

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

March 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
 Borgers
 Fields
 Hegarty
 Councilperson Morrow
 R. Morrow
 Rohal
 Turiano

 Trembulak, Esq.
 Zichelli, Secretary

ABSENT: Mehrotra, Vice Chair
 Murphy

Adoption of the February 15, 2017 Minutes

On motion by Mr. Hegarty, seconded by Mr. Rohal, the Minutes of the February 15, 2017 meeting were adopted, members Fields and Murphy abstaining.

Ms. Fields joined the meeting. Chair Mason recused himself for the remainder of the meeting.

**Adoption of the Memorializing Resolution of
Estate of Carol S. Garben
518 – 520 Ridgewood Avenue**

On motion by Robert Morrow, seconded by Mr. Hegarty, the following Memorializing Resolution was adopted, members Fields and Murphy abstaining:

WHEREAS, the Estate of Carol S. Garben (the “Applicant”), owner of property located at 518-520 Ridgewood Avenue and designated as Block 117 Lots 29 and 30 on the

Glen Ridge Borough Tax Maps, filed an application to the Planning Board of the Borough of Glen Ridge for minor subdivision approval to subdivide the property into two lots; and

WHEREAS, in connection with the proposed subdivision, the Applicant also applied for a variance from Glen Ridge Code Section 17.12.020 to permit lot widths of 83.12 feet for each of the proposed lots whereas the ordinance requires a minimum lot width of 85 feet; and

WHEREAS, the Applicant submitted a Minor Subdivision Plan prepared by Richard J. Hingos, Inc., dated October 11, 2016; and

WHEREAS, the Planning Board conducted a public hearing on this application at its regular meeting on February 15, 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 Peter Steck, P.P., a licensed professional planner in support of the application; and

WHEREAS, after review and consideration of the testimony and other evidence presented by the Applicant, 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 was purchased by Carol Garben and her husband in 1954. At that time, and for a number of years thereafter, the property consisted of two tax lots (Lots 29 and 30). However, pursuant to the merger doctrine enunciated by the New Jersey Supreme Court in *Loechner v. Campoli*, 49 N.J. 509 (1967), the lots were merged in or around 1963 when the Borough adopted an ordinance establishing a minimum lot width requirement of 85 feet for properties in the R-1 zoning district. Although the lots were legally merged in or around 1963, the tax assessor only recently adjusted the Borough's records to reflect consolidate the lots into one tax lot. The tax assessor's delay in merging the lots, however, has no bearing on the merits of this land use application to subdivide the consolidated lot.

3. The property has a lot width of 166.24 feet along Ridgewood Avenue and a lot depth of approximately 150 feet for a total lot area of 24,748.61 square feet. The southerly side of the property contains a single-family dwelling and a detached garage. The northerly side of the property contains an in-ground pool and an otherwise undeveloped wooded area.

4. The Applicant proposes to subdivide the property into two lots, each of which would be 83.12 feet wide and 150 feet deep, with the existing single-family home

and detached garage to remain on proposed Lot 30. In order for the subdivision to be approved, the Applicant requires variances from Glen Ridge Code Section 17.12.020 which requires a minimum lot width of 85 feet.

6. The Applicant's professional planner testified that there are other properties with nonconforming lot widths on the westerly side of Ridgewood Avenue in the vicinity of the subject property and that, in his opinion, the lot widths proposed by the Applicant would be generally consistent with other lots in the neighborhood. However, the witness failed to take into account that there are also a number of larger conforming lots on both sides of Ridgewood Avenue in the vicinity of the subject property, including at least seven lots directly across the street from the subject property. Accordingly, based on its knowledge of local conditions, and taking a wider view in defining the "neighborhood," the Board rejected the expert's opinion that the deficient lot widths were consistent with the character of the neighborhood.

7. The Board also noted that the subject property has existed in its current condition for many years and the potential construction of an additional house on the wooded and previously undeveloped section of the property would be detrimental to the surrounding neighborhood and inconsistent with the planning board recent in-depth analysis of lot widths throughout the R-1 zone culminating in the Borough's adoption of zoning ordinance amendments within the last year.

8. The Board also considered the potential benefits of permitting a deviation from the 85-foot lot width requirement and particularly, the Applicant's contention that the construction of a single-family home on a substandard lot would satisfy a need for additional housing in the municipality. The Applicant did not present any evidence to support its position that there is an unmet need for additional single-family homes in the Borough or that permitting a deviation from the zoning requirements would satisfy such a need or provide any other benefits to the public. The Applicant did not provide any evidence suggesting that other benefits to the public would be achieved by granting the requested variances.

WHEREAS, the Board, based on the foregoing findings, concluded that the Applicant had failed to prove by a preponderance of the evidence that there were peculiar and exceptional practical difficulties or exceptional and undue hardship and 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 N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, also concluded that the Applicant had failed to prove by a preponderance of the evidence that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and that the benefits of the deviation would substantially outweigh any detriment and would not cause 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).

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Planning Board of the Borough of Glen Ridge, that the within application of the Estate of Carol S. Garben for minor subdivision approval and lot width variances be and is hereby denied.

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

Public Comment

Acting Chair Hegarty called for public comment. No comments were made.

Adjournment

On motion by Mr. Hegarty, seconded by Ms. Fields, the Planning Board unanimously agreed to adjourn the regular meeting.

Respectfully Submitted,

Michael P. Zichelli, AICP/PP
Secretary