

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

Minutes of Regular Meeting
June 17, 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, Wohlrab, Spontak, Frontera and Ms. Perrotta

A motion was made by Mr. DellaFave, and seconded by Ms. Perrotta, to accept the minutes of the May 22, 2008 meeting as prepared; all in favor.

Correspondence:

Planning Board Minutes – May 5, 2008 Meeting
Notice from NJ League of Municipalities, re: Assembly Bill 500 – affordable housing
Building Dept Certificate of Compliance & Occupancy & Permit Fee Logs – May 2008
Notice from State Dept of Community Affairs, re: re-adoption of State Planning Rules
Notice from Clerk of Little Ferry, re: proposed 2008 housing element
Notice from Clerk of Little Ferry, re: amendment to sign ordinance
Letter from Anne Marie Borreca, re: Rialto Application
NJ Planner – May/June 2008 issue

The Chairman announced that there is a resolution to be memorialized for Case # 1430: Block 149, Lots 7 & 8 – 30 Bergen Tpke (2 Bergen LLC).

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

Case # 1428 Block 133.01, Lots 4 & 7 – E. Winant & Hille – J&M Builders
Case # 1432 Block 46, Lot 17 – 128-130 Paulison Ave – Shaker (use variance)

The Chairman read the Rules of Procedure.

Cheryl Perrotta read a resolution into the record for Case # 1430 (Block 149, Lots 7 & 8 – 30 Bergen Tpke (2 Bergen LLC), which had been heard at the May 2008 meeting. A motion was made by Ms. Perrotta and seconded by Mr. Vorhees, approving the resolution as prepared, subject to the terms and conditions as outlined in the resolution

The Chairman announced that the Board would hear Case # 1428 first.

Case # 1428 - Block 133.01, Lots 4 & 7 – E. Winant & Hille – J&M Builders

An application seeking a minor subdivision, site plan approval and variances to construct a single family dwelling on Lot 4 and a two-family dwelling on Lot 7. Board Member Philip Wohlrab recused himself at this time, as he lives within 200 feet of the site of the application. Elaine Berkewald, Esq. represented the applicant. The Board was presented with proof of service, taxes paid and publication.

Ms. Berkenwald began by reminding the Board that this applicant had previously applied to construct a two-family on lot 7 and a two-family on lot 4. However, the application had been denied, as the Board felt a two-family was too much development on lot 4. So the applicant is back with a single-family home proposed for lot 4.

Architect Jose Carballo was sworn in. The Board accepted his credentials. Mr. Carballo testified that the plans were revised to take into account the Board's desire for a single-family home on lot 4. It is in the middle of the block. They need a variance for a three-story structure, as the garage is on the ground floor. Due to the wetlands, it was felt impractical to sink the garage below grade. If the basement were below grade, the dwelling would not require a height variance any more, but there would be issues with water in the basement. The site plan was marked Exhibit A-1.

Engineer Massimo Piazza was sworn in. The Board accepted his credentials. Mr. Piazza testified that the only change to the previous application was to a one-family on lot 4, instead of a two-family. He stated that there is a height variance being sought, as the building will be 35 ft, versus 28 feet allowed. Also he reiterated that they are requesting a variance for a three-story building, to avoid problems with the seasonal water table. Regarding the two-family dwelling proposed for lot 7, Mr. Piazza reminded the Board that a large underground pipe, which they cannot build upon, dictated the siting of the structure on the lot. By avoiding the pipe, they require a side yard setback variance. They also need a variance for improved front yard coverage. However, this is due to including a paved turnaround area in the front yard as requested by Boswell Engineering, so that cars leaving the property do not have to back out into traffic.

The Board questioned the fate of lot 10. Attorney Berkenwald indicated it could be attached to either of the lots to be built upon. If it were attached to lot 4, a lot size variance would no longer be needed. Ms. Berkenwald discussed that the applicant had offered the lot to the Village, but the town did not wish to accept it. Being wetlands, it could not be developed as a park and has the potential to be a problem area, accumulating trash and needing constant cleanup. The Board members agreed that lot 10 should be attached to lot 4, making the total area 21,000 square feet.

Ms. Berkenwald summed up, stating that this is a desirable way to utilize this land. It is a very low-density project, with one acre of land having only a two-family and a one-family home to be built.

The case was opened to the public.

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

Within 200' against the application, the following appeared:

- James Hendrickson of 23 East Winant Avenue. He stated his concerns about getting more water on his property after the construction. He also was concerned about structural damage to his home and his neighbors' homes from the construction vibrations, etc. They are older structures.

Outside 200' in favor/opposed: No one appeared.

The case was set down for work session.

Mr. Wohlrab rejoined the Board.

Case # 1432 – Block 46, Lot 17 – 128-130 Paulison Avenue (Ashraf Shaker)

An application seeking a use variance to convert the existing storefront into two dwelling units, creating a four-family dwelling.

Elaine Berkenwald, Esq. represented the applicant.

The Board was presented with proof of service, taxes paid and publication. Attorney Berkenwald described the property as having two residential units and two commercial units. She indicated it was very similar to an application she presented to the Board in March of 2006 for 126 Paulison Avenue, which the Board approved. However, this application has a bigger area for parking in back, and does not have a shared driveway like 126 Paulison has. She stated that retail/commercial ventures do not do well on Paulison Avenue. It would be preferable to convert the structure to a four-family dwelling. The property sustained damage in a fire recently. The applicant would like to make it more attractive and residential looking by changing the current flat roof to a peaked roof. Ms. Berkenwald then provided the Board with an amended parking plan, which was marked Exhibit A-1.

Architect Wayne Guskind was sworn in. The Board accepted his credentials. Exhibit A-2 was marked, being photos of the existing building front and rear. Exhibit A-3 was marked, being the proposed basement and first floor plans. Mr. Guskind described the property as shown in the photos, and the proposed plans. He indicated they wanted to add a matching deck to the rear. Exhibit A-4 was marked, showing the proposed peaked roofline and how it would make the building appear from the front, back and sides. Mr. Guskind noted that the only new bulk variance required is for height, due to the new pitched roof. All others are existing non-conforming. Parking plan had to be changed from what was originally submitted when it was discovered that the original plan had a space under the newly planned deck. Not enough room to safely open car doors. Kathryn Gregory was sworn in. She is a licensed planner. The Board accepted her credentials. She discussed the residential character of the surrounding area of the

applicant's property. The first-floor retail space has been vacant for three years. From a land use perspective, a four-family would be more beneficial than a mixed-use commercial/residential structure. Court cases have confirmed that an esthetic improvement to a property can be a reason to approve an expansion of a non-conforming use. She testified that this property as a four-family would have less density than the existing four-family to the left and the existing six-family dwelling to the right. The entire backyard area is paved now. It is in a very deteriorated condition, so they plan to repave and stripe it for parking spaces. Board concerned about cars leaving through the narrow driveway. What about mirrors? There is a school nearby.

The case was opened to the public.

Within 200' in favor: no one appeared.

Within 200' against: the following appeared:

1. James Tumminelli – 123 Paulison Avenue. Not objecting to the four-family, however he wanted to let the Board know that someone was living in the basement illegally several months ago at the time of the fire.

The Board looked at the basement floor plans. The left side of the building has nothing. The right side has two half baths and a laundry area. Basement access is through a back door. The second floor tenant must walk around back to enter basement for laundry. First floor tenant can take interior basement stairs.

2. Rosemary Toomey – 75 Hackensack Avenue. Originally she was for the plan, but now is confused. Has lived 30 years near this property. It has been many things, a print shop. When it had the fire, the firemen did not know how many families were living there. Feels the back door to the basement could lead to illegal activity.

Outside 200' for or against: no one appeared.

Attorney Berkenwald summed up. Rear doors to basement can be closed if the Board wishes, but then second floor tenant will not have access to laundry area. If the Board wants the applicant to remove the two half baths in the one basement, they will do it. If the Board wants the applicant to install a laundry area in the side that doesn't have one, they will do it. The property next door received approval for a similar project with less parking provided. They wish to make the property more in conformity with the neighborhood.

The Board went into work session. Mr. Wohlrab recused himself for the discussion of Case 1428, and returned for the discussion of Case 1432.

The Board returned to regular session with the following decisions:

Case # 1428 - Block 133.01, Lots 4 & 7 – E. Winant & Hille – J&M Builders

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

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

Case # 1432 – Block 46, Lot 17 – 128-130 Paulison Avenue (Ashraf Shaker)

Mr. Frontera, seconded by Mr. McCormack, made a motion to approve the application

Roll Call:	Mr. Cathcart – Yes	Ms. Perrotta – Yes
	Mr. McCormack – Yes	Mr. Vorhees – Abstain
	Mr. DellaFave – Yes	Mr. Wohlrab – Yes
	Mr. Spontak – Yes	Mr. Frontera – Yes

The Board attorney will draw up resolutions to be memorialized at the July 15, 2008 meeting.

The meeting was adjourned at 10:50 pm.

Respectfully submitted,

Linda Quinn
Secretary

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