

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

Minutes of Regular Meeting
May 22, 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 12th day of May 2008.

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

A motion was made by Mr. Vorhees, and seconded by Ms. Perrotta, to accept the minutes of the April 29, 2008 meeting as prepared; all in favor.

Correspondence:

Planning Board Minutes – April 7, 2008
Notice from NJ League of Municipalities, re: COAH Regulations
Revised edition of Residential Site Improvement Standards, from NJ DCA
Building Dept Certificate of Compliance & Occupancy & Permit Fee Logs – April 2008
Letter from Elaine Berkenwald, Esq., requesting adjournment of J&M Builders
application to June meeting

Cheryl Perrotta read a resolution into the record for Case # 1426 (Block 57, Lot 1 – 65 Railroad Ave – Olson/Kelly), which had been heard at the April 2008 meeting. A motion was made by Ms. Perrotta and seconded by Mr. Vorhees, approving the resolution as prepared

The Chairman announced that there is are (3) cases scheduled for hearing this month:

Case # 1428 Block 133.01, Lots 4 & 7 – E. Winant & Hille – J&M Builders
The Chairman announced that the attorney for the applicant has requested that the case be carried to the June meeting, with no need to re-notice or republish. The Chairman announced to all present that Case # 1428 would be heard at the Tuesday, June 17, 2008 meeting of the Board.
Case # 1429 Block 75/Lot 9 – 17 Poplar Street (RHY Construction)
Case # 1430 Block 149/Lots 7 & 8 – 30 Bergen Tpke (2 Bergen LLC)

The Chairman read the Rules of Procedure.

The Chairman announced that the Board would hear Case # 1430 first.

Case # 1430 Block 149/Lots 7 & 8 – 30 Bergen Tpke (2 Bergen LLC)

An application requiring a use variance to divide the space in the building to allow for two tenants along with the applicant's business of Consolidated Packaging at the premises located at 30 Bergen Turnpike, Block 149, Lots 7 & 8, in an I-1 Zone.

Robert Hennessey, Esq, represented the applicant. The Board was furnished with proof of service, taxes paid, and proof of publication. Mr. Hennessey testified that his client wished to seek the variance to allow them to rent part of their commercial building. There are five buildings interconnected. The applicant's business, Consolidated Packaging, utilized 3 buildings in the center. They wish to rent out the buildings at either end to two separate tenants for warehousing purposes.

Gary Kaufman, principal in Consolidated Packaging, appeared and affirmed his testimony. He testified that the building is already constructed to allow for three separate businesses. It has separate sprinkler systems, standpipes and places of egress in the three sections of the building. His business manufactures flexible plastic packaging for various clients. They wish to rent out Bldg 1 and Bldg 5 as marked on the plans submitted with the application. The rental areas would be just for storage, not manufacturing. There are potential tenants already interested in the space, one being an importer of dry goods.

Regarding office space, Mr. Kaufman testified that for their company, building 4 is their office space. Perhaps building 5 to be rented may have an office. The Board attorney, Mr. DeMarrais, suggested that office spaces being contemplated might need to have bathrooms that are ADA compliant. The applicant's attorney felt that compliance would be ensured, since the applicant would need a CO from the Building Department before they could use the area.

A question was raised about firewalls. Mr. Kaufman testified that there are firewalls already between the three sections of the building and that, if the application is approved, they would properly close off any doors currently existing between the different areas.

A question was raised about traffic volume. The applicant testified that the amount of traffic would be less than when Crystal Clear used the property. Would the applicant have to come back if they wanted to add offices in the future? The Board attorney indicated that the Bldg Department would have to review the plans, and if offices were determined to be an accessory use, it might not require another application before the Board. But this is a gray area.

Mr. Hennessey called Elizabeth Buckley, professional planner, to testify. Ms. Buckley was sworn in and the Board accepted her credentials. Ms. Buckley testified that the two principal uses contemplated, manufacturing and warehousing, are compatible and not too intensive for the site. This is a unique site. It is on a peninsula, cut off by the railroad and surrounded by water. Therefore, this limits the impact on the surrounding area.

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

The Board went into work session at 8:25 pm to consider the case. The Board returned to regular session with the following decision:

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

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

The Board attorney will draw up a resolution to be memorialized at the June 17, 2008 meeting.

Case # 1429 Block 75/Lot 9 – 17 Poplar Street (RHY Construction)

An application to construct four townhouses at the premises located at 17 Poplar Street, Block 75 Lot 9, in the C-1 (H) Zone, requiring a use variance, bulk variances and site plan approval.

Bruce Rosenberg, Esq. represented the applicant. The Board was furnished with proof of service, taxes paid, and proof of publication. Mr. Rosenberg indicated that his client, RHY Construction, is the contract purchaser of 17 Poplar Street. He is buying the property from the Estate. Currently, there is a two-family dwelling on the lot. The applicant seeks a use variance to construct a three-story building consisting of four townhouses. This is a less intensive use than those permitted in the C-1 (H) Zone. Since there are only five members present tonight, Mr. Rosenberg indicated that he wished to have the case heard, but to hold voting to the next meeting when the absent members will have had an opportunity to listen to the tape of the proceedings. The Board attorney felt this was a reasonable request and the Chairman agreed.

Mr. Rosenberg called Thomas Cohen to testify. Mr. Cohen is a professional planner and the Board accepted his credentials. Mr. Cohen introduced Exhibit A, which is a description of the area surrounding the applicant's property. He then introduced Exhibit B, which is a photo board of the subject property and the surrounding area. Mr. Cohen read a list of the permitted uses in the C-1 (H) Zone from the Village Ordinance. Townhouses are not a permitted use. However, the property currently has a residential use and there are high-density residential structures in the immediate area. Exhibit C was marked, being an elevation plan of the proposed structure. The original plans submitted called for the structure to have siding. However it was depicted as brick. On the corrected plan (Exhibit C), it is shown as siding. It was clarified that the back side of the structure would face in a westerly direction, towards the TD Banknorth parking lot. There would be a one-car garage for each unit.

Exhibit D was marked, being the proposed floor plans. Each unit has 2 bedrooms. This type of unit attracts young professionals or empty nesters. The first (ground) floor has no bathroom. Townhouses are not a permitted use in the C-1 (H) Zone. As a planner, he reviewed the positive and negative criteria. Positive: it is a particularly suitable use, since he feels it fits in with the area. It is a transition from the high-density apartment building

on Main Street. It is less dense than the neighboring properties (Marlboro and Camelot). This type of residence would be ideal for commuters, who could walk to the bus to NYC. The idea of "Smart Growth" is to put residences near businesses. People can walk. Some permitted things might not be good for the surroundings, like an accessory parking lot for the bank. Regarding the D-variance for density, Boswell has applied the R3 requirements to this proposed use in the C-1(H) Zone since the use is an R3 use. Therefore, we must consider what are the bulk requirements for the building if it were a permitted use.

Exhibit E was marked, being the site plan. Mr. Cohen pointed out that if this structure were a permitted use, it would comply with all the bulk requirements of the zone. The setback of the existing structure is closer to the street than the proposed structure.

The Board Chairman asked if anyone in the audience had any questions for Mr. Cohen. Melvin Urfirer of 134 Bergen Avenue was sworn in. Mr. Urfirer questions why his home at 134 Bergen Avenue is not listed on the plans. Mr. Cohen described how plans showing homes in the surrounding area were developed.

The Board asked if this project, if approved, would affect the Village's COAH obligation. Mr. Cohen indicated that not currently, but maybe, since the third round rules are currently being challenged.

The Board questioned the distance of the structure from the westerly property line (4.06 feet). Mr. Cohen testified that (except for the house next door) the distance to a primary structure in all directions was over 100 feet. The distance from the structure to the neighboring home to the east is 25 feet.
Mr. Cohen sat down.

Steven L. Koestner was sworn in. He presented his credentials as a licensed engineer. The Board accepted his credentials. He referred to Exhibit E, the site plan. There is currently a two-family home on the site. The driveway for the town homes will be to the east and will serve the garages and the parking lot in the rear. Four seepage pits will handle the runoff from the roof and the driveway. Exhibit F was introduced, being the lighting and landscaping plan. Mr. Koestner referred to Boswell's letter of April 28 regarding lighting. He explained that they would have difficulty complying with the lighting requirement. To do so, would require many small lights to avoid spillover light as a detriment to the surrounding neighborhood. The lighting plan includes both wall and pole-mounted lighting with a light over each garage.

Mr. Koestner addressed items in Boswell Engineering's review of the application. Drainage calculations: applicant can comply with the engineer's request. Site triangle easements: needs 25 feet in each direction. Item 10C: required buffer. Between two zones, buffer is required. On the easterly side of the lot is the border between the C-1 (H) and the R-2 Zone. There is no room for a buffer of evergreen trees needed for screening. Applicant is proposing a 6-foot fence instead. Applicant needs to request a waiver for position of driveway. Needs to be 20 feet from the property line. As proposed, it is right on the property line. The Board questioned submission to the Historic Preservation

Commission. It being a residential property, Mr. Rosenberg did not think it needed to be reviewed. The Board will check.

The Chairman asked if anyone had any questions for Mr. Koestner. Mr. Urfirer came forward again and asked about the distance from the proposed driveway on the lot line to the house next door at 19 Poplar Street. Mr. Koestner testified that the distance would be 3 feet. Mr. Urfirer questioned whether cars could turn around on the property and leave headfirst or would they have to back out. Mr. Koestner indicated they could turn around. Mr. Urfirer repeated his earlier concern about light spillover to adjoining properties. Mr. Urfirer also questioned the drywells planned and what would happen when they filled up if they are not maintained properly. He is concerned about water overflowing and ending up degrading his property nearby.

Fred Rosen, Chairman of the Planning Board, was sworn in. He questioned the testimony given concerning the distance from the house at 19 Poplar Street to the property line. Mr. Koestner testified that it is 1.59 feet from the property line.

The Board Chairman asked about garbage disposal. It was stated that each garage would have a place to store the can inside and it would be each tenant's responsibility to put it to the curb.

The case was opened to the public.

Within 200' in favor – No one appeared.

Within 200' opposed – The following appeared:

- Melvin Urfirer – 134 Bergen Avenue. – He stated that he had many concerns. The plan needs many variances. He worries about the garbage from 4 families. So many cans on the sidewalk will be a nuisance and unsightly. Poplar Street has become a main thoroughfare with traffic from the TD Banknorth parking lot and from Bank of America across Main Street coming down Poplar. This will only make things worse. He is worried about the children walking to and from St. Francis and Lincoln with the increasing traffic. He is saddened by the changing complexion of the neighborhood. He loves Ridgefield Park and feels the applicant has “chutzpah” and “colossal nerve” in proposing this.

Outside 200' in favor:

- Mary Romme – Real Estate Broker, representing the sellers. She is concerned about the permitted uses that could be on the property instead since it is C-1 (H). Thinks housing is more appropriate.
- Edmund McCann, Esq. – attorney representing the sellers. He testified that the property had been on sale for a long time. He feels this is a less offensive choice than others that might go in here. Regarding sight triangles, he pointed out that Poplar Street is one-way west to east, so they don't really need a sight triangle on one side.

Outside 200' against:

- Fred Rosen, Planning Board Chairman. Mr. Rosen pointed out that in the R-3 Zone the ordinance allows a density of 12 units per acre. This proposal has a

density of 16.5 units per acre. The purpose of the Zoning Ordinance is to control density in the Village. This level of density is detrimental.

Mr. Rosenberg stated that his client is away in June and asked that the case be carried to the July meeting (July 15) without need to re-notice or re-publish. He indicated they would waive the 120-day requirement.

The Chairman announced this case would be carried to July 15 at the request of the applicant's attorney.

The meeting was adjourned at 10:10 pm.

Respectfully submitted,

Linda Quinn
Secretary

Tapes 502-503