

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

Minutes of Regular Meeting
December 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, Spontak and Ms. Perrotta

Absent: Messrs. Morton and Wohlrab

A motion was made by Mr. DellaFave, and seconded by Ms. Perrotta, to accept the minutes of the November 20, 2007 meeting as prepared; all in favor.

Correspondence:

- Memo from Health Officer, re: Case # 1422 - 209 Main Street
- Memo from Bureau of Fire Prevention, re: Case # 1422- 209 Main Street
- Memo from Planning Board, re: Case # 1422 - 209 Main Street
- Memo from Village Attorney, re: Case # 1422- 209 Main Street
- Memo from Zoning Board Attorney, re: Victor Media, Bogota Billboard resolution
- Advisory from NJ League of Municipalities, re: Land Use Ruling
- Planning Board Minutes – Nov. 5 & Nov. 19, 2007 Meetings
- Historic Preservation Commission Minutes – November 15, 2007 meeting
- Building Dept. Certificate of Compliance and Occupancy Logs – Sept., Oct., Nov. 2007
- Report from Boswell Engineering, re: Case # 1423 - Reaxiom Group, 228-230 Main St.
- Letter of resignation from Board Member William Morton

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

- Case # 1421 Block 116, Lot 1 – 245 Teaneck Road – Frontera (use variance)
- Case # 1422 Block 80/Lot 5 – 209 Main Street – Park (use variance)

The Chairman read the Rules of Procedure.

Case # 1421 – FRONTERA - Block 116, Lot 1 – 245 Teaneck Road

An application for a use variance to permit a prospective tenant of the property owned by the applicant to conduct self-defense classes in the building located at 245 Teaneck Road, Block 116, Lot 1, in the R-2 Zone, on the Tax Map of Ridgefield Park.

The applicant, Dominick Frontera, was sworn in. The Board was furnished with proof of service, taxes paid, and proof of publication. Mr. Frontera testified that he has 3 units in his commercial building at 245 Teaneck Road. One unit is rented to a mortgage company. One unit contains Mr. Frontera's construction company. The third unit is empty and he would like to rent it to East Bergen Aikido Academy. The previous tenant had been a company that provided transcription and billing services for doctors. Mr. Frontera indicated that the Academy planned to hold classes for 5 students from 7 to 9 pm, and that all the parking in the rear parking lot would be available to the Academy at this time, since the other businesses were not open in the evenings. Also, the parking would be available to the Academy on Saturdays as well, since the other businesses were also closed on Saturdays. The Academy has been in existence for ten years at a location in Fort Lee. That building has just been sold and they have lost the use of that space. The available space on Teaneck Road is 50 feet by 20 feet and could accommodate 5 students at one time.

Steven Weiner was sworn in. Mr. Weiner is one of the owners of East Bergen Aikido Academy. He testified that right now they have 4 students and would hope to grow to ten students. They would like 3 weeknight classes and possible a Saturday morning. Because of their method of teaching, each class could be no more than 8 students. Mr. Frontera reiterated that the other tenants of the building would not be present on Saturday mornings or in the evenings, so the parking lot would be totally available to the Academy.

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 decision:

Case # 1421 – Frontera

Ms. Perrotta, seconded by Mr. Vorhees, made a motion to approve the application. The resolution was read into the record. A copy is attached.

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

Case # 1422 – PARK - Block 80, Lot 5 – 209 Main Street

An application for a use variance to permit a new tenant to conduct a barber shop business to be located in the rear portion of the first floor of the building located at 209 Main Street, Block 80, Lot 5, in the C-1 (H) Zone, on the Tax Map of Ridgefield Park.

The applicant, Myung Sim Park, was sworn in. The Board was furnished with proof of service, taxes paid, and proof of publication. Ms. Park testified that she wished to rent space in the rear of the building on the first floor to a barbershop. The front of the building contains Dunkin Donuts. Regarding parking, her property owns 17 parking

spaces to the rear of the building, which Dunkin Donuts and the dentist who has the office upstairs currently share.

Rafael Ramirez was sworn in. He is the prospective tenant. He wishes to open a barbershop in the space to do cuts and shaves for men and boys. He plans to have 3 barbers working. The Board questioned why the plan submitted shows 6 stations. Mr. Ramirez testified that at the start he would have 3 barbers, but would like to have his business grow to have 6 in the future. Mr. Ramirez was questioned about parking, and testified that he felt his customers could park on Main Street, Park Street or in the Municipal portion of the lot. The Board members discussed the parking situation and the fact that the barbershop employees would also need to park, as well as the customers.

The case was opened to the public.

Within 200' in favor of the application: no one appeared.

Within 200' opposed to the application, the following appeared:

James Capirossi – owner of IGA Supermarket. Mr. Capirossi testified about the existing parking problem for his store and all the stores on Main Street. He contested Ms. Park's statement that she has 17 spaces to the rear of her building. He counted 15. He asserted that one space they have labeled as theirs really belongs to IGA and another space has a dumpster on it, so it is unusable for customer parking. Mr. Capirossi testified that the dentist who has offices over Dunkin Donuts told him that they have use of 5 of the spaces that are marked "Dunkin Donuts only" and that Dunkin Donuts' employees use 4 or 5 spaces. Therefore, the space is all spoken for already, even without the proposed barbershop. He also mentioned that the metered parking in the municipal portion of the lot is for 2 hours maximum parking, and is supposed to be patrolled so that people who park all day are ticketed. But this does not happen.

Joseph Peraino – owner of Park Haircutters – 213 Main Street. He testified that his business is just steps away from the proposed barbershop. He questioned whether this proposed business had its own outside entrance, or whether customers would have to walk through Dunkin Donuts to get there. He has been operating his business since 1975. He owns the building where his shop is, and has one employee working in the shop beside himself.

Andre Lam – owner of High Spirits at 215 Main Street. He testified that he was opposed to the business. Parking is a major issue for all the stores on Main Street. He also felt it would be better to somehow encourage more diversity in the business for shoppers. There are already several barbershops in the vicinity of the proposed business.

William Betesh, Esq. – of Durkin and Boggia. Testifying on behalf of the Board of Commissioners of the Village of Ridgefield Park. The Village is opposed to the use variance. This business would be a second primary use, which violates the Code. The current tenants already bring in a lot of employees and customers. Dunkin Donuts on first floor and dentist on second floor. What about occupancy? There has been no testimony by the applicant regarding occupancy limits of the building and how the proposed new

business would fit in with this. Mr. Betesh testified that under the Village Code 96-10.5, the applicant must provide 1 parking space for each 250 sq. feet of floor space in the business. Using these calculations, Dunkin Donuts at over 2500 sf would need 11 spaces and the proposed new business would need 6 spaces. Already all 17 spaces are spoken for. The dentist office has not even been figured in yet. So, a parking variance is definitely required by the applicant.

Mr. Betesh also questioned the language of the leases provided to each existing tenant and the proposed tenant. He indicated that the Board should investigate if a particular number of parking spaces have been guaranteed to the tenants in their leases.

Mr. Betesh also testified that the applicant has not demonstrated that any special needs exist to justify the granting of the use variance, nor have they demonstrated that granting the variance would not impair the goals of the ordinance. A barbershop is not an inherently beneficial use. The applicant's justification for seeking the use variance is to increase revenue. There is no legal precedent for granting a use variance to enable an applicant to seek profit generation. The goal of the zoning code of the Village is to regulate the intensity of use of building in RP. The Village takes the position that exceeding the occupancy limits endangers public safety, exceeding the intensity of development allowed requires a parking variance, Legally this is not permissible.

Outside 200' either in favor of or opposed to the application: 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 decision: Mr. Vorhees, seconded by Mr. MacNeill, made a motion to deny the application. The resolution was read into the record. A copy is attached.

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

There being no further business, the meeting was adjourned at 8:50 pm.

Respectfully submitted,

Linda Quinn
Board Secretary

Tape # 476

