

APPLICATION FORM - ONE- OR TWO-FAMILY DWELLINGS VILLAGE OF RIDGEWOOD BOARD OF ADJUSTMENT

(THIS BOX FOR OFFICIAL USE ONLY)

DATE RECEIVED: 4/23/21 BLOCK(S): 2402 LOT(S): 18

ADDRESS OF SUBJECT PROPERTY: 41 Clinton Avenue

APPLICANT NAME: LIBERSON/DIVELBLISS APPLICATION NO.: ZBA21-20

TYPE OF APPLICATION(S) - check all that apply	Application Fee(s)	Escrow Deposit(s)
<input checked="" type="checkbox"/> "C" Variance (§190-33) - \$200 per variance, max. \$1,000		
<input type="checkbox"/> "D" Variance (§190-34) - \$1,000 each for prohibited use, expansion of nonconforming use, or density; \$500 each for building height at least 10% over maximum		
<input type="checkbox"/> Appeal of Zoning Officer Decision (§190-29)		
<input type="checkbox"/> Interpretation of Zoning Regulations (§190-30)		
<input type="checkbox"/> Certification of Nonconforming Use/Structure (§190-126G)		
<input type="checkbox"/> Minor Subdivision (§190-45)		
<input type="checkbox"/> Preliminary Major Subdivision (§190-46)		
<input type="checkbox"/> Final Major Subdivision (§190-47)		
<input type="checkbox"/> Exception from Subdivision Design Standards (§190-60)		
<input type="checkbox"/> Permit for Area on Official Map (§190-31)		
<input type="checkbox"/> Permit for Lot not Abutting Street (§190-32)		
<input type="checkbox"/> Extension of Approval (§190-36D, -45H, -46C(3), -46D, -47D, -47E, -47J, -47K, -51 or -97E)		
TOTAL		

Instructions to Applicants: All applicants are required to complete the cover sheet and Parts I, II, III and IV. The various attachments must be completed if they apply to your application. If any parts of the form do not apply to your application, please state "not applicable", "none", etc. If you have any questions, please contact the Board Secretary.

PART I. APPLICANT AND OWNER INFORMATION

- A. Applicant Name Steven Liebenson & Elaine Divelbliss
- B. Applicant's Mailing Address 41 Clinton Avenue, Ridgewood, NJ
- C. Applicant Telephone No. (917) 405-2524 If unlisted, check here ☐
- D. Applicant Email elaine.divelbliss@gmail.com
- E. Applicant's Attorney Name None
- F. Applicant's Attorney Address None
- G. Attorney Telephone No. None Attorney Email None
- H. Property Owner's Name Same
- I. Property Owner's Mailing Address Same
- J. Applicant's interest in land, if not owner (e.g., contract purchaser, owner's agent, etc.)
Owner

PART II. EXISTING PROPERTY INFORMATION

- A. Street Address of Property to be Developed 41 Clinton Avenue
- B. Tax Map Block Number(s) 2402 Lot Number(s) 18
- C. Zone District(s) R-1
- D. Does the owner or applicant now own or have any interest in any other property that adjoins the premises which are the subject of this application? (check one) ☐ Yes ☒ No
If yes, describe the adjacent property by block and lot numbers from the current tax map.
None

E. Are there any deed restrictions, protective covenants, easements, etc. affecting the subject prop. (check one) ☐ Yes ☒ No If yes, describe below or on a separate sheet

F. I have obtained from the Secretary of the Board a summary and/or a resolution concerning all prior decisions concerning development applications for the premises and have submitted these documents with this application. (check one) ☒ Yes ☐ No

Note: This certification must be submitted with the application or the application will be incomplete

G. Existing Use (check all that apply).

☒ Single Family Residence.

☐ Two Family Residence

☐ Other Use (Explain): _____

H. Describe the existing development of the property (buildings, paved areas, etc.).

existing single family residence

PART III. PROPOSED DEVELOPMENT INFORMATION

A. Proposed Use (check all that apply).

☒ Single Family Residence.

☐ Two Family Residence

☐ Other Use (Explain): _____

B. Proposed Development (describe all site modifications for which approval is being sought, including buildings, paving, utilities, storm drainage, lighting, signs, landscaping, fencing, etc. and any alterations to existing improvements.

Propose to enclose previously approved front covered porch with upper glass - lower solid panel enclosure per drawings

C. Required approvals or reviews by other governmental agencies other than the Board of

Adjustment, before construction may start (check all that apply). If in doubt, ask the Board Secretary for information.

- | | |
|--|---|
| <input type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> Road Opening Permit |
| <input type="checkbox"/> Health Department | <input type="checkbox"/> Bergen/Passaic County |
| <input checked="" type="checkbox"/> Construction Code Official | <input type="checkbox"/> Other Municipality |
| <input checked="" type="checkbox"/> Soil Movement Permit | <input type="checkbox"/> N.J. DEP (e.g., wetlands) |
| <input type="checkbox"/> Retaining Wall Permit | <input type="checkbox"/> N.J. DOT (e.g., State highway) |
| <input type="checkbox"/> Flood Hazard Area Construction Approval | <input type="checkbox"/> Other (describe below) |

PART IV. PROPOSED VIOLATIONS OF THE LAND USE ORDINANCE (Chapter 190)

The following must be completed if the application is seeking a variance from the zoning regulations in Chapter 190, *Land Use and Development*.

- A. The following violations of Chapter 190 are proposed by this application (reference the proposed violations by section and paragraph number in the ordinance):

190- 102 E (2) - Front Yard Setback

190- 102 E (12) - Gross Building Area within total lot

190- 102 E (13) - Gross Building Area within 140 ft. of lot

- B. On a separate sheet, indicate the reasons why you believe that the Board should grant relief of the above ordinance requirements, using the following criteria (check all that apply):

- ☐ Permit for Area on Official Map (see §190-31F(1) through (3))
- ☐ Permit for Lot not Abutting Street - Official Map (see §190-32F(1) and (2))
- ☒ "C" Variance (see §190-33G(1), (2) and (3))
- ☐ "D" Variance (see §190-34G(1)(a), (b) and (c))

PART V. SIGNATURES AND AUTHORIZATIONS

The undersigned applicant and owner do hereby certify that all the statements contained in this application are true to the best of their knowledge.

The undersigned applicant and owner agree that if any of the information presented in this application changes prior to the issuance of any permits by the Village for the subject application, I/we will promptly notify the Board of such changes prior to the issuance of such permits.

The undersigned applicant and owner consent to the entering and inspection of the subject premises by the Board and its staff as necessary for the review of this application.

The undersigned agree to keep current all escrow accounts for review of this application and to pay any outstanding balances.

Steven Libenson

4/5/2021

Applicant/Appellant

Date

Steven Libenson

4/5/2021

Owner

Date



VILLAGE OF RIDGEWOOD

131 North Maple Avenue
Ridgewood, New Jersey, 07451

Building Department

(201) 670-5500

(201) 670-5549

June 3, 2021

Mr. & Mrs. Steven Libenson
41 Clinton Avenue
Ridgewood, N.J. 07450

Re: Block 2402 Lot 18
41 Clinton Avenue

Dear Mr. & Mrs. Libenson:

A review of your application for a building permit regarding 41 Clinton Avenue, (R-1 zone) has been made. It is the opinion of the undersigned that a variance must be obtained from the Board of Adjustment for the construction of an enclosed covered porch which would result in a front yard of 38.25 feet where 40 feet is the minimum required and would result in total gross building area of 26.8%/5357 sf where 24%/5000 sf is the maximum permitted and would result in total gross building area, within 140 feet, of 38.3%/5357 sf where 29%/5000 sf is the maximum permitted.

Under the provisions of § 190-102E(2)(12)(13) Article X of the Ridgewood Village Code, "Minimum front yard: 40 feet"; "Maximum gross building area: as set forth in § 190-119J"; "Maximum gross building area within 140 feet of the front lot line: as set forth in § 190-119J, provided that the gross building area restrictions shall be calculated using only those buildings or portions of buildings, and only that portion of the lot, located within 140 feet of the front lot line".

If you have any questions, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Paola G. Perez". The signature is written in dark ink and is positioned above the printed name and title.

Paola G. Perez
Assistant Zoning Officer

PGP



VILLAGE OF RIDGEWOOD

131 N. Maple Ave.
Ridgewood, NJ 07450

201-670-5500 Ext 511
201-670-5532 Fax
mjgilmour@ridgewoodnj.net

Mary Jo Gilmour
Tax Collector

CERTIFICATION REGARDING PAYMENT OF TAXES AND ASSESSMENTS

Date 4/26/21

Re Block 2402 Lot 18

Owner Steven Libenson + Elaine D. velbliss

Location 41 Clinton Ave

Please be advised that of this date there

 are

(check one)

☒ are not assessed 4/26/21

overdue or delinquent property taxes or assessments for improvements for the above referenced property.

RIDGEWOOD TAX OFFICE
(201) 670-5500, EXT. 511



VILLAGE OF RIDGEWOOD
BERGEN COUNTY, NEW JERSEY
DEPARTMENT OF PUBLIC WORKS

DEPARTMENT OF PUBLIC WORKS
Christopher J. Rutishauser, PE, CPWM
Village Engineer, Director of Public Works

131 N. MAPLE AVENUE
RIDGEWOOD, NEW JERSEY 07451
PHONE: (201) 670-5500, Ext. 238
FAX: (201) 670-7305

FLOOD INSURANCE RATE MAP INFORMATION / CRS-320

The property located at 41 Clinton Ave., also known as Block 2402 Lot 18
has been located on the Village's Flood Insurance Rate Map (FIRM), dated, August 28, 2019.

The following information is provided:

Ridgewood's community number is: 340067

The address is located on panel number: 34003C0069J 34003C0088J ☒ 34003C0157J
34003C0159J 34003C0176H 34003C0177H
34003C0178H

The property is located in FIRM zone: ☒ X (Out or 500 year) AE (100 year) A (No BFE)

The main building is also located in: Floodway Repetitive Loss Area ☒ None

The main building on the property:

is located in a Special Flood Hazard Area with a Base Flood Elevation of: +/- _____ (NGVD 1988),
which correlates to a flood depth of +/- _____. Federal law requires that a flood insurance policy be
obtained as a condition of a federally-backed mortgage or loan that is secured by the building. It is up to the
lender to determine whether flood insurance is required for a property. The National Flood Insurance Program
is available in Ridgewood and our Community Rating System rating is a 6 which provides a 20% discount on
your insurance premium.

☒ is not located in a Special Flood Hazard Area. However, the property (above) may still be in floodplain (Letter
Of Map Amendment) or subject to local drainage problems or other unmapped flood hazard. Flood insurance
is available and may be obtained at non-floodplain rates. A flood insurance policy may be required by a lender.

A determination of the building's exact location cannot be made at this time without an Elevation
Certificate. A copy of the FIRM is attached for your information.

NOTE: This information is based on the Flood Insurance Rate Map for the Village. This letter does not imply that the
referenced property will or will not be free from flooding or damage. A property not in a Special Flood Hazard
Area may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not
shown on the map. This letter does not create liability on the part of the Village, or any officer or employee
thereof, for any damage that results from reliance on this information.

Elevations on file: 1929 NGVD / 1988 NGVD (circle one)

Lowest Point Elevation: N/A Lowest Shingle Elevation: N/A First Floor Elevation: N/A

Dated: 4/24/2021

Christopher J. Rutishauser for/
Christopher J. Rutishauser, PE, CPWM
Director of Public Works/Village Engineer



VILLAGE OF RIDGEWOOD
BERGEN COUNTY, NEW JERSEY
PLANNING BOARD & HISTORIC PRESERVATION COMMISSION

131 NORTH MAPLE AVENUE
RIDGEWOOD, NEW JERSEY 07450

PHONE: (201) 670-5500 x 240
FAX: (201) 670-7305

CERTIFICATE OF HISTORIC DISTRICT/SITE DESIGNATION

LOCATION OF PROPERTY: 41 Clinton Ave, also
known as BLOCK 2402 LOT 18

☐ IS NOT subject to review by the Historic Preservation Commission.

☒ IS subject to review by the Historic Preservation Commission because:

☐ The property is located within the Village Center Historic District and/or is designated in Chapter 190-98B (2), Land Use & Development.

☒ The property is a national/state registered site or is locally identified in the master plan and the proposed improvements need variance relief.

☐ The property is located in a residential historic district described in the Historic Plan Element of the Master Plan and the proposed improvements need variance relief.

IF THE PROPERTY REFERENCED ABOVE REQUIRES REVIEW BY THE HPC, the property owner or applicant shall provide the HPC Secretary with 10 collated copies of the proposed plan, photos, drawings, and the completed HPC Application Permit. (Please request a review date from the Secretary at the time you file the application.) The HPC office is in the Engineering Division.

The property owner and/or applicant are invited to attend the meeting of the Historic Preservation Commission at which the application is reviewed.

If Planning Board or Zoning Board approval is also required, the Commission will issue a report to the appropriate Board. All other recommendations will be issued to the construction official.

J. Wondergem, 4/126/2021
Signature of HPC Secretary - date

For further information regarding review by the Historic Preservation Commission, please call or contact Jane Wondergem at (201) 670-5500 ext: 240 or via email at: jwondergem@ridgewoodnj.net

CERTIFICATE OF PRIOR PLANNING AND ZONING BOARD ACTION

BLOCK 2402, LOT 18, 41 Clinton Ave (STREET ADDRESS)

was the subject of:

Planning Board action on: _____

☐ A resolution is attached.

☐ A resolution is not attached. (If no resolution is available, provide a short explanation.) _____

☒ There are no records of any planning board applications for this property address.

J. J. Wonduram 4/26/21
Signature of Planning Board Secretary

Zoning Board action on: 10/28/14

☒ A resolution is attached.

☐ A resolution is not attached. (If no resolution is available, provide a short explanation.) _____

☐ There are no records of any zoning board applications for this property address.

J. J. Wonduram 4/26/21
Signature of Zoning Board Secretary

VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT

OFFERED BY:

SECONDED BY:

IN THE MATTER OF THE APPLICATION OF
STEVEN LIBENSON AND ELAINE DIVELBLISS

WHEREAS, STEVEN LIBENSON AND ELAINE DIVELBLISS of 41 Clinton Avenue, Ridgewood, New Jersey (hereinafter referred to as the "Applicant") have filed an Application with the Zoning Board of Adjustment of the Village of Ridgewood (hereinafter referred to as the "BOARD") for variance relief to permit the construction of a front porch, one story and second story additions, which will result in a height above grade of 34 feet, where 30 feet is the maximum permitted, and a front yard setback to the porch of 32.24 feet, where 40 feet is the minimum required. The proposed construction will result in a lot coverage within 140 feet of the front lot line of 23.1%, where 20% is the maximum permitted, gross building area of 26.2% and 5,230 square feet, where 24% and 5,000 square feet and gross building area within 140 feet of the front lot line of 37.4% and 5,230 square feet where 29% and 4,620 square feet is the maximum permitted. The Applicant seeks this variance relief for the Property known as 41 Clinton Avenue, Ridgewood, New Jersey and shown on the Tax Map as Block 2402, Lot 18 (hereinafter referred to as the Property"), and

WHEREAS, the Applicant is requesting relief from Section 190-102E (1)(2)(11)(12)(13) Article X of the Ridgewood Village Code; and

WHEREAS, Notice of the Application was published and served in accordance with Municipal Land Use Laws of the State of New Jersey; and

WHEREAS, a public hearing was held on October 14, 2014, as it pertains to the variance application; and

WHEREAS, the BOARD by voice vote granted the variance relief sought by the Applicant; and

WHEREAS, in consideration of the testimony, statements, and documents submitted during the course of the public hearing, the BOARD made the following findings of fact:

1. The Owners of the property are Steven Libenson and Elaine Divelbliss. The property is located in the R-1 Zone.
2. There currently exists on the Property, a single family dwelling unit with a detached garage. The Applicant testified that the original home to the North side of the Property is a historic house having been built in 1868. The current addition is not historic, but was built in 1999. The Board recognizes that the addition from an architectural and aesthetic standpoint is not homogenous with the original historic home.
3. The Board recognizes that there are 6 current existing nonconforming conditions which are as follows:
 - A. Front yard setback is 33.79 feet, where 40 feet is the minimum required.
 - B. Side yard setback is 3.21 feet and 21.71 feet, where 22.67 feet is required.
 - C. Both side yard setbacks combined are 24.38 feet, where 33 feet is required.
 - D. Lot coverage within the first 140 feet of 28.8%, where 20% is the maximum permitted.
 - E. Lot coverage within the first 140 feet of 20.8%, where 20% is the maximum permitted.

F. Gross building area for the principal building of 29.1%, where 29% is the maximum permitted.

4. The Applicant proposes to make major modification to the dwelling unit to create a true historic looking home by modifying the addition so that the new addition will be synthesized into the historic home. For that purpose, a full front porch is being proposed, a shifting of the door to center it on the dwelling unit, and most importantly, filling in a void that exists between the garage and historic home where a portion of the current addition exists which is, currently out of character with the historic nature of the home. The proposed modification reduces the massiveness of the current garage and creates a better overall look from a streetscape perspective.
5. By filling in this internal area where the addition sets back currently from the front line of the house, creates for the Applicant's perspective, a better internal flow, more usable space and an ability to connect the addition on the first floor with the rest of the home as well as connect all of the bedrooms. The Applicant testified that the way the internal house is configured, creates certain "unusable" aspects of the dwelling unit for occupancy. However, the Board recognizes that personal preferences in usable space within the interior of the dwelling unit, does not constitute a benefit that the Board can acknowledge in connection with its review for variance relief.
6. The Board, however, has reviewed the overall plan of the Applicant and has determined that variance relief is appropriate under N.J.S. 40:55D-70(C)(2). In this instance, the Board has determined that there are substantial benefits that

outweigh any detriments and this is based upon the following:

- A. The front yard setback currently is nonconforming. The revisions proposed by the Applicant keeps the conformity basically within the same parameters while enhancing the overall aesthetic appeal of the dwelling unit.
 - B. The filling in of the void that currently exists between the historic home and the 1999 addition creates an overall better streetscape.
 - C. The lot coverage of 23.1%, where 20% is the maximum permitted can be accommodated in this instance because it basically fills in a void that exists in the front of the building which is out of character with the overall architectural elements of such an historic home. Likewise, this pertains to the gross building area relief being sought, both for the overall lot and within 140 feet of the front lot line. The Board recognizes that there are certain nonconformities on the Property already, and the proposal by the Applicant in this instance has a de minimis effect on those nonconformities. Furthermore, the building itself is skewed on the Property, is a lawfully existing structure as it is placed, and the construction proposed is appropriate to create a better historic look for this dwelling unit.
7. The Board acknowledges the Historic Preservation Commission of the Village of Ridgewood Report dated August 29, 2014 which provides in part that the proposed changes blend the original home with the original historic elements of the home, and have no negative impact to the streetscape. The Board has granted this recommendation recognizing that all of the exterior materials will match existing materials and style and this is a stipulation that is part of this Board's

recommendation.

8. The Board has further determined that there is a substantial benefit to the Community in bringing a home back to more of its original historic look and eliminating elements of a dwelling unit that have constructed in the past that have not maintained the same historic character of the original dwelling unit. On that basis, the Board also does determine that there is no detriment to the overall Zone Plan or Zoning Element of the Village of Ridgewood. It is recognized that one of the purposes of the Municipal Land Use Law is to encourage maintaining historic aspects of such dwelling units, and this being accomplished in this instance.

NOW THEREFORE, BE IT RESOLVED, on this 28th day of October, 2014 by the Zoning Board of Adjustment of the Village of Ridgewood that the request for variance relief by the Applicant is hereby **GRANTED** subject to the following conditions:

1. The Applicant shall abide by the stipulations set forth in the Findings of Fact.
2. The Applicant shall construct the addition in accordance with the Exhibits entered into evidence during the course of the Public Hearing, and as attached to the Application. The Applicant recognizes that all of the exterior materials will match.
3. All construction shall be completed in accordance with all ordinances and building requirements of the Village of Ridgewood, the Uniform Construction Code of the State of New Jersey, and in accordance with the instructions of the Construction Official of the Village of Ridgewood.
4. Applicant is required to obtain a building permit, post all necessary fees and costs. No building permit shall be issued by the Village of Ridgewood for said construction on this Property until the Construction Code Official has received

written verification that all fees have been paid to the Zoning Board of Adjustment of the Village of Ridgewood in regards to said Land Use Application that is the subject of this Resolution. If fees are due and owing, including fees in the escrow account for the Applicant, Applicant shall make payment forthwith in regards to same.

5. The variance relief granted by this Resolution applies only to such variance request as depicted in this Resolution.
6. Applicant shall comply with any applicable provisions of the affordable housing growth share obligation pursuant to Village Code, ordinances and Law pertaining to affordable housing. No building permits shall be issued until Applicant's growth share obligation, if any, has been determined by the Village and its representative in accordance with applicable Village regulations, Ordinances and directives pertaining to affordable housing and obligations related hereto.
7. Applicant shall comply with the terms of Village Ordinance #2802 relating to mandatory development fees to fund affordable housing (see Section 145-8), if applicable. The Applicant shall comply with all applicable Village regulations, Ordinances and directives pertaining to affordable housing and obligations related thereto.
8. In accordance with Ridgewood Village Ordinance 190-36a, the variance approval set forth herein shall expire unless the required building permits associated with said variance approval are obtained within one year of the date of the adoption of this Resolution, or within one year of the date all of the conditions precedent of approval, if any, have been satisfied, whichever occurs later, and as may be

permitted under the New Jersey Permit Extension Act.

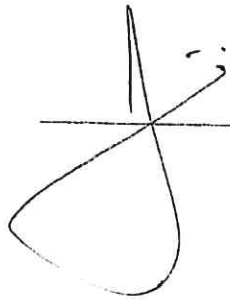
ADOPTED:

ATTESTED:



SECRETARY

BEW:cbp
(Ridgewood.Libenson/Divelbliss)



CHAIRMAN