

APPLICATION FORM

VILLAGE OF RIDGEWOOD BOARD OF ADJUSTMENT

(THIS BOX FOR OFFICIAL USE ONLY)		
DATE RECEIVED: <u>RECEIVED JUN 01 2021</u>	BLOCK(S): <u>5003</u>	LOT(S): <u>18</u>
ADDRESS OF SUBJECT PROPERTY: <u>897 Best Court</u>		
APPLICANT NAME: <u>Carlone</u>		APPLICATION NO.: <u>ZBA21-24</u>

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	\$ 200.00	\$ 800.00
<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 JOSEPH CARLONE
- B. Applicant's Mailing Address 897 BEST COURT, RIDGEWOOD, NJ 07450
- C. Applicant Telephone No. 845-325-5718 If unlisted, check here ☐
- D. Applicant Email CARLONE36@YAHOO.COM
- E. Applicant's Attorney Name -
- F. Applicant's Attorney Address -
- G. Attorney Telephone No. - Attorney Email -
- H. Property Owner's Name JOSEPH CARLONE
- I. Property Owner's Mailing Address 897 BEST COURT, RIDGEWOOD, NJ 07450
- J. Applicant's interest in land, if not owner (e.g., contract purchaser, owner's agent, etc.)
-

PART II. EXISTING PROPERTY INFORMATION

- A. Street Address of Property to be Developed 897 BEST COURT, RIDGEWOOD, NJ 07450
- B. Tax Map Block Number(s) 5003 Lot Number(s) 18
- C. Zone District(s) R1
- 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.
-

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

Village water main beneath driveway
(easement agreement in place with RW water)

- 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.).

1,950 sq ft Colonial Cape. Front, rear, side yards.
Paved driveway, detached ~950 sq foot garage
3 ft from property line

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).

Construct a stone patio over most
of the general area between the existing
L shaped wall off the garage and the
deck stairs, up to the driveway. < 10 ft from side lot.
at closest point.

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 type="checkbox"/> Construction Code Official | <input type="checkbox"/> Other Municipality |
| <input 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 checked="" type="checkbox"/> Other (describe below) |

Ridgewood Water - agreement in place through
Jill Fasano - Sr. Engineer, P.E.

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):

190-1245(2) Article X of
Village Code: "such improvements
shall be set back from the
side and rear lot lines a distance
of not less than 10 feet."

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))

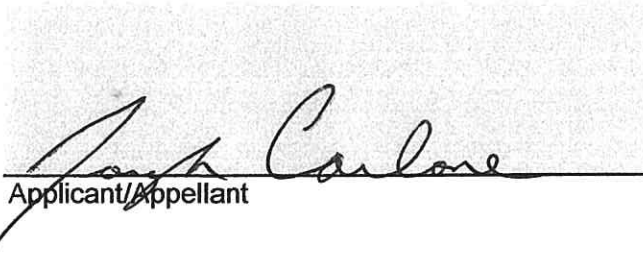
PART V. SIGNATURES AND AUTHORIZATIONS

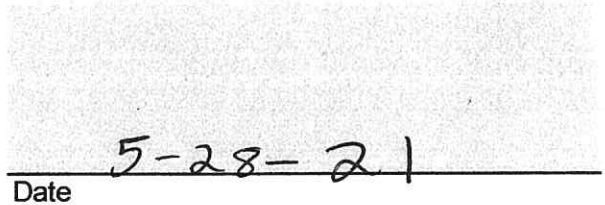
The undersigned applicant and owner do hereby certify that all the statements contained in this application are true to the best of their knowledge.

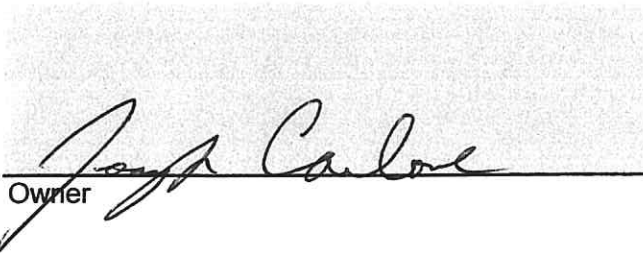
The undersigned applicant and owner agree that if any of the information presented in this application changes prior to the issuance of any permits by the Village for the subject application, I/we will promptly notify the Board of such changes prior to the issuance of such permits.

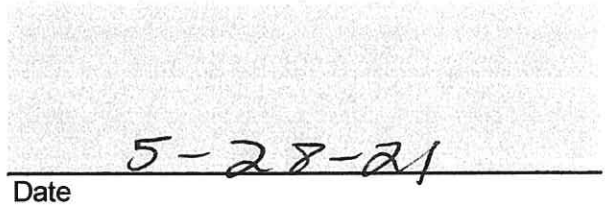
The undersigned applicant and owner consent to the entering and inspection of the subject premises by the Board and its staff as necessary for the review of this application.

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


Applicant/Appellant


Date 5-28-21


Owner


Date 5-28-21

GRANT OF EASEMENT

This Grant of Easement is made on this day of May, 2021 by and between Joseph and Amanda Carlone, the owner of property located at 897 Best Court, Ridgewood, New Jersey 07450, (hereafter referred to as the “Grantor”) and Ridgewood Water, a regional public water utility organized under the laws of the State of New Jersey, having offices at 131 North Maple Avenue, in the Village of Ridgewood, New Jersey (hereafter referred to as “Grantee”).

WHEREAS, the Grantor is the owner of property located on the northern side of Best Court in the Village of Ridgewood, Bergen County, New Jersey and more commonly known as 897 Best Court, Ridgewood, New Jersey, also known as Block 5003, Lot 18 on the official Tax Map of Village of Ridgewood (herein after referred to as “Grantor’s Premises”); and

WHEREAS, Grantee is the authoritative provider of potable water to the properties located in the Village of Ridgewood, Boroughs of Glen Rock and Midland Park, and Township of Wyckoff, New Jersey and is the owner of a subsurface water main which traverses the Grantor’s premises and provides potable water to multiple residences and structures in the Village or Ridgewood and surrounding area. This water main was installed in or about 1950; and

WHEREAS, Grantor represents that it has the authority to do so and intends to grant to the Grantee access to the Grantor’s Premises for the purposes of installing new and maintaining existing potable water infrastructure located on the Grantor’s Premises, more particularly described in Exhibit A attached hereto (herein referred to as “Easement Area”); and

WHEREAS, Grantor therefore grants to Grantee an easement under and across the Grantor's Premises as set forth in Exhibit A for the purposes set forth herein.

THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the Grantor hereby grants to Grantee as follows:

1. The Grantor hereby reaffirms, grants and conveys to Grantee a perpetual easement under and across the Grantor's Premises in the area described below as the Easement Area, to install, construct, maintain (which includes repair, replacement and inspection) and operate the subsurface water main and piping improvements (herein referred to as Water Main). As the Grantee of this easement, Grantee shall maintain the existing Water Main and any newly installed Water Main and keep it in good condition and repair. Grantee shall further be responsible for all costs associated with the installation, construction, maintenance and operation of said Water Main improvements. A description of the Easement Area is attached as **Exhibit A** to this Grant of Easement, that description consisting of a metes and bounds description of the Easement Area and further shown on a survey prepared by Daniel M. Dunn, a licensed Land Surveyor, dated April 2, 2021, and attached hereto as Exhibit B.

2. Permission and authority herein granted shall be used for the purpose of installing, constructing, using, laying, maintaining, operating, repairing, replacing, connecting water pipes, mains, valves, hydrants, standpipes and fixtures appurtenant thereto all such facilities and appurtenances to the Water Main in the Easement Area and for no other purpose.

3. The appropriate governmental Engineer shall have the right to review and approve all designs and plans prior to the commencement of the Water Main Improvements.

4. The Grantor makes no representations as to the condition of the premises. This includes as to any environmental condition or its compliance with any state, federal or environmental law or with the existence or non-existence of any hazardous material in, on above or beneath the premises.

5. Grantee shall comply with and faithfully observe and obey all applicable rules, regulations, and ordinances, now or hereafter existing and all other applicable laws now or hereafter existing affecting or relating to the purposes for which the Easement Area is used or shall be used pursuant to this Grant of Easement. The Water Main shall be at all times maintained by the Grantee in an entirely secure, safe and sanitary condition. Grantee shall further maintain strict conformity with all laws, ordinances and orders of competent public authority, and so as not to endanger public safety.

6. The Grantor shall retain ownership of Easement Area. Nothing herein shall impute an ownership interest to Grantee or to its successors and assigns.

7. The rights granted hereunder to the Grantee shall be exercised and used in such a manner as not to cause any damage or destruction of any nature whatsoever to or interruption of the use of the Grantor's Premises. However, the Grantor acknowledges that the Grantor has located the driveway to the residence on or above the subject Water Main. The Grantee shall be permitted to perform any and all necessary repairs, maintenance and/or remediation to the Water Main at and in the area in which the Water Main is located on the Grantor's Premises. Grantee shall not be responsible for the cost of

any repair to and/or remediation of the Grantor's improvements, buildings, structures or walkways, other than the area of the driveway which is as of the date of this Grant of Easement located on or above the Easement area, if necessary repairs, maintenance and/or remediation to the Water Main disturbs the any part thereof. The part of the driveway referred to above that is subject to Grantee's obligation to repair or remediate is more specifically depicted on **Exhibit B** to this Grant of Easement, the survey prepared by Daniel M. Dunn, a licensed Land Surveyor, dated April 2, 2021.

8. Grantor acknowledges that Grantor shall be responsible for any and all costs and expenses associated with the repair and/or remediation of any area disturbed by the Grantee while in the performance of necessary repairs and/or maintenance on the subject Water Main on Grantor's premises other than the driveway area located on the Easement Area shown in Exhibit B.

9. If the Grantor requests of the Grantee additional improvements to be located on the Easement Area over and above the subject Water Main, which request must be made in writing to Grantee, and the Grantee agrees to such request in writing to Grantor, Grantee acknowledges that Grantee shall be responsible for any repair and/or remediation that is necessary to the additional agreed upon improvement which may be caused by the Grantee's necessary repairs, maintenance and/or remediation to the subject Water Main.

10. Grantor shall not undertake, or allow or permit any action to be taken which interferes or interrupts the delivery of potable water to the rate holders of the Grantee, including the Grantor, and the exercise by the Grantee of the rights granted

hereunder. Grantor shall be responsible for any damage, cost, expense or loss incurred by the Grantee if Grantor takes any such action.

11. Grantor covenants that no permanent building of any type, nature or description shall be constructed within any of said Easement Area and further forever covenants with Grantee that nothing shall be done which would endanger or impair the Water Main or use or operation thereof or preclude access thereto. Should Grantor plan the construction of any further improvements within the Easement Area, Grantor will provide Grantee sufficient time to advise whether said construction would be of any impact to the Water Main. The sole exception to this reasonable advance notice requirement shall be for emergencies requiring Grantor to take immediate action vital to the public interest.

12. Indemnification

a. Grantee hereby indemnifies and holds harmless the Grantor from and against any and all claims, suits, damages, costs, losses and expenses caused by, resulting from, or based upon the negligent or intentional wrongful acts or omissions of the Grantee, its tenants, its agents, servants, employees or invitees relating to the installation, construction, maintenance and operation of said Water Main. In addition, the Grantee shall at its own expense, appear and defend all actions and pay any costs of the Grantor thereto in connection with Grantee's indemnification obligations, including reasonable attorneys' fees, and if any judgment shall be rendered against the Grantor as a result of the negligent or intentional wrongful acts or omissions of Grantee, Grantee shall satisfy and discharge that judgment.

b. Grantor hereby indemnifies and holds harmless the Grantee from and against any and all claims, suits, damages, costs, losses and expenses caused by, resulting from, or based upon the negligent or intentional wrongful acts or omissions of the Grantor, its tenants, its agents, servants, employees or invitees arising out of relating to the installation, construction, maintenance and operation of its proposed field improvements to the extent said activities are determined to be responsible or to have caused a break in the Water Main. In addition, the Grantor shall at their own expense, appear and defend all actions and pay any costs of the Grantee thereto in connection with Grantor's indemnification obligations, including reasonable attorneys' fees, and if any judgment shall be rendered against the Grantee as a result of the negligent or intentional wrongful acts or omissions of Grantor relating to the installation, construction, maintenance and operation of its proposed field improvements, Grantor shall satisfy and discharge that judgment.

13. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties, their respective heirs, executors, administrators, successors, assigns and legal representatives. It is understood and agreed that this shall be binding upon any successors, successors-in-title and/or assigns of Grantee.

14. This Grant of Easement shall be governed by and construed in accordance with the laws of the State of New Jersey. Any legal action or enforcement or any other issue relating to this agreement shall be instituted in the Superior Court of the State of New Jersey located in Bergen County.

15. In the event that either party defaults from the terms of this Grant of Easement then the aggrieved party may proceed by summary action pursuant to New Jersey Court Rules to enforce the terms of this Grant of Easement.

16. In the event that either party institutes an action for enforcement of any term of this contract, then in addition to any other relief, the prevailing party shall be entitled to an award of reasonable attorney's fees and costs incurred in prosecution of any action against the non-prevailing party.

17. The above referenced recitals shall be incorporated in this Grant of Easement herein.

IN WITNESS WHEREOF, the parties have executed or have caused this instrument to be executed by their proper officers duly authorized.

Witnessed or attested by:

(GRANTOR)

Date: _____

Signed and sworn to before me
on this day of April, 2021

Witnessed or attested by:

Ridgewood Water, Village of
Ridgewood
(GRANTEE)

Richard Calbi
Director of Operations

Date: _____

Donna M. Jackson
Deputy Village Clerk
(Seal)
Date: _____

Heather A. Mailander
Village Manager/Clerk

Date: _____

Susan Knudsen
Mayor

Date: _____

Signed and sworn to before me
on this day of April, 2021

ZONING

REQUEST FOR ZONING REVIEW

RECEIVED FEB 09 2021

NOTE: a property survey is required for a zoning review and surveys must be to scale.

Date: 2/5/21 Received by: mail

Name: Andrew Lala, Yellow Wagon Landscaping c/o Joseph Carlone

Address: 897 Best Court, Ridgewood, NJ 07450

Block: 5003 Lot: 18 Zone*: R1

Phone No.: 201-669-8379 Work No: 201-945-0595

Cell No.: 11 Email: andrew@yellowwagonlandscaping.com

carlonej@coned.com

Request is for (Check Appropriate box):

☐ Addition

☐ Dormer

☒ Fence

☐ Garage

☒ Deck/Patio

☐ Pool

☐ Add-a-Level

☐ Driveway

☐ Retaining Wall

☐ Other _____

Please briefly explain the nature of your zoning request:

Add concrete paver back patio + wood-burning fire pit.

Replace existing picket fence + arbor

Existing lot coverage: 4065 SF (26.1%); After/Proposed: 4539 SF (29.2%)

* If property is in the R1 or R110 zone, height of the structure is required

COMMENTS (for office use only): _____

Growth Share Obligation:

Yes ☐

No ☐

Type of Development:

Residential ☒

Non-Residential ☐

Zoning Officer's Signature: _____

Date: _____



VILLAGE OF RIDGEWOOD

131 North Maple Avenue
Ridgewood, New Jersey, 07451

Building Department

(201) 670-5500

(201) 670-5549

May 19, 2021

Mr. & Mrs. Joseph Carlone
897 Best Court
Ridgewood, N.J. 07450

Re: Block 5003 Lot 18
897 Best Court

Dear Mr. & Mrs. Carlone:

A review of your application for a zoning permit regarding 897 Best Court, (R- 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 a patio which would result to be ± 4 feet from the side yard where 10 feet is the minimum required.

Under the provisions of § 190-124S(2) Article X of the Ridgewood Village Code, "Such improvements shall be set back from the side and rear lot lines a distance not less than 10 feet".

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

Very truly yours,

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 5/27/21

Re Block 5003 Lot 18

Owner Joseph Carlone

Location 897 Best Ct

Please be advised that of this date there

 are
☒ are not (check one)

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 897 Best Ct, also known as Block 5003 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: 5/27/2021

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: 897 Best Ct, also

known as BLOCK 5003 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.

Jane Wondergem, 5/27/2021
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 5003, LOT 18, 897 Best Ct (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.

[Signature] 5/27/21
Signature of Planning Board Secretary

Zoning Board action on: 10/8/19

☒ 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.

[Signature] 5/27/21
Signature of Zoning Board Secretary

**VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT**

OFFERED BY:

SECONDED BY:

IN THE MATTER OF THE APPLICATION OF
JOSEPH CARLONE

WHEREAS, JOSEPH CARLONE (hereinafter referred to as "the applicant") has filed an application with the Zoning Board of Adjustment of the Village of Ridgewood (hereinafter referred to as "the Board"), for bulk variance relief in order to complete the renovation of a non-conforming garage which will require relief from those provisions of the Zoning Ordinance of the Village of Ridgewood (hereinafter "the Ordinance") relating to side setback for accessory buildings for the property commonly known as 897 Best Court, Ridgewood, New Jersey 07450, also known as Lot 18 in Block 5003 on the tax assessment map of the Village of Ridgewood (hereinafter "the property"), which is located in the R-1 Zone; and

WHEREAS, the applicant is requesting relief from Sections 190-119(C)(1)(f) which regulates setbacks for accessory buildings, and 190-126C(2) regulating expansion of non-conforming structures; and

WHEREAS, notice of the application was published and served in accordance with the Municipal Land Use Law of the State of New Jersey; and

WHEREAS, a public hearing was held on September 24, 2019 on which occasion the Board heard testimony from the applicant; and

WHEREAS, on September 24, 2019, by voice vote, the Board approved a motion granting the relief requested by the applicant, and instructing the Board Attorney to prepare a memorializing resolution pursuant to the provisions of N.J.S.A. 40:55D-10(g)(2);

WHEREAS, in consideration of the record established with respect to the application, including testimony and the exhibits marked into evidence throughout the proceeding and during the public hearing, the Board makes the following findings of fact and conclusions of law:

1. The applicant is the owner of the property which is located in the R-1 Zone.
2. The property is located on Best Court, near the intersection of Shadowbrook Road and NJ State Highway Route 17. It is rectangularly-shaped, with a width of 91ft., and a depth of 157ft, and an area of 15,573 square feet.
3. The property is improved with a single family, 1,950sf, 1½ story frame dwelling, and a detached garage in need of repair. The detached garage has existed on the property for many years, and is located 3ft. from the westerly property line, where 5 ft. is required, thereby constituting a non-conforming structure.
4. The applicant proposes to repair the garage by removing the existing leaking and aging roof structure, parapet walls, and rotting soffit, and replace with a new roof, gable walls, insulated siding, shingles, gutters and centered peak with Anderson CR-125 window to be installed facing the house. The proposed work will take place on the non-conforming structure 3ft. from the side yard lot line, but is not intended to further encroach.
5. The applicant seeks a variance from the provisions of Section 190-119(C)(1)(f) which provides that detached accessory buildings in residential zones be located at least five feet from side and rear lot lines. As noted above, the existing and proposed setback is 3ft, however the applicant testified that there will

be no sideline and the height of the structure shall regulations and the footprint of the structure shall not change.

6. The applicant also seeks a variance from the provisions of 190-126C(2), regulating the expansion of non-conforming structures. The applicant proposes to raise the existing garage roof and parapet and construct a new gabled roof with an overhang within the non-conforming setback, thereby technically expanding the non-conformity.

7. N.J.S.A. 40:55D-70(c)(1)(c) provides a proper basis for variance relief. The detached accessory garage has existed on the property for many years and will not create any new or greater encroachment on the adjoining property, but will in fact result in a more pleasing appearance. To require the removal and relocation of the garage for 2ft. would constitute an unreasonable hardship.

7. Relief is also proper under N.J.S.A. 40:55D-70(c)(2). As noted above, the property features a single-family home, and the garage which as proposed will continue to provide off-street, enclosed parking for two motor vehicles and related storage. The benefits of deviation would outweigh any detriments.

8. The Board finds that requiring the applicant to remove the garage and construct it anew in a conforming location would serve no useful purpose, and that the applicant is entitled to the variances needed.

NOW, THEREFORE, BE IT RESOLVED on this 22 day of October 2019, by the Zoning Board of Adjustment of the Village of Ridgewood that the request for variance relief, as outlined above, and so as to permit the non-conforming accessory building setback of 3 ft. where 5 ft. is required, be and the same is hereby granted on the following terms and conditions:

1. The applicant shall comply with the terms and conditions of this resolution;
2. The applicant shall complete the construction of the garage in accordance with the approved plan, identified as "garage roof reconstruct. for the Carlone residence 879 Best Court, Ridgewood, NJ," prepared by Anderson Architect, dated May 28, 2019, and which is the plan upon which the approval contained in this resolution is based;
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. The applicant is required to obtain a building permit, and post all necessary fees and costs. No building permit shall be issued by the Village of Ridgewood for construction on the property under 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 with respect to the application which is the subject of this resolution. If fees are due and owing, including fees in the escrow account of the applicant, the 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; and
6. In accordance with Ridgewood Village Ordinance 190-36A, the variance and other 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: October 8, 2019

ATTESTED:


JANE WONDERGEM, SECRETARY


SERGIO ALEGRE, CHAIRMAN

Prepared by Ben R. Cascio, Esq.