

RESOLUTION

IN THE MATTER OF THE APPLICATION

of

KARL MONTICK

WHEREAS, Karl Montick has appealed to this Board of Adjustment for permission to construct a chain link fence around property at Lot 12, Block 3905, 246 S. Broad Street, which fence would exceed the maximum height allowed for such fences by 2 feet; and

WHEREAS, said application was filed on August 10, 1979, seeking relief in accordance with the provisions of N. J. S. A. 40:55D-70(d); and

WHEREAS, said applicant was represented by Alfred S. Nugent, Esq., who introduced exhibits, presented witnesses and set forth the factual and legal arguments on behalf of the applicant, which were heard and reviewed at a public hearing in connection with the applicant's request for relief.

NOW, THEREFORE, BE IT RESOLVED that this Board of Adjustment does hereby make the following findings of fact:

1. All persons required to be served with notice of hearing were duly served, and proof thereof has been filed with this Board.
2. Public hearing was had on September 26, 1979 at the Village Hall in the Village of Ridgewood, said meeting being regularly scheduled and held in accordance with the Open Public Meetings Act.
3. Lot 12, Block 3905 is located in a B-2 District.
4. The applicant is the owner of the property in question by a deed dated January 22, 1963, which deed is recorded in the offices of the Bergen County Clerk at Deed Book 4456, Page 414, etc.

5. The site in question is located on the northeasterly side of Broad Street, just opposite the intersection of Leonard Place, as shown on a sketch prepared by Andrew Marshall, Jr. dated July 30, 1979, Prop No. 79-212, as amended and submitted in evidence at hearing.
6. The property contains an existing "L" shaped building used as an auto repair shop, located on an irregularly shaped site having 115 feet of frontage on Broad Street and some 319 feet of depth, more or less. The site is presently fenced, in some parts, some of the fencing being non-conforming.
7. Applicant proposed to erect a chain link fence and gate along the front of the property, set back 21.1 feet from the street, 6 feet in height, as well as to fence portions of perimeter of the property, in accordance with sketch referred to in paragraph 5, above.
8. The applicant submitted in evidence the following:  
Exhibit A--Amended Site Plan (referred to in paragraph 5, above);  
Exhibit B--Deed of January 22, 1963;  
Exhibit C--Deed of August 1, 1963;  
Exhibit D--Four photographs of site (D1, D2, D3, D4);  
Exhibit E--Police reports, 17 pages (blue);  
Exhibit F--Police report, 7 pages (white);  
Exhibit G--Lighting Plan of July 18, 1979;
- and testified, which testimony may be summarized as follows:
- a. The site is used as an automobile repair shop, a permitted use in the District.
- b. There have been numerous incidents of vandalism and theft, increasing in the last two years, as illustrated by the numerous police reports marked as Exhibits E and F.
- c. Although the area to the rear of the building is presently fenced, thieves and vandals use the building as a screen from the street.

d. A 6 foot fence is permitted to be erected to screen a parking area from a residential zone (Sec. 35-79.18(c)). Here, although there are residences on each side of applicant's property, they are all in the B-2 District.

e. The Village Police Department has suggested this form of fencing and the lighting of the area, as set forth in Exhibit G, as a means of discouraging further thievery and vandalism.

f. The variance requested to Section 35-79.18(a) (formerly Section 35-79R) is minimal in scope and will not be detrimental to the value of any neighboring property, nor will the grant of the variance be detrimental to the Village Zoning Ordinance, plan or scheme.

9. No objectors appeared.

BE IT FURTHER RESOLVED that this Board of Adjustment makes the following determinations:

1. The foregoing facts and testimony, including matters which may be argument, are made a part hereof as if set forth in full.

2. This is an application to vary the provisions of Section 35-79.18 (a) of the Village Code which limits fence height.

3. Such an application is governed by the provisions of N. J. S. A. 40:55D-70(d).

4. The site in question, together with improvements and fencing, both existing and proposed, are set forth on Exhibit "A", heretofore marked in evidence.

5. The subject premises are utilized as a shop for automobile repair, requiring the storage of motor vehicles and automotive parts.

6. Applicant seeks to add to an existing fence in order to discourage a growing problem of vandalism and thievery.

7. The nature of the business and the materials used attracts both petty and major theft, vandalism and malicious mischief, as illustrated by numerous complaints for such activity during the past two years.

8. The subject premises has residences on either side, which would ordinarily be screened from parking areas by fencing as proposed.

9. The problem faced by applicant is deemed a special and unusual reason for passive deterrent as is here proposed.

10. The fence proposed is not detrimental to the value of neighboring properties and will not adversely affect the zone plan and scheme of the Village of Ridgewood.

THEREFORE, BE IT RESOLVED that the application of Karl

Montick seeking a variance from the strict enforcement of Section 35-79.18(a) of the Village Code, so as to permit the erection of a chain link fence six feet in height, at premises located on Lot 12 in Block 3905, 246 South Broad Street, in a B-2 District, exceeding the maximum height requirements by two feet, be and is hereby approved.

BE IT FURTHER RESOLVED that the applicant herein obtain a building permit for the work contemplated by this application within 12 months of the date of this resolution.

October 24, 1979