



RINGWOOD ZONING BOARD OF ADJUSTMENT

ANNUAL REPORT

2018

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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.

2018 CALENDAR

The Board held a total of 11 meetings in 2018.

SYNOPSIS

A total of 41 applications were filed in 2018.

Below is a breakdown of the types and numbers of applications heard in 2018:

TYPE OF VARIANCE	NO. APP. FILED	ZONE
“A” (Appeal)	0	
“B” (Interpretation)	1	GB-80
“C” (Bulk)	22	R-20
	7	R-40
	1	R-40V
“D” - Use Variance and Amended Site Plan	2	CC-80
Certificate of Non-Conformity	1	CS-40
Withdrawal	1	R-20
	1	R-40
	1	R-40V
Extension	1	R-20
	1	R-40
	1	I-60
Denied	0	
Carried	1	R-20
Extension	0	
TOTAL	41	

TYPE OF VARIANCES

The R-20 zone had a total of 44 variances granted. Historically, side yard variances are the most requested and this year side yard variances again are the most requested. In 2017, there were a total of 43 variances granted in this zone.

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	20
Front Yard	9
Rear Yard	7
Height	1
Height of Fence	1
Maximum Disturbed Area	1
Improved Lot Coverage	1
Lot Coverage	1
Pre-existing Lot Area	1
Pre-existing Lot Width	1
Pre-existing Lot Depth	1
TOTAL	44

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

R-40 ZONE	
Side Yard	2
Front Yard	2
Height	1
TOTAL	5

The R-40V zone had 2 variances granted as shown on the table below:

R-40V ZONE	
Height	1
Maximum Disturbed Area	1
TOTAL	2

The R-20 zone had two applications for a Use Variance and Amended Site Plan by the same applicant.

TYPE OF STRUCTURE OR USE

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

R-20 ZONE	
Deck	7
Portico	3
Garage	3
Hot Tub	2
Generator	2
Air Conditioning Condenser	2
New Dwelling	1
Addition - New Footprint	1
Pergola	1
Shed	1
Fence	1
Front Stairs	1
Dormer	1
Roof Over Deck	1
TOTAL	27

In the R-40 zone, there were 6 applications granted. The fourth application for a garage was ultimately dismissed without prejudice.

R-40 ZONE	
Garage	2
Generator	1
Addition-New Footprint	1
Fence	1
Pavilion	1
Accessory Structure	1
TOTAL	7

In the R-40V zone, there was 1 application granted.

R-40V ZONE	
New Dwelling	1
TOTAL	1

In the CC-80 zone, there were two use variance applications granted.

CC-80 ZONE	
Temporary Banner and A-Frame Sign	1
Outdoor Events and Farmer's Market	1
TOTAL	2

FINDINGS AND RECOMMENDATIONS

In 2018, there were 41 applications filed; however, 6 of those applications were for extensions or withdrawals.

With regard to **Docket #2028**, MVA Associates (Maggie's Restaurant), the applicant applied for a Use Variance and Amended Site Plan approval to hold outdoor events and to serve liquor at those events. A hearing was held on February 26, 2018 and the applicant brought up the Farmer's Market which was not part of his application. The Board discussed signage, traffic, tents, fencing and ABC requirements. The Board felt that the Farmer's Market should be handled as a separate issue as there was not enough information available for the Board to make any type of determination.

On February 26, 2018, approval was given that Maggie's be authorized to use the outdoor area for the St. Patrick's Day Parade for 2018.

On April 23, 2018, the Board approved a Memorializing Resolution granting Use Variance and Amended Site Plan approval to permit the applicant to hold temporary, outdoor, special events in conjunction with civic, educational, political, religious or non-profit groups and entities, in an enclosed area immediately adjacent to the existing building, and to erect temporary signage associated with same. A use variance from the prohibition of the outdoor sale or display of goods and bulk variances to permit two temporary banner signs were granted.

With regard to **Docket #2028**, the applicant filed an application for Use Variance and Amended Site Plan approval to allow the re-establishment of a Farmer's Market in the parking area to the southern end of the shopping center.

At the conclusion of the meeting of May 21, 2018, the Board granted approval for a one-time Farmer's Market on June 16, 2018 with conditions pending the Memorializing Resolution.

On June 18, 2018, the Board approved a Temporary Resolution with amendments to allow the Farmer's Market to continue and the application was carried.

On August 20, 2018, the Board approved the Memorializing Resolution granting use variance and amended Preliminary and Final Site Plan approval to permit the applicant to hold a seasonal Farmer's Market in an area immediately adjacent to the existing building, and to erect temporary signage associated with same. Bulk variances were also granted to allow one temporary banner sign, one temporary A-frame sign and signage for each vendor in the Farmer's Market. Several conditions were attached to the approval.

With regard to **Docket #2043**, the applicant was seeking an interpretation of the Board in regard to the ordinance on signage, specifically his fire engine which is parked in his parking lot on Greenwood Lake Turnpike. The Zoning Officer has interpreted the fire engine as a sign.

On August 20, 2018, the Board approved the Memorializing Resolution interpreting the Borough's Ordinance, specifically the definition of a "sign" in Section 40-2.2, to encompass the fire truck located at the applicant's property, whether or not the fire truck also has a magnetic sign affixed to the side thereof.

With regard to **Docket #2054**, the applicant filed an application to obtain a Certificate of Pre-Existing Non-Conformity. The applicant has owned the property for 48 years. The applicant has one lot that has two 2 family homes on it, a single family home and a garage apartment; six living units on one parcel of land. In 1961, the zoning was established and two family homes and more than one principal structure on a residential lot were prohibited.

On November 19, 2018, the Board approved the Memorializing Resolution granting the Certificate of Pre-Existing Non-Conformity permitting the continued residential use of six units in four structures on the property. These structures must be maintained in their current size and configuration. The two-car garage (excluding the apartment above) is deemed a private residential garage and shall only be used for purposes customarily accessory to residential uses as permitted under the Borough's Zoning Ordinance.

A condition of the Resolution also allowed the applicant time to bring the property into compliance. The applicant (or subsequent owner) shall be permitted to continue renting the entire two-car garage (excluding the apartment above) to the current tenant of the garage for up to 365 days from November 19, 2018, after which the two-car garage (excluding the apartment above) shall only be used as a private garage for purposes that are customarily accessory to residential uses under the Borough's Zoning Ordinance.

ANALYSIS AND NOTES

An analysis of the “c” variance cases heard last year shows that 22 of the applications were located in the R-20 zone. There were 7 “c” applications in the R-40 zone and 1 in the R-40V zone.

There were 2 “d” Use Variances with Amended Site Plans for the same applicant in the CC-80 zone.

There were a total of 44 variances granted in the R-20 zone compared to 43 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.