

**BOROUGH OF PARK RIDGE  
ZONING BOARD  
AUGUST 18, 2020  
VIRTUAL REGULAR MEETING MINUTES**

The Public Meeting of the Zoning Board of the Borough of Park Ridge was held virtually on the above date.

Vice Chairman Pantaleo stated that the meeting was being held in accordance with the Open Public Meetings Act.

Vice Chairman Pantaleo asked everyone to stand and recite the Pledge of Allegiance.

**Roll Call:**

Chairman Jake Flaherty	Absent
Vice Chairman Frank Pantaleo	Present
Mr. Steve Clifford	Present
Mr. Mike Curran	Absent
Mrs. Jamie DeMartino	Present
Dr. Gregory Perez	Present
Mr. Jeff Rutowski	Present

**Also Present:**

Board Attorney - Mr. William Rupp	Present
Board Secretary –	
Ms. Tonya Tardibuono	Present
Mr. Daniel Lee – Neglia Engineering	Present
Mr. Joseph Burgis – Burgis Associates	Present

New Board member Mrs. Jamie DeMartino was previously sworn in on August 12, 2020 by Borough Clerk Ms. Magdalena Giandomenico.

**Continued Application**

#ZBA 18-10  
Hornrock Properties  
1 Sony Drive  
Block 301 / Lot 1  
ORL  
Site Plan / Use Variance / Parking Variance

Mr. Rupp made an announcement that due to the Covid-19 pandemic, the applicant requested this meeting to be carried to the September 15, 2020 at 8:00 p.m. meeting. The applicant agreed to consent to an extension of time.

Resolution #2020-05

#ZB 20-01

Sean & Allison Sharkey

57 De Groff Place

Block 2301 / Lot 2

Front Yard Setback

A motion was made by Mr. Rutowski to approve the memorializing resolution. The motion was seconded by Dr. Perez and carried by a roll call vote as follows:

Mr. Frank Pantaleo Yes

Dr. Gregory Perez Yes

Mr. Jeff Rutowski Yes

New Application

#ZB 20-02

L&B Group LLC

81 Lawn Street

Block 1011 / Lot 10 (R-10)

New Home

Attorney Danielle Federico of Kaufman, Semeraro & Leibman was present as the attorney for the applicant. The applicant is L & B Group, LLC.

Proof of service is in order.

Ms. Federico explained that her clients purchased the vacant lot from Seana Construction Company, LLC on April 9, 2020. The owner of Seana Construction Company, LLC appeared before this Board in 2017 and received approval to construct a new two-story house. The approval expired and the new owners are coming back to this Board with the same plans that were previously approved in 2017. Seana Construction had previously applied to the Board requesting variances for an undersized lot, front yard setback, rear yard setback and F.A.R. Seana Construction submitted revised plans during the course of his hearings reducing the size of the proposed house and design in order to qualify for a F.A.R. bonus and to avoid needing an F.A.R. variance. This application noticed for a F.A.R. variance, but commented that it is not required. The current application is seeking variances for minimum lot depth, minimum lot area, front yard setback and rear yard setback. The new owners have not made any changes to this property since the properties purchase. At this time the applicant is not appearing with professionals and would like re-approval of the identical project that was approved on December 19, 2017.

Mr. Burgis commented that the ordinance has not changed since 2017 and there was no change in the neighborhood, but the original resolution had some conditions regarding trees and the sidewalk that need to be addressed.

Mrs. DeMartino asked for some explanation on the requested variances. Mr. Rupp explained.

Mrs. DeMartino wanted to know if the previous home met all of the zoning criteria.

Vice-Chairman Pantaleo commented that this Board should only be concerned with any zoning changes that occurred since the previous application. It was determined that there were no changes.

Mr. Burgis questioned if the trees can be saved.

The owners of L & B Group, LLC were sworn in by Attorney Rupp.

Boris Olifer – 220 Valley Road, River Edge  
Leonid Yuz – 324 Ellen Place, Paramus

Mr. Olifer commented that he did not remove any trees. Vice Chairman Pantaleo spoke about visiting the site and then explained what trees were left on the property. Mr. Olifer said that they are willing to put in any trees and landscaping that the town requests. One of the trees that was taken down was 24 ft. Ms. Federico commented that the applicants will work with our professionals and will consent to all requests. Mr. Burgis commented that he believes that to be a reasonable request although he would prefer to look at the site with his landscape architect and receive his professional opinion.

Vice Chairman Pantaleo asked the owners if they are in business with the site's previous owner. They replied no.

Dr. Perez asked if the home will be owner occupied. Mr. Yuz replied no, they are developers.

Mr. Rutowski questioned the public right of way. Mr. Lee commented that it is under ownership of the municipality.

In the original resolution the applicant was requested to widen the pavement along Cascade Street. Mr. Lee said Cascade Street goes from 21 ft, down to 15 ft.

Vice Chairman Pantaleo asked if it was the applicant's intention to keep with the previous zoning application. Ms. Federico replied yes, all remains the same.

## Public Comment

Mr. Tommy O'Connor – 23 Cascade Street

Mr. O'Connor questioned the back-yard setbacks. Mr. Burgis explained the set up of the side yard and back yard according to the ordinance definitions. Mr. O'Connor stated that he purchased the home in 2018 and there was already a fence installed on his property. He was concerned that they fence would be taken down. Ms. Federico commented that they can not take down anything that is not theirs.

Ms. Audrey Hergert – 91 Lawn Street

Ms. Hergert spoke about a 75 ft Douglas Fir tree that sits on the corner of the O'Connor property. She said the tree is not on the plan and should be so it cannot be taken down. Vice Chairman Pantaleo confirmed that the tree was still there. Mr. Olifer commented that they are not taking down any trees. Mr. Lee says he believes the property can be graded without touching the tree. Mr. Rutowski asked if we can bring in an arborist. Mr. Lee said that would make sense. Mr. Rupp commented that we can make this a condition. Mr. Rupp also stated that as we make changes the applicant not having any professionals becomes an issue. Vice Chairman Flaherty stated that this was a previous application that is returning for an identical approval. Mr. Lee stated that he believes this tree is located in the right-of-way. Ms. Hergert stated that she has an issue and does not believe this tree is on town property. She wants factual information and does not want anybody to assume. Ms. Hergert said if they dig around the roots of the tree it will be damaged. Ms. Federico said her clients have agreed to keep the tree. Mr. Rupp stated that they may have to come back to the Board if the arborist has any issues. Ms. Federico said her applicants are willing to install any landscaping that is required, and to the road widening, but she is requesting that they do not have to come back to the Board. Ms. Hergert said if the tree was on the plan, this wouldn't be an issue. Ms. Federico said the applicants are willing to keep the tree, but they cannot tell you why this tree was left off the original plans.

Mr. Lee pointed the remaining trees out on the plan. The only remaining trees on site now are one spruce tree, one oak tree and one dogwood tree. There are four other trees listed on the plans that no longer exist.

Ms. Federico stated that they would like to work with Burgis's office to make sure Mr. Burgis is satisfied with the landscaping.

Mrs. DeMartino stated that she is personally concerned because it is not easy to replace the trees. You can plant smaller trees, but it will take years for them to grow.

Ms. Federico stated that her clients did not remove any of the trees, but they will do what is in the best interest and add additional landscaping.

Mr. Lee stated that we can make arborist approval a condition of the resolution. He also commented that when the building permits are submitted to the building department, they will need to go through a full engineering review.

Vice Chairman Pantaleo commented that the tree should be saved and an arborist should give their professional opinion.

Ms. Herget wants the plans to be exactly as what currently exists.

A discussion was had by all members and professionals pertaining to the tree.

The resolution will be subject to the following conditions:

- The applicant shall preserve the remaining trees.
- The applicant shall plant additional trees/landscaping as determined by the Board's planner.
- The applicant shall have an arborist inspect the Douglas Fir tree located in the public right-of-way.
- The applicant shall pay for the cost to the Borough to widen the pavement along Cascade Street, unless the arborist's report indicates otherwise.

A motion was made by Mr. Rutowski to grant the requested variances with conditions. The motion was seconded by Mr. Clifford, and carried by a roll call vote as follows:

Mrs. DeMartino asked if the public has anything else to say. Vice Chairman Pantaleo stated that the public had their time to speak during public comment.

Roll call vote:

Mr. Clifford	Yes
Mrs. DeMartino	No
Mr. Pantaleo	Yes
Dr. Perez	Yes
Mr. Rutowski	Yes

#### Approval of Minutes

The minutes of January 21, 2020 were approved on a motion from Dr. Perez, seconded by Mr. Rutowski, and carried by all members eligible to vote.

Board Discussion

No Board discussion took place

The meeting was adjourned on a motion from Mr. Clifford, seconded by Dr. Perez, and carried by all.

Respectfully Submitted,



Tonya Tardibuono

**OATH OF OFFICE**

STATE OF NEW JERSEY

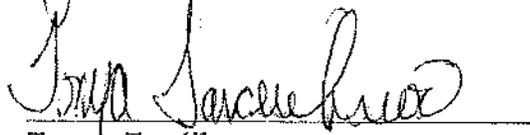
COUNTY OF BERGEN

I, **Jamie DeMartino** do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New Jersey; that I will bear true faith and allegiance to the same and to the Governments established in the United States and in this State, under the Authority of the people, and that I will faithfully, impartially and justly perform all the duties of the office of a Zoning Board of Adjustment (term expires: 12/31/23) according to the best of my ability (So help me God).

Sworn and subscribed to before me  
this 16 day of August, 2020

  
(signature)

  
Magdalena Giandomenico  
Borough Clerk

  
Tonya Tardibuono

Board Secretary

P.L. 2009, c.141  
N.J.S.A.40A:9-9.1  
N.J.S.A.41:1-3  
N.J.S.A.41:2-1

Resolution #2020-05  
Application #ZB20-01  
ZB 8-18-2020

**BOROUGH OF PARK RIDGE**  
**ZONING BOARD OF ADJUSTMENT**

**RESOLUTION**

\* \* \* \* \*

WHEREAS, SEAN and ALLISON SHARKEY (hereinafter referred to as "Applicant"), being the owner of premises known as 57 DeGross Place, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 2 in Block 2301 on the Tax Assessment Map for the Borough of Park Ridge, applied to the **ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE** (hereinafter referred to as "BOARD"), seeking a front yard variance to allow the construction of a portico over an existing landing; and

WHEREAS, the premises are located in the R-15 Residential Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, the BOARD has received the exhibits and documents with respect to this application as more particularly set forth on the list attached hereto and made part hereof; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on July 21, 2020; and

WHEREAS, the BOARD has carefully considered the application and all evidence and testimony submitted in connection therewith; and

WHEREAS, the BOARD voted approved the aforesaid application following the close of the public hearing thereon on July 21, 2020, and the within resolution is a memorialization of said approval pursuant to N.J.S.A. 40:55D-10g(2);

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact:

1. Applicant is the owner of premises located at 57 DeGroff Place in the Borough of Park Ridge, also known and designated as Lot 2 in Block 2301 on the Tax Map of the Borough of Park Ridge, a non-conforming lot containing 13,706 sq. ft. (15,000 square feet required) with a lot width of 108.53 feet (100 feet required) and a lot depth of 100 feet (150 feet required) and currently improved with an existing single family split level residential structure.
2. The existing house is set back 30 feet from the front lot line (30 feet required). The existing front door landing encroaches 2 feet into the front yard. The existing front stairs encroach an additional 3 feet (approx.). The existing house is set back 41 feet from the rear lot line (45 feet required). The existing side yard setbacks, building coverage, height, floor area ratio, dwelling width and impervious surface coverage are all in compliance.
3. The Applicant proposes to install a portico over the front landing which will encroach 2 feet into the required front yard setback. The Applicant further testified that the front steps are in need of repair and require reconstruction. The applicant further proposes to add a 431 square foot, one-story addition to

the side of the existing structure. Although the addition meets all the zoning requirements, the Applicant proposes to add a rear landing and stairs which will encroach a combined 8' 4" into the rear yard resulting in a setback of 36' 8".

4. Section 101-16B (2) of the Zoning Ordinance provides that "cornices, canopies, eaves, bay windows, balconies and necessary landings and other similar architectural features may project a maximum distance of two feet into required yards. Front steps may project a maximum distance of four feet into a required front yard."
5. As a result of the foregoing, the BOARD finds and concludes that variances are required from both the front yard and rear yard setback requirements.
6. The BOARD finds that by reason of the location of the existing house on the lot and the undersized lot area and depth, the strict application of the Zoning Ordinance to require a front yard setback of 30 feet and a rear yard setback of 45 feet would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the applicant pursuant to N.J.S.A. 40:55D-70(c)(1).
7. The BOARD further finds that construction of the portico over the existing front landing and the reconstruction of the front stairs will enhance the public safety by bringing the front steps into construction code compliance and protecting the landing from accumulations of snow and ice. In addition, the BOARD finds that the construction of the front portico will enhance the

aesthetics of the appearance of the building and will promote a desirable visual environment. The BOARD finds and concludes that the benefits from the granting of the front yard setback variance for the proposed portico and new steps outweigh any detriment pursuant to N.J.S.A. 40:55D-70 (c) (2).

8. Moreover, the BOARD finds that:

(a) the existing house with the proposed addition is within the building coverage, impervious surface coverage, dwelling width, height, side yard setbacks and floor area ratio limitations,

(b) the proposed portico, front steps, rear steps and rear landing are all open and do not impede the free passage of light and air,

(c) that the house will be in keeping with the scale of the neighborhood, and

(d) the proposed improvements are aesthetically pleasing and further the zoning purpose of maintaining the housing stock.

By reason of the foregoing, the BOARD finds that a decision to grant the variances from the required front and rear yard setbacks will not result in any substantial detriment to the public good nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT FOR THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. 40:55D-70(c)(1) and (2), the BOARD does hereby grant the Applicant's requested variances from the front and rear yard setback

requirements so as to permit the proposed front portico, reconstruction of the front steps, the rear landing and the rear steps, as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD.

Ayes: 3

Introduced by: Jeff Rutowski (WR)

Nays: 0

Seconded by: Gregory Perez (GP)

Dated: 8-18-2020

Approved: Frank Pantaleo (FP)

**EXHIBIT LIST**

**BOROUGH OF PARK RIDGE ZONING BOARD**

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APPLICANT: ZB 20-01  
ADDRESS: 57 Degroff Place  
BLOCK: 2301 LOT: 2  
ZONE: R-15

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<b>EXHIBIT:</b>	<b>ITEM NO.</b>	<b>DATE:</b>
Application	1	5/14/20
Owner's Affidavit/ Authorization	2	5/14/20
Certificate of Applicant	3	5/14/20
Tax Certification	4	5/14/20
Survey (dated 11/15/2012)	5	5/14/20
Plans (dated (11/19/19)	6	5/14/20
Property Owners within 200 Feet	7	7/13/20
Proof of Publication	8	7/13/20
Certification of Service (w/Receipts)	9	7/13/20
Photos of Property	10	7/17/20

34 Park Avenue – PO Box 426  
LYNDHURST, NEW JERSEY 07071  
Tel: 201.939.8805 • Fax: 201.939.0846



200 Central Avenue – Suite 102  
MOUNTAINSIDE, NJ 07092  
Tel: 201.939.8805 • Fax: 732.943.7249

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**Via: E-mail**

August 10, 2020

Borough of Park Ridge  
53 Park Avenue  
Park Ridge, NJ 07656

Attn: Ms. Tonya Tardibuono, Secretary

**Re: Site Plan Application – Engineering Review**

**Applicant: L&B Group, LLC**

81 Lawn Street  
Block 1011, Lot 3  
Borough of Park Ridge, NJ 07656  
NEA No.: PKRDSPL20.017

Dear Ms. Tardibuono:

As requested, we have reviewed the submitted Site Plan Application. The submittal included the following documents:

- Borough of Park Ridge Zoning Review Application, dated April 14, 2020;
- Denial of Application, dated April 23, 2020;
- Application of Appeal to the Zoning Board of Adjustment, dated May 14, 2020;
- Cover Letter, prepared by Tonya Tardibuono, Board Secretary, of the Borough of Park Ridge, dated May 28, 2020;
- Engineering Review Letter prepared by Eve Mancuso, P.E. Brooker Engineering, dated September 18, 2017;
- Borough of Park Ridge, Zoning Board of Adjustment Resolution, dated December 19, 2017;
- Signed and Sealed Site Plan Set consisting of three (3) sheet entitled “Proposed Dwelling, No. 81 Lawn Street, Borough of Park Ridge, Bergen County, New Jersey”, prepared by Michael J. Hubschman, P.E., P.P. and Robert J. Mueller, P.L.S., of Hubschman Engineering, P.A., dated June 12, 2017, with last Revision No. 1 dated October 16, 2017; and
- Signed and Sealed Architectural Plan Set consisting of four (4) sheets entitled “A Residence for L&B Group, LLC, Park Ridge, NJ, 81 Lawn Street, Block 1011, Lot 3, ” prepared by Fred Klein, R.A., dated June 27, 2017, with latest Revision No. 3 dated February 12, 2018.

#### **1. General Information**

The subject property is identified as 81 Lawn Street and is located along the west side of Lawn Street, at the southwest corner of the intersection of Lawn Street and Cascade Avenue. The subject property is further identified as Block 1011, Lot 3, per Borough of Park Ridge Tax Map Sheet No. 10. Additionally, the subject site is located within the R-10 Zone, per the Borough’s Zoning Map. The site was previously occupied by a two (2) story dwelling, with detached garage, asphalt driveway, concrete walks and various trellis areas and stone walls which have since been demolished. The site is now vacant.

This application was previously approved as noted in the submitted resolution. The time for action stipulated in the original resolution passed and therefore, the Applicant has submitted the same application

# N NEGLIA

ENGINEERING ASSOCIATES

for re-approval of the previously approved application with no proposed changes to same. The Applicant proposes to construct a new two-and-one-half (2½) story single family dwelling, including an asphalt driveway and covered front porch. Additional site improvements include modular block stairways and walls, rear yard paver patio, paver walkways, Belgian block curb, grading improvements and drainage improvements. The Applicant is proposing the construction of one (1) seepage pit to infiltrate stormwater runoff generated by the roof of the new dwelling.



## 2. Variations/Waivers

A. We defer to the Board Planner and Board Attorney regarding the determination of variations and waivers.

## 3. Engineering Comments

### Engineering Comments

A. This application previously received approval from the Borough of Park Ridge Zoning Board of Adjustment and our office recommends the new application be subject to the same conditions of approval excerpted below:

1. *The Applicant shall widen the pavement along Cascade Street from the end of the existing curb to the edge of the existing stone wall located in the public right-of-way adjacent to the adjoining property line to the west.* Whereas, the Applicant has not revised the plans to indicate the widening as indicated above.
2. *The Applicant shall preserve the two Spruce trees along Lawn Street and the two Cherry trees and one Oak tree along Cascade Street shown on the plans and install tree fencing at the drip line of the tree branches during construction so as to not damage or cut feeder roots inside the drip line of the tree branches.* Whereas, it appears one (1) Spruce Tree on Lawn Street and one (1) Cherry Tree on Cascade Street have been removed. The Applicant shall provide testimony regarding the current tree inventory and the reason for removal of the two (2) trees required to be preserved by the original approving resolution. NEA recommends this condition of approval be modified to reflect the current condition.



- B. At the time of the original application submission, the Board Engineer, Eve Mancuso, P.E. of Brooker Engineering, prepared a report dated September 18, 2017. NEA has no objection to the comments provided by the prior Board Engineer and recommends the Applicant be required to address same as part of their Building Department applications, should the application be approved and the Applicant pursue a Building Department permit. A copy of the aforementioned letter is included with this application.

Final Comments

- C. This approval is subject to all other applicable rules, regulations, ordinances and statutes of the Borough, Bergen County, State of New Jersey or any other governmental agency having jurisdiction over same.
- D. It is the Applicant's responsibility to determine what, if any, permits are required from outside agencies and internal municipal agencies and departments in order to construct the proposed development. These agencies include but are not limited to Bergen County Planning/Engineering, Bergen County Soil Conservation District, municipal fire / police departments, Park Ridge Water, Park Ridge Electric, BCUA, NJDOT and NJDEP.
- E. Should the Board look favorably upon this application, a performance bond, maintenance bond and inspection escrow will be required for on-site / off-site improvements, in accordance with the Municipal Land Use Law.
- F. NEA recommends that a response letter be submitted that addresses each of the comments noted above.
- G. The above comments are based on a review of materials submitted and/or testimony provided to date. NEA reserves the right to provide new or updated comments as additional information becomes available.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Very truly yours,  
**Neglia Engineering Associates**

Daniel C. Lee, P.E., C.M.E.  
For the Board Engineer  
Borough of Park Ridge

DCL/KT

Enclosure

cc: Joseph H. Burgis, P.P., A.I.C.P., Board Planner *via email*  
L&B Group, LLC. – Applicant *via email*  
Marc Leibman, Esq. – Applicant's Attorney *via email*  
Michael Hubschman, P.E., P.P. – Applicant's Engineer *via email*



# BROOKER ENGINEERING, PLLC

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74 Lafayette Ave  
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Tel: 845.357.4411  
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NJ OFFICE  
48 North Central Ave  
Ramsey, New Jersey 07446

Tel: 201.684.1221  
Fax: 201.684.1223

September 18, 2017

Borough of Park Ridge  
Zoning Board  
55 Park Avenue  
Park Ridge, N.J. 07656

Attn: Julie Falkenstern- Land Use Administrator

Re: Plot Plan – Block 1011 Lot 3  
81 Lawn Street  
PKR 0354

Dear Members of the Board,

We have completed our review of the submission in support of the variance request for the above captioned property consisting of the following:

1. Architectural Plan entitled, "A Residence for Seana Construction LLC", last dated June 27, 2017, prepared by Fred Klenk. Sheets 1 through 1 of 4.

The scope of work for the project consists of the demolition of the existing dwelling and garage and construction of a new single family dwelling. The property is located on the southwest corner of Lawn Street and Cascade Street. It is in an R-10 Zone and with a lot area of 7,500 SF. The applicant is seeking a number of variances.

Our comments are as follows. Most of these items may be addressed during the Building Department review should the Zoning Board vote favorably upon this application.

1. Proposed stormwater management practices have been shown on the plan. Drainage calculations shall be provided.
2. Care shall be given in positioning of the seepage pits and overflow to avoid damage to the existing trees.
3. Consideration should be given to re-grading the driveway to avoid a downward gradient towards the dwelling.

—————LAND DEVELOPMENT • MUNICIPAL • STRUCTURAL • WATER RESOURCES • LAND SURVEYING —————

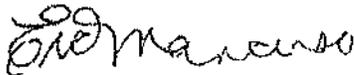
Brian Brooker, P.E.  
Stuart Strow, P.E., C.F.M.  
Elizabeth Mello, P.E.

Eve Mancuso, P.E., C.M.E.  
Glenn McCreedy, P.E., C.M.E.  
John Bezuyen, P.L.S.

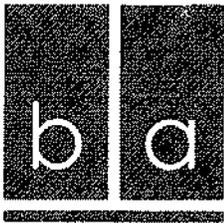
Ken DeGennaro, P.E., C.F.M.  
Anthony Riggi, P.E.  
Alan Garfinkel, P.E., P.P.

4. The plans shall indicate the limits of removal of the existing driveway and apron and note the requirement for construction of full height concrete curb on Lawn Street where the driveway is being eliminated.
5. Structural calculations are required to be submitted for retaining walls in excess of (4) four feet in height.
6. Soil tests will be required to be performed and submitted to our office at the time of construction but prior to having stormwater management practices constructed.
7. There is a substantial vegetated area along the property frontage on Cascade Street. The limit of disturbance/ removals shall be shown.
8. The sight lines shall be shown.
9. The pavement width along the property frontage shall be (20) feet wide minimum. Road widening on Cascade Street is needed.
10. The driveway taper to (20) feet wide shall commence on the subject property. The maximum driveway opening is (20) feet wide along the gutterline. This shall be noted.
11. The plans indicate a removal of a shade tree. Review and approval is needed from the Shade Tree Committee for removal of the Borough shade tree. Replacement trees may be necessary.
12. We are in receipt of a certification from the Bergen County Soil Conservation District for this property.
13. All construction details shall be provided.

Very truly yours,



Eve M. Mancuso, P.E., C.M.E.  
BROOKER ENGINEERING, PLLC



COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

**B U R G I S**  
ASSOCIATES, INC.

PRINCIPALS:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*

## MEMORANDUM

To: Park Ridge Zoning Board of Adjustment  
From: Joe Burgis PP, AICP  
Subject: L&B Group  
"c" Variance Relief  
81 Lawn Street Block 1011 Lot 3  
Date: August 12, 2020  
BA#: 3675.08

### Introduction

The applicant has submitted an application seeking "c" variance relief to construct a single family dwelling on the above captioned property. The site, which is identified by municipal tax records as Block 1101 Lot 3, is located at 81 Lawn Street in the R-10 One-Family Residential District.

Our office is in receipt of and has reviewed the following documents:

1. Application and site plan checklist;
2. Denial of Application, dated April 23, 2020;
3. Site Plan prepared by Hubschman Engineering, revised October 16, 2017;
4. Topographic Survey, by Hubschman Engineering, dated April 21, 2017;
5. Architectural Plans by Fred Klenk, AIA, revised February 12, 2018;
6. Zoning Board Resolution date \d December 19, 2017.

### Review Comments

1. Property Description: The site is located at the southwesterly corner of Lawn and Cascade Streets. The property occupies an area of 7,500 square feet (whereas 10,000 square feet is required) and is rectangular in shape. Its dimensions include 100 feet of frontage on Lawn Street and 75 feet on Cascade Street. The lot is characterized by a level and flat topography.



The surrounding area is developed with detached dwellings. The two lots immediately west of this site on the southerly side of Cascade Street are also undersized lots, as are a few other lots west of Lawn Street in this general area, although many lots east of Lawn Street are characterized by 10,000 square foot areas.

2. Proposed Development: The applicant proposes to construct a single-family dwelling on-site. The house is proposed to be setback 16 feet from Lawns Street and 25 feet from Cascade Street. Building and impervious coverage comply to code, as shown on an accompanying zoning table below. The proposal calls for the dwelling to be 2,522 square feet in area, representing a 33.63 percent floor area ratio.
3. Zoning and Master Plan: The site is in an R-10 Zone wherein sing-family dwellings are a permitted use. The submission's compliance to the applicable are and bulk requirements is as follows:

Indice	R-10 Standard	Proposed
Minimum Lot Area	10,000 sq ft	7,500 sf. Pre-existing nonconforming condition
Minimum Lot Width	85 ft	100 ft
Minimum Lot Frontage	75 ft	75 ft
Minimum Lot Depth	120 ft	75 ft. Pre-existing nonconforming condition
Minimum Front Yard		
Lawn St	25 ft	16 ft Variance
Cascade St	25 ft	25 ft
Minimum Side Yard	15 ft	21.6 ft
Minimum Rear Yard	35 ft	26.17 ft Variance
Maximum Building Width	65 ft	48.3 ft
Maximum Building Coverage	20%	19.93 %
Maximum Impervious Coverage	40%	35.8%
Maximum Floor Area Ratio	30%	33.63% (Applicant qualifies for FAR Bonus; thus no variance required)
Maximum Building height	32 ft	24.7 ft

The master plan designates this site for moderate density residential use. Pertinent planning goals include an interest in preserving the existing character of residential neighborhoods by encouraging development that is consistent with the existing neighborhood development patterns, and ensuring there is adequate light, air, and open space associated with all new development.

4. Background on a Prior Application: The zoning board heard this application three years ago. At that time, the proposal was approved, as the board recognized the dwelling was in keeping with the established character of the neighborhood, and variances could be granted consistent with the applicable statutory criteria. It also noted the imposition of all of the zoning provisions "would result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon the applicant." Finally, the board also noted the applicant was entitled to the bonus provision in the ordinance, thereby obviating the need for a FAR variance.

The reason the applicant is back before the board at this time is that the approval for the construction of the dwelling had expired. Typically, the question for the board in these circumstances revolves around whether or not the applicable zoning provisions have been changed since the time of the last application. A review of the records reveals they have not. While the board still has to take action on this application, the comments herein are relevant to the magnitude of the board's inquiry on this re-submission.

5. Statutory Criteria. The applicant is also seeking variance relief pursuant to NJSA 40:55D-70(c)(1) and/or (2). The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:
- a. **Physical Features Test:** An applicant may be granted c(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
  - b. **Public Benefits Test:** An applicant may be granted c(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition to the above, the applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.

JHB