

**A SUMMARY OF THE MINUTES OF THE GLEN RIDGE
BOARD OF ADJUSTMENT HELD IN THE MUNICIPAL BUILDING
MARCH 8, 2018**

Open Public Meeting Act & Roll Call

Mr. Zichelli called the meeting to order at 7:30 p.m. and read the Sunshine Act Notice.

Mr. Zichelli called the roll.

PRESENT: Mahoney, Chair
Ashenfelter, Vice Chair
Bergmanson
Berger
Johnson

Secretary Zichelli
Trembulak, Esq.

ABSENT: Krien
Mohan
Scott
Seeman

Adoption of the February 8, 2018 Minutes

On motion by Mr. Bergmanson, seconded by Mr. Johnson, the Minutes of the February 8, 2018 meeting were adopted, Vice Chair Ashenfelter and Ms. Berger abstaining.

Adoption of the Memorializing Resolution of

Allen Sista

34 Sommer Avenue

On motion by Mr. Bergmanson, seconded by Mr. Johnson, the following Resolution was adopted, Vice Chair Ashenfelter and Ms. Berger abstaining:

WHEREAS, Allen Sista, owner of property located at 34 Sommer Avenue in the Borough of Glen Ridge, and designated as Block 42, Lot 14 on the Glen Ridge Borough Tax Maps, filed an application with the Board of Adjustment of the Borough of Glen Ridge to install central air conditioning condensing units in the side yard; and

WHEREAS, the applicant submitted a property survey prepared by Pinpoint Land Surveying, Inc., dated January 9, 2003 with the air conditioning unit drawn on by the Applicant, six photographs of the property in question and Comfortmaker Submittal Data, dated November 22, 2017; and

WHEREAS, the Board of Adjustment conducted a public hearing on this application at a regular meeting on February 8, 2018 at which time it was established that notice of this application had been published and that property owners within 200 feet of the subject property had been served with notice; and

WHEREAS, the Board carefully reviewed and considered the applicant's plans and the testimony and other evidence presented by the applicant, and made the following findings of fact:

1. The property is located in the R-3 Single-Family Residential Zone and contains a single-family dwelling with an attached garage.
2. Glen Ridge Code 17.20.020.B states that any detached accessory building within ten feet of the principal building or in the side yard of the principal building shall not be closer to a side lot line than the width of the side yard required on that side for said principal building. The proposed condensers will be within ten feet of the primary structure. A variance is required from Glen Ridge Code Section 17.12.030.G.2 in that a side yard setback of four feet is required and only .44 feet is provided.
3. Due to the configuration of the structure on the site there is no reasonable location where the air conditioner condensing units can be placed within the code on the property.
4. Due to the placement of the units on the lot and the immediately proximity of the adjacent garage and fencing, the condensers will not have a negative impact on adjoining properties light, air and open space, nor a negative impact on the streetscape.

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and did prove that the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to N.J.S.A. 40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicants did prove that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of N.J.S.A. 40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Borough of Glen Ridge that the within application of Allen Sista to install two air conditioning condenser units in the side yard is hereby granted subject to the following condition:

1. A sound shield must be installed on each condenser.
2. The condensers must comply with the Borough noise ordinance.

BE IT FURTHER RESOLVED that a true copy of this Resolution be transmitted to the applicants, the Borough Administrator, the Borough Clerk, the Borough Engineer and the Construction Code Official.

**Variance Application of
Howard Stuart & Jessica Leiken
10 Victor Avenue**

Chair Mahoney called for the application.

Karin Robinson, architect, appeared for the applicants. She stated that a variance from Glen Ridge Code Section 17.12.030.G.2 is required in that the new addition will not meet the minimum side yard setback requirement on the west side of the property. She further stated that the house is currently setback 3.81 feet from the westerly side property line and that this is a pre-existing legal nonconforming condition. Ms. Robinson described the proposed addition and stated that the two story addition will have a side yard setback of 3.81 feet as well. She then stated that all other bulk requirements will be met.

The project architect further stated that the applicants received approval for the proposed project from the Glen Ridge Historic Preservation Commission at the Commission's December 6, 2017 meeting.

Ms. Robinson concluded by stating that due to the structure's placement on the lot, the impact of the addition will be minimal on the surrounding properties and that the variance should be granted.

Jessica Leike, homeowner, appeared before the Board and was sworn. She stated that she provided notice to the neighbors and spoke to them about the project.

Chair Mahoney called for public comment. No comments were made.

After some discussion, on motion by Mr. Bergmanson, seconded by Vice Chair Ashenfelter, the application was unanimously approved.

Public Comment

Chair Mahoney called for public comment. No comments were made.

Adjournment

On motion by Ms. Berger, seconded by Mr. Bergmanson, the meeting was adjourned.

Respectfully submitted,

Michael P. Zichelli, AICP / PP
Secretary