

**BOROUGH OF PARK RIDGE
PLANNING BOARD
MARCH 13, 2024 8:00PM
REGULAR MEETING MINUTES**

The Public Meeting of the Planning Board of the Borough of Park Ridge was held on the above date.

Chairman Mital stated that the meeting was being held in accordance with the Open Public Meetings Act, P.L. 1975, Chapter 231. He then asked everyone to stand and recite the Pledge of Allegiance.

Roll Call Board:

Chairman Ray Mital	Present
Vice Chairman Peter Von Bradsky	Present
Mayor Keith Misciagna	Absent
Councilman Greg Hoffman	Present
Ms. Jessica Mazzearella	Present
Mr. Mark Bisanzo	Present
Mr. Mark Cristaldi	Present
Mr. Donald Schwamb	Absent

Also Present:

Mr. Kenneth Ralph	Board Attorney
Mr. John Dunlea	Board Engineer – Neglia Engineering
Ms. Tonya Janeiro	Board Secretary

Open to the Public for Non-agenda Items

No questions / comments from any members of the public.

Approval of Minutes

The minutes of February 14, 2024 were approved on a motion from Mr. Cristaldi, seconded by Vice Chairman Von Bradsky, and carried by all members eligible to vote.

Resolution

Resolution #2024-4

PB23-4

E. Abraham LLC.

27 North Fifth Street

Block 716 / Lot 6, 7, 8 & 9

Minor Sub-Division

A motion was made by Vice Chairman Von Bradsky to approve the application. The motion was seconded by Mr. Cristaldi, and carried by a roll call vote as follows:

Vice Chairman Peter Von Bradsky	Yes
Mr. Mark Cristaldi	Yes
Ms. Jessica Mazzearella	Yes
Chairman Ray Mital	Yes

Board Discussion

Recreation and Open Space Inventory (ROSI) Certification Review

Mr. Dunlea spoke to the board about the Recreation and Open Space Inventory (ROSI) Certification Review. The Mayor and Council passed a resolution authorizing the Mayor and Planning Board Chairman to certify the Recreation and Open Space Inventory. The resolution required the Planning Board to be notified.

Mr. Dunlea said as part of the NJDEP Green Acres application related to the acquisition of the North Fifth Street property (Block 608, Lots 15 and 37), the Borough was required to prepare a ROSI. He said the map is what is on record with the DEP.

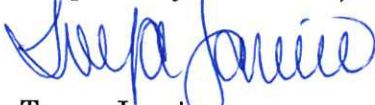
Mr. Dunlea reminded the board of the subdivision that was approved last year pertaining to Block 608, Lots 15 and 37.

Board Discussion

No Board discussion took place.

The meeting was adjourned on a motion from Councilman Hoffman, seconded by Ms. Mazzarella, and carried by all.

Respectfully Submitted,



Tonya Janeiro

Resolution # 2024-4
PB 23-4
March 13, 2024

BOROUGH OF PARK RIDGE PLANNING BOARD

**E. ABRAHIM, LLC
BLOCK 716, LOTS 6,7, 8 AND 9
27 N. 5TH STREET**

MINOR SUBDIVISION APPROVAL AND VARIANCES

WHEREAS, E. ABRAHIM LLC, LLC (the “**Applicant**”), is the owner of property that contains approximately 23,953 square feet in size in the Borough of Park Ridge (the “**Borough**”), shown on the Borough tax maps as Block 716, Lots 6,7,8, and 9 (the “**Property**”); and

WHEREAS the property is located in the R-10 Zone. The applicant proposes to subdivide the property into two lots and construct a single-family home on each lot. The proposed uses are permitted uses in the zone; and

WHEREAS, the proposed subdivision will create two lots which will both be deficient in lot depth and will require a variances. Proposed lot 6.01 will have a lot depth of 116.67 feet and proposed lot 9.01 will have a lot depth of 88.31 feet where 120 feet is required. The applicant will demolish the existing home on the site which will eliminate any need for a side yard variance.

WHEREAS, a number of documents were submitted by the Applicant with regard to the Application, all of which documents are on file with the Board and are part of the record in this matter, with the following being the latest versions of the plans, drawings and documents for which Board approval is sought, which plans, drawings and documents have been on file and available for public inspection for at least 10 days prior to the hearings on the Application in accordance with N.J.S.A. 40:55D-10b and which were made available to the public online:

1. Subdivision Application including Appendix A (Checklist for Development).
2. Site plans entitled “Preliminary & Final Site Plan” prepared by Jacob Solomon, RA, AIA, dated September 26, 2023, consisting of 3 sheets.
3. Subdivision Plan, entitled “Minor Subdivision,” prepared by Steven L. Koestner, PE, LS of Koestner Associates, dated August 15, 2023, and revised through January 8, 2024, consisting of one sheet.

WHEREAS, the Board held a duly noticed public hearing on the Application on February 14, 2024, thereby conferring procedural jurisdiction over the Application with the Board, during

which hearing the Applicant was represented by Bruce R. Rosenberg, Esq. and the Board was represented by Robert A. Ferraro, Esq.;

WHEREAS, in support of the proposal, the following individuals testified during the hearing on the Application, were subject to cross examination, and the testimony is part of the record in this matter:

1. Steven Koestner (Applicant's civil engineering expert),
2. Jacob Solomon (Applicant's architectural design expert),
3. Donna Holmqvist (Applicant's professional planner);

TESTIMONY

The hearing was held on February 14, 2024. The Applicant was represented by Bruce R. Rosenberg, Esq., who provided an overview of the proposal and introduced the various expert witnesses.

The Applicant's first witness was Jacob Soloman who was sworn and qualified as an expert in architecture.

The witness introduced plans dated September 26, 2023, which were marked into evidence as Exhibit A-1.

The witness testified that the applicant proposes to subdivide the property into two lots. The existing home on the site will be demolished and the applicant proposes to construct a single-family residential structure on each of the two newly created lots. He stated that both lots require a variance for lot depth mostly due to the irregular shape of the property. e testified that the property is next to municipal owned woodland flanking Echo Glen Brook to the north of the site. Mr. Solomon stated that at this time the applicant proposes to construct single family homes within the building envelope so that the location and size of the homes would not require any further variances. He stated that the applicant intends to construct a ranch style home on lot 6.01. He stated that the proposed home on lot 9.01 has not yet been determined as the applicant will require approval of a building envelope from the NJDEP. Mr. Solomon stated that drainage would be approved by the Board engineer and soil movement approval must be obtained.

The applicant's engineering expert, Steven Koestner, was sworn and qualified. Mr. Koestner advised that the applicant will comply with all of the comments of the Board Engineer in its report last revised on February 5, 2024. Mr. Koestner testified as to how he determined the required lot depth for each lot, and the Board Planner concurred in Mr. Koestner's determination. Mr. Koestner stated that the property is graded up to the rear behind North 5th Street. The building envelopes for each lot are shown on Mr. Koestner's plan.

The applicant's licensed professional planner, Donna Holmqvist, was sworn and qualified. Ms. Holmqvist stated that the subject property is an irregularly shaped lot. The witness stated that the site is deteriorated and that the two new upgraded dwellings will improve the area. Ms. Holmqvist reviewed the properties in the neighborhood and stated that there are three homes in the vicinity which have noncomplying lot depth. Ms. Holmqvist stated that the proposal would not have any adverse impact to the area. She sated that the proposal is consistent with the Borough's Master Plan and the MLUL by upgrading the housing stock, and provides adequate

light, air and open space. She stated that the proposal will also provide a desirable visual environmental impact.

WHEREAS, AFTER CONSIDERING THE APPLICATION, DOCUMENTS, TESTIMONY AND EXHIBITS REFERENCED ABOVE, AND GIVING APPROPRIATE WEIGHT TO SAME, AND BASED ON ITS UNDERSTANDING OF THE APPLICABLE LAW, THE BOARD MAKES THE FOLLOWING FACTUAL FINDINGS AND LEGAL CONCLUSIONS SUBJECT TO CONDITIONS AS SET FORTH BELOW:

A. FACTUAL FINDINGS

1. **The Property, Zoning and Existing Conditions.** The property, which contains a total of 23,953 square feet is located in the R-10 zone and is currently developed with a single family residence. The applicant proposes to subdivide the property into a total of two lots, to demolish the existing residence, and to construct a single family residence on each of the newly created lots.

2. **Approvals Requested.** The specific approvals requested are as follows:

1. A minor subdivision dividing the subject property into two lots.
2. A variance for lot depth on proposed lot 9.01 with a proposed lot depth of 88.31 feet where 120 feet is required.
3. A variance for lot depth on proposed lot 6.01 with a proposed lot depth of 116.67 feet where 120 feet is required.

3. **Findings as to the request for Minor Site Plan Approval and Variances.** The Board's findings as to the Application for minor site plan approval and variances are as follows:

a. **Ordinance Compliance in General.** The Board accepts the testimony of the applicant's experts and concludes that the minor subdivision with the requested variances should be granted.

b. **Compliance with Matters Vital to Public Health.** Provided that the conditions set forth below are imposed and complied with, the Board also finds that matters vital to the public health (water supply, sewage disposal, stormwater drainage, and traffic circulation) will be adequately provided for and appropriately designed as part of the Project.

c. **Ultimate Finding.** For all of the foregoing reasons, the Board's ultimate finding is that final minor subdivision approval is warranted provided that the conditions set forth below are imposed and complied with.

B. LEGAL CONCLUSIONS

1. **Minor Site Plan Approval and variances.** The Board's conclusions as to minor site plan and variance review are as follows:

a. **Standards for Final Minor Subdivision and Variance Review.** The review of this minor subdivision application must take into consideration the accompanying request for variances, as the variances required are needed because of the subdivision. As set forth in the factual findings above, the Board concludes that the variances may be granted pursuant to N.J.S.A. 40:55D-70(c), both under the criteria set forth in subsections c(1) for exceptional circumstances given the irregular dimensions of the property, or under subsection c(2) or flexible "c" criteria where the purposes of the MLUL would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation outweigh any detriment. With regard to the c(2) criteria the Board finds that there would be no negative affect on the health safety or welfare of the residents, or of the zone plan. The Board further finds that the Municipal Land Use Law (MLUL) would be advanced in that the proposed site is deteriorated and that the two new upgraded dwellings will improve the site and the area. The majority of properties in the neighborhood have noncomplying lot depth. The proposal will not have any negative impact to the area. The proposal is consistent with the Borough's Master Plan and the MLUL by upgrading the housing stock, and provides adequate light, air and open space. The proposal will also provide a desirable visual environmental impact.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD, BY MOTION DULY MADE AND SECONDED ON FEBRUARY 14, 2024 AS FOLLOWS:

A. APPROVALS / RELIEF GRANTED

1. **Final Minor Subdivision Approval is hereby granted.**
2. **Variances for lot depth for each lot are hereby granted.**

B. CONDITIONS

The approvals granted herein are subject to the following specific conditions which were agreed to during the hearing:

1. Applicant to comply with any comments and recommendations received from:

Park Ridge Water Department
Park Ridge Electric Department
Park Police Department
Park Ridge Fire Department

2. Applicant to comply with all comments and recommendation contained in the letter from the Board Engineer, Neglia Engineering, last revised February 5, 2024;

1. **Revisions to Site Plans, Architectural Plans and Stormwater Management Report.** Revisions to the Subdivision Plan and Architectural Plans shall be made to incorporate any additional comments.

2. **Easements, Dedications and Conveyances.** Any and all easements, dedications and/or conveyances running to and in favor of the Borough that are proposed on the site shall, in addition to being identified on said plans, be contained in separate documents to be prepared by the Applicant and reviewed and approved by the Borough Attorney after the metes and bounds descriptions of the easement, dedication and/or conveyance areas have been reviewed and approved by the Borough Engineer. Said documents shall specifically outline the grant of the easement, dedication and/or conveyance and its purpose and shall contain a metes and bounds description of the easement, dedication and/or conveyance area. All such documents shall then be recorded and, upon completion of the recording process, be transmitted to the Borough Clerk for maintenance with other title documents of the Borough.

3. **Outside Agency Approvals and Permits.** The within approvals shall be conditioned upon the Applicant obtaining permits and/or approvals from all applicable outside agencies and/or departments including (if applicable) but not necessarily limited to the following municipal, county and/or state agencies and/or departments:

- a. Park Ridge Electric Utility.
- b. Park Ridge Water Utility.
- c. Bergen County Planning Board unconditional approval to construct any and all aspects of the proposed development within its jurisdiction.
- d. Bergen County Soil Conservation District certification / approval of the soil erosion and sediment control plan, and
- e. NJDEP approval of any and all aspects of the proposed development within its jurisdiction.

4. **Subject to Other Approvals and Laws.** The within approvals and the use of the Property are conditioned upon and made subject to any and all laws, ordinances, requirements and/or regulations of and/or by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the Property and/or use of the Property. The within approval and the use of the Property are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, State and/or Federal governments and their agencies and/or departments having jurisdiction over any aspect of the Property and/or use of the Property. In the event of any inconsistency(ies) between the terms and conditions of the within approval and any approval(s) required above, the terms and/or conditions of the within approval shall prevail unless and until changed by the Board upon proper application.

5. **Escrow Fees.** Any and all outstanding escrow fees shall be paid in full, and the escrow account replenished to the level required by ordinance within 30 days of the adoption of the within resolution, within 30 days of written notice that a deficiency exists in the escrow account, prior to review of any and all compliance documents by any of the Board or Borough professionals, and prior to signing the Site Plans.

Ayes: 4 Introduced by: Peter von Bradsky

Nays: 0 Seconded by: Peter von Bradsky
Mark V. Cristaldi

Abstentions: 0
[Signature]

Chairperson Ray Mital

Dated: March 13, 2024

ATTEST: [Signature]
TONYA JANEIRO
Board Secretary