



PLANNING OFFICE

TO: Mayor and Council
Borough Manager
Deputy Borough Manager
Borough Clerk
Borough Engineer
Building Department
Health Department
Planning Board and Professionals
Economic Development Commission
Environmental Commission
Ringwood Public Library
Borough Website

FROM: Thomas Shaughnessy, Chairman
Board of Adjustment

DATE: October 27, 2009

RE: 2008 Annual Report

Pursuant to N.J.S.A. 40:55D-701, attached please find copy of the 2008 Ringwood Zoning Board of Adjustment Annual Report for the Borough of Ringwood, prepared by Helen M. Forsa, Land Use Administrator and adopted on October 19, 2009.



RINGWOOD ZONING BOARD OF ADJUSTMENT

ANNUAL REPORT

2008

**Prepared by: Helen M. Forsa
Land Use Administrator**

Adopted: October 19, 2009

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2008 BOARD MEMBERS

Thomas Shaughnessy, Chairman

Christine Foster, Vice Chairman/Executive Secretary

John Amariuta

Robin Canetti

Frank Dyer

Grace Hazeldine

Malcolm Tennant

Gordon Reitz, Alternate #1

Robin O'Hearn, Alternate #2

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.

2008 CALENDAR

The Board held a total of 11 meetings in 2008.

In addition, the Board attended a Special Public Meeting of the Ringwood Planning Board on Saturday, April 5, 2008 with members of the Environmental Commission, Economic Development Commission, Construction Code Official, representative of Passaic County and other guests. The purpose of the meeting was to discuss the report prepared by Banisch Associates entitled Draft Report of Sustainable Tourism Opportunities and Strategies in Ringwood Borough and the Highlands Region.

SYNOPSIS

A total of 27 applications were filed in 2008.

Below is a breakdown of the types and numbers of applications heard in 2008:

TYPE OF VARIANCE	NO. APP. FILED	ZONE
"A" (Appeal)	0	
"B" (Interpretation)	0	
"C" (Bulk)	21	R-20
	4	R-40
Total	25	
"D" (Use)	2	CS-40
Total	2	
Withdrawal	1	R-40
Withdrawal	1	CS-40
Denied	1	R-20
Carried	0	

TYPE OF VARIANCES

The R-20 zone had a total of 33 variances granted. Side yard variances were again the most requested variances in 2008.

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	16
Front Yard	10
Rear Yard	3
Lot Coverage	1
Improved Lot Coverage	2
Fence Height	1
TOTAL	33

The R-40 zone had a total of 4 variances granted as shown on the table below:

R-40 ZONE	
Side Yard	4
TOTAL	4

The CS-40 zone had 1 variance granted to allow outdoor display of merchandise in the zone.

CS-40 ZONE	
Display of Outdoor Merchandise	1
TOTAL	1

TYPE OF STRUCTURE OR USE

In the R-20 zone, additions were again the most requested application. Most of the applications are for a second story with some requesting additional new footprint.

R-20 ZONE	
Addition - Same Footprint	4
Addition - New Footprint	4
Deck	6
Front Porch/Entranceway	4
Chimney/Fireplace	1
Fence	1
TOTAL	20

In the R-40 zone, there were 4 variances granted.

R-40 ZONE	
Addition - New Footprint	1
Second Story Addition & Attached Garage	2
Deck	1
TOTAL	4

FINDINGS AND RECOMMENDATIONS

In 2008, 27 applications were filed as compared to 42 applications in 2007, 38 in 2006, 49 in 2005, 53 in 2004 and 36 in 2003.

With regard to the application of **Roger Redner, Docket #1746**, which was carried from December 2007, to construct an addition and driveway access, the Board approved the Memorializing Resolution allowing a maximum disturbed area of 49.2% and permitting only one off-street parking space.

In February of 2008, the Board commenced the application of **Quick Chek Food Stores, Docket #1743**, for a conditional use variance to allow a gas station in the CS-40 zone. On March 17, 2008, the applicant's attorney requested that the application be withdrawn. The Board approved the request.

The application of **Lori Steele, Docket #1745**, to allow a generator in the side yard commenced on December 17, 2007. The application was continued to March 17, 2008. The Board was extremely concerned about the noise level of the generator and its impact on the neighbors. The Board suggested an alternate location and encouraged the applicant to rethink the location of the generator. The applicant withdrew the application.

The application of **Sheri Bottino, Docket #1760**, commenced on August 18, 2008. The applicant was requesting the construction of a three-car driveway with variances for side yard and improved lot coverage. Extensive meetings were held on the application. The Board expressed concern about several aspects of the application including the impervious coverage, slope of the property, drainage and runoff and the neighbors' concern for their well and proximity of the proposed retaining walls and off-street parking to their garage. After several revisions to the plans, on October 20, 2008, the Board approved a resolution to allow a three-tiered retaining wall system and off-street parking with a variance for improved lot coverage.

The application of **Roger Redner, Docket #1764**, requesting a use variance to allow for the outdoor display of merchandise for property in the CS-40 zone was heard. The Board had no problem with the outdoor display of merchandise proposed and approved the application on October 20, 2008.

The application of **Keith Finn, Docket #1767**, requesting a front yard and two side yard variances for a front porch to an existing dwelling was heard by the Board on November 17, 2008. Two members of the public appeared to voice their objection to the application. The Board felt that the lack of specific hardship and the applicant's failure to establish the positive and negative criteria presented a lack of evidence to justify the granting of the variances. The Board denied the application.

ANALYSIS AND NOTES

An analysis of the "c" variance cases heard last year shows that 21 of the applications were located in the R-20 zone which is less than the previous year. There were 4 applications in the R-40 zone. The Board has seen more applications for the R-40 zone over the last few years than in previous years.

There were a total of 33 variances granted in the R-20 zone compared to 57 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.

All Board members attended classes and received certification as required by law.

An issue the Board discussed on several occasions was the proliferation of vinyl garages/sheds that are being put up without variances. Technically, they are permitted accessory structures, but they must comply with the bulk requirements of the zone. The Chairman contacted the Code Enforcement Officer regarding this matter. As of December 2008, the matter was still on going.

On September 15, 2008, the Board approved an ordinance prepared by the Board Attorney amending Chapter 35 of the Land Use Procedures to provide for the extension of variance approvals. This ordinance was forwarded to the Mayor and Council with a recommendation for adoption. On December 4, 2008, Ordinance No. 2008-#26 was adopted by the Mayor and Council.

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 applications and the withdrawal of other applications.