

To: Ridgewood Zoning Board of Adjustment

From: John Barree, PP, AICP

CC: Jane Wondergem
Bruce Whitaker, Esq

Date: October 6, 2023

Re: ZBA 23-29 Gusfa
4888 Overbrook Road
Block 3612, Lot 14
"C" Bulk Variances

I have reviewed the following materials in preparation of this report:

- Village of Ridgewood Board of Adjustment Application Form, dated July 11, 2023.
- Engineering Plans prepared by T.C. Vendervalk, PE, consisting of two (2) sheets, dated February 8, 2023, and revised through June 23, 2023.
- Architectural Plans prepared by John F. Musinski, AIA, consisting of two (2) sheets, dated May 9, 2023.
- Landscape Plan, prepared by Jesse Graziano, unsigned, undated.
- Survey of Property prepared by John J. Butler, PLS, dated July 7, 2022.
- Zoning Table

Property and Project Description

The subject property is a 15,206 square foot corner lot at the southwest intersection of Overbrook Road and North Van Dien Avenue. The property has approximately 110 feet of frontage on North Van Dien Avenue and approximately 140 feet of frontage on Overbrook Road.

The property survey shows a two-story frame dwelling with a driveway from North Van Dien Avenue to a detached garage behind the house. These improvements have since been demolished, and a new house has largely been constructed on the property.

The proposed / under construction new dwelling is a four-bedroom, two-story home with an attached two-car garage facing North Van Dien Avenue. The front of the dwelling is oriented toward Overbrook Road, and a front porch is proposed along approximately two-thirds of the building width. A covered portico is proposed on the east side of the dwelling facing North Van Dien Avenue.



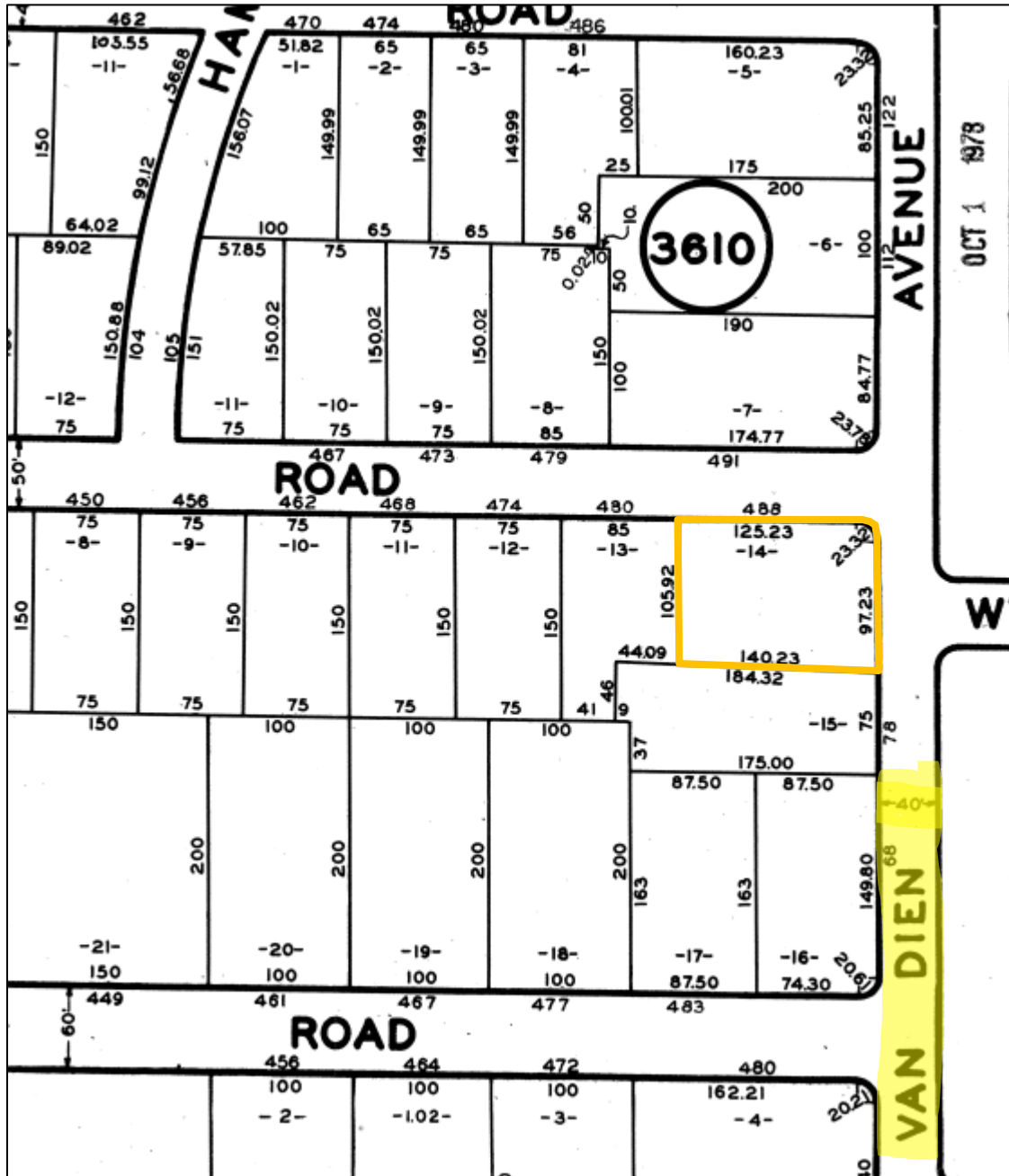
Zoning

The site is in the Village’s R-1 Residential District. The single-family home is permitted in the zone. The bulk table below indicates the project’s compliance and deviations from the bulk requirements:

R-1 Bulk Schedule		
	Required	Proposed
Min. Lot Area	16,800 sf (corner)	15,206 SF (ENC)
Lot Area within 140'	-	15,206 SF
Min. Lot Width	100 feet	105.9 feet (ENC)
Min. Lot Width @ Front Yard Setback	120 feet	110.3 feet (ENC)
Min. Lot Depth	120 feet	140 feet
Min. Front Yard Setback	40 feet - Overbrook 45 feet* - North Van Dien	40.1 feet - Overbrook 35.2 feet to portico / 40.1 feet to building – N. Van Dien (V)
Min. Side Yard Setback	15 feet or 2/3 height of principal building	10.4 feet (V)
Min. Combined Side Yard Setback	33% of lot width @ front setback	n/a
Min. Rear Yard Setback	30 feet	34.1 feet
Max. Height	30 feet / 35 feet**	31.77 feet (V)
Max. Total Coverage by Above Grade Structures	20%	18.5%
Max. Coverage by Above Grade Structures (140')	20%	18.5%
Max. Gross Building Area	29% / 4,620 SF	29%
Max. Gross Building Area (140')	29% / 4,620 SF	29%
Max. Coverage by Improvements	40% / 8,750 SF	34.9%
Max. Coverage by Improvements (140')	40% / 8,750 SF	34.9%
Max. Driveway Width	22 feet (1/5 of lot width)	40 feet (V)

(V) = Variance Required

* Per Section 190-119.A.(1)(a) where an abutting street is less than 50 feet in width, the required front yard setback shall increase by 50% of the difference between the street width and 50 feet. North Van Dien Avenue is 40 feet in width (see the tax map below), which is 10 feet less than 50 feet. Therefore, the required front yard setback to North Van Dien shall be 45 feet (40 feet + 50% of the 10 foot difference).



Portion of Village of Ridgewood Tax Map Sheet 36

**Per Section 190-102.E(1) the maximum building height is permitted to be greater than 30 feet, but not more than 35 feet if the following requirements are met:

- (a) The lot in question has a width of at least 75 feet.
The lot has a width of at least 75 feet.
- (b) The height of the building does not exceed 150% of the shallowest side yard depth.

The shallowest provided side yard is 10.4 feet to the roof of the covered patio; 150% of 10.4 feet is 15.6 feet; therefore, this requirement is not met.

- (c) The pitch of any roof greater than 30 feet high is at least 8:12.
This information has not been provided, so compliance cannot be determined.

Variances & Waivers Required

- 1) Insufficient Front Yard Setback [190-102.E(2) / 190-119.A(1)(a)] – A minimum front yard setback of 45 feet is required to North Van Dien Avenue where a setback of 35.2 feet is proposed to the portico and 40.1 feet is proposed to the building façade.
- 2) Insufficient Side Yard Setback [190-102.E(3)] – A minimum side yard setback of 15 feet is required where 10.4 feet is proposed to the covered patio roof.
- 3) Excessive Building Height [190-102.E(1)] – A maximum building height of 30 feet is permitted where 31.77 feet is proposed.
- 4) Excessive Driveway Width [190-121.G(3)] – A maximum driveway width of 1/5 the lot width shall be permitted, which is approximately 22 feet for the North Van Dien side of the property. The applicant is proposing a driveway 40 feet in width within the front yard.

Existing Conditions

- 1) Insufficient Lot Area
- 2) Insufficient Lot Width

Planning Comments

- 1) The applicant requires bulk “c” relief for four deviations from the Village Zoning Ordinance. The required proofs shall be consistent with the standards found in the MLUL at section 40:55D-70.c, and shall demonstrate one of the following:
 - a) C(1) “hardship” variance relief can be granted if there is a particular physical aspect of the property size, shape, topography or other characteristic that creates a hardship that prevents conformance with the Ordinance.
 - b) C(2) “benefits vs. detriments” variance relief can be granted if the applicant demonstrates that the proposed relief furthers the purposes of zoning and that the benefits of the proposal outweigh the detriments.
 - c) In either case, the applicant must satisfy the “negative criteria” through a demonstration that the proposed relief will not be detrimental to the public health, safety, or welfare, and that the proposed

relief can be granted without substantial impairment to the Borough's Master Plan and Zoning Ordinance.

- 2) The dwelling as shown on the plans is under construction. The setback and height conditions for which the applicant requires relief have been built without the approval of the Board. The applicant acknowledged the need for a front yard setback variance to North Van Dien Avenue, albeit the extent of the variance was not correctly identified but has constructed the improvement in the non-conforming location without approval. Similarly, the permissible building height was incorrectly identified on the plans, requiring relief for the condition that has been constructed.
- 3) The applicant is proposing a 40-foot-wide driveway in the front yard, which exceeds the permissible width of 22 feet by nearly two times. The applicant should consider how the "turn around" can be accomplished with a lesser driveway width.
- 4) The applicant's engineer shall provide testimony confirming whether the "walls" category of proposed impervious cover includes the four proposed 3' x 3' stone lighting stanchions. The engineer shall also provide testimony confirming that the area of the stepping stone path around the northeast corner of the building is included in the "walks/patios/misc." coverage calculation.
- 5) The applicant's architect shall provide testimony verifying that the gross building area of the building has been calculated in accordance with the Village Ordinance. Areas with ceiling height of less than 7 feet may be excluded, but the area of double height features, in this case the foyer, which is open to the second floor, shall be calculated as if the second-floor portion is floor area. The calculation provided shows that the proposal is at exactly 29%, the maximum permitted.
- 6) Affordable Housing Development Fees – The applicant shall comply with the Village's Affordable Housing / Development Fee Ordinance at Section 190-144.B(1).