

**A SUMMARY OF THE MINUTES OF THE GLEN RIDGE
BOARD OF ADJUSTMENT
BOROUGH COUNCIL CHAMBERS
JULY 8, 2021**

Open Public Meeting Act & Roll Call

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

Mr. DeLine called the roll.

PRESENT: Mahoney, Chair
Bergmanson, Vice-Chair
Berger
Johnson
Krien
Scott
Sprong
Trembulak, Esq.
Ferriero, Eng.
DeLine, Sec.

ABSENT: Seeman

Welcome Members

Chair Mahoney welcomed everyone to the meeting.

Adoption of Minutes – June 10th, 2021

On motion by Mr. Bergmanson, and seconded by Mr. Krien, the minutes of June 10th, 2021 were adopted. Ms. Berger and Mr. Johnson abstained.

Resolution of Approval

Conan and Irene Ward

43 Ridgewood Ave

On motion by Mr. Scott, and seconded by Mr. Bergmanson, the Resolution of Approval for 43 Ridgewood Avenue was adopted. Ms. Berger and Mr. Johnson abstained.

Application of

Domus Augusta, LLC

959 Bloomfield Ave

Preliminary and Final Site Plan Approval

Chair Mahoney called for the application.

Mr. Robert Gaccione, attorney for the applicant, presented the application. At the outset of the hearing, the set of PowerPoint slides was marked as Exhibit A-1, printed on 11"x17". Mr. Chair Mahoney discussed the minutes of the April 7, 2021 Historic Preservation Commission (HPC) meeting that were included in the Board packet. Mr. DeLine confirmed all public notices were sent to property owners within 200 feet on the subject property and that a notice was published in the Glen Ridge Newspaper.

Mr. Gaccione provided an overview of the application, outlining the variances being sought including a D-3 Conditional Use variance and the bulk variances as well as a site plan design waiver related to parking spaces dimensions. Chair Mahoney relayed to the board the result of the HPC hearing a was a 3-3 vote, whereas 4 votes are required for approval. Following the results of the HPC vote, the applicant did make changes to the plans, but did not return to HPC for review.

Mr. Gaccione called Mr. Bart De Gregorio to provide testimony, who was sworn in by Mr. Trembulak. Mr. De Gregorio discussed the purpose of the project was because they were running out of space in their current office on Bloomfield Ave and wanted to move the billing department across the street to this building. There would be 6 employees in the building that would be there between 8am-4pm. The Board had no questions for Mr. De Gregorio.

Mr. Gaccione, then called Mr. Paul Sionas of Sionas Architecture as witness. Mr. Sionas was sworn in and presented the application. Mr. Sionas provided an overview of the property and the existing conditions, including surrounding properties. Mr. Sionas then discussed the proposed project which would remove the gravel parking lot and construct a 2-story commercial building with a paved front yard for 3 exterior parking spaces. Mr. Sionas presented the interior layout, The first floor would be open with 4 interior parking spaces, with a tandem layout. There would be interior stairs leading up to office space on the second floor. Mr. Sionas discussed the exterior design of the building reviewing the materials, colors, doors, and windows. The windows on the south elevation were added after the HPC meeting. In addition, the building would have a flat roof with HVAC equipment on the roof, blocked by a parapet wall, and the roof would drain to the rear of the building.

Mr. Sionas then provided testimony to the Conditional Use requirements of an office building within an R-5 zone. In this application, the building must be no closer than 30 feet to the side or rear line of any adjacent property where side yard setbacks of 5 and 8 feet were proposed, and 20 feet for the rear yard setback. This required a D-3 Conditional Use variance. In addition, there were bulk variances related to lot area, lot width, and lot depth, which are pre-existing conditions. There was also a design waiver being sought for parking space dimensions where 9x18 feet was proposed, and 9x20 feet is required. Mr. Sionas covered the Master Plan and Re-examination Report, and testified the application met two of the goals of the Master Plan. Mr. Sionas testified the bulk variances could be granted under a C(1) and C(2) grounds. The application also advanced special reasons (a), (b), and (c) of the MLUL, according to Mr. Sionas. Further, Mr. Sionas stated 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 code, going over how the application mitigated the impacts. Mr. Sionas went through Mr. Paul Ferriero's review letter, responding to each item point by point.

Chair Mahoney asked about the adjacent lots in common ownership. It was established that 961 Bloomfield Ave and 54 Glenridge Ave were also owned by Mr. De Gregorio. Mr. Scott asked about potential noise related to the HVAC unit on the roof. Ms. Berger asked about why the space on the first floor was not counted towards the required parking ratio. Mr. Sionas responded the first floor would not be used for office, only finished for parking. Asked about why more parking was being provided than required, Mr. Sionas stated the applicant wanted to make sure there was enough spaces for the anticipated employees. There would not be visitors at the building. All deliveries and mail would be made to 946 Bloomfield Ave. Trash pickup would be at the curb. Asked about available parking in adjacent lots, it was testified that there was not enough parking available on the adjacent owned lots. Ms. Berger asked if the applicant used "Autoturn" to show the required k-turns on the lot would work. Mr. Sionas stated they had not. Chair Mahoney asked about changes to the application because of the HPC meeting. The previously mentioned windows were added, as well as additional lighting and landscaping.

Chair Mahoney asked about the design of the building, and Mr. Gaccione stated there was a difference of opinion. Some HPC members liked the modern look, while others did not. Mr. Bergmanson asked about the process of the Board since the HPC did not approve the application, and whether the applicant had to go back to HPC. Mr. Gaccione stated that the Board could approve the application and they had the option of going to the Board even if HPC did not approve the application. Mr. Trembulak stated the Board could make the Board's approval subject to going back to the HPC for approval. Chair Mahoney brought up the concerns of the HPC, and its effect on the application to the Board since the HPC had not reviewed the subsequent changes. The Board discussed the role of the design as it related to the requested variances. Mr. Bergmanson raised his belief the requirements for parking abutting a residential zone or property also applied since they were in the R-5 zone.

Mr. Gaccione requested a brief recess with the applicant. When they returned, the applicant first determined they wanted to adjourn the application and return at a subsequent meeting HPC. It was determined the Board could approve the application without the HPC approval, nor would it require a subsequent meeting with the Planning Board. The applicant then decided to go forward with the application.

Mr. Ferriero, the Board Engineer, provided his feedback on the application. He expressed concerns on the parking operations and layout.

Mr. Mahoney opened the meeting to the public. Ms. Chao at 58 Glenridge Ave was sworn in. Ms. Chao stated she was concern about the application being a nonresidential use, impacts on her privacy, and the proximity of the building within the required backyard setback. Ms. Buckner-Caraballo discussed her concerns of the use of the ADA space for turning around and lighting. Ms. Elstin expressed her concerns on the application as it relates to the lighting and landscaping. Chair Mahoney closed the public portion. Mr. Gaccione summarized the application and concluded the testimony.

The Board had discussion of the application. Concerns were raised on the parking operations and space dimensions, the disapproval by the HPC and the potential for the building enclosure to be used for more office space and future parking issues that may be created.

Mr. Johnson made a motion to approve the application, seconded by Mr. Scott with the following conditions:

1. Compliance with paragraphs 3, 5, and 6 of the engineer's report
2. County Planning Board approval
3. Grading and drainage plans subject to the approval by the Borough Engineer
4. The inclusion of a parapet wall
5. Removal of two trees that would be replaced with lower growing shrubs

The Board voted to deny the application. Johnson, Scott, and Krien voted Yes. Mahoney, Bergmanson, Berger, and Sprong voted No.

Adjournment

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

Respectfully submitted,

Erik I DeLine, AICP / PP
Secretary