

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

Minutes of Regular Meeting
October 18, 2011

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 seq., notice of which was published in the Record on the 29th day of December 2008.

Roll Call: Present: Messrs. Cathcart, Vorhees, DellaFave, Wohlrab, Frontera, Mieles, Alberque, Orth
Ms. Perotta

Ms. Perrotta read the rules of procedure.

Correspondence:

Memo from Debbie Fehre, Interim Village Clerk RE: Courtney Fitzpatrick
Zoning Board of Adjustment – Ms. Weiru Yang RE: 245 Teaneck Road
Alampi & De Marrais RE: Metro PCS New York, LLC and T-Mobile Northeast, LLC –
August 22, 2011
Mayors Advisory RE: S-2887, Exempts certain wind turbines from local review.
County of Bergen Department of Planning and Economic Development RE: Proposed Site
Development 54 Mt. Vernon Street
Charles H. Sarlo, Esq. RE: Solar Industry New Jersey
Ridgefield Park Planning Board RE: Case #1468 54 Mt. Vernon Street
Mayors Advisory RE: New Jersey After COAH
Mayors Advisory RE: Reorganization Plan N. 001-2011, Abolishes COAH, Transfers
Responsibilities to DCA.
Zoning Board of Adjustment letter to Kevin Kelly, Esq. RE: Shaker – 54 Mt. Vernon Street
New Jersey Planner – August 2011

***The Chairman announced there are three (3) cases to be heard.**

Case #1468	54 Mt. Vernon Street Block 65/Lot 18	Variance
Case #1469	65 Central Avenue, Block 9/Lot7	Variance
Case #1470	162 Main Street, Block 95/ Lot7	Use Variance

Case #1469 65 Central Avenue, Block 9/Lot7**Variance**

Mrs. Maria Raimilla represented herself. Mrs. Raimilla explained to the Board she has been living at said property for five years and has no backyard only a side yard and wants a 6' fence for privacy. Mr. De Marrais questioned. Mr. Wohlrab questioned if a 4' fence is allowed in the front and a 6' fence is allowed on the sides. Mr. Alberque questioned where the fence would be. Mr. DellaFave asked which way does Fourth face Central Avenue? It is a one way toward Central.

Mr. Cathcart opened to the public within 200'. No one in favor appeared. No one in opposition appeared.

Mr. Cathcart called the next case. Case #1469 will be discussed after Work Session.

Case #1470 162 Main Street, Block 95/ Lot7 Use Variance

Ms. Misha Lee, Esq. represented the owner. The owner wishes to use the property as a meditation/yoga center. It will not be used as a temple. Ms. Lee has two experts with her.

Mr. Cathcart asked what type of yoga? Ms. Lee answered that they want to stay within the Ridgefield Park culture. Mr. Cathcart asked how many people would attend a small seminar. Ms. Lee stated maybe 7 or 8. They cannot accommodate many patrons. Ms. Perrotta asked if it would be open to the public. Ms. Lee answered yes. Ms. Lee explained two women would reside at the center to provide meditation and tea time. Mr. DellaFave asked if the meditation would be separate from the yoga and Ms. Lee answered yes. Mr. Cathcart asked if the plans had changed and Ms. Lee stated yes. Ms. Lee stated if the Board would allow they would like to use the attic as a separate bedroom. Mr. DellaFave asked who will be teaching the yoga and Mr. Orth asked if this was a business or a church. Ms. Lee stated it is not a church.

Mr. Paul J. DeMassi was sworn in to testify as a Planner. Mr. Cathcart accepted him as an expert.

Mr. DeMassi stated the architect is here. He prepared the space planning and we consulted. The two ladies will be residing there with access to the attic which is unfinished. Mr. Kim provided a bath and two bedrooms and the third bathroom is for guests and overnight family. The first floor will be used as a meditation/yoga center with two small rooms. In conjunction with the first floor the stairs are separate so the second floor tenant can enter through the common area stair. The basement has connection to the first floor and will be used in conjunction with the first floor. The Zoning Ordinance talks about several permitted uses in a C1-H Zone. Mr. DeMassi contends yoga is similar to a dance studio. He understands it is impossible to list all permitted uses. It is an existing non-conforming use and it pre-dates the Zoning Ordinance. This is not a religious facility. He understands the concern about profit vs. non-profit or licensed yoga professions. Meditation of a group of 2, 3 or 4 or as Ms. Lee said 7 to 8 where they can sit in a room and meditate. Mr. DeMassi showed photographs of parking. What we have is a C1-H zone and multiple uses in the zone. The floor plan has two spaces. The first floor with the existing bathroom and the basement with an existing entrance to backyard.

Mr. DeMarrais asked if there are hours for this facility to operate? Yes from 6 a.m. to 9:30 p.m. It would act as more of a social club for the Asian community.

Mr. DeMarrais asked how it will be furnished. It will be furnished like a dance floor. Ms. Lee stated there will be no services or sermon. Is it a Buddhist organization Won Buddhism of America, Inc.

The property is owned by Won Buddhism of America, Inc. Is it a Corporation or a LLC? Ms. Lee stated it is a non-profit organization.

Mr. Cathcart doesn't believe this case is making any sense. Mr. Miele stated the application says business but now it is a community facility. It's not really a business, what is it?

Ms. Lee stated it is a community facility.

Seung Kim, Architect of 71 Grand Avenue, Palisades Park was sworn in. Mr. Kim is a New Jersey resident and an architect. Mr. Kim stated he has done Zoning cases in Ridgefield Park before. He presented photos to be put into exhibit. Exhibit A1 10/18/11. Second exhibit will be A2 10/18/11.

Mr. Kim explained that Won Buddhism of Americas was founded in Korea and they are trying to make a program for public but not for religious reason. Meditation is the major business not yoga. Yoga is part of a business. Mr. Miele asked if the footage usage of the building is increasing.

Mr. Cathcart wants someone from Won Buddhism of America to attend the next meeting so that a determination can be made of who owns the property and who has the right to apply for this variance.

Case #1470 will be carried to the November 15, 2011 meeting. Ms. Lee will bring someone from the corporation to answer all questions.

Opened to the Public within 200' in favor or oppose and also outside of 200' in favor or oppose.

Ms. Dianne Barbieri of Three Spruce Avenue spoke in opposition for all the neighbors. The concern of the neighbors is parking.

Mr. Cathcart carried case to November 15th and invited those in the audience back for that meeting.

Board went into a Work Session

Case #1469

Case is approved as presented in the plan provided.

Mr. Vorhees motioned to approved. Seconded by Mr. Frontera

Roll Call:

Mr. Cathcart	yes	Mr. DellaFave	yes	Mr. Miele	yes
Ms. Perotta	yes	Mr. Wohlrab	yes		
Mr. Vorhees	yes	Mr. Frontera	yes		

The Board took a 10 minute break.

Case #1468 54 Mt. Vernon Street Block 65/Lot 18 Variance
Ashraf Shaker

Kevin Kelly, Esq. on behalf of the applicant. Proof of service has been submitted to the Board Secretary.

Plans have been submitted for a Use Variance at 54 Mt. Vernon Street which houses Luigi's in the front. Application to convert single family home to three family. Historical use has been multiple residential and will present testimony via his client. He will present witnesses to historic use in addition to a Construction expert and an Architect and Planner.

Mr. DeMarrais went on the record and stated Mr. Kelly indicates he wants to give a history. He will try to say there was more than one residential unit. The Opinion of the Municipal Court hearing as to whether Dr. Shaker was allowed to have more than one residential and he is not. It is my opinion the hearing before magistrate where says one residential unit I believe is binding.

Mr. Kelly stated Judge Perna can take her position but it is the Boards decision on Use. The Building Department is the enforcement agency. We are here for a Use Variance regardless. The Use issue is properly before the Board.

Ashraf Shaker of 125 Hudson Avenue was sworn in. He stated his is the owner of the property since 2003 along with his wife and it is not his primary resident. He worked in the restaurant from 1982 to 1988 while he was in medical school. He bought the property from the original owners and they bought the property approximately in the 1930's. Mr. Kelly asked if he had been in the building prior to buying it and Dr. Shaker said yes. The owner lived on the second and third floors, a gentlemen lived on the first floor and the chef lived in the back section. Mr. Kelly asked how many kitchens were there and if he changed anything. Dr. Shaker said no. There were two and half bathrooms. The third floor had a half bath and he has not altered the baths. He also said he has not altered the building since taking ownership. The only changed was the electrical panel. He presented the Property Record Card of 1992. Exhibit AS1 10/18/11. There are three bedrooms on the third floor. Exhibit AS2 10/18/11 Property Record Card from 2002 was presented.

Dr. Shaker said he got the 2002 Property Record card from the town and it does not reflect the two kitchens, only one. Mr. Kelly asked if he eliminated any kitchens and Dr. Shaker said no there are still two kitchens. There are two baths and no renovations have been done.

Exhibit AS1 shows Luigi's. Exhibit AS2 does not show Luigi's, but Dr. Shaker said it seemed to be erased. It is on the second page. There is a separate Property Card for Luigi's, not like that in 1992. Mr. DeMarrais asked Dr. Shaker if he went through a proceeding recently? Did you present these documents to the court and Dr. Shaker could not remember.

Ms. Perrotta asked when the property was bought in 2003 did you get a CO and Dr. Shaker said yes for a one family.

Mr. Cathcart stated you've made no improvements to the property and Dr. Shaker said yes.

Mr. Michael Amendola of 28 Dale Avenue, Wyckoff was sworn in. Mr. Amendola is an Inspector and Contractor with 10 years' experience as a contractor in New Jersey and 10 years as a Home Inspector. He does remodeling and has reconstructed approximately 50 major projects and several smaller ones. He has dealt with all trades. His duties as an Inspector are to verify all systems in the home. He has inspected over 200 with his company which is registered with New Jersey. He is an expert in Home Inspection and Construction.

Mr. Amendola did an extensive walk through in the house. Partly to see any alterations and improvements and to identify nature of building.

Exhibit AS3 10/18/11 – 24 photos A3A through A3W. AS3 is the complete package.

Exhibit AS4 – Inspection report dated October 11 2011.

AS3A – First floor kitchen. Date of possible timeframe when installed is the 1960's era. It is not a new installation and has no obvious modifications. It has been there for quite some time.

Exhibit AS5 – Schematic if current condition.

AS3B – Second floor kitchen. Same timeframe as AS3A

AS3C – First floor kitchen. Separate counter picture. Appliances. Caloric brand installed same time as cabinets. Caloric bought out by Amana in 1967.

AS3D – Example of tie in lines. Drain lines are copper. Copper phased out in 1970's. First floor kitchen. Copper drain lines both floors.

AS3E – Third floor finished. Large room and full bathroom.

AS3F – Another angle of 3rd floor

AS3G – Close up of third floor.

Third floor – Abandoned water and gas line. Mechanicals were there. Could have been a gas lighted house. Room was finished during WWII.

AS3H – Third floor bathroom.

AS3I – Second Floor bathroom.

Both of these were done in the 1940's to early 1950. The walls are all plaster and the tiling is cement mud packed walls. Shower doors are original. Only one newer toilet on one floor. All materials date pre 1960's.

AS3 J, K, L, M – Spot photos of second and third floor. Purpose to show nothing has been altered.

Ceilings are all plaster. The rear portion of first floor is the newest part of the house.

AS3 N, O – More shots of hallway going up to second floor. Lighting fixtures are original.

AS3P, Q – Main foyer on the first floor. P – Foyer; Q – Stairs from first floor. Nothing altered in the stairwell.

AS3R – Boiler. Not original. 1960's – Hydronic, forced water heat.

AS3S – Radiator, Hot water not steam.

AS3T – Distribution pipes leading to second floor. Nothing cut or changed.

AS3U – Electrical service. BX wiring and Knob and Tube. No newer work. Electrical panel was upgraded. BX wiring pre 1960's wiring.

AS3V – Back of house. First floor living room. Not original but not done since Dr. Shaker owned property. Approximately 1960's or 1970's.

AS3W – Back corner of house.

Mr. Ziccone – New bath will be on first floor in old vestibule.

Mr. Kelly asked if there was any new work and Mr. Amendola stated no. The apartments are vintage, pre 1960 and the latest renovation was done in the 1950's, possibly the 1940's.

Ms. Perrotta asked if it was possible the piping were for just radiators or other capacity? Mr. Amendola answered no the pipes are different sizes for different uses.

Due to the late hour, the case was carried to the November 15, 2011 meeting.

Mr. Vorhees motioned to adjourn meeting. Ms. Perrotta seconded.

Meeting adjourned at 11:00 p.m.

(Note: Please refer to the Transcription of the October 18, 2011 meeting for the rest of the minutes.)

Respectfully submitted,

Francine Orovitz