

**BOROUGH OF PARK RIDGE
PLANNING BOARD
JULY 12, 2023 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 Von Bradsky 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 Peter Von Bradsky	Present
Mayor Keith Misciagna	Absent
Councilman Greg Hoffman	Present
Ms. Jessica Mazarella	Absent
Mr. Mark Bisanzo	Absent
Mr. Mark Cristaldi	Present
Mr. Robert Metzdorf	Present
Mr. Ray Mital	Present
Mr. Donald Schwamb	Present

Also Present:

Ms. Tonya Janeiro	Board Secretary
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Approval of Minutes

The approval of the June 14, 2023 minutes will take place at the next Planning Board meeting.

Open to the Public for Non-agenda Items

No questions / comments from any members of the public.

RESOLUTION #2023-6

#PB23-1

Park Terrace Apartments

155 Park Avenue

Block 1807 / Lot 5

Multi-Family Apartment Building

There were some questions regarding parking and fence on the resolution.

Ms. Janeiro instructed the Board to proceed with the approval of the memorializing resolution.

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

Mr. Robert Metzdorf
Mr. Ray Mital
Chairman Peter Von Bradsky

Yes
Yes
Yes

Board Discussion

No Board discussion took place.

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

Respectfully Submitted,



Tonya Janeiro

Resolution #2023-6
PB23-1
7-12-2023

BOROUGH OF PARK RIDGE PLANNING BOARD

**PARK TERRACE APARTMENTS, LLC
BLOCK 1807, LOT 5
155 PARK AVENUE**

**PRELIMINARY AND FINAL SITE PLAN APPROVED FOR CONSTRUCTION OF AN
INCLUSIONARY MULTIFAMILY RESIDENTIAL PROJECT**

WHEREAS, Park Terrace Apartments, LLC (the “**Applicant**”), is the owner of property that contains approximately 139,709 square feet in size in the Borough of Park Ridge (the “**Borough**”), shown on the Borough tax maps as Block 1807, Lot 5 (the “**Property**”);

WHEREAS, the property is located in the GA-1 Zone and the proposed use, a multi-family apartment building, is a permitted use in the zone;

WHEREAS, the Board has exclusive subject matter jurisdiction over the Application by virtue of N.J.S.A. 40:55D-20, -46 and -52;

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. Application for Preliminary and Final Site Approval submitted by the Applicant on January 20, 2023;
2. Plans titled “Preliminary and Final Minor Site Plan for 155 Park Avenue, Tax Map Block 1807, Lot 5-Zone GA-1 (Garden Apartments) Borough of Park Ridge, Bergen County, New Jersey” prepared by Omland & Osterkorn Consulting Engineers and Surveyors dated January 11, 2023, consisting of nine (9) sheets revised through May 22, 2023;
3. Plans titled “Park Terrace Apartments 137-163 Park Ave. Park Ridge, N.J.” prepared by Z+ Architects, LLC dated January 20, 2023.
4. Report titled “Stormwater Management Report for 155 Park Ridge, Block 1807, Lot 5 Borough of Park Ridge, Bergen County, New Jersey” prepared by Omland & Osterkorn Consulting Engineers and Surveyors dated January 11, 2023, revised to May 24, 2023;
5. Report titled “Lighting Details for 155 Park Ridge, Block 1807, Lot 5 Borough of Park Ridge, Bergen County, New Jersey” prepared by Omland & Osterkorn Consulting Engineers and Surveyors dated January 11, 2023, revised to May 24, 2023.

WHEREAS, the Board held duly noticed public hearings on the Application on May 10, 2023, and June 14, 2023, thereby conferring procedural jurisdiction over the Application with the Board, during which hearing the Applicant was represented by Kevin Kelly, Esq. and the Board was represented by Brian Giblin, 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. Kiersten Osterkorn (Applicant's civil engineering expert),
2. Michael Scro (Applicant's architectural design expert),
3. Thomas Didio (Managing Member of Applicant).
4. Hal Simoff (Applicant's traffic engineering expert and professional planner);

TESTIMONY

The hearing commenced on May 10, 2023. The Applicant was represented by Kevin Kelly, Esq., who provided an overview of the history of the site. Mr. Kelly also described the existing conditions of the site which currently contains three (3) two story garden apartments; further, Mr. Kelly, described the application as being one construct and an additional building on site which would contain a total of sixteen (16) apartment units.

Mr. Kelly and the Board Attorney, Brian Giblin, Esq., also discussed the Affordable Housing Obligation which would be generated by the application, if it were to be approved, and it was determined that there is a ten percent (10%) COAH obligation on only the new units being constructed.

The Applicant's first witness was Michael Scro who was qualified and testified as an expert in architecture.

The witness introduced plans dated January 20, 2023, from his firm, Z+ Architects, which were marked into evidence as Exhibit A-1.

The witness described the design of the proposal to construct a sixteen (16) unit apartment building and also described the requirements of the Zoning Ordinance, which the witness believed were all complied with.

The witness testified that each floor in the building will have four (4) one-bedroom units and four (4) two-bedroom units and that there will be an elevator in the building which will be of sufficient size to accommodate ambulance stretchers.

The witness also introduced a rendering of the building dated January 20, 2023, which was marked into evidence as Exhibit A-2. The witness continued describing the buildings which he stated would be fully sprinklered and would contain community space, consisting of seven hundred twenty (720) square feet, on the roof. The witness also described the materials to be used on the building as well as the lighting.

In response to questioning by the Board, the witness testified that the roof deck, which was designated as community space, would only be open during the daylight hours, and, if lighting were to be installed, there would be no light spillage onto the street.

The witness also stated that the roof deck would only be open from dawn to dusk and that no barbeque grills or fires would be permitted on the deck.

The Applicant's next witness was Ms. Kiersten Osterkorn, who was qualified and testified as an expert in engineering. The witness introduced a set of plans titled "Preliminary and Final Minor Site Plans" dated January 11, 2023, which were marked into evidence as Exhibit A-3. The witness described the existing conditions of the area and the neighboring properties and stated that there are three (3) buildings already existing on the site and there are no improvements proposed for existing buildings.

The witness then discussed the parking requirements and testified that there are sixty-three (63) existing parking spaces on site whereas seventy-one (71) are required, resulting in a non-conforming deficiency of eight (8) parking spaces. The witness testified that the Applicant is now proposing an additional thirty-seven (37) spaces, including six (6) spaces that will be EV equipped for electric vehicle charging, so that the parking, if the proposal were to be approved, would consist of sixty-three (63) existing spaces, thirty-seven (37) new proposed spaces and six (6) EV credits for a total of one hundred six (106) parking spaces where one hundred two (102) parking spaces are required. Therefore, the witness's testimony was that a non-conforming condition will be brought into conformity pursuant to this proposal.

The witness then described the Utility and Erosion Plans, the Stormwater Management Plan and the proposed Landscape Plan.

The witness testified that, although the Applicant did not originally propose to change any fencing, the Applicant would be installing a wooden stockade fence around the garbage enclosure.

The witness then discussed the proposed lighting and the Board Engineer's concern regarding the light level in certain areas on the property. It was suggested, and the Applicant agreed, that the lighting will be subject to a six (6) month review and that the Applicant would comply with any reasonable recommendations of the Board Engineer.

The witness then described the existing pavement in the parking lots and agreed that the Applicant will re-stripe the parking lot. In addition, the Applicant's engineer and the Board's engineer shall meet on-site to inspect the paved areas. The Applicant agreed to comply with any reasonable recommendations of the Board Engineer.

The witness also testified concerning the snow plowing and trash removal and testified that both would be provided by private companies.

The application was continued to the Board's next regularly scheduled meeting of June 14, 2023. At that meeting the Applicant recalled Ms. Kiersten Osterkorn, who introduced plans which had been revised to May 22, 2023.

The witness testified that the Applicant and its professionals had been reviewing the comments from the Board and its professionals and that some of the changes discussed at the last meeting had been incorporated into the revised plan.

The witness also testified that the Applicant would insure that there is an accessible walkway from the new development to the existing buildings and that same shall be acceptable to the Board Engineer.

The witness also testified that the fencing to be installed by the Applicant will be board-on-board to match the existing fencing on site.

The witness then testified about the following letters that the Applicant had received:

1. Letter from Park Ridge Water Department dated April 12, 2023;
2. Letter from Park Ridge Electric Department dated April 24, 2023;
3. Letter from Park Police Department dated March 30, 2023; and
4. Letter from Park Ridge Fire Department dated March 24, 2023.

The witness testified that the Applicant agrees to comply with all of the comments and recommendations in the above-cited letters.

The witness then referred to the letter issued by the Board's Engineer, Neglia Engineering, dated June 14, 2023, and agreed, on behalf of the Applicant, that the Applicant would agree to all of the comments and recommendations contained therein.

The Applicant then called Hal Simoff, who was qualified and testified as an expert traffic engineer as well as a professional planner.

The witness testified that there would be no adverse impact from the traffic generated by this development.

The witness also testified that the trucks typically used for moving into and out of apartments will easily have access and egress from the site.

The witness also testified that the only variance required for the proposal is for an insufficient buffer of 10.9 feet proposed where twenty-five (25) feet is required. In connection with that variance, the witness testified that it is in an area where the adjacent property is a parking lot for commercial use and therefore there will be no negative impact from the requested variance. The witness also testified that the proposal meets the positive criteria by (1) encouraging appropriate use of all lands; (2) providing adequate light, air and open space; (3) developing appropriate population densities.

The witness also testified that the Applicant will provide the required two (2) affordable housing units.

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 one hundred thirty-nine thousand, seven hundred nine (139,709) square feet is located in the GA-1 zone and is already developed with three (3) existing apartment buildings. The proposal is to construct one (1) additional apartment building containing sixteen (16) units which is a conforming use in the zone.

2. **The Application and Proposed Project.** The Applicant submitted the application dated January 20, 2023, to the Board seeking preliminary site plan approval and final site plan approval along with a variance to allow construction of the Project, which is an inclusionary multifamily development consisting of sixteen (16) residential units, of which two (2) shall be affordable to low- and moderate-income families, and related site improvement such as stormwater facilities, lighting and landscaping. The specifics of the Project, and the specific exceptions that have been requested, are as follows:

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

1. A variance from the Ordinance requirements of a twenty-five (25') foot buffer area in one section where a 10.9-foot buffer is proposed.

2. Preliminary and final site plan approval.

3. **Findings as to Preliminary and Final Site Plan Review.** The Board's findings as to preliminary and final site plan review for the Application and modifications are as follows:

a. **Ordinance Compliance in General.** With the exception of the variance for insufficient buffer, for which the Board concluded that such variance should be granted, the Board finds that the Site Plans, Architectural Plans and Stormwater Management Report will comply with all other applicable zoning ordinance regulations, site plan ordinance requirements, and RSIS requirements provided, however, that the conditions set forth below are imposed and complied with.

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 preliminary and final site plan approval is warranted provided that the conditions set forth below are imposed and complied with.

B. **LEGAL CONCLUSIONS**

1. **Preliminary and Final Site Plan Review.** The Board's conclusions as to preliminary and final site plan review are as follows:

a. **Standards for Preliminary and Final Site Plan Review.** N.J.S.A. 40:55D-46b and N.J.S.A. 40:55D-50a are the focal points for preliminary and final site plan review. N.J.S.A. 40:55D-46b provides that the Board "shall" grant preliminary site plan approval if the proposed development complies with all provisions of the applicable ordinances. Similarly, N.J.S.A. 40:55D-50a provides that final site plan approval "shall" be granted if the detailed drawings, specifications, and estimates of the application conform to the standards of all applicable ordinances and the conditions of preliminary approval. As such, if the application complies with all ordinance requirements, the Board must grant approval.

b. **Conclusions to Grant of a Variance for a buffer of 10.9 feet where twenty-five (25') feet is required, Preliminary and Final Site Plan Approval.** As set forth in the factual findings above, with the exception of the de minimis exception from the RSIS requirements, for which the Board concluded an variance should be recommended, the Board found that the Site Plans, Architectural Plans and Stormwater Management Report will comply with all other applicable zoning ordinance regulations, site plan ordinance requirements, and RSIS requirements provided, however, that the conditions set forth below

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD, BY MOTION DULY MADE AND SECONDED ON JULY , 2023 AS FOLLOWS:

A. APPROVALS / RELIEF GRANTED

1. **Preliminary and Final Site Plan Approval.** Subject to the conditions set forth below, a variance is granted as to the Site Plans, Architectural Plans and Stormwater Management Report as referenced above.

2. **Variance for insufficient buffer.** Subject to the conditions set forth below, a variance is granted from the requirement to provide a twenty-foot (25') foot buffer in one area as described by Applicant's Planner and to instead provide. 10.9-foot buffer.

B. CONDITIONS

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

1. Roof deck shall only be open during daylight hours and, if lighting is installed, there shall be no light spillage onto the street;
2. All lighting to be installed shall be subject to a six (6) month review from by the Planning Board Engineer and Applicant shall comply with all reasonable recommendations to alter the lighting;
3. Applicant's Engineer and Board's Engineer to meet at the site to review paved areas. Applicant to comply with all reasonable recommendations of the Board Engineer regarding repair and/or repaving;
4. Applicant shall provide an accessible walkway from the new development to the existing buildings which shall be acceptable to the Board Engineer;
5. Applicant to comply with the comments and recommendations received from:

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

6. Applicant to comply with all comments and recommendation contained in the letter from the Board Engineer, Neglia Engineering, dated June 14, 2023;

1. **Revisions to Site Plans, Architectural Plans and Stormwater Management Report.** Revisions to the Site Plans, Architectural Plans, and Stormwater Management Report 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 Plans 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. **Developers Agreement** Pursuant to Ordinance 87-51, Applicant shall enter into a Developers Agreement with the Borough of Park Ridge to be prepared by the attorney to the Planning Board, in a form acceptable to the Borough and the Applicant.

6. **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: 3 Introduced by: Robert Metzger (H)

Nays: 0 Seconded by: Robert Metzger
Peter Von Bradsky (H)

Abstentions: 0
Peter Von Bradsky

Chairperson Peter Von Bradsky (H)

Dated: 7-12-2023

ATTEST: Tonya Janeiro
TONYA JANEIRO
Board Secretary