



RINGWOOD ZONING BOARD OF ADJUSTMENT

ANNUAL REPORT

2015

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Land Use Administrator**

Adopted: October 17, 2016

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2015 BOARD MEMBERS

Christine Foster, Chairman

Malcolm Tennant, Vice Chairman

John Amariuta

Diana Buongiorno

Patrick Diamond

Frank Dyer

Thomas Shaughnessy (Resigned October 2015)

John Stack, Alternate #1 (Appointed March 2015)

BOARD PROFESSIONALS

Jameson Van Eck, Board Attorney

David Hals, P.E., Board Engineer

Helen M. Forsa, Land Use Administrator

PURPOSE

The New Jersey Municipal Land Use Law requires the Board of Adjustment to submit an Annual Report to the Mayor and Council and Planning Board.

N.J.S.A. 40:55D-70.1: “The board of adjustment shall, at least once a year, review its decisions on applications and appeals for variances and prepare and adopt by resolution a report of its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendment or revision, if any. The board of adjustment shall send copies of the report and resolution to the governing body and planning board”.

This report is prepared pursuant to that Statute.

2015 CALENDAR

The Board held a total of 11 meetings in 2015.

SYNOPSIS

A total of 43 applications were filed in 2015.

Below is a breakdown of the types and numbers of applications heard in 2015:

TYPE OF VARIANCE	NO. APP. FILED	ZONE
“A” (Appeal)	0	
“B” (Interpretation)	0	
“C” (Bulk)	31	R-20
	2	R-40
	3	R-40V
“D”	1	R-20
	3	I-60
Amended Site Plan	1	I-60
Preliminary & Final Site Plan	1	I-60
Withdrawal	1	I-60
Denied	0	
Carried	0	
Extension	0	
TOTAL	43	

TYPE OF VARIANCES

The R-20 zone had a total of 67 variances granted. Historically, side yard variances are the most requested and this year side yard variances again are the most requested. In 2014, there were 22 side yard variances and 9 front yard variances.

This year variances were granted for pre-existing non-conformities as the Board approved four applications for new dwellings.

In the R-20 zone, the applicant's "hardship" is almost always based on the fact that the lot exists as an undersized lot and no vacant land is available for purchase to enlarge the lot and eliminate or reduce the variances required.

R-20 ZONE	
Side Yard	23
Front Yard	11
Rear Yard	12
Pre-Existing Lot Depth	4
Pre-Existing Lot Area	4
Pre-Existing Lot Width	2
Improved Lot Coverage	4
Maximum Disturbed Area	3
Lot Coverage	2
Driveway Parking Slope	1
Driveway	1
TOTAL	67

The R-40 zone had a total of 2 variances granted this year as shown on the table below:

R-40 ZONE	
Side Yard	2
TOTAL	2

The R-40V zone had a total of 5 variances granted as shown on the table below:

R-40V ZONE	
Side Yard	2
Maximum Disturbed Area	1
Front Yard	1
Rear Yard	1
TOTAL	5

The I-60 zone had 1 variance granted this year as shown on the table below:

I-60 ZONE	
Height	1
TOTAL	1

TYPE OF STRUCTURE OR USE

In the R-20 zone, decks were the most requested applications.

R-20 ZONE	
Deck	9
Addition - New Footprint	5
New Dwelling	4
Generator	4
Front Porch/Entranceway	4
Shed	2
Addition - Same Footprint	1
Screened Porch	1
Aboveground Pool	1
Walkway & Ramp	1
Dock/Gazebo	1
Roof over Deck	1
Air Conditioning Condenser	1
Roof over Existing Accessory Structure	1
Driveway	1
Driveway Slope	1
TOTAL	38

In the R-40 zone, there were 2 applications granted, both for accessory structures.

R-40 ZONE	
Accessory Structure	2
TOTAL	2

In the R-40V zone, there were three applications for varied structures.

R-40V ZONE	
Gazebo	1
Pool	1
Addition - New Footprint	2
TOTAL	4

In the I-60 zone, there were 3 applications granted.

I-60 ZONE	
Cellular Communications	1
Automotive Repair and Restoration	1
Non-Profit Animal Shelter, Rescue and Foster Operation	1
TOTAL	3

FINDINGS AND RECOMMENDATIONS

In 2015, there were 43 applications filed compared to 37 applications in 2014.

With regard to **Docket #1700**, the initial application was for a new dwelling and was filed on August 16, 2006 and refiled on September 15, 2014. Hearings were held on November 17, 2014, February 23, 2015 and March 16, 2015.

On March 16, 2015, the Board memorialized the approval of the application with the following conditions: (1) appropriate bonding to guarantee all plantings required by the approval survive for two summers and two winters subsequent to the date of the issuance of a CO and to ensure that the site is properly restored after construction. The landscape plan itself is a condition of approval and runs with the land and (2) submission of engineering design calculations for the retaining wall; (submission of all approvals from the NJ Highlands Council, NJDEP or ensure that existing approvals have been properly).

With regard to **Docket #1939**, the application was for a use variance to allow a residential storage shed and a paved parking area on a lot without a principal structure. The property and proposed improvements are adjacent to and utilized in connection with the single family residence located directly across the street. The property is unsuitable for a single family residence or other permitted principal use in the R-20 zone, being undersized, having steep topography and rocky features.

On March 16, 2015, the Board memorialized the approval of the application with the following conditions: (1) this approval is contingent upon both properties being in common ownership, (2) the improvements on the property can only be used in an accessory capacity to the residential use, (3) the property cannot be rented, leased or licensed to anyone else unless done so in conjunction with the residential property, (4) the property cannot be used for any commercial or industrial purpose (5) the two properties shall be jointly limited to one single axle, open utility/landscape trailer, (6) no other sheds or accessory structures shall be permitted on the property without further approval of the Board and (7) the height of the shed shall not exceed 10 feet per the Ordinance.

With regard to **Docket #1941**, the application was for a Use Variance in the I-60 zone for an indoor dog training facility and storage of equipment and supplies. The application was filed in February of 2015 and the applicant never appeared before the Board. On May 18, 2015, the Board unanimously approved the dismissal of the application without prejudice.

With regard to **Docket #1942**, the application was for a new dwelling that had burned down in 2013 and the variances requested were essentially all pre-existing nonconformities or were existing prior to the home being destroyed except for improved lot coverage for the walkway. After listening to the testimony of the Board Engineer, the applicant amended the application to provide for a wider driveway of 20 feet which would increase the improved lot coverage variance by 1%.

On April 20, 2015, the Board memorialized the resolution approving the application for a new dwelling with the variances requested.

With regard to **Docket #1944**, the applicant, Bloomingdale Regional Animal Shelter Society, Inc., filed a bifurcated application to request for a Use Variance to permit a non-profit animal shelter and foster operation conditioned upon further submission and approval of a site plan application. The property is located in the I-60 zone and a non-profit animal shelter, rescue and foster operation is not a permitted use in the zone. The property was previously used as a residence and the structure is a two-story single family house and the residential use was non-conforming to the zone. The Board found that the property is not adjacent to any residential zones, is in a sparsely populated section of the Borough, has an extensive wooded buffer to the rear and sides, has suitable space in the rear for a dog run and kennel and has suitable space for parking.

On May 18, 2015, the Board memorialized the resolution with conditions that the use variance applied only to non-profit animal shelters and rescue operations and the subsequent submission of a site plan application.

On December 14, 2015, the Board memorialized the resolution granting Preliminary and Final Site Plan approval for the non-profit animal shelter, rescue and foster operation in conjunction with the Use Variance granted on May 18, 2015. Landscape and lighting plans were submitted and an installation of a seepage pit required as part of the approval.

With regard to **Docket #1945**, the application was for the conversion of a bungalow into a primary residence. An addition to the first floor for the enlargement of the kitchen and an addition on the right side to allow for a garage, dining area and second story bedrooms and bath. Many of the variances sought are pre-existing, but new variances were also requested.

Based on the meetings of the Board, revisions were made and on September 21, 2015, the Board memorialized the resolution approving the application with the following conditions: (1) removal of all encroachments into the front and side yards of the neighboring property, including but not limited to, the wall, walkway and plastic piping; (2) installation of a seepage pit to capture roof run-off as submitted on the plans or as updated by the plans submitted in accordance with condition (3); submission of a revised plan showing the overhang of the second story, removal of the incorrect rear yard setback dimension and removal of the encroachments on the neighbor's property. In the event any additional drainage improvements are proposed to address the neighbor's concerns, they must be shown on the revised plans.

With regard to **Docket #1957**, the applicant, John's Automotive Repair and Restoration, filed a bifurcated application to request a Use Variance to permit a portion of the property to be used as an automotive restoration business.

On September 21, 2015, the Board memorialized the resolution granting the use variance for automotive restoration and general automotive service with the following conditions: (1) no vehicles shall be sold, leased or rented at the property, nor shall any vehicles be advertised for sale, lease or rental at the property; (2) the property shall not be used for long term storage of vehicles with "long term storage" being defined as an amount of time in excess of the commercially reasonable amount of time needed to restore or service the vehicle, as applicable, and to afford the customer an opportunity to pick up same; (3) vehicles may only be parked overnight if same are being actively restored or serviced by the applicant, are in the queue to be restored or serviced or are waiting to be picked up by the customer; (4) no junk motor vehicles or machinery, as defined by Borough Code, shall be parked or stored at the property unless the applicant is actively restoring such vehicles or machinery to workable condition such that same will no longer be defined as "junk" when the work is completed and assuming that said vehicles or equipment will be restored in a commercially reasonable amount of time and (5) general automotive repair and service shall be allowed as an accessory and ancillary use to the predominate and primary restoration use. In the event general automotive repair and service shall become the principal use as compared to the restoration use, the applicant shall be required to obtain a new use variance or other appropriate approval and (6) the applicant shall submit and obtain amended site plan approval from the Board within sixty days of the date of publication of the use variance approval.

With regard to **Docket #1961**, the application was for a new dwelling and detached garage to replace the dwelling and garage destroyed by a storm. The new dwelling would be rebuilt in essentially the same footprint with a 4-6 foot expansion to the rear. A new front porch is added to the front of the dwelling which increased the front yard variance. Since the garage was being reconstructed, the applicants agreed to shift the garage 5 feet to the left to be more in line with the driveway as recommended by the Board Engineer. In exchange for this, the Board agreed to allow the patio to be enlarged by 5 feet on the left side to account for the loss in space due to the relocation of the garage.

On October 19, 2015, the Board memorialized the resolution approving the application with the following conditions: (1) the detached garage shall be moved 5 feet to the left and the plan amended. The applicants will be allowed to extend the existing concrete patio immediately to the left of the garage by 5 feet and (2) applicants shall completely remove the paver patio located to the right of the existing detached garage and completely remove the concrete patio located in the rear left of the lot. No additional patio areas are allowed other than the patio permitted as part of condition (1).

With regard to **Docket #1949/S.P. 2015-#182**, New York SMSA Limited Partnership d/b/a Verizon Wireless submitted an application for Use Variance, Height Variance and Amended Preliminary and Final Site Plan approval to install a cellular communications facility including a monopole and equipment compound. The property is located in the I-60 zone and telecommunication facilities are not a permitted use in the zone. A height variance is required to allow the structure to reach a maximum height of 130 feet. Professionals for the applicant and the Board gave testimony during the hearing.

The monopole proposed is 120 feet tall with the top of the antennas extending to a maximum height of 123 feet and a lightning rod extending to 130 feet. The monopole will hold 12 antennas for Verizon Wireless as well as 12 remote radio heads. There will also be two GPS antennas mounted at 70 feet. The equipment shelter is 12 feet by 26.5 feet and enclosed by a 7 foot tall chain link fence.

On October 19, 2015, the Board memorialized the approval of a cellular communications facility including a monopole and equipment compound with the following conditions: (1) the applicant and owner shall permit co-location of up to four wireless carriers; (2) the monopole and equipment compound shall be designed to allow for the co-location of up to four wireless carriers; (3) the monopole shall be constructed to an initial height of 123 feet and 130 feet respectively. The monopole shall be designed and constructed to handle an extension of 20 feet in the event of co-location, and the height variance granted shall include such future extension and (3) the applicant shall replace any landscaping damaged during construction.

With respect to **Docket #1968**, the application was for a new dwelling because the existing dwelling was in need of repair and adding on to the house was not possible because the footings could not support an addition.

On December 14, 2015, the Board memorialized the resolution approving the application with the following conditions: (1) a seepage pit be installed and (2) the Board did not approve a variance to allow more than 2 ½ stories for the proposed dwelling. Therefore, the proposed dormer as shown on the plans shall only be permitted in the event the calculations permit the dormer can exist as a half story. To the extent that it is determined that it does not meet the requirements for a half story, the dormer must be removed. In the event the dormer is permitted to remain as a half story, there shall be no windows constructed on the dormer. The two windows shown on the side profiles unrelated to the dormer are permitted to stay.

ANALYSIS AND NOTES

An analysis of the “c” variance cases heard last year shows that 31 of the applications were located in the R-20 zone. There were 2 “c” applications in the R-40 zone and 3 in the R-40V zone.

This year the Board received reviewed 4 applications for Use Variances, 1 application for Amended Site Plan approval and 1 application for Preliminary and Final Site Plan approval.

There were a total of 67 variances granted in the R-20 zone compared to 49 in the previous year. The Board does not recommend any change be made to the requirements in that zone. Since these lots are small and located close to adjacent properties, having to file for a variance gives the Board some control over the development on these lots.

The Board also notes that actions taken by the Board are not always reflected in the statistics. It is the feeling of the Board members that they should work with and assist the residents. In that regard, some applications are withdrawn, some are dismissed and many are amended and modified. Some applications are approved subject to conditions imposed by the Board. Frequently objectors’ concerns are taken into account through conditions or modifications agreed to by the applicant during the hearing process. This is again evident this year with the conditions imposed on some of the applications.