

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

Minutes of Regular Meeting
January 15, 2013

The Chairman, Mr. Cathcart, called the Re-Organization meeting to order at 7:45 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 28th day of December 2012.

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

Absent: Alberque

Re-Appointments of Zoning Board

Chairman stepped down.

Mr. Voorhees motioned Mr. Cathcart as Chairman. Mr. Frontera seconded.
Mr. Cathcart accepted nomination

Roll Call: Cathcart, Perrotta, Vorhees, DellaFave, Wohlrab, Frontera, Miele, Orth

Mr. Cathcart nominated Ms. Perotta as Vice Chairman. Seconded by Mr. Frontera.

Roll Call: Cathcart, Perrotta, Vorhees, DellaFave, Wohlrab, Frontera, Miele, Orth

Mr. Cathcart nominated Mr. DeMarrais as Board Attorney. Seconded by Mr. Voorhees

Roll Call: Cathcart, Perrotta, Vorhees, DellaFave, Wohlrab, Frontera, Miele, Orth

Mr. Cathcart nominated Mrs. Francine Orovitz as Board Secretary. Seconded by Ms. Perrotta

Roll Call: Cathcart, Perrotta, Vorhees, DellaFave, Wohlrab, Frontera, Miele, Orth

Re-Organization was adjourned.

Regular meeting called to order at 8:00 p.m.

Mr. Alberque joined the regular meeting at 8:00 p.m.
Ms. Perrotta read the rules of procedure.

***The Chairman announced there is (1) resolution to be memorialized.**

Case #1483 Block 31, Lot 6 – 9 Hazelton Street Variance

Ms. Perrotta read into the record the memorialization of the resolution.

Roll call:

Cathcart – yes	Frontera - yes
Perrotta – no	Mieles - yes
Vorhees – yes	Alberque - yes
DellaFave- no	Orth - yes

Correspondence:

- Letter from Alampi and DeMarrais RE: Shaker – Variance Application Appeal December 21, 2012
- Memo from Commissioner Boyd RE: Personal Credit Cards
- New Jersey Planner November/December 2012

Mr. DeMarrais explained to the Board the change in the Resolution of Case #1454, 60-62 Bergen Turnpike.

Motioned by: Vorhees Seconded by: Frontera

Roll Call: Cathcart, Perrotta, Vorhees, DellaFave, Wohlrab, Frontera, Mieles, Orth

The Chairman announced there are four (4) cases to be heard.

Case #1485	36 Edwin Street Block 16/Lot 19	Use Variance
Case #1486	58 Hille Place Block 131/Lot 15	Variance
Case #1487	176 Overpeck Avenue Block 70/Lot 12	Variance
Case #1488	105 Challenger Road Block 24.03/Lot 4.01	Use Variance

Case #1485 36 Edwin Street Block 16/Lot 19 Use Variance

Mr. Cathcart stated taxes are current and noticing ran in the Bergen Record on January 3, 2013.

Judith Wildman, Esq. will be representing Mr. Neftali Telor.

Ms. Wildman presented the case to the Board for a Use Variance.

Ms. Wildman explained the application to the Board. Cars are not on the property. Mr. Telor was told by the NJ DMV that he needed a Use Variance in order to conduct business at the location. The drivers retain their cars at their locations. Mr. Telor has one car. Customers do not come to the property and the drivers may come only to pick up checks. Mr. Telor wants to set up the business in his basement. There will be no employees of the business at the property. All drivers are independent contractors and instructions are given to them over the phone. There will be no additional traffic to the home. There will be no impact on the neighborhood and will not be a detriment to the public good.

Mr. Neftali Telor was sworn in. Mr. Telor stated he has been in business for 14 years in New York and conducts his business by phone. His cars are currently registered in New York.

Mr. Cathcart stated the Use is not an approved Use in an R-2 Zone. What is the hardship?

Ms. Wildman stated the hardship is that the business is located in two different states and Mr. Telor wishes it to be in one.

Mr. Cathcart explained that that is not a hardship.

Mr. DeMarrais stated if granted, the Board now allows businesses in residential areas and what would stop Mr. Telor from hiring someone.

Ms. Wildman stated they would accept restrictions if need be.

Mr. DellaFave asked where the business has been conducted for 14 years. Mr. Telor responded in Brooklyn, but phone calls are made all over including at his home.

Ms. Perrotta asked why not get an office in New Jersey and Mr. Telor responded that the business is shrinking.

Mr. Miele asked where the business was incorporated and Mr. Telor responded New Jersey.

Mr. Miele asked when this becomes an official business, where would the cars park? Here? Mr. Telor stated no.

Ms. Perrotta asked what if you lose other drivers. Mr. Telor responded he has an agreement with a shop in Ridgefield Park where cars can park. The cars are with the drivers and not at his home.

Ms. Wildman stated this is an economic issue.

Mr. Cathcart stated it is not zoned for this.

Ms. Wildman asked Mr. Telor what percentage of drivers come to the home. Mr. Telor stated 2 – 3 come for their checks, but most are mailed.

The case was opened to the public within 200' in favor. No one appeared.

The case was opened to the public within 200' opposed.

John Welsek, 31 Arthur Street read a prepared statement against the application.

Raphael Guadalopec, 35 Edwin Street. Mr. Guadalopec stated Mr. Telor is a great neighbor, but there are inconveniences. What will happen to Edwin St. if commercial business is allowed? How would it be regulated? He objects to it being an approved business.

Clive Torres, 28 Edwin Street. He is the second house over on the left. Pulling out of his driveway is already difficult. We have small children and in the summer with big wheels and bikes it becomes a safety issue.

Alicia Torres, 28 Edwin St. On weekends Mr. Telor has 1 car in the driveway and 3 other cars in the street.

Pamela Potamianos, 39 Arthur St. Just this morning there was a limo on our block. Parking is hard on Edwin and Arthur St. Parking overnight for his cars has been happening.

Susan Murphy, 24 Edwin St. Her objection to a company in a residential area is that she likes the quiet. Parking on Edwin St. is awful. Limos are there and parked overnight taking up parking spaces that residents cannot use. He has 1 – 2 cars in his driveway and one in another driveway.

Mr. Dellafave asked if there are Ridgefield Park Parking Permits on these cars. Ms. Murphy is not sure.

The case was opened to the public outside 200' in favor. No one appeared.

The case was opened to the public outside 200' opposed.

Sharon Strowbridge, 125 Overpeck Avenue. She is here representing her parents from Edwin Street and wants to address parking permit issues.

Allison Koop, 19 Arthur St. She is concerned of a business in residential area. Properties are not big enough for vehicles. I have seen cars on the street in the morning and I'm opposed.

Anthony Siano, 27 Gordon Street, One block south of Edwin and I'm opposed. Last 5 years Mr. Telor has been running the business in his home and my understanding illegally in his attic. He is working out of his attic. He has been expanding. His limos end up on my street. Drivers use this house as a rest area. I have observed it. It is a 24 hours operation and it is not small.

The Board took a 5 minutes break to allow Ms. Wildman to consult with her client.

Ms. Wildman summarized and wants more time to address the concerns.

Mr. DellaFave stated he saw a car there at 12:15 p.m. today in front of the house with New York plates.

Mr. DeMarrais stated the application is for a Use Variance and it is the burden of the applicant to show why the need for the Use Variance is required and that no negative effect will be on the neighborhood. The issue is, has the applicant met the burden of proof.

Mr. Voorhees motioned deny. Seconded by Frontera.

Roll Call:

Cathcart, Perotta, Vorhees, Dellafave, Frontera, Miele, Albuquerque.

Case #1486 58 Hille Place Block 131/Lot 15 Variance

Mr. Rami Bitar was sworn in and represented himself.

Mr. Cathcart stated taxes are current and noticing ran in the Bergen Record on January 5, 2013.

Mr. Bitar stated the houses on Teaneck Road flow into his basement. He wants to construct foundation wall. See basement plan. Sketch #A20.

He wants to bring it up to grade level and then put in planters. It will serve as a retaining wall to keep water out of the basement.

Mr. Bitar referred to Survey Kessner 3/14/03. He showed the Board where Teaneck Road houses are in conjunction to his property. Properties #14 and #15 Teaneck Road are higher than his property, therefore causing flooding. The wall will be underground to keep wet soil away from the foundation for about 3 feet.

Photo marked as Exhibit A-1.

Mr. Bitar stated he wants to make his basement dry.

Mr. Miele asked if the property slopes. Mr. Bitar stated yes, it slopes from Teaneck Road.

Mr. Miele asked how will you alleviate water coming through the stairs.

Mr. DellaFave asked what other work has been done on the house.

Exhibit A-2 indicates front porch before reconstructing front stair and brick facing.

A-3 shows front porch.

Mr. DellaFave asked if there was any correction to the foundation on site. Mr. Bitar stated no.

Mr. DellaFave asked if it is a new foundation. Mr. Bitar stated yes.

Mr. DellaFave asked if there is a new foundation that goes all the way around.

Mr. Bitar stated no, work was done on the main foundation walls.

Ms. Perrotta asked if new windows were put in. Mr. Bitar said yes.

Mr. Cathcart asked to go back to Mr. Miele's question. How is the wall going to stop the water from coming through the stairs? Mr. Bitar responded it won't stop it but will redirect it.

Mr. DeMarrais read the initial denial letter into the record.

A-4 Initial Denial Letter.

Mr. Cathcart stated we need a more definitive plan of what you are trying to do.

Mr. DeMarrais stated more information is required from the Building Dept. on why the wall is an issue.

The Board will request further information from the Building Dept.

Mr. Bitar will bring copies of Exhibits A-5, A-6 and A-7 to the Board Secretary.

Application has been carried to the February meeting.

Case #1487 176 Overpeck Avenue Block 70/Lot 2 Variance

Mr. Cathcart stated taxes are current and noticing ran in the Bergen Record on December 20, 2012.

Justo Blas was sworn in and represented himself.

Mr. Blas explained to the Board he wants to replace an existing fence and a retaining wall has already been built. He has an approval for a 4 foot fence but wants a 6 foot fence.

A1 1/15/13 – Picture of the retaining wall 3 feet height.

He has a pool in his yard and needs privacy for his 14 year old daughter.

The fence will be level with the yard but not the sidewalk. The total height will be 9 feet. Mr. Blas wants to block neighbors from looking in.

Mr. Cathcart asked if there were any questions for the applicant.

Mr. DeMarrais described how the wall would step down with the retaining wall. See survey dated 4/19/99.

The case was opened to the public within 200' in favor. No one appeared.

The case was opened to the public outside 200' in favor. No one appeared.

The case was opened to the public within 200' opposed.

Maria Dominguez, 220 Preston Street. The notice she received was very vague and she does not understand. Is this next to the garage in the back?

Mr. Cathcart explained to Ms. Dominguez this is not touching her property.

The case was opened to the public outside 200' opposed. No one appeared.

Mr. Alberque motioned to approved. Seconded by Perrotta.

Roll Call: Cathcart – yes
Perrotta – yes
Vorhees – no
DellaFave – yes
Frontera – no
Mieles – yes
Alberque - yes

Case #1488 105 Challenger Road Block 24.03/Lot 4.01 Use Variance

Mr. Cathcart stated taxes are current and noticing ran in the Bergen Record on January 1, 2013.

Mr. Bruce Rosenberg, Esq. will represent the applicant.

Mr. Rosenberg stated the purpose of the application is to have a learning center, 1200 sq. feet, on the first floor and it is technically not allowed in an OP Zone. Therefore, the Zoning Official sent the application to the Board.

Sangmok Kim of 14 High Street, Demarest, NJ and Mr., Samuel Chun of 9 Brownstone Way, #309, Englewood, NJ were sworn in.

A.01 prepared by Mr. Kim is marked as A-1.

Mr. Kim is a licensed architect since 2008 and was accepted as an expert.

Mr. Kim referred to the layout of the building. The proposed location is in the North of the building. Proposal is to turn it into a learning center. The proposal is for three rooms, one office and two classrooms. The rest of the area will be a library and a lounge. There will be eight students per class and it will be after school.

No additional fire safety issues need to be addressed except emergency door which only opens from the inside. The maximum occupancy will be 15 children.

Nothing further from Mr. Kim.

Mr. Chung will speak about the operations.

There will be four in an English class and 6 in a Math class. The program will be after school from 2:00 – 7:00 p.m., four to six days a week. Students will come from Ridgefield Park, Teaneck, Palisades Park and Fort Lee. The ages will be 4 – 14.

Eye Level Hub currently has 180 learning centers in the USA and 750 Internationally.

This is the North American Headquarters of Eye Level Hub.

Eye Level owns the building but only uses second and third floors. The rest of the building, which is 9 stories, is for rent.

Mr. Rosenberg asked if the Board had any questions.

Ms. Perrotta asked about security

Mr. Chong stated they hired a security guard and visitors are required to always sign in.

Nothing further.

The Board went into a work session.

Mr. Voorhees motioned to approved Case #1488. Seconded by Ms. Perrotta.

Roll Call: Cathcart, Perrotta, Voorhees, DellaFave, Frontera, Miele, Albuquerque.

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

Meeting adjourned at 10:05 p.m.

(Note: Please refer to the Transcription of the January 15, 2013 meeting for the rest of the minutes.)

Respectfully submitted,

Francine Orovitz