

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

Minutes of Regular Meeting
October 16, 2007

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 22nd day of December 2006 and in the Jersey Journal on the 27th day of December, 2006.

Roll Call: Present: Messrs. Cathcart, McCormack, Vorhees, DellaFave, MacNeill, and Ms. Perrotta

Absent: Messrs. Morton, Wohlrab and Spontak

A motion was made by Mr. Vorhees, and seconded by Mr. MacNeill, to accept the minutes of the September 18, 2007 meeting as prepared; all in favor.

Correspondence:

Notice from Little Ferry Planning/Zoning Board, re: access easement at
150 Route 46 West.

Memo from Bergen County Bar Association, re: Land Use Seminar

Memo from Village Clerk, Re: ordinances introduced by Teaneck for adoption.

Notice from NJ League of Municipalities, re: Regional Economic Development Forum

Advisory from NJ League of Municipalities, re: FCC order concerning cell antenna
backup systems.

Letter from Board attorney, re: Complaint from Dennis Oury for 71 Park Street

The Chairman announced that the Board would first memorialize a resolution for Case # 1392 – J&M Builders, which had been voted on at the September 19, 2007 meeting. Cheryl Perrotta read the resolution into the record. Mr. Vorhees made a motion, seconded by Mr. McCormack, to approve the resolution denying the application as prepared.

Roll Call:

Mr. Cathcart – Yes

Mr. McCormack – Yes

Mr. Vorhees – Yes

Mr. DellaFave – Yes

Mr. MacNeill – Yes

Ms. Perrotta – Yes

Mr. Wohlrab joined the meeting at this time.

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

- Case # 1410 Block 16.01/Lot 2 – 421 Main St. LLC (Fine) – use variance (carried from August)
- Case # 1412 Block 140/Lot 13 – 39 Teaneck Rd (Melo) – variance
- Case # 1414 Block 61, Lots 8 & 9 – 228-230 Main St. – Reaxiom Group (site plan approval, conditional use, variances)
- Case # 1418 Block 4/Lot 9 – 221 Third Street (Grande) – variance

The Chairman read the Rules of Procedure.

The Chairman recognized attorney Kevin Kelly, representing the applicant for Case # 1414 – Reaxiom Group. Mr. Kelly indicated that he had appeared informally before the Ridgefield Park Planning Board on October 15. Based on the discussions at the meeting, Mr. Kelly's client wishes to revise the application currently before the Board, to reduce the apartment units from 14 to 7. He questioned whether he would be required to withdraw the current application and refile, or would he be allowed to amend the current application. His concern with refiling was the financial impact on the client to pay the application fees again.

Mr. Kelly asked to be allowed to carry the application to next month, with new plans to be submitted as soon as possible. The Board indicated that the plans would need to be reviewed by the Site Plan Committee, as this is a significant change. It was determined that new notice and publication would need to be provided, even though the number of residential units have been decreased, not increased.

The Board announced that the application would be placed on the agenda for the next meeting (November 20). However, to be heard at that meeting the plans must be received early enough to be reviewed by the Site Plan Committee and, of course, must be on file with the Board Secretary the required 10 days before the meeting.

Case # 1410 – Block 16.01, Lot 2 - 421 Main Street, LLC.

An application to construct a second-story addition above the existing storefront to create two apartments at Block 16.01, Lot 2 - 421 Main Street, in the C-2 Zone, requiring a use variance and a variance for parking.

Ira Kaplan, Esq. represented the applicant. The Board was furnished with proof of service, taxes paid, and proof of publication. Mr. Kaplan indicated that his client wished to add a second story over the existing structure to create two one-bedroom apartments. Photos were provided to the Board. They were marked as follows:

- Exhibit A-1 – Subject Property Front
- Exhibit A-2 – Subject Property Front
- Exhibit A-3 – Subject Property Rear
- Exhibit A-4 – West Side of Main Street

Mr. Kaplan pointed out that the photos showed that the adjoining properties have a second floor. Michael Napolitan, architect for the project, was sworn in. He presented his credentials to the Board as an architect. The Chairman accepted his credentials as an expert. Mr. Napolitan acknowledged that the C-2 Zone does not permit residential units over commercial space. However, the photos show existing apartments on the second floor of the properties adjacent to his client's property. The application requires a use variance, and bulk variances. Mr. Napolitan stated that they are required to provide 2 parking spaces for the retail store and 2 for the apartments, for a total of 4 spaces. However, they cannot provide any parking, as there is no access to the open area to the rear of the building.

Mr. Napolitan pointed out that neither of the other two structures on the street have any off street parking either. He felt the application would be an aesthetic improvement, and a benefit to the block and neighborhood. It is impossible for the applicant to get rid of the bulk variances. He cannot acquire any property to remove/reduce the variances needed. Mr. Napolitan indicated that the typical renter of the proposed apartments would be a commuter. Public transportation is at the door. They might not even own a car. The Board expressed concern that Main Street parking spaces should be available for customers of the retail stores.

Mr. MacNeill questioned the calculations of the Zoning Officer in the denial letter regarding parking. Mr. Ballard indicated 6 spaces total: 2 for the retail and 2 per apartment. Mr. MacNeill indicated it should be 4 for the retail and 2 per apartment for a total of 8 parking spaces required.

The Board questioned fire safety in the second floor apartments. Mr. Napolitan testified that the windows would be large enough for egress. If approved, they would be required to comply with all relevant State codes for fire safety.

It was noted for the record that the application has an error. In regard to the question whether this property has had a previous appeal, the applicant marked "yes" by mistake. The proper answer is "no."

Paul Fine, principal of 421 Main Street LLC, was sworn in. He indicated that he was aware of the parking issue. He had approached the owner of the corner property to purchase it. If it was purchased, Mr. Fine could open up the fenced area behind the corner and gain access to the currently inaccessible potential parking area behind 421 Main Street. The owner indicated a willingness to sell at some time in the future, but not now. Mr. Fine indicated he had also attempted to contact the Church on Arthur Street, regarding gaining an easement across their property to access the rear of 421 Main Street, but he had been unsuccessful in opening communication with them.

The Board discussed the fact that this property is close to the boundary with Bogota and that Bogota does not allow overnight parking on their streets. This would limit available parking at night for future tenants of the apartments if approved.

Mr. Kaplan summed up by stressing that the benefits would outweigh the negatives. The proposed development would give the block a clean, modern look and if the applicant were to eventually be able to purchase the corner property, he could continue the look and gain more parking.

The case was opened to the public. No one appeared. The case was set down for work session.

Case # 1412 – MELO - Block 140, Lot 13 – 39 Teaneck Road

An application to pave the front yard to create a driveway, requiring a variance for maximum improved lot coverage in the front yard.

The applicant, Yolanda Melo of 253 Day Avenue, Cliffside Park, NJ, was sworn in. The Board was furnished with proof of service, taxes paid, and proof of publication. The Board members confirmed with the applicant that the work for which she is seeking a variance has already been done. The applicant testified that they paved the area to prevent the water from coming into the basement of the house, to get storm water to move away from the foundation.

Juan Vaccaro, of 39 Teaneck Road, was sworn in. He responded to the Board's questions concerning the current status of the property. He indicated that the yellow area on the application, the area for which they are seeking a variance, is already paved. He confirmed that there is no grass area present. It is completely covered. Mr. Vaccaro testified that the area is paver blocks. When asked how many cars fit in the paved area, he indicated that only one fits. However, the application indicates that they wished to make the improvement to create a second parking space. The application does not mention anything about paving to prevent water seepage into the house. The Board questioned why they did not just pave a strip of a certain width to keep the water out, rather than the whole area. The Board questioned whether this property is in the flood zone. The applicant testified that they are not required to have flood insurance.

The case was opened to the public. No one appeared. The case was set down for work session

Case # 1418 – GRANDE – Block 4, Lot 9 – 221 Third Street

An application to construct an addition to the existing one-family dwelling, requiring variances for lot area, lot width, front yard setback, maximum lot coverage, and maximum improved lot coverage.

The applicant, Pedro Grande of 221 Third Street, was sworn in. The Board was furnished with proof of service, taxes paid, and proof of publication. Mr. Grande testified that he likes the town for his children, likes the schools. He just wishes to have more space for his family as they grow. The Board questioned the size of the addition. Mr. Grande confirmed that the addition, if approved, will be in line with the existing home and will not encroach into the side yard setback area. It will be one story.

The case was opened to the public. No one appeared. The case was set down for work session.

The Board went into work session and returned with the following decisions:

Case # 1410 – 421 Main Street LLC

Mr. Cathcart, seconded by Mr. Vorhees, made a motion to deny the application. The Board attorney will prepare a resolution denying the application for memorialization at the next meeting on November 20, 2007

Case # 1412 – Melo

Mr. Cathcart, seconded by Mr. MacNeill, made a motion to approve the application. The Board attorney will prepare a resolution approving the application for memorialization at the November 20, 2007 meeting.

Case # 1418 – Grande

Mr. Vorhees, seconded by Mr. MacCormack, made a motion to approve the application. The Board attorney will prepare a resolution approving the application for memorialization at the November 20, 2007 meeting.

New Business:

Regarding the Complaint filed with the Superior Court Law Division (Shaker v. Zoning Board of Adjustment of the Village of Ridgefield Park), the Board authorized Board attorney Michael DeMarrais, Esq. to respond to the Complaint.

There being no further business, the meeting was adjourned at 9:40 pm.

Respectfully submitted,

Linda Quinn
Board Secretary

Tape # 473 & 474