

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

Minutes of Regular Meeting
January 15, 2008

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 21st day of December, 2007.

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

Absent: None

A motion was made by Mr. Vorhees, and seconded by Mr. MacNeill, to accept the minutes of the December 18, 2007 meeting as prepared; all in favor.

Correspondence:

Memo from Dean Boorman, re: New Proposed COAH Regulations
Planning Board minutes – December 3, 2007 meeting
Memo from State of New Jersey Council on Affordable Housing – third round rules

The Chairman announced that there is one (1) case for hearing this month:

Case # 1423 Block 61, Lots 8 & 9 – 228-230 Main Street – Reaxiom Group, LLC
Conditional Use Approval, Site Plan, Bulk Variances

The Chairman read the Rules of Procedure.

Case # 1423 – REAXIOM GROUP, LLC – Block 61, Lots 8 & 9 – 228-230 Main St.

An application requiring conditional use approval, site plan approval and bulk variances to renovate two existing buildings to create one building with commercial space on the first floor and seven apartments on the second floor, at the premises located at 228-230 Main Street, Block 61, Lots 8 & 9, in the C-1 (H) Zone, on the Tax Map of Ridgefield Park.

Kevin Kelly, Esq. of Kelly, Kelly and Marotta represented the applicant. The Board was furnished with proof of service, taxes paid, and proof of publication. Mr. Kelly gave the background of the case – that Reaxiom Group (principal owners – Andre Lam and his father), had submitted a different application to the Zoning Board several months ago, to which the Planning Board had raised objections. That application called for the building

to have three stories and 14 apartments. Mr. Kelly and the applicant met informally with the Planning Board to discuss ways to alleviate the objections to the plan. The result is the plans currently before the Board. Mr. Kelly then stated that Mr. Lam purchased the building to improve it, and make it into something that will benefit the community. He pointed out that Reaxiom owns High Spirits, and they came before the Board several years ago for the renovation of the building. They wish to do the same kind of thing at the new building. Mr. Kelly acknowledged there was a problem with parking, as none can be provided. Therefore, this is a d(3) variance. However, the governing body, having made residential over commercial a conditional use in this zone, has determined that this use is acceptable and compatible with the area. Mr. Kelly indicated he would be calling two witnesses: Mr. Andre Lam, one of the principals of Reaxiom Group, LLC, and Albert Zaccone, architect for the project.

Andre Lam was sworn in. He testified that he is principal owner of Reaxiom Group, LLC with his father. Reaxiom purchased 228-230 Main Street to renovate and improve it. They are also owners of High Spirits across the street. In 1996 his business, High Spirits, was a tenant in 228-230 Main Street. At that time, while he was tenant, the building had leaks, and obvious structural problems. The owner was uncooperative about addressing the problems in the building, so when the property across the street became available, Reaxiom bought it, renovated it and moved the High Spirits business to the new building. Therefore, he is very aware of the poor condition of the building. He wishes to renovate the building to upgrade it, which will have a positive effect on all the merchants on Main Street. After his liquor store left, there has been no tenant in the commercial space. It is an eyesore. In the current condition, no one wants to rent it. Mr. Lam testified that he has invested time and money in his current business in Ridgefield Park. He has made friends, and business contacts. He has found it to be a very nice town. He is young and wishes to spend many years here.

The Board mentioned the review letter by Boswell Engineering, dated December 17, 2007. There was a question on how refuse would be handled. High Spirits keeps it inside the store until it is put out to the curb two times a week. The tenants above High Spirits put trash in a Rubbermaid unit near the apartment entrance on the parking lot side of the building. The Board questioned the parking for the High Spirits building. There are no spaces provided on the site. Mr. Lam testified that there are 6 apartments. Two tenants have cars. The rest commute to the city. Regarding the application before the board, Mr. Lam testified that there are currently 3 apartments on the second floor – two on the second floor of the corner building and one on the second floor of the interior building. The application calls for renovation to change to 7 units. There will be no increase in space. High Spirits has 6 apartments on the second floor – 3 studios and 3 one-bedroom units.

The Board marked and recorded the following exhibits:

Exhibit A-1 – proof of service

Exhibit A-2 – certification that taxes are current

Exhibit A-3 – 21 photos dated January 15, 2008, showing the present condition of the property, including the deteriorated condition of the interior. Mr. Kelly showed the

photos to Mr. Lam and asked him to describe them for the Board. Mr. Lam described them as follows:

Photos 5, 6, & 7: The rear of 228 Main Street (the smaller, middle building), showing the vacant, overgrown backyard.

Photo # 10: Backyard area

Photo # 1: Interior of 230 Main Street (corner building) – first floor

Photo # 2: Interior of 228 Main Street – first floor. Mr. Lam indicated there is a roll-up door on the interior wall between the two buildings.

Photos # 18 & 19: Park Street side

Photos # 16, 17, and 18: Open space between two buildings on rooftop.

Photo # 8: Interior of 228 Main

Photo # 20 & 21: Front exterior of both buildings

Photo 13: Rooftop

Photo # 14: 230 Main, looking out to Main St.

Photo # 15: Back yard view of 230 Main

Photos # 3, 4, 9 & 12: Condition of apartments. Bathroom for one apartment is in the hallway.

The photos were passed to the Board members and then laid out on the table at the front of the room for the public to view.

The Chairman asked if anyone in the audience had any questions at this time. No one came forward.

There were no further questions for Mr. Lam, who returned to his seat.

The Board Attorney, Mr. DeMarrais, and Mr. Kelly commenced a discussion regarding the issue of whether the two lots have merged into one, as they are undersized and both held by the same owner. There was a consensus that they are technically one lot now.

Albert Zacccone, architect for the project, was sworn in. The Board accepted his credentials as an expert witness.

Mr. Zacccone testified that he is familiar with the property, from when it was a liquor store and before that as the Overpeck Deli. He was an RP resident for 27 years, a Planning Board member and Chairman of the Historic Commission for 10 years.

Mr. Zacccone produced a photo board, which was marked Exhibit A-4. It contained 5 photos, which were labeled as follows:

A – Front of 228-230 Main

B – Corner view

C – Park Street side showing second floor sunroom

D – Close-up of 228 Main, showing house behind storefront

E – Back yard of 228 Main St.

Mr. Zacccone explained that 230 Main Street used to be an opera house. It has a sloping floor due to the seating for performances. Signs of termite damage are evident in the floors. 228 Main Street used to be Baum's Department Store. Before that, it was an open lot in front of a residential home. Then the store was built in front of the house right to

the sidewalk. The second floor of the house remains. The second floor of 230 Main has two apartments – a two-bedroom in the back and a three-bedroom in the front. They have an unfortunate, awkward floor plan. The bathroom is shared, in the hallway.

Exhibit A-5 was marked, being a part of the application plan ZB-1. The bubble areas connote responses to Boswell's questions raised in the review letter of December 17, 2007. It is a colorized version of the site plan. The applicant wishes to take 228 Main down to the foundation and square it up with the corner building, maintaining an open area in the back.

Exhibit A-6 was marked, being a colorized version of application plan ZB-2, showing the proposed second floor plan and the front façades of Main and Park. The Park Street façade shows a proposed doorway, being a tunnel-like access way to the open area in back. This is how trash could be removed from the building, and would provide an emergency egress route for the occupants of the building as well. There would be measures put in place to restrict the back area to unauthorized persons, so that it does not become a hangout. There is another door shown, as well, which is an entrance/exit for the first-floor commercial space.

Exhibit A-7 was marked, being a colorized part of ZB-1, showing the grass area, and the cut in the building for access/egress. Mr. Lam testified that he, himself, intends to be responsible for moving trash from the rear area to the curb on collection day. He will not rely on tenants to take care of this. Mr. Zacccone testified that, due to the slope of Main Street, there is a 21-inch height difference in the floor level of 228 and 230 Main Street. The plan would be to totally gut 230 Main and make it structurally sound. 228 Main would be demolished down to the foundation, leaving the front façade and sidewalls only.

The discussion returned to A-6 briefly, to note that the plan would be to create apartments with a sensible floor plan, which by being studios or one-bedrooms, would limit children and therefore the impact on the Village school system.

Exhibit A-8 was marked, being a large-format colorized representation of the intended Main Street façade of the entire project. Mr. Zacccone noted that the RP Historic Commission had reviewed and approved the earlier application for compliance in regard to design elements, lighting, and signage.

Exhibit A-9 was marked, being a letter from Al Zacccone to Chairman David Cathcart, addressing comments raised by Boswell point-by-point, indicating that architect and applicant will comply with all of Boswell's requirements.

In regard to parking, 16 spaces are required by the ordinance: 2 per unit plus 10% = 14 plus 2 being 16 spaces. None are being provided. This is the greatest variance that must be addressed. In the prior application to the Board, which was withdrawn before hearing, 230 Main was shorter, allowing for a parking area in the back of both buildings. It would have been accessed from Park Street. However, the access driveway would have been

almost directly across from the Police Department. As it is now, there is a loading zone down much of Park Street. It was felt that any benefit of providing a small number of parking spaces in a parking lot, would be negated by the congestion created by having traffic entering and leaving from Park Street. What is the impact of the deficiency in parking of the application on the surrounding area? The commercial spaces that already existed had no parking, so nothing is changed here. Regarding the residential space on the second floor, currently there are 3 apartments – one 3-bedroom and two 2-bedroom units. Mr. Lam wants to change to one bedroom and studio apartments. He wants to attract people for whom a lack of parking is not a disincentive to rent. He wishes to promote the “commuter aspect,” since the bus is right outside the door. Parking trends for commercial spaces are different from apartments. Commercial is concentrated during the daytime. Apartment dwellers concentrate at night. Competition for parking is most intense during snow, but in comparing day and night, the applicant felt parking was more competitive during the day on Main Street.

Signage and lighting: they know they must make an application to the Historic Commission for this.

Is there a detriment to the Master Plan? The attorney for the applicant feels that there is a parking deficiency, but no detriment to the Master Plan. He feels the benefit to the Village will be immediate and substantial, with a vital corner that is a focal point for the Village in decent shape after years of neglect.

The Board questioned the impact of this project on the Village’s COAH requirement. The applicant’s attorney confirmed the applicant would be willing to pay the COAH fee, and he understands that they must comply with this requirement.

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:

1. Howard Goldman – 69 Park Street
He was against the Board approving the parking variance. There is no parking available on Park Street now. What would it be like if there were seven apartments. Tenants with cars would be looking on his street.
2. Sally Moore – 69 Park Street
She began by saying she was glad Mr. Lam was the one who purchased the property because he has done nice things with the property across Main Street. However, she was concerned about parking like Mr. Goldman. There is just not enough parking available now, even before any new apartments. She did not know what the solution was. During daytime, there is a lot of turnover on Main Street. The real problem for parking would be at nighttime, when everyone is home.

Outside 200’ in favor: No one appeared.

Outside 200’ against: No one appeared.

The applicant’s attorney, Mr. Kelly, summed up for the Board. He stated that the Village has an opportunity to turn around a blighted condition. The project would be a benefit and is a key spot in the downtown area. A private citizen is anxious to invest in the

Village. This (residential over commercial) is a permitted conditional use. This building has been vacant for a long time, creating an eyesore in the central business area. If the owner were to renovate the existing apartments, keeping them the size they are now, he would be expected to provide 7 parking spaces, rather than 16. However, these current units are big, with several bedrooms and would probably bring more cars. The Board questioned whether there are any tenants in the building now. Mr. Lam indicated that he had to relocate the one tenant in the building, because the apartment was in such bad shape, with a bathroom in the hall. She is now in an apartment in Hackensack.

The Board took a short recess.

The Board went into work session and returned to regular session with the following decision:

Case # 1423 – Reaxiom Group, LLC

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

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

The Board Attorney indicated that he would prepare a resolution to be circulated to the member prior to the next meeting, for memorialization at the February 19, 2008 meeting.

There being no further business, the meeting was adjourned at 10:20 pm.

Respectfully submitted,

Linda Quinn
Board Secretary

Tape # 477 & 478