

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

Minutes of Regular Meeting
April 15, 2014

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 28th day of December 2013.

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

Approval of March 18, 2014 meeting carried to April 15, 2014 meeting.

Correspondence:

- Letter from Alampi & DeMarrais RE: Won Buddhism of America 4/1/14
- Letter from Alampi & DeMarrais RE: LLC's Need of Representation 3/28/14
- Letter from Hess RE: Hess North Jersey Pipeline 3/21/14
- Mayor's Advisory Re: NJ Supreme Court Vacates Appellate Order on COAH 3/14/14

Ms. Perrotta read the rules of procedure.

***The Chairman announced there is (1) continued case to be heard.**

**Case #1495 162 Main Street
Won Buddhism of American
Block 95/Lot 7
Use Variance**

Mr. Edward McCann of McCann and McCann, 291 Main Street, Ridgefield Park, NJ presented the requested new plans to the Board. The new plans showed an extra egress on the lower level.

Mr. DeMarrais stated after research and a letter to the Board it was discovered to issue a Conditional Use is somewhat complicated. It seems clear on the opinion of *Conventry Square v Westwood* that an application for a Conditional Use if it requires a variance it is in the exclusive realm of the Board of Adjustment. Accordingly it was thought the application would have to do to the Planning Board. It is in his opinion the application does not have to go to the Planning Board.

Mr. Khan, the Engineer, presented the new plans to the Board. The Plans have been amended to show the second emergency egress and the attic space. The attic is mapped out with 781 sq. ft and the height is 7.5" to 3'10" and the space is unfinished and will be used for storage. (C-04).

C-03 shows the depiction of the first, second and basement plan.

C-03 and C-04 were marked as Exhibits A1 and A2 4/15/14.

There is no further construction planned in the attic and the basement bilko doors will have panic bars.

Mr. Cathcart stated the resolution should state the attic is to be used for storage only and the basement bilko doors must have panic bars.

Mr. Vorhees motioned the application be approved with the conditions of the attic is to be used for storage only and the basement bilko doors must have panic bars.

Seconded by Mr. Miele.

Case was already opened to the public at the April 15, 2014 meeting.

Roll Call: Cathcart, Perrotta, Vorhees, Miele, Alberque

The Chairman announced there are two (2) new cases to be heard.

**Case #1497 Stolar Capital LLC
50 Overpeck Avenue
Block 108/Lot 17
Variance**

Mr. Cathcart stated taxes are current and noticing ran in the Record on April 3, 2014.

Mr. McCann presented the case to the Board. The application was filed on behalf of Stolar Capitol, LLC.

The owner obtained a construction permit one year ago. The work was contracted out and the addition complied with the zoning regulations regarding the height, however the contractor framed the addition higher than what is allowed according to the zoning ordinance. The height requirement is 28' and the current height is 32'6" which is comparable with the height of existing home.

Mr. McCann presented Mr. Peter Brosen , Principal of Stolar LLC, 99 Jane Street, Apt. #5L New York, NY 10014 to the Board.

Mr. Brosen was sworn in.

Mr. McCann asked if the members of LLC needed to be determined. Mr. DeMarrais stated yes, if they own more than 5%.

Mr. Brosen is a member of Stolar Capital, LLC and there are four members, himself, his brother, father and a trust. Mr. Brosen has 15% ownership. Mr. Brosen has permission to present the case to the Board

from the members of the LLC. Mr. DeMarrais asked for a copy of a resolution that states he has permission to submit application.

Mr. Brosen explained the application to the Board.

Mr. McCann asked Mr. Brosen to explain Exhibit A1 – 9 photos.

Mr. McCann stated they are asking relief from the Board because the owner is finding himself in a hardship.

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. No one appeared

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

Mr. Alberque motioned to approve the application. Seconded by Ms. Perrotta.

Roll Call: Cathcart – Yes; Perrotta – Yes; Vorhees – No; Frontera – Yes; Miele – Yes;
Alberque - Yes

Case #1496 New Cingular Wireless PCS/AT&T
100 Challenger Road
Block 24.02/Lot 2
Use Variance

Mr. Cathcart stated taxes are current and noticing ran in the Record on March 3, 2014. Mr. Cathcart has a letter from the Fire Marshal questioning whether or not these antennas will interfere with the fire department repeaters.

Mr. Christopher Quinn, Esq. presented the application to the Board. The application is for 12 cellular antennas at 100 Challenger Road.

Mr. Quinn stated an Engineering report will be done as a condition of approval of the application. (Inter-modulation Study)

The height of the antennas are 124' and 137'.

Mr. DeMarrais stated he has spoken with Mr. Quinn regarding cellular antennas being presented to the Board.

Mr. Ronald Petersen, RC Petersen Assoc., LLC, 170 Fairview Drive, Bedminster, NJ 07921 was sworn in. Mr. Peterson was accepted as an expert by the Board.

Mr. Peterson presented guidelines regarding emission standards to the Board.

Mr. Daniel Penesso, Black and Veatch, 650 From Road, Paramus, NJ 07652. Radio Frequency Engineer.

Mr. Penesso was sworn in and accepted as an expert.

Mr. Penesso designed the site. Mr. Penesso presented Exhibit A1 4-15-15 to the Board. This Exhibit is a map which depicts AT&T's current network; Exhibit A2 4-15-14. A2 is a map of AT&T's composite coverage.

Mr. Anthony Suppa, Malick and Scherer, 53 Frontage Road, Hampton, NJ 08827. Civil Engineer.

Mr. Suppa was sworn in and accepted as an expert.

Mr. Suppa presented Site Plans dated 11-22-13 to the Board. Plans marked as Exhibit A-3 4-15-14.

Mr. Jim Dowling, Jacobs Engineers, 299 Madison Avenue, Morristown, NJ 07960. Planner

Mr. Dowling was sworn in and accepted as an expert.

Mr. Dowling stated the application meets the positive criteria and there is no substantial detriment to the negative criteria.

Simulation photos were provided. Marked as Exhibits A4 4-15-14; A5 4-15-14 and A6 4-15-14.

Mr. DeMarrais stated the applicant has no objections to doing a study on the antennas interference between AT&T and the Emergency Services Repeaters. Mr. Quinn confirmed it will be completed.

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. No one appeared

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

Mr. Vorhees motioned to approve the application subject to receiving report regarding the Fire Department Repeaters. Seconded by Ms. Perrotta.

Roll Call: Cathcart, Perrotta, Vorhees, Frontera, Miele

Mr. Vorhees motioned to adjourn meeting. Mr. Alberque seconded.

Roll Call: Cathcart, Perrotta, Vorhees, Frontera, Miele, Alberque and Orth

Meeting adjourned at 9:05 p.m.

(Note: Please refer to the Transcription of the April 15, 2014 meeting for the rest of the minutes.)

Respectfully submitted,

Francine Orovitz