of-place. The accessory garage is beneficial, because it is better to have off-street parking and a garage – no impact on availability of street parking. Height variance (D-6) – more than 10% - criteria for a bulk variance. Mr. Parisi was of the opinion that this application is in conformity with the intents and purposes of the Master Plan. If the Board would not grant a variance for height, the result would be a building that is squat and unattractive. If the Board would not grant the variance for the accessory garage, the result would be cars in a driveway, not as pleasing for the neighbor to the south as a view of a green landscaped patio area (on top of the garage).

Exhibit A-5 was introduced – a color rendering of the proposed structure. Mr. Parisi pointed out the stone retaining wall, the matching siding, the pitch of roof – all designed to make the final product pleasing and conforming to the neighborhood.

Mr. DeMarrais asked applicant's counsel if the application were approved, would they object to a condition in the resolution restricting each dwelling unit to having only one kitchen, to ensure it remained a two-family and was not expanded in the future. Mr. Schepisi had no object to such a condition.

Mr. Martin was called back up to respond to a question on drainage. Mr. Martin testified that the plan called for a series of seepage pits to handle drainage on-site, so there would be no impact on surrounding properties.

The case was opened to the public.

Within 200' in favor – no one appeared.

Within 200' opposed, the following appeared:

- Louis Chiesa – 41 Webster Street. He questioned the distance of the addition from his property line to the east of the applicant. It is 29 feet from the property line to the addition. Mr. Chiesa was concerned that the addition would block his view of the sky, block out light and air.

Outside 200' in favor, no one appeared.

Outside 200' opposed, the following appeared:

- Kate Spontak. Concerned about large oak tree, northwest corner. Questioned if tree is fully on private property, based on right-of-way of street. Would attorney agree to condition to redesign driveway to save tree?
- John Olson. Previous owner of property. Made application in 1920's to the Board to build a second, smaller house on the property. Was denied. He is concerned about the appearance of the plan of two single-family houses stuck together. People say they are going to live there themselves just to get approval, then sell. If the Board approves the application, his uncle, Louis Chiesa, requests a row of evergreens (white pines), be planted along his property line for privacy and screening of the new addition.

No one else came forward.

Mr. Schepisi summed up his client's application. They are trying to be aesthetically pleasing, rather than just knocking down the existing house and putting up a brick box.

The case was set down for work session.

The Board went into work session and came out with the following decision:

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

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

The resolution will be prepared for memorialization at the next meeting.

The meeting was adjourned at 10:35 pm.

Respectfully submitted,

Linda Quinn
Secretary

Tapes # 458 & 459