

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

Minutes of Regular Meeting  
November 18, 2008

The Chairman, Mr. Cathcart, called the meeting to order at 8:05 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 21<sup>st</sup> day of December 2007.

Roll Call: Present: Messrs. Cathcart, Vorhees, Wohlrab, Spontak, Frontera, Micles and Ms. Perrotta

Absent: Messrs. McCormack and DellaFave

A motion was made by Mr. Vorhees, and seconded by Ms. Perrotta, to accept the minutes of the October 21, 2008 meeting as prepared; all in favor.

Correspondence:

- Planning Board Minutes – October 6, 2008 Meeting
- Letter from Planning Board – re: Case 1441 – 143 Main Street
- Memo from Health Dept., re: Case 1441
- Memo from Shade Tree Commission, re: Case 1441
- Memo from Village attorney to Board, re: Board of Public Utilities changes to Administrative Code
- Copy of letter from Shade Tree Commission to Eun Jin Choi, re: 39 Webster Street
- Public Notice from MetroPCS for application before Bogota Zoning Board
- Letter from Board attorney, re: application fees for MetroPCS application
- Initial report from Cerberus Consulting, re: MetroPCS application
- Notice from Teaneck Municipal Clerk, re: Teaneck Ordinance # 4104
- Letter from Board Attorney, re: opinion of Superior Court for Shaker vs. Ridgefield

Park

The Chairman read the Rules of Procedure.

The Chairman announced that there are two (2) resolutions to be memorialized for cases that were heard and decided at the October 21, 2008 meeting.

Case # 1436 Block 25/Lot 13 – 58 Hazelton Street – Shah

Cheryl Perrotta read into the record the resolution to approve the application. A motion was made by Ms. Perrotta and seconded by Mr. Vorhees to approve the resolution as prepared. A copy of the resolution is attached.

Case # 1437 Block 135/Lot 9 – 39/39A Ridgefield Ave – Durakovic

Cheryl Perrotta read into the record the resolution to approve the application. A motion was made by Ms. Perrotta and seconded by Mr. Vorhees to approve the resolution as prepared. A copy of the resolution is attached.

The Chairman announced that there are two (2) cases to be heard:

Case # 1440 Block 63, Lot 6 – 18 Paulison Avenue – Global Eagle, LLC

Case # 1441 Block 94, Lot 4 – 143 Main Street – Blumenthal

**Case # 1440 Block 63, Lot 6 – 18 Paulison Avenue – Global Eagle, LLC**

An application seeking permission to construct a deck to the rear of the commercial building located at Block 63, Lot 6 – 18 Paulison Avenue, requiring variances for side yard setback, lot coverage and improved lot coverage.

The Board was furnished with proof of service, publication and taxes paid.

The applicant was represented by Joseph Monahan, Esq. The applicant, Frank Myslivecek of 106 Grand Avenue, was sworn in. He is a partner of Global Eagle LLC, the entity filing the application. Mr. Monahan questioned Mr. Myslivecek concerning the application. Mr. Myslivecek stated that he wishes to construct a deck 20 ft by 40 ft to the rear of the commercial building at 18 Paulison Avenue. The contiguous property to the left is a vacant building and to the right is a printing company. To the rear is Railroad Avenue. The deck would not further encroach into the setback area. The deck would have a railing for safety.

The Board questioned whether this would reduce the available parking. The applicant testified that currently four cars could park in the rear area. If the deck were to be built, two cars could be accommodated in the remaining area. The Board questioned the surrounding properties on either side of proposed deck. The applicant testified that there is a deck to the left and a parking lot to the right. The Board expressed concern about noise from the deck disturbing neighbors late at night. The applicant testified that now patrons congregate out front on Paulison Avenue to smoke. This would be better. The proposed deck would be used for outdoor dining and to accommodate patrons who wished to smoke.

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

The case was set down for work session.

**Case # 1441 – Block 94, Lot 4 – 143 Main Street – Blumenthal**

An application to convert the existing two-family dwelling located at 143 Main Street, Block 94, Lot 4, to a mixed use, having a law office on the first floor and an apartment on the second floor, requiring a use variance and bulk variances.

The Board was furnished with proof of service, publication and taxes paid.

The applicant and prospective tenant, Thomas Blumenthal, Esq. came forward. Mr. Blumenthal stated that he has had his law practice in Ridgefield Park for 27 years. He would like to move his office to 143 Main Street. The property in its current state is decrepit and unused. Previously, it had been a hair salon, but the use was abandoned, and more recently it had been used as a two-family dwelling. Mr. Blumenthal is proposing a complete renovation of the property. A curb cut in front will be eliminated and grass will replace the paving. The interior would be gutted and the exterior re-sided. The first floor would be Mr. Blumenthal's office and the second floor would be residential. As it is in the R-3 Zone a use variance is required for the mixed use.

The owner of the property, Mr. Adel Michael, was present. Mr. Blumenthal stated that Mr. Michael has done a lot of renovation/construction work in River Edge that the Board might be aware of. He would be happy to conform to the sign requirements of the C-1 (H) Historic zone even though the property is not in that zone, just to make things look nicer.

The letter from the Shade Tree Commission was discussed and the applicant and owner indicated that they would be certain that the cherry tree in the front yard area would not be harmed if the construction were approved. The Board questioned the apartment upstairs. Mr. Blumenthal stated that the entrance to the second floor apartment would be to the rear of the building. They are seeking approval for an addition to the rear, as well. There would also be an ADA compliant entrance for his office to the rear. The residence and the law office would have separate entrances. There would also be a front entrance to the law office.

The Board questioned the surrounding properties. Mr. Blumenthal stated that to the left is the apartment building and to the right is a residential property. He knows the owners of the residential property and they are in favor of the plan. There will be brand new fencing and landscaping around the perimeter of the property.

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 to regular session with the following decisions:

Case # 1440 – Global Eagle, LLC

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

Roll Call:	Mr. Cathcart – Yes	Mr. Spontak – Yes
	Ms. Perrotta – Yes	Mr. Frontera – Yes
	Mr. Vorhees – Yes	Mr. Miele - Yes
	Mr. Wohlrab – Yes	

The Board attorney will prepare a resolution to be memorialized at the December 16, 2008 meeting.

Case # 1441 - Blumenthal

Mr. Vorhees, seconded by Mr. Frontera, made a motion to approve the application.

Roll Call:	Mr. Cathcart – Yes	Mr. Spontak – Yes
	Ms. Perrotta – Yes	Mr. Frontera – Yes
	Mr. Vorhees – Yes	Mr. Miele - Yes
	Mr. Wohlrab – Yes	

The Board attorney will prepare a resolution to be memorialized at the December 16, 2008 meeting.

Prior to adjournment, the Board discussed the on-going litigation of Shaker vs. Village of Ridgefield Park. Mr. DeMarrais reported to the Board that the NJ Superior Court upheld the Board's decision denying the application.

The meeting was adjourned at 8:35 pm.

Respectfully submitted,

Linda Quinn  
Secretary  
Tape 510