

IN THE MATTER OF THE
APPLICATION OF
KARL E. MONTICK and
KADICH REALTY CORP.

BE IT RESOLVED by the Zoning Board of Adjustment of the Village of Ridgewood, that the application of KARL E. MONTICK and KADICH REALTY CORP. for a variance from the strict enforcement of Section 35-81.2(a), Article X of the Ridgewood Village Code in order to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12 in an R-3 Zone be and is hereby approved for the reasons, findings and conclusions set forth in a resolution, separate from but attached hereto, which resolution is adopted by reference and is hereby made a part of the official minutes of this Zoning Board of Adjustment, subject to the following:

- A. All other regulations of the Village of Ridgewood be complied with without exception.
- B. A building permit must be obtained before any work begins.
- C. Nothing contained in this decision shall supercede the provisions of the Uniform Construction Code of the State of New Jersey.
- D. The exterior siding and roof shall match the existing building.
- E. Any recommendations, that will attach to and become a part of this resolution, from the site plan committee.

IN THE MATTER OF THE
APPLICATION OF

KARL E. MONTICK and
KADICH REALTY CORP.

WHEREAS, KARL E. MONTICK and KADICH REALTY CORP. have filed an appeal to this Board of Adjustment in order to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12 in an R-3 Zone; and

WHEREAS, the application was filed on September 3, 1987 seeking certain relief, requested pursuant to N.J.S.A. 40:55D-70(d); and

WHEREAS, the applicant(s) appeared, on his/their own behalf Charles C. Collins, Jr., testimony being taken and exhibits reviewed, at a public hearing, as required by law.

NOW, THEREFORE, BE IT RESOLVED that this Board of Adjustment 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 duly filed with this Board.
2. Public hearing was held on October 28, 1987 at the Village Hall of the Village of Ridgewood, said meeting being scheduled, and advertised, and held pursuant to the Open Public Meetings Act.
3. The premises in question are located in an R-3 Zone.

4. Applicant(s) is the owner of these premises by deed of August 1, 1963, recorded in the office of the Clerk of Bergen County in Deed Book 4590 at page 171, et seq.
5. The site in question is located on the westerly side of South Broad Street south of Le Roy Place, as shown on a survey prepared by Andrew Marshall, L.S. dated July 30, 1979.
6. There is an existing one story brick building used solely for the use of ⁶³auto body repair shop.
7. Applicant(s) seek to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12, in an R-3 Zone.
8. Applicant'(s)' testimony may be summarized as follows:
 - A. Applicant proposes to put on a peaked pitched roof. The flat roof he has on building now only lasts about ten to twelve years.
 - B. Applicant also proposes to build an addition which would house a state of the art spray painting machine/booth.
 - C. The new spray painting machine/booth would:
 1. not fit in the existing structure
 2. not intensify the work being done; and
 3. would eliminate approximately 95% of the fumes as compared to the current system (this would include fumes inside the building and the fumes vented outside the building)

D. This modern spray painting technology will eventually be required by the U.S. Environmental Protection Agency in all automobile body shops.

9. No objectors appeared.

THEREFORE, BE IT RESOLVED that this Board of Adjustment does make the following determinations:

1. The foregoing findings of fact, summary of testimony, and those matters which may be deemed argument, are made a part hereof as if set forth in full.
2. This is an application to vary the provisions of Section 35-81.2(a), Article X of the Ridgewood Village Code, in order to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12, in an R-3 Zone.
3. Such application is governed by N.J.S.A. 40:55D-70(d).
4. The property is somewhat irregularly shaped and is approximately 310' in length, 115' wide at the front and 60' wide at the rear with no topographical problems
5. Applicant'(s)' testimony has been summarized above.
6. The Board finds additionally:
 - A. That this application is for an expansion of a nonconforming use.
 - B. The applicant already runs an automobile, body repair shop on the site.

C. The proofs that would support the grant of an expansion of a use not permitted in the zone require special reasons and the satisfaction of the negative criteria of N.J.S.A. 40:55D-70.

E. That the proposed extension will have no detrimental effect on the value of any neighboring property or on the zoning plan and scheme of the Village of Ridgewood.

F. That the benefits outweigh any detriment by the grant of the variance relief requested.

G. The grant of relief here is not inconsistent with the Master Plan of the Village of Ridgewood.

THEREFORE, BE IT RESOLVED that the application of KARL E. MONTICK and KADICH REALTY CORP. for a variance from the strict enforcement of Section 35-81.2(a), Article X of the Ridgewood Village Code, in order to construct an addition to house a spray paint booth which is a business activity in a residential zone where such use is prohibited at property located at 246 South Broad Street, Block 3905, Lot 12 in an R-3 Zone be and is hereby approved, subject to the following:

- A. All other regulations of the Village of Ridgewood be complied with without exception.
- B. A building permit must be obtained before any work begins.

C. Nothing contained in this decision shall supercede the provisions of the Uniform Construction Code of the State of New Jersey.

D. The exterior siding and roof shall match the existing building.

E. Any recommendations, that will attach to and become a part of this resolution, from the site plan committee.

Dated: November 11, 1987