

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

Minutes of Regular Meeting  
Thursday, April 19, 2007

The meeting was called to order by the Chairman, Mr. Cathcart, at 8:00 p.m. in the Municipal Building.

The Chairman announced 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 4<sup>th</sup> day of April 2007.

Roll Call: Present: Messrs. Cathcart, Morton, DellaFave, MacNeill, Wohlrab  
Absent: Messrs. McCormack, Vorhees & Spontak, & Ms. Perrotta

Mr. DellaFave, seconded by Mr. Cathcart, made a motion to accept the minutes of January 19, 2007 meeting as prepared; all in favor.

Correspondence:

Permit Fee Log & Certificate Log from Bldg Department – March 2007  
Planning Board Minutes – March 5, 2007  
Notice from Township of Teaneck, re: adoption of Master Plan  
Notice from NJ League of Municipalities of Seminar on Historic Preservation  
Memo from Mayor Fosdick, re: Challenger Road redevelopment project to be  
announced at Tuesday, April 24 Commissioner's Meeting  
Correspondence from M. DeMarrais, re: Coastal Outdoor Advertising

The Chairman read the Rules of Procedure

The Chairman announced that there are four (4) cases for hearing this month:

**Case # 1403 Seivright** – Block 44, Lot 20 – 8 Fourth Street (variance)  
**Case # 1404 Bianchini** – Block 29, Lot 17 – 74 Highland Place (variance)  
**Case # 1405 Tapia** – Block 23, Lot 13 – 38 Gordon Street (variance)  
**Case # 1407 Roman** – Block 14, Lot 35 – 72 Eighth Street (variance)

It was announced by the Chairman that Case # 1406 – Block 61, Lot 6 – 71 Park Street (SHAKER), which had been scheduled for tonight's meeting had a defect in notice. It will be rescheduled for next meeting, May 15, 2007, and the applicant must renotice property owners and republish.

Case # 1403 – Seivright – Block 44, Lot 20 – 8 Fourth Street

An application for a variance to erect a 6' fence on the property located at 8 Fourth Street, Block 44, Lot 20.

The applicant, Shanae Seivright, was sworn in. The Board was presented with proof of service, taxes paid, and proof of publication. The Chairman read the denial letter from the Zoning Officer. The applicant testified that it is a corner property. Railroad Avenue is a busy street. She would like to have a 6-foot fence all the way around her property. It would be a solid white vinyl fence. The Board questioned whether the 6-foot fence on Railroad Avenue would be a hazard. The applicant must back out of the driveway into Railroad Avenue. There was concern for pedestrians on the sidewalk. The applicant expressed a desire to enclose the property for privacy. Right now the whole property is exposed. People take shortcuts through their property. She is nervous for the safety of her young child playing in the yard, with strangers and traffic on the busy street. The Board attorney stated the ordinance is ambiguous, but believes the Zoning Officer was correct in denying the application for a 6-foot fence all around. Ordinance section 96.7 & 96.9 states a fence fronting a street can only be 4 feet high, no higher. The applicant stated that the first time they inquired at the Building Department about a fence, they were told they could only have a four-foot fence in front of the house on Fourth Street, but they could have a 6-foot fence on Railroad Avenue. Then, when they returned to the Building Department to begin the paperwork, they were told it could only be four-foot high on both street sides.

The case was open to the public.

Within 200' in favor of the application, the following appeared:

Odalís Rodríguez – 37 Fourth Street. Mr. Rodríguez testified that he agreed there was no privacy for this family the way the property is now. He feels the fence would enhance the property and make the street nicer.

No one else appeared either in favor or opposed to the application.

The case was set down for worksession.

Board Member Cheryl Perrotta joined the meeting at this time (8:20 pm).

Case # 1404 – Bianchini – Block 29, Lot 17 – 74 Highland Place

An application for a variance to construct an aboveground swimming pool to the rear of the existing residential home located at 74 Highland Place, Block 29, Lot 17.

The applicant was sworn in. The Board was presented with proof of service, taxes paid, and proof of publication. The Chairman read the denial letter from the Zoning Officer. The applicant testified that he wishes to install an 18' diameter aboveground pool in his backyard. The pool would be 8 feet and 5 feet from the property lines, while the code requires 10 feet. The yard is already fenced. The Board advised if the application were approved, the gate would have to be self-closing. The applicant testified that in order to set back the pool the required 10 foot distance from the property lines, it would be too close to a pre-existing swing set used by his children, which is set in concrete and not easily moved. The Board attorney marked a copy of the applicant's survey Exhibit A-1, showing the proposed location of the pool and swing set. The applicant testified that he

can adjust the placement of the swings on the crossbar to ensure they are not too close to the pool.

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

The case was set down for worksession.

Case # 1405 – Tapia – Block 23, Lot 13 – 38 Gordon Street

An application for a variance to erect a 6' fence along the side yard of the property located at 38 Gordon Street, Block 23, Lot 13. The applicant was sworn in. The Board was presented with proof of service, taxes paid, and proof of publication. The Chairman read the denial letter from the Zoning Officer. The applicant testified that he wished to erect a 6-foot fence along the side of his property facing Bergen Avenue. The front of the house is on Gordon Street. The fence is back 32 feet from the stop sign on the corner of Bergen and Gordon to not interfere with the sight triangle. The applicant has three children and a dog and wishes to have privacy and safety for his family to enjoy their back yard. The applicant testified that the majority of houses with fences on Bergen Avenue have them at 6 feet high. The Board questioned the placement of the proposed fence. Would it be right along the sidewalk or set back? Bergen Avenue has no planting strip. The sidewalk runs right along the street and is narrow. If the fence were placed right along the sidewalk, it would make things tight for a mother with stroller and other children walking with her, for example. The Board questioned the size of the right-of-way on Bergen Avenue. It is not shown on the plan. If the proposed fence were in the town's right-of-way, the applicant would have to appeal to the Board of Commissioners for permission to put the fence there.

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

The case was set down for worksession.

Case # 1407 – Roman – Block 14, Lot 35 – 72 Eighth Street

An application for a variance to construct a two-story addition to the existing one-family residential home located at 72 Eighth Street, Block 14, Lot 35.

The applicants, Damaris and Ari Roman, were sworn in. The Board was presented with proof of service, taxes paid, and proof of publication. The Chairman read the denial letter from the Zoning Officer. The applicants testified that they wish to construct an addition to the rear of their home. It would add 14 feet to the back, and provide more living space. They have three children and their house has one bathroom. The Board attorney acknowledged that the height variance requested is minimal (several inches), and the sideyard setback is preexisting. The addition will have the same setback as the preexisting home. The addition would be built on a preexisting concrete patio. Therefore, the impervious coverage would not be increased.

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

The case was set down for worksession.

Mr. Tapia came forward to acknowledge before the Board that he looked at all the pictures he took of properties on Bergen Avenue with fences, and all are set back from the sidewalk, not right against the sidewalk.

The Board went into worksession and returned to regular session with the following decisions:

Case # 1403 – Seivright

Mr. MacNeill, seconded by Mr. Morton, made a motion to approve the application in part, as to the granting of the 6 foot fence on Railroad Avenue, and to deny the application in part, as to the granting of the 6 foot fence on Fourth Street.

Roll Call:      Mr. Cathcart – Yes                      Mr. Morton – Yes  
                    Mr. DellaFave – Yes                      Mr. MacNeill –Yes  
                    Mr. Wohlrab – Yes

The resolution was read into the record. A copy is attached.

Case # 1404 – Bianchini

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

Roll Call:      Mr. Cathcart – Yes                      Mr. Morton – Yes  
                    Mr. DellaFave – Yes                      Mr. MacNeill –Yes  
                    Mr. Wohlrab – Yes                      Ms. Perrotta - Yes

The resolution was read into the record. A copy is attached.

Case # 1405 – Tapia

Mr. Cathcart, seconded by Mr. MacNeill, made a motion to approve the application.

Roll Call:      Mr. Cathcart – Yes                      Mr. Morton – Yes  
                    Mr. DellaFave – Yes                      Mr. MacNeill –Yes  
                    Mr. Wohlrab – Yes                      Ms. Perrotta - Yes

The resolution was read into the record. A copy is attached.

Case # 1407 – Roman

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

Roll Call:      Mr. Cathcart – Yes                      Mr. Morton – Yes  
                    Mr. DellaFave – Yes                      Mr. MacNeill –Yes  
                    Mr. Wohlrab – Yes                      Ms. Perrotta - Yes

The resolution was read into the record. A copy is attached.

The meeting was adjourned at 9:30 pm.

Respectfully submitted,

Linda Quinn  
Secretary

Tape # 465