

Approved @
July 10 meeting

From: MARIJANE BRANDAU <mjbrandau@optonline.net>
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Date: 06/28/2013 09:20 AM
Subject: Zoning Board Minutes 6-12-2013

**Zoning Board of Adjustment
Wednesday, June 12, 2013
MINUTES**

Michelle Auston Esq. Zoning Board Attorney

PRESENT: Peter Ng, Valerie Costa, Ron Black, Matthew Clement, Robert Schlossberg, Karen Glass, John Evancho, Gary Esposito, Anthony Arturi, Mark Skerbetz, Zoning Officer.

Absent: Thomas Lawler, Al Ruhlmann

Meeting called to order by Chairman Peter Ng 8:00pm

Flag Salute

Sunshine Statement

Open Public Meetings Act - Adequate notice of this meeting has been provided by sending notices on December 21, 2012 to the Ridgewood News and on December 21, 2012 to the Bergen Record and by positioning on the bulletin board in the lobby of the Borough Hall and by filing notice of same with the Municipal Clerk. For safety sake I would like to remind all members of the public who are here that there are three emergency exits clearly marked one to my left, one to my right and then a rear exit behind you.

AGENDA

2013-03 Mr. Gabi Issa, 382 Lee Avenue, Front yard setback 23 feet, westerly side setback of 5.31 feet and total side yard setback of 14.24

Mr. Issa is sworn in and read letter of denial.

Mr. Issa - The reason for my application is because I need a bigger house.

Mark Skerbetz - The side yard setback it already exists so you are not really using that setback, but by the fact that you are removing the existing house and building it in the same place at that location that kicks in the variance requirement. The front yard setback is essentially for that new portico that you are going to construct.

ROLL CALL

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Richard Matthews - 174 Howland Avenue my property backs up to this property. He is sworn in. I took measurements today on the side it is 74 ½" to the fence line. That is 6 feet/2 inches.

Mark Skerbetz - Mr. Matthews you cannot measure that way you need a survey it is the only true way to measure a setback.

Richard Matthews - What is the actual proposed dimensions on the property with the percentage of coverage?

Mark Skerbetz - Have you seen a plan?

Mr. Matthews - No.

Mr. Skerbetz - The lot coverage is proposed at 24.8% where 25% is the maximum. The total impervious coverage is 34.03% where 35% is permitted.

Mr. Matthews - In reference to height what is the highest point of that?

Mark Skerbetz - 29 feet where 32 is permitted.

Mr. Matthews - The front property is approximately 36 feet from the sidewalk to the front of the porch where they have a flower bed that is there now built of brick. You are talking about pulling that portico forward 13 feet. They are pulling that forward 1/3 of the existing distance that is there whether you take a survey or a simple measurement. It is moving a lot closer than any other house on the block; this is going to obstruct views from either side.

Mark Skerbetz - The existing survey shows the house be 30 foot setback.

Mr. Matthews - The requirement is 30 feet from the property line and the portico is an encroachment.

Mark Skerbetz - The house isn't moving forward the portico is 70 square feet.

Mr. Matthews - A portico is a structure.

Mr. Skerbetz - It is part of the house.

Mr. Matthews - Is the portico being built does it have to be within

the 30 foot requirement.

Mr. Skerbetz - It is within the 35 feet and that is why he needs the variance.

Mr. Matthews - The area has water problems, the basement of that property floods and it has a sum pump. I would like to know how that is going to be addressed?

Mr. Issa - I bought the house in November and I have never had water problems in the basement.

Mr. Matthews - The area has water pumps, the basement of that property floods now and has a sump pump I would like to know how that is going to be addressed? The sump pump empties into the street correct?

Mr. Issa - I do not know.

Mr. Matthews - That water gets pumped out to Lee Avenue.

Mr. Issa - I don't know.

Mr. Matthews - Lee Avenue pitches and it floods the house next door has begun destroying the curb line. This property will need to address that. The existing tree growth, there are several large trees around the property, what are the plans for the trees?

Mr. Ng - In River Edge what we understand the policy to be is this there is a tree committee and if any household will go into the property for new construction any tree they remove they will grow another tree somewhere else within the property. We thank you for your

questions, and we all on this board put our heads together and come up with a decision.

Mr. Matthews - I hope that the board considers this and the board declines the variance.

Kathleen Milk, 376 Lee Avenue is sworn in. I have 2 concerns the water. Lee Avenue the houses flood. I have bailed out this house we are talking about many times. Could you please protect my home and put those tanks in. The sump pump empties right next to my driveway causing pooling and icing. I would appreciate it if that were moved.

I understand that the portico is going to come out, but if we give the variance does that mean that they can change the plans, not that they could come out anywhere else?

Mark Skerbetz - No. If they get approval here it is only on this plan. If the applicant decides to change, they have to come back to the board.

Mark Skerbetz - Should the board approve the variance, they will probably put a condition that the applicant will have a drainage plan.

Lucy Dimaulo, 376 Lee Avenue - (is sworn in) I would like to reiterate Ms. Milks comments in terms of the concerns about water. I do know that that basement did get water. As far as the decisions you have is difficult for you, but I also feel that the size of the entire project is a little out of character with the rest of the properties.

Vickie Santasiero, 371 Lee Avenue (sworn in) You said they started out with 5 variance and now down to 2. My only issue is that the ordinances and regulations are there for a reason and I just don't feel that Mr. Issa has given any good reason to go above and beyond what the town is requiring other than he wants a bigger house.

Mark Skerbetz - There are several types of C Variances, which this gentleman is applying for. One of them is called a C 2 Variance; you don't have to have a hardship for any reason other than you want it.

Jim Santasiero - (is sworn in) I am just going to again talk about water it has become a big issue on our block and any additional pumping of water would make is worse.

Father (not audible) 3 Cedar Road, I am the JC (is sworn in) before I became a priest I was a Civil Engineer, I am also on the Zoning Board in New Milford. I am going to be building this house and it looks like the biggest concern is the water. I know underground water. This problem will be corrected. I will install seepage tanks that the water will be contained underground. Whatever the engineer says we will do. I have built many houses and I have never had a problem with any of my houses.

Ron Black -Normally when there is a water problem and there are many parts of River Edge that do have problems. The engineer comes in and see what the property needs in order to remediate that problem. A lot of times it is on the plans itself and because of that we don't have any complications with any of the people in the surrounding community. If you knew there was an issue with water problems.

Father - I did not know he had water problems. He has not moved into the house yet he just bought it.

Ron Black - I knew the people that were in this house and every time they needed help with water they called me. There is a water issue with that house.

Greg Sampino - (sworn in) My concern is with the front setback with the property that we live on and we were required to put in 3 three thousand gallon drainage pits for the yard and one is in the back yard and 2 are in the front yard. In hind sight that was a design flaw by

having that pit in the back yard because that was has to drain through the house around the house and then back into the house it has to be pumped out again. I would like to have figured out a way to put those 3 pits in the front yard.

Father - That flower box in the front is going to be removed.

Bill Rutt - 381 Lee Avenue (sworn in) I am directly across the street and my concerns are if they take the house closer to Lee Avenue, I just don't want it closer to the street.

Peter Ng - With the variance required is the entrance, the landing into the house. Not the entire 7 feet from end to end.

CLOSE THIS PORTION TO THE PUBLIC

Peter Ng - I would like to have a motion to approve this variance with the condition of improving the water drainage and to have our engineer approve the drainage.

Gary Esposito makes a motion to approve with a design engineer and our town engineer for the water problem. Seconded by Matthew Clement.

ROLL CALL

Valerie Costa, Peter Ng, Karen Glass, Anthony Arturi, Matt Clement, Gary Esposito, John Evancho. - All vote yes.

Abstain: Ron Black, Robert Schlossberg

Motion is approved.

2013-04 Mr. Robert Brown, 455 Kinderkamack Road - In Ground Pool

Peter Ng. - Reads from letter of denial.

Robert Brown - (Is sworn in) It is not a diving pool, it is going to be at its deepest point 6' 5 1/2" feet of water to 3 1/2' of water. It is for adults to stand around and have their drinks in their hand and make sure they enjoy the summers,

Karen Glass - It says on the plans that the pool is being enclosed with a minimum 4 foot fence.

Robert Brown - The people that lived there before put a nice chain link fence around the whole property, but it is only 3 foot so I am not going to tear out that 3 foot fence I am going to enclose the pool area around with the fence. It will be either the same type of fence that is out there now, but to code or it will be the straight metal.

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Patricia Horodnik - (Is sworn in) My concern is with the fence, and the water runoff. My neighbor behind me has a beautiful pool. She use to pump into my yard and then she started pumping into the street.

CLOSE TO THE PUBLIC

Robert Schlossberg - I make a motion to accept application 2013-04, seconded by John Evancho.

ROLL CALL VOTE

Valerie Costa, Ron Black, Robert Schlossberg, Peter Ng, Karen Glass, Anthony Arturi, Matt Clement, Gary Esposito, John Evancho. All vote Yes.

Motion is approved.

ADJOURN 9:00PM

Robert Schlossberg makes a motion, seconded by Gary Esposito

All in favor say Aye - All say Aye

Respectfully submitted by,

Marijane Brandau