

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

Minutes of Regular Meeting
Tuesday, November 21, 2006

The Acting Chairman, Mr. Morton, called the meeting to order at 8:00 p.m. in the Municipal Building.

The Acting 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 16th day of December, 2005.

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

A motion was made by Mr. Morton, and seconded by Mr. Vorhees, to approve the minutes of the October 17, 2006 meeting as prepared; all in favor.

Correspondence:

Permit Fee Log & Certificate Log from Bldg Department – October 2006
Planning Board Minutes – October 2 & 16, 2006
NJ Planner – Fall 2006 Issue
Correspondence & outstanding escrow check from General Dynamics, re: Nextel
Correspondence from Jim McAndrews, Pods Storage, re: ordinance
Correspondence from NJ Department of Environmental Protection, re: Site
Remediation and Waste Management
Correspondence from RP Planning Board, re: Case # 1397 – 71 Park Street
Correspondence from Board attorney to Village attorney, re: Article VII of
Zoning Ordinance

The Chairman read the Rules of Procedure.

The Chairman announced that there are three (3) cases set for hearing:

Case # 1396 Lamon – Block 79/Lot 10 – 140 Overpeck Avenue (variance)
Case # 1397 Shaker - Block 61/Lot 6 – 71 Park Street (use variance)
Case # 1398 Arroyave – Block 20/Lot 6 – 6 Barnes Drive West (variance)

Case # 1396 – Lamon

An application requiring a variance to install an aboveground pool in the rear yard of the residential home at the premises located at 140 Overpeck Avenue, Block 79, Lot 10.

The applicant, William J. Lamon, was sworn in. The Board was presented with proof of service, taxes paid and proof of publication. The Chairman read the denial letter. The applicant testified that he wished to install a pool in the backyard for the enjoyment of his family. There is a chain link fence around the yard for security. The fence has slats for privacy, so there will be no visual intrusion on the neighbors either. The case was opened to the public – No one appeared. The case was set down for work session.

Case # 1398 – Arroyave – Block 20, Lot 6 – 6 Barnes Drive West

An application requiring a variance to construct a 2nd story addition and deck to the existing one-family dwelling located at 6 Barnes Drive West, Block 20, Lot 6, in an R-1 Zone.

The Board was furnished with proof of service, taxes paid and proof of publication. The Chairman read the denial letter.

Alan Mariconda, Esq. represented the applicant. Mr. Mariconda called the architect, Ashraf Ragab, to testify. Mr. Ragab was sworn in. The Acting Chairman accepted his credentials as an expert. Mr. Ragab testified that the home is presently a 1-½ story structure with all livable areas on the first floor. The attic space that currently exists is not livable area. The proposed addition would provide more living space for the family. The style is a traditional Colonial. A deck has been added on the side of the home. The deck does not violate the side yard setback requirements and is in alignment with the pre-existing home, so it does not encroach beyond the rear yard setback variance needed for the second story addition. The plans also show a proposed driveway on Barnes Drive West with parking for 2 cars, for which a variance is not required. The applicant, Juan C. Arroyave, was sworn in. He testified that he has owned the property for 6 months and lives there with his wife and small child. They hope their family will grow larger with more children, and the addition would provide them with needed living space. He feels the addition would be in conformity with the surrounding properties, since many of the homes near his have a full second floor.

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 came out with the following decisions:

Case # 1394 – Maldonado

This case was heard at the October 17, 2006 meeting. The resolution was read into the record. Mr. Vorhees, seconded by Mr. McCormack, made a motion to approve the resolution as prepared.

Roll Call:	Mr. Morton – Yes	Mr. McCormack – Yes
	Mr. Vorhees – Yes	Mr. Wohlrab – Yes
	Mr. Spontak – Yes	

Case # 1396 - Lamon

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

Roll Call: Mr. Morton - Yes Mr. McCormack – Yes
 Mr. Vorhees – Yes Mr. Wohlrab – Yes
 Ms. Perrotta – Yes Mr. Spontak – Yes

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

Case # 1398 - Arroyave

The Board asked the Board attorney to prepare a resolution approving the application for memorialization at the next meeting.

Case # 1397 – Shaker

An application requiring a use variance to convert the existing commercial building into a four-family dwelling at the premises located at 71 Park Street, Block 61, Lot 6 in an R-2 Zone.

Daniel McNerney, Esq. represented the applicant. The Acting Chairman read the denial letter from the Zoning Officer. The Board was furnished with proof of service, publication and taxes paid. The Board confirmed that the applicant had received a copy of the November 14, 2006 letter from the Planning Board regarding this application. The architect for the project, Marios Lachanaris of Taki J. Langas Architects, was sworn in. The Board accepted his credentials. Mr. Lachanaris introduced the plans for the proposed conversion, which were marked Exhibit A-1. The lot is 37 ½ feet by 120 feet wide. There is an existing 2-story structure, which extends right to the property line. The garage for the property faces Grove Street. Lot has frontage on both Park Street and Grove Street. Attorney stated that in the past the property had been used as a rooming house. In recent times the usage has been for a print shop on the first floor and residential area on the second floor. Currently it is vacant. The applicant seeks to create 4 apartment units in the building. The plans show each unit with 1 bath, 1 kitchen, 1 bedroom, 1 Living room/dining room combo. The garage on Grove Street spans the entire width of the lot (37 ½ feet). The architect testified that although it is designed as a 3-car garage, it could accommodate 4 cars. Parking in lot is 3, not 4 cars. 4 are too tight. This proposal provides 1.8 parking spaces per unit, complying with ordinance. However, it is not in compliance with driveway width. They are requesting a waiver for parking space length.

There will be no change to the exterior of the building. The plans show the front, first floor unit as handicapped-accessible (complying with ADA). Board questioned provisions for handicapped parking space. Architect indicated a handicapped space on the plan with the required aisle. Board pointed out that a handicapped person would have to walk down the narrow driveway to get to front of building to enter apartment. The Board questioned why the applicant is not seeking to convert the property to a two-family residence. It is in the R-2 zone. There would be fewer variances required. The Board attorney questioned the architect, regarding all apartments being required to have two means of egress. The second story apartments have only one means of egress. The architect agreed with the Zoning Board attorney, and indicated he felt that he could provide a second means of egress. This would mean altering the plans from their present state. The Board questioned why the Building Department did not pick up on

this when the plans were first provided to them. Plans need to be revised. The expert for the applicant concurred that second floor apartments are required to have two means of egress.

Michael F. Kauker, NJ Certified Planner, was sworn in. He acknowledged that the Board had valid issues and concerns with the application. He went on to describe the surrounding area of the property. It is across from the Municipal Building and Police Department. It is adjacent to the commercial/central business area. Park Street is a mix of multifamily properties. The planner testified that this proposal is consistent with the land use pattern of the surrounding area. If approved, the 4 apartments would appeal to renters. Mr. Kauker testified that a prior use of the property was as a rooming house. Layout of building is conducive to conversion to a 4-unit property. Each unit would be a reasonable size, approximately 661 sq. ft. He felt it would have an overall positive impact on the area.

The Board questioned how tenants who use the garage on Grove Street would get to their apartment. Planner testified that there is a stairway from the back of the garage that comes down into the area between garage and building. The Board questioned the current state of the property where the proposed paved parking area would be. Planner testified that now it is grass. Existing driveway stops. Applicant proposes 100% paved coverage of this area. The Board questioned if 3-car garage is changed to accommodate 4 cars, is there enough room for a person to fit past the parked cars (if all 4 are in there) to get to the stair at the back. If not, they would have to walk around the block to get into their apartment. The Planner indicated he would have to re-check and confirm dimensions to be sure 4 cars would fit. The Board noted that the driveway is only 8 feet wide in two places and questioned the planner if there was a fence on the property line, as it seemed tight for a car. The planner did not know if there was a fence or not. A minimum width of 12 feet is required for a two-way access driveway. This would be a selective one-way driveway. The Board discussed that this method of accessing the parking area in the back does not meet the Code and is very tight. Also, if a car went down the driveway and found all spots filled, would there be enough room to turn around and get out of the parking area?

Mr. Lakanaris came forward again and testified that it was his opinion that it would be unlikely that each unit would own 2 cars, so he thought the parking provided would be sufficient. The Board questioned the parking plan showing a parking space right in front of the stairway from the garage. The Board questioned whether someone coming from the garage would be able to pass by a car parked in that spot without great difficulty.

The applicant, Ashraf Shaker, was sworn in. He testified that there is another property in town at 126 Paulison Avenue that is a four-family that has a shared driveway. The Board had a recent hearing on this property. There was discussion that the parking area at 126 Paulison is differently laid out. Does not have the same issues as 71 Park Street. The case was opened to the public. No one appeared.

The Board went into work session to consider Case # 1397 – 71 Park Street. The Board felt that the plans are not complete. The Board attorney advised the Board that they could carry the application and give the applicant the opportunity to submit revised plans or they could make a decision tonight on the application before them. The applicant's attorney indicated that they wished to have a vote tonight.

The Board came out of work session with the following decision.

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

Roll Call: Mr. Morton – Yes Mr. McCormack – Yes
 Mr. Vorhees – Yes Mr. Wohlrab – Yes
 Ms. Perrotta – Yes Mr. Spontak – Yes

The Board attorney will prepare a resolution for memorialization at the next meeting.

The meeting was adjourned at 9:45 pm.

Respectfully submitted,

Linda Quinn
Secretary

Tape # 461