

**A SUMMARY OF THE MINUTES OF THE
GLEN RIDGE PLANNING BOARD
HELD IN THE MUNICIPAL BUILDING**

February 15, 2017

Open Public Meetings Act & Roll Call

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

The roll was called.

PRESENT: Mason, Chair
 Mehrotra, Vice Chair
 Borgers
 Fields
 Hegarty
 Councilperson Morrow
 R. Morrow
 Rohal
 Turiano

 Trembulak, Esq.
 Zichelli, Secretary

ABSENT: Fields
 Murphy

Adoption of the January 18, 2017 Minutes

On motion by Councilwoman Morrow, seconded by Mr. Hegarty, the Minutes of the January 18, 2017 meeting were adopted, members Borgers, R. Morrow and Rohal abstaining.

Adoption of the Memorializing Resolution of

**Mark and Jonathan Clemente, Executors of the Estates of Dr. & Mrs. Clemente
364 Ridgewood Avenue**

On motion by Councilwoman Morrow, seconded by Mr. Hegarty, the following Memorializing Resolution was adopted, members, Borgers, R. Morrow and Rohal abstaining:

WHEREAS, Mark Clemente and Jonathan Clemente, Executors of the Estates of their deceased parents (the "Applicants") and the owners of property located at 364

Ridgewood Avenue and designated as Block 95 Lot 29 on the Glen Ridge Borough Tax Maps, filed an application to the Glen Ridge Planning Board for minor subdivision approval to subdivide the property into two lots, with each new lot having frontage on Ridgewood Avenue; and

WHEREAS, the Applicants submitted a Minor Subdivision Plan prepared by Anderson Consulting Services LLC, dated December 14, 2014 and revised on January 18, 2017; and

WHEREAS, the Planning Board conducted a public hearing on this application at its regular meeting on January 18, 2017 at which time it was established that legal 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 applicant presented the testimony of Paul W. Anderson, P.E., who reviewed the proposed subdivision and testified that the subdivision plan complies with all applicable requirements of the Borough Zoning Ordinance and all requirements for minor subdivision approval; and

WHEREAS, after review and consideration of the testimony and other evidence presented by the Applicants, as well as the testimony and comments from members of the public, the Board made the following findings of fact:

1. The property is located on the westerly side of Ridgewood Avenue in the R-1 One-Family Zone.
2. The property is a large interior lot consisting of 56,685 square feet of lot area fronting on Ridgewood Avenue with 200 feet of lot width measured at the front setback line. The property contains a single-family dwelling along with a driveway, parking areas, an in-ground pool and a garage/carriage house in the northwest corner of the property.
3. The Applicants propose to subdivide the property into two lots: one new lot (Lot 29.02) will contain the existing house and the garage/carriage house and will have a lot area of 11,099 square feet within 100 feet from the street line, lot width of 111 feet measured at the front yard setback line, and lot depth of 283.53 feet. The other new lot (Lot 29.01) will have a lot area of 8,898 square feet within 100 feet from the street lot line, lot width of 89 feet measured at the front yard setback line, and lot depth of 283.53 feet. The in-ground pool will be removed so that a new single-family dwelling may be constructed on this lot subject to approval of the Glen Ridge Historic Preservation Commission.
4. The proposed minor subdivision is fully-conforming in that the subdivision plan complies with all applicable zoning ordinance requirements for the R-1 One-Family Zone, including minimum lot area (8,500 feet required), minimum lot width (85 feet required) and minimum lot depth (125 feet required), and no variances or exceptions

are required. In addition, the subdivision plan conforms to the requirements of the subdivision ordinance, including application requirements, plan submissions and design standards.

5. As a fully-conforming plan with no variances or exceptions, the proposed subdivision is entitled to approval under well-established New Jersey law. *Pizzo Martin Group v. Township of Randolph*, 137 N.J. 216 (1994); *Cox and Koenig*, New Jersey Zoning and Land Use Administration (Gann 2016), page 516.

6. Although the garage/carriage house located in the northwest corner of the property is set back only 2.2 feet from the northerly line, this is a pre-existing nonconformity that has existed since the building was constructed many years ago. Although Glen Ridge Code Section 17.12.020.B.1 requires a 3-foot side yard setback for accessory structures, the Board determined that this long-established pre-existing nonconformity will not be affected or exacerbated by the subdivision, particularly in light of the substantial distance between this building and the proposed Lot 29.01, and therefore, a variance is not required for this nonconformity. The only property affected by this nonconforming setback of 9.6 inches is the adjoining property to the north of the subject property.

7. The Board also determined that if a variance was required for this nonconforming side yard, such a variance would be justified pursuant to N.J.S.A. 40:55D-70c(1) because the garage/carriage house is a lawfully existing structure which constitutes an exceptional situation uniquely affecting this property, resulting in peculiar and exceptional practical difficulties and undue hardship to the Applicants. Also, the nonconformity has existed for many years and allowing it to continue will not cause any substantial detriment to adjoining property owners or substantially impair the intent and purpose of the zoning ordinance or the master plan.

WHEREAS, based on the foregoing findings of fact, the Board concluded that the minor subdivision plan complies with all requirements of the zoning ordinance and the subdivision ordinance, and the plan is therefore entitled to approval as a fully-conforming subdivision.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Planning Board of the Borough of Glen Ridge, that the application of Mark Clemente and Jonathan Clemente, Executors, for minor subdivision approval be and is hereby approved in strict accordance with the Minor Subdivision Plan prepared by Anderson Consulting Services LLC, dated December 18, 2014 and revised January 18, 2017, subject to the following conditions:

1. The Applicants shall comply with all of the comments and recommendations contained in the Borough Engineer's Memorandum, dated January 17, 2017.

2. The Applicants shall perfect this subdivision by filing a Subdivision Deed in the Essex County Register's Office within 190 days of the date of this Resolution, subject to any extensions that may be granted by the Board pursuant to N.J.S.A. 40:55D-47. This approval shall expire and automatically become null and void if a Subdivision Deed is not filed within the required time period. The in-ground swimming pool shall be removed prior to the execution and recording of the Subdivision Deed.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the applicant, the Borough Council, the Borough Engineer, the Borough Tax Assessor and the Construction Official.

Estate of Carol S. Garben
518 – 520 Ridgewood Avenue
Minor Subdivision

Chair Mason stepped down for the hearing of the application.

The Board appointed Mr. Hegarty to serve as Acting Chair for the application. Acting Chair Hegarty then called for the application.

Calvin Trevenen, Esq. appeared on behalf of the applicant. Mr. Trevenen stated that the applicant is seeking approval to subdivide the property into two lots. He stated that when the property was purchased in 1954 the site consisted of two lots. However, through time the zoning changed and the lots were merged due to the fact that they are substandard in size and in common ownership. He stated that the applicant is seeking to reestablish the property into the two previously existing lots.

- A-1 Application.
- A-2 Subdivision Map prepared by Ricard Hingos, dated October 11, 2016.
- A-3 Deeds for property.
- A-4 Letter to Owners of 524 Ridgewood Avenue, dated January 30, 2017.

Mr. Trevenen stated that he sent a letter to the adjoining property owner requesting the purchase of additional land in order to have enough land to make the proposed lots conforming in size. He stated that no response was received.

Mr. Peter Steck, professional planner, appeared before the Board and was sworn. Marked for identification were the following:

- A-5 Resume of Peter G. Steck Community Planning Consultant.
- A-6 Planner's packet, prepared by Peter G. Steck, six pages.

Mr. Steck reviewed the existing lot and the current conditions. He then described the proposal to subdivide the property into two lots that would reflect the conditions when purchased in 1954. He reviewed the lots sizes, setbacks and variances required. He

stated that one lot would consist of the existing home and detached garage and the newly created lot is the area that contains the existing in ground pool.

Mr. Steck reviewed the zoning requirements to build upon the newly created lot. He stated that a house can be comfortably built on the new lot without any variances. He further stated that review and approval by the Glen Ridge Historic Preservation Commission would be required for the construction of a new house.

Mr. Steck stated that the front porch on the existing home is an existing condition and is unaffected by the subdivision. He concluded that the newly created lots are consistent with the size and shape of a majority of the lots in the area and that the benefits of granting the subdivision with the variances outweigh their detriment. Mr. Steck then reviewed the proposal consistency with the Master Plan and current case law.

Mr. Trevenen summarized the application. He stated that the application is consistent with the streetscape and that the newly created lot can be easily built upon without causing harm to the surrounding properties.

The members of the Planning Board discussed the application. The members discussed the site functioning as one lot. They further stated their concern that the lots are not consistent with the properties across the street. On motion by Mr. Morrow, seconded by Mr. Turiano, the Board unanimously voted to deny the application.

Public Comment

Acting Chair Hegarty called for public comment. Mr. Price of 519 Ridgewood Avenue appeared before the Board and stated that he has no objections to the previous application.

Adjournment

On motion by Mr. Rohal, seconded by Mr. Borger, the Planning Board unanimously agreed to adjourn the regular meeting.

Respectfully Submitted,

Michael P. Zichelli, AICP/PP
Secretary