

**BOROUGH OF PARK RIDGE  
ZONING BOARD  
JANUARY 21, 2020  
REGULAR MEETING MINUTES**

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

Mr. Flaherty stated that the meeting was being held in accordance with the Open Public Meetings Act.

Mr. Flaherty asked everyone to stand and recite the Pledge of Allegiance.

**Swearing in of new appointments and reappointments**

The following members were sworn in by Attorney Rupp.

Steve Clifford – Term ending 12/31/2023

**Roll Call Board:**

Chairman Jake Flaherty	Present
Mr. Steve Clifford	Present
Mr. Mike Curran	Present
Mr. Frank Pantaleo	Present
Dr. Gregory Perez	Present
Mr. Jeff Rutowski	Present

**Also Present:**

Mr. William Rupp	Present
Ms. Tonya Tardibuoono	Present
Mr. Dan Lee – Neglia Engineering	Present

**Election of Officers**

**Chairman** – A motion was made to appoint Mr. Jake Flaherty as Chairman of the Zoning Board for the year 2020 by Mr. Pantaleo, seconded by Mr. Rutowski. A roll call vote was taken. With all members in favor, Mr. Flaherty was named Zoning Board Chairman for 2020.

**Vice Chairman** – A motion was made to appoint Mr. Frank Pantaleo as Vice Chairman of the Zoning Board for the year 2020 by Mr. Rutowski, seconded by Mr. Clifford. A roll call vote was taken. With all members in favor, Mr. Pantaleo was named Zoning Board Vice Chairman for 2020.

**Board Attorney – Resolution 2020-1**  
**Board Planner – Resolution 2020-2**  
**Board Engineer – Resolution 2020-3**

A motion to appoint Mr. William F. Rupp of the law firm McCusker, Anselmi, Rosen & Carvelli as Attorney for the Zoning Board for the year 2020, Burgis Associates as

Planner for the Zoning Board for the year 2020 and Neglia Engineering as Engineer for the Zoning Board for the year 2020 was made by Mr. Pantaleo, seconded by Dr. Perez. A roll call vote was taken. With all members in favor, Mr. Rupp was named Zoning Board Attorney for 2020, Burgis Associates was named Zoning Board Planner for 2020 and Neglia was named Zoning Board Engineer for 2020.

#### **Board Secretary**

A motion was made to appoint Tonya Tardibuono as Secretary of the Zoning Board for the year 2020 by Mr. Clifford, seconded by Mr. Rutowski. A roll call vote was taken. With all members in favor, Tonya Tardibuono was named Zoning Board Secretary for 2020.

#### **Approval of 2019 Meeting Dates**

The meeting dates are the third Tuesday of the month, unless otherwise noted. A motion to approve the 2020 schedule of the Zoning Board meetings was made by Mr. Rutowski, seconded by Mr. Clifford. A roll call vote was taken, with all members in favor, the 2020 dates were approved.

February 18	August 18
March 17	September 15
April 21	October 20
May 19	November 24 (4 <sup>th</sup> Tuesday of the month)
June 16	December 15
July 21	January 19, 2021 (2021 Reorganization)

#### **Approval of Minutes**

The minutes of December 17, 2019 were approved on a motion from Mr. Pantaleo, seconded by Dr. Perez, and carried by all members eligible to vote.

#### **RESOLUTION #2020-4**

**#ZBA 19-11**

**Dave & Linda Bradler**

**11 Sixth Street**

**Block 1202 / Lot 15**

**Addition**

Mr. Rupp spoke about the discrepancies with the plans and the testimony. He explained the following....

The zoning chart on the plans indicates that the existing floor area is 1926 sf (FAR of 27.79%) which includes the garage, laundry room and recreation room. The floor area ratio calculations indicates an existing floor area of 1319 sf (FAR of 19.03%) by excluding the garage, laundry room and recreation room (607 sf). The note indicates that the area more than 3' 0" below average grade was not included.

In looking at the elevations appearing on sheet A3, it appears that floor level of the garage, laundry room and recreation room are less than 3 feet below the average grade shown.

The definition of Floor Area Ratio appearing in the zoning ordinance is as follows:

## FLOOR AREA RATIO

The gross floor area of all principal buildings or structures on a lot divided by the total lot area. The gross floor area of all principal buildings or structures excludes any floor area where the finished floor level is greater than three feet below the average grade measured six feet from the structure and any floor area associated with a detached garage.

The existing floor area is actually 1926 sf (FAR of 27.79%) and the proposed additions of 655 sf and 632 sf will result in a floor area of 3213 sf (FAR of 46.46%). The FAR variance was approved at the hearing for 2606 sf (FAR of 37.60%).

Mr. Rupp prepared two resolutions but he is concerned that if a resolution is adopted granting a variance for the lower FAR the applicant will need to return to the Board for another hearing. Mr. Rupp told the Board they can adopt one of the resolutions tonight, or re-open the hearing.

A Board discussion took place regarding the resolution. Members spoke about if the applicant should re-notice the size of the lot and the amount of FAR required. The floor area would now be 3,213 and F.A.R of 46.36%

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

Mr. Steve Clifford	Yes
Mr. Mike Curran	Yes
Mr. Frank Pantaleo	Yes
Dr. Gregory Perez	Yes
Mr. Jeff Rutowski	Yes
Mr. Jake Flaherty	Yes

## Continued Application

#ZBA 18-10

**Hornrock Properties**

**1 Sony Drive**

**Block 301 / Lot 1**

**Site Plan / Use Variance / Parking Variance**

A letter was received by the Attorney for the applicant Ms. Nicole Magdziak asking that the application be carried to the February 18, 2020 meeting.

The Board discussed having the applicant re-notice for the next hearing.

A motion to require Hornrock Properties to re-notice for the February 18, 2020 meeting was made by Mr. Pantaleo, seconded by Mr. Clifford. A roll call vote was taken, with all members in favor Hornrock Properties will be required to re-notice.

## Board Discussion

No Board discussion took place.

The meeting was adjourned on a motion from Mr. Rutowski, seconded by Mr. Curran, and carried by all.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Tonya Tardibuono", is written over the printed name.

Tonya Tardibuono

Resolution #2020-4  
Application #19-11  
ZB 1-21-2020

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

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**WHEREAS, DAVID and LINDA BRADLER** (hereinafter referred to as "Applicant"), being the owner of premises known as 11 Sixth Street, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 15 of Block 1202 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 variances for rear yard and side yard setbacks, building coverage, impervious surface coverage and floor area ratio; and

WHEREAS, the premises are located within the R-10 Residential Zoning District as same is defined by the Zoning Ordinance of the Borough of Park Ridge; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on December 17, 2019; 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 has carefully considered the application and all evidence and testimony submitted in connection therewith; and

WHEREAS, the BOARD voted to approve the application at its meeting on December 17, 2019, subject to the approval of a memorializing resolution 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 11 Sixth Street in the Borough of Park Ridge, being known as Lot 15 of Block 1202 on the Tax Assessment Map for the Borough of Park Ridge, located within the R-10 Residential Zoning District, containing 6,931 square feet (10,000 sf required) with a lot width of 75.0 feet (85 feet required) and a lot depth of 100.14 feet (120 feet required).

2. The R-10 One Family Residential Zoning District requires a minimum rear yard setback of 35 feet and a minimum side yard setback of 15 feet and permits a maximum building coverage of 20%, a maximum floor area of 3,333 sf, a maximum Floor Area Ratio (FAR) of 30% and a maximum impervious coverage of 40%.

3. The existing split-level frame dwelling has an existing FAR of 27.97% with a floor area of 1,926 sq. ft. The existing building coverage is 1,317 square feet or 19.0%. The existing impervious surface coverage is 2,271 sf or 32.77%. There is an existing rear deck which is proposed to be demolished. The existing house is set back 43.04 feet from the rear lot line, 6.4 feet from the easterly side lot line, 14.8 feet from the westerly side lot line and 28.68 feet from the front lot line along Sixth Street.

4. The Applicant proposes to construct a new first floor addition to the rear of the exiting house, measuring 15 feet by 43 feet 8 inches and containing 655 square feet, set back 6.42 feet from the easterly side lot line, 28.04 feet from the rear lot line and 16.55 feet from the westerly side lot line. The applicant further proposes an upper level addition, measuring 23 feet 10 inches by 26 feet 6 inches and containing 632 square feet, which is set back 6.40 feet from the easterly side lot line.

5. By reason of the new additions, the floor area will be increased by 1,287 square feet resulting in a floor area of 3,213 square feet and an F.A.R. of 46.36%. The new first floor addition results in an increase in the building coverage of 655 square feet for a total coverage of 1,972 square feet or 28.45%. The impervious surface coverage is increased to 2,794 or 40.31%.

6. By reason of the foregoing, Applicant requires variances from side yard and rear yard setbacks, building coverage, impervious surface coverage and FAR.

7. The Applicant initially proposed a side entrance to the new first floor addition with a walkway to the front driveway. The BOARD expressed concern that a separate side entrance to the addition, containing a new bedroom, bathroom and wet bar, would lend itself to possible future unlawful conversion to a second separate residential unit. The Applicant agreed to eliminate the proposed side entrance and the walkway. As a result, there would be no increase in the existing impervious surface coverage and no variance required therefor.

8. The BOARD finds that by reason of the existing undersized lot width and depth of the subject property, the undersized lot size and the location of the existing

structure, the strict application of the Zoning Ordinance with respect to rear yard setback and the side yard setback, and the building coverage limitation would result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon the Applicant.

9. The BOARD finds that the residential goal and policy in the Master Plan is "to promote the continued maintenance and rehabilitation of the Borough's housing stock." The BOARD finds that the aesthetic benefits from the proposed additions outweigh any negative impact from the rear and side yard setback requirements and building coverage limitations pursuant to N.J.S.A. 40:55D-70(c)(2).

10. The Master Plan further provides that the goal of the F.A.R. limitations is "to emphasize the importance of the preservation of natural resources, encourage development of new and renovated dwellings that are compatible with existing neighborhood character, establish the appropriate building scale, form and mass and create a proper setback relationship to the street and to the adjacent dwellings."

11. The BOARD finds that the proposed construction is consistent with the scale, character and architecture of the neighborhood. Due to the undersized lot, the proposed floor area of 3,213 sf results in an FAR of 46.36% but is below the maximum floor area of 3,333 sf permitted in the zone. Accordingly, the floor area is in keeping with the neighborhood. Moreover, the Board finds that the property can accommodate the larger floor area.

12. Accordingly, and for the foregoing reasons, the BOARD further finds that special reasons exist for a variance to permit the proposed increase in the permitted floor



area ratio in that the granting of such variance would improve the overall appearance of the structure and is in furtherance of the zoning purposes to promote the public health, safety and welfare, to provide adequate light, air and open space, and to promote a desirable visual environment through creative development, techniques and good civic design pursuant to N.J.S.A 40:55D-70 (d).

13. The proposed additions do not encroach beyond the existing side yard setbacks of the house. The house to the rear of the subject property has a large rear yard setback and is well screened from the subject property thereby providing adequate screening and distance from the rear of the new addition. The proposed floor area is well below the maximum floor area permitted. The proposed house is in keeping with the scale, character and architecture of the neighborhood. Accordingly, the BOARD finds that the variances for rear yard and side yard setbacks, building coverage, and floor area ratio can be granted without substantial detriment to the public good and that the granting of such variances will not 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 not less than the affirmative vote of five members, by virtue of the foregoing, and pursuant to the authority of N.J.S.A. N.J.S.A. 40:55D-70 (c)1, (c)2 and (d)(4), the BOARD does hereby grants the Applicant's requested variances for rear yard and side yard setbacks, building coverage, and floor area ratio, as more particularly set forth in this resolution and as shown on the plans submitted to the BOARD, subject to the condition that the Applicant eliminate the side

entrance to the new addition and the walkway and subject to the submission to the Engineer of drainage and stormwater runoff calculations and approval thereof by the Engineer.

Ayes: 5

Nays: 0

Dated: 1.21.2020

Introduced by: [Signature]  
JOE RUTOWSKI

Seconded by: [Signature]  
GREG PEREZ

Chairman [Signature]  
Jill Flaherty

<p style="text-align: center;"><b>EXHIBIT LIST</b></p> <p style="text-align: center;"><b>BOROUGH OF PARK RIDGE ZONING BOARD</b></p>
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APPLICANT: ZB 19-11  
ADDRESS: 11 Sixth Street  
BLOCK: 1202 LOT: 15  
ZONE: R-10

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EXHIBIT:	ITEM NO.	DATE:
Application	1	10/7/19
Owner's Affidavit/ Authorization	2	10/7/19
Certificate of Applicant	3	10/7/19
Tax Certification	4	10/7/19
Survey dated 5/10/06	5	10/7/19
Plans dated 9/20/19	6	10/7/19
Engineering Review Letter - Neglia	7	12/11/19
Planner Review Letter - Burgis	8	12/11/19
Property Owners within 200 Feet	9	12/16/19
Proof of Publication	10	12/16/19
Certification of Service (w/Receipts)	11	12/16/19
Applicant Submitted 8 photos	A4 A& B	12/17/19

**BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE**

**RESOLUTION NO. 2020-1**

**WHEREAS**, the Borough of Park Ridge Board of Adjustment (Board) is in need of professional legal services to serve as the attorney to the Board; and

**WHEREAS**, William F. Rupp, Esq., of the law firm of McCusker Anselmi Rosen & Carvelli, PC at 210 Park Avenue, Suite 301, Florham Park, New Jersey 07932 has heretofore served as the attorney to the Board; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of a professional services contract for such services without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, the Board finds that it would be in the best interests of the Borough of Park Ridge Zoning Board of Adjustment to award a contract for such services to William F. Rupp Esq. of the firm of Chasan Lamparello Mallon & Cappuzzo PC based on its experience as attorney for the Borough of Park Ridge Board of Adjustment as well as other municipalities pursuant to N.J.S.A. 19:44A-20.5 as a "Fair and Open" contract as defined therein; and

**WHEREAS**, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2020 Temporary Budget and 2019 Budget of the Borough of Park Ridge;

**NOW, THEREFORE BE IT RESOLVED**, by the Board of Adjustment of the Borough of Park Ridge that William F. Rupp Esq., of the law firm of McCusker Anselmi Rosen & Carvelli, PC at 210 Park Avenue, Suite 301, Florham Park, New Jersey 07932, be retained to provide professional legal services for the Borough of Park Ridge Board of Adjustment for the year 2020 commencing January 1, 2019 and terminating December 31, 2020, and that the Board Chairman is hereby authorized to execute, and the Board Secretary to attest, an Agreement to carry out the foregoing, a

copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Park Ridge; and

**BE IT FURTHER RESOLVED**, that William F. Rupp Esq. of the firm of the law firm of McCusker Anselmi Rosen & Carvelli, PC at 210 Park Avenue, Suite 301, Florham Park, New Jersey 07932 be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Ayes: 6 Introduced by: Frank Pantaleo  
Nays: 0 Seconded by: GREG PEREZ  
Abstentions: 0  
Dated: 1-21-2020 Mike Flaherty Chairperson

**BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE**

**RESOLUTION NO. 2020-2**

**WHEREAS**, the Borough of Park Ridge Board of Adjustment (Board) is in need of professional planning services; and

**WHEREAS**, Burgis Associates, Inc., 25 Westwood Avenue, Westwood, NJ 07675 has submitted a proposal to perform such services; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of a professional services contract for such services without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, the Board finds that it would be in the best interests of the Borough of Park Ridge Board of Adjustment to award a contract for such services to Burgis Associates, Inc., 25 Westwood Avenue, Westwood, NJ 07675, licensed professional planners in the State of New Jersey based on their experience pursuant to N.J.S.A. 19:44A-20.5 as a "Fair and Open" contract as defined therein; and

**WHEREAS**, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2020 Temporary Budget and 2020 Budget of the Borough of Park Ridge;

**NOW, THEREFORE BE IT RESOLVED**, by the Board of the Borough of Park Ridge Board of Adjustment that Burgis Associates, Inc., 25 Westwood Avenue, Westwood, NJ 07675 be retained to provide professional planning services for the Borough of Park Ridge Board of Adjustment for a one year term commencing January 1, 2020 and terminating December 31, 2020, and that the Board Chairman is hereby authorized to execute, and the Board Secretary to attest, an Agreement to carry out the foregoing, a copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Park Ridge; and

**BE IT FURTHER RESOLVED**, that Burgis Associates, Inc., 25 Westwood Avenue, Westwood, NJ 07675 shall be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Ayes: 6

Nays: 0

Abstentions: 0

Introduced by: En Als

Seconded by: Frank Dantaleo  
Greg Perez

Dated: 1-21-2020 Jake Flaherty Chairperson

**BOARD OF ADJUSTMENT OF THE BOROUGH OF PARK RIDGE**

**RESOLUTION NO. 2020-3**

**WHEREAS**, the Borough of Park Ridge Board of Adjustment (Board) is in need of professional engineering services; and

**WHEREAS**, Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071, has submitted a proposal to perform such services; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorizes the award of a professional services contract for such services without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

**WHEREAS**, the Board finds that it would be in the best interests of the Borough of Park Ridge Board of Adjustment to award a contract for such services to Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071,, based on their experience pursuant to N.J.S.A. 19:44A-20.5 as a "Fair and Open" contract as defined therein; and

**WHEREAS**, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2020 Temporary Budget and 2019 Budget of the Borough of Park Ridge;

**NOW, THEREFORE BE IT RESOLVED**, by the Board of the Borough of Park Ridge Board of Adjustment that Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071, be retained to provide professional engineering services for the Borough of Park Ridge Board of Adjustment for a one year term commencing January 1, 2020 and terminating December 31, 2020, and that the Board Chairman is hereby authorized to execute, and the Board Secretary to attest, an Agreement to carry out the foregoing, a copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Park Ridge; and



**BE IT FURTHER RESOLVED**, that Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071, be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27; and

**BE IT FURTHER RESOLVED** that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Ayes: 6

Introduced by: Frank Pantaleo

Nays: 0

Seconded by: Sam E. Dun  
Greg Fellez

Abstentions: 0

Dated: 1-21-2020 Jack Flaherty Chairperson