

**BOROUGH OF PARK RIDGE
PLANNING BOARD
AUGUST 14, 2019
REGULAR MEETING MINUTES**

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

Chairman Von Bradsky stated that the meeting was being held in accordance with the Open Public Meetings Act. He then asked everyone to stand and recite the Pledge of Allegiance.

Roll Call Board:

Chairman Peter Von Bradsky	Present
Mayor Keith Misciagna	Present
Ms. Jessica Mazzarella	Present
Councilman Robert Metzdorf	Present
Mr. Mark Bisanzo	Present
Mr. Donald Browne	Present
Mr. Ray Mital	Present
Mr. Donald Schwamb	Present
Mr. Nick Triano	Present
Mr. Stephen Jobst	Absent
Mr. David Fasola	Absent

Also Present:

Mr. William Rupp	Board Attorney
Ms. Tonya Tardibuono	Board Secretary
Mr. Daniel Lee -- Neglia Engineering	Board Engineer
Thomas Behrens -- Burgis Associates	Board Planner

Open to the public for non-agenda items

No members of the public wishing to speak.

Approval of Minutes

The minutes of July 10, 2019 were approved on a motion from Councilman Metzdorf, seconded by Ms. Mazzarella, and carried by all members eligible to vote.

NEW APPLICATION

#PB19-03

Ernest Heller, Jr.
162 Spring Valley Road
Block 802 / Lot 1
Minor Subdivision

Attorney Judith C. Reilly was present as the attorney for the applicant. The applicant is Ernest Heller, Jr.

Ms. Reilly spoke about the application. She stated that the applicant is applying for a minor subdivision. She spoke about Musso Lane and how the borough requires every lot to face an approved street. Ms. Reilly spoke about the legal status of Musso Lane and submitted 5 deeds into evidence (A1-A2-A3-A4-A5).

Proof of service is in order.

The applicant's Engineer, Sean McClellan of Lantelme Kurens & Associates in Hillsdale, New Jersey was sworn in by Attorney Rupp. Mr. McClellan gave his educational and employment history to the members of the Board and was accepted as an expert witness.

Mr. McClellan spoke about the application. He commented that the current lot exceeded 40,000 square feet. He spoke about the FAR calculations. Including the garage, the applicant is at 20.4%, where 22% is the allowance.

Ms. Reilly asked some questions of Mr. McClellan:

Any environmental issues? None that he is aware of.

Can you please describe emergency vehicles access? Mr. McClellan spoke about emergency vehicles and access.

Are utilities available? Yes

Ms. Reilly read the Fire Department / Fire Prevention review dated July 12, 2019, submitted from Fire Official Mr. John Hansen and Fire Chief Mr. Tom Derienzo. (Marked as Exhibit 6.)

Ms. Reilly read the Electric Company review dated July 15, 2019, submitted from Electric Distribution supervisor Mr. Paul Longo. (Marked as Exhibit 7.)

Mr. Rupp asked about the current electric conditions. Mr. McClellan replied.

Chairman Von Bradsky asked Mr. McClellan to describe the current property to the Board. Mr. McClellan did so.

Chairman Von Bradsky asked the sizes of the neighboring properties located in the R-20 zone. Mr. McClellan responded that he didn't have that information specifically.

Mr. McClellan was asked what he sees happening with the trees and drainage. Mr. McClellan replied that some trees may have to be removed and seepage pits will be installed.

It was noted that Spring Valley Road is a Bergen County Road and will need County approval.

Mr. Mital stated that there are several large oak trees on the property and we should try to save them.

Mr. Lee spoke about the easements and the issues that can arise.

Mr. Lee went over his review letter revised on August 5, 2019. (Marked as exhibit 8.)

Public Questions

Chairman Von Bradsky asked if any of the public has questions for the applicant's Engineer Mr. McClellan.

Mr. Pat Hunt – 154 Spring Valley Road, Park Ridge.

Mr. Hunt owns lot 13 and grew up on lot 12. Mr. Hunt's questions are about the drainage on Musso Lane. Mr. McClellan said he will submit plans to the building department that will have less run off after construction with the seepage pits than before. Mr. Hunt commented that he doesn't believe this drainage issue should be Mr. Heller's alone; He thinks it either needs to be the towns or the residents of Musso Lane. Mayor Misciagna said he is aware of the issue and knows it has been going on for many years, although it is not the town's street unless the street is deeded to the borough.

Ms. Barbara Musso – 160 Spring Valley Road, Park Ridge.

Ms. Musso said the water company is at the top of Musso Lane and a water main runs right up the road, which is the only reason the town takes care of the road. Mayor Misciagna replied that the tower is accessible from the school side. Mr. Rupp said at this time we are only accepting questions of the engineer. At a later time you can make comments.

A discussion then took place between the applicant's professionals, the Board and the Board professionals regarding sewer pipes, stormwater drains and easements.

Mr. Rupp asked Mr. Lee what information needed. Mr. Lee replied that he needs to research deeds as he is receiving conflicting information. He also stated that this isn't really the applicant's issue as he just wants to subdivide. Ms. Reilly agreed.

The applicant Mr. Ernest Heller, Jr. of 162 Spring Valley Road was sworn in by Board Attorney Mr. Rupp. Mr. Heller said he resided at his home for 35+ years and gave some history of Musso Lane.

Ms. Reilly asked some questions of Mr. Heller:

Please describe Musso Lane? A gravel pit.

Future plans for this property? I am unsure.

Who plows Musso Lane? The town and myself.

Anything else the town provided? Leaf pick-up.

Please describe the trees on the property. Mr. Heller did so.

Mr. Heller then described the water run off problem and how he believes it to be a simple fix.

Chairman Von Bradsky asked what about now having a new home in your front yard. Mr. Heller replied he eventually just wants to sell everything. Chairman Von Bradsky asked if he could give us a depiction of what a future home may look like. Mr. Heller replied he doesn't want to get that far involved. He wants to subdivide and sell in the future.

Mr. Rupp stated we need revised plans with updated trees and utility information, as well as look into the deed situation.

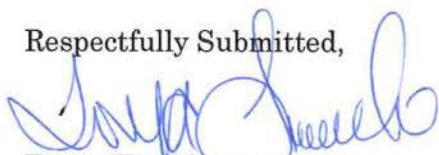
The hearing will continue at the next Planning Board meeting on September 18, 2019 with no further notice.

Board Discussion

No Board business to discuss.

The meeting was adjourned on a motion from Mr. Triano seconded by Mr. Mital, and carried by all.

Respectfully Submitted,



Tonya Tardibuono

Tonya Tardibuono

From: Karen Prezant
Sent: Friday, July 12, 2019 12:17 PM
To: Tonya Tardibuono
Cc: Chief
Subject: Property Subdivision on Spring Valley Road

Follow Up Flag: Follow up
Flag Status: Flagged

We have no problems with the property subdivision on 162 Spring Valley Road.

Thank you.

John Hansen
Fire Official

Tom Derienzo
Fire Chief

Tonya Tardibuono

From: Paul Longo
Sent: Monday, July 15, 2019 1:15 PM
To: Tonya Tardibuono
Cc: Bill Beattie
Subject: 162 Spring Valley Road

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Tonya,

We will feed them overhead. The meter must be accessible outside and as stated we must have access thru Musso Lane to service the other homes.

Paul

Paul Longo
Electric Distribution Supervisor
Park Ridge Electric Utility
plongo@parkridgeboro.com
201-822-3138 office

34 Park Avenue – PO Box 426
LYNDHURST, NEW JERSEY 07071
Tel: 201.939.8805 • Fax: 201.939.0846



1119 Raritan Road – Suite 2
CLARK, NEW JERSEY 07066
Tel: 201.939.8805 • Fax: 732.943.7249

Via: **E-mail**

July 19, 2019

Revised: August 5, 2019

Planning Board
Borough of Park Ridge
53 Park Avenue
Park Ridge, NJ 07656

Attn: Ms. Tonya Tardibuono, Secretary

Re: **Minor Subdivision Application**

Applicant: Ernest Heller, Jr.
162 Spring Valley Road
Block 802, Lot 1
Borough of Park Ridge, NJ 07656
NEA No.: PKRDSPL19.020

Dear Ms. Tardibuono:

As requested, we have reviewed the recently submitted Minor Subdivision Application. The submittal included the following documents:

- Borough of Park Ridge, Land Use Office Subdivision Application;
- Signed and sealed Property Survey consisting of one (1) sheet entitled "Property Situated in Borough of Park Ridge, Bergen County, New Jersey, Lot 1, Block 802," prepared by Christopher Lantelme, P.E., & L.S. of Lantelme, Kurens & Associates, P.C. Engineers & Land Surveyors, dated April 22, 2019 with no revisions; and
- Signed and sealed Subdivision Plat consisting of one (1) sheet entitled "Proposed Minor Subdivision Plan, 162 Spring Valley Road, Lot 1, Block 802, Borough of Park Ridge, Bergen County, N.J." prepared by Christopher Lantelme, P.E. & L.S. of Lantelme, Kurens & Associates, P.C. Engineers & Land Surveyors, dated April 22, **revised July 31, 2019.**

I. General Information

The subject property is situated on Block 802, Lot 1, commonly known as 162 Spring Valley Road. The site is situated approximately one hundred eighty feet north of the intersection of Spring Valley Road and Mader Place and is located within the R-20 Single-Family Residential District. The site is currently occupied by a two-(2) story frame dwelling with associated one (1) story detached frame garage, asphalt driveway, block curb, sheds, stonewall, concrete walkways and landscaping. Access to the site is via a twenty five (25) foot wide access easement along the south side of the property commonly known as Musso Lane. The Musso Lane easement provides access to several other properties to the east of the subject property. The applicant proposes to subdivide the property into two (2) separate lots, proposed Lot 1 will have frontage on Spring Valley Road and proposed Lot 1.1 will have frontage on the Musso Lane easement.

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2. Completeness Review

Based on the submitted Minor Subdivision Plat information as it relates to completeness established within the Borough Ordinance via Appendix A Checklist for Development Applications for Minor Subdivisions, the following information is missing from the application:

- a. B. II. General Information – Item (7): A key map showing the location of the tract with reference to surrounding properties, existing street and streams within 500 feet of the site. Whereas, the provided Key Map does not indicate streams within 500 feet of the site. **This item has been addressed. No further action required.**
- b. B. II. General Information – Item (10): Signature blocks for Chairman, Secretary and Municipal Engineer. Whereas, the Applicant has not provided same on the Subdivision Plat. **This item has been addressed. No further action required.**
- c. B. II. General Information – Item (12): Date of property survey. Whereas, the Applicant has not indicated the date of survey on the Subdivision Plat. **This item has been addressed. No further action required.**
- d. B. II. General Information – Item (15): Names of all property owners within 200 feet of site along with their block and lot numbers. We defer to the Board Secretary regarding compliance with this completeness item. **This item remains applicable.**
- e. B. II. General Information – Item (16): Zone boundaries within 200 feet of site. Whereas, the Applicant has not indicated same on the plat. **This item has been addressed. No further action required.**
- f. B. II. General Information – Item (17): Copy of delineation of any existing or proposed deed restrictions, easement or covenants or lands dedicated to public use. If none, a notation to that effect shall be placed on the map. Whereas, several easements exist on the site. The Applicant shall confirm no other deed restrictions, easements or covenants of lands dedicated to public use exist or are proposed. **This item has been addressed. No further action required.**

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- g. B. II. General Information – Item (18): List of required regulatory approvals or permits. Whereas, the Applicant has not provided required information. **This item has been addressed. No further action required.**
- h. B. II. General Information – Item (19): List of variances and/or waivers required and/or requested. The Applicant has indicated requested variances, but shall also indicate requested waivers, should none exist or are not applicable at this time, notation indicating same shall be provided on the plans. **This item has been addressed. No further action required.**
- i. B. II. General Information – Item (20): Payment of application fees. We defer to the Board Secretary regarding compliance with this completeness item. **This item remains applicable.**
- j. B. II. General Information – Item (22): History of previous actions or restriction to the property. The Applicant shall confirm that the documented easements are the only restrictions or history of previous action on the property. **This item has been addressed. No further action required.**
- k. B. II. General Information – Item (23): When approval is required by any other municipal, county, state or federal agency, such approval shall be certified on the plat or evidence shall be certified on the plat or evidence submitted that an application has been made for such approval. Whereas, the Applicant has provided no such certification or evidence. **This item remains applicable.**
- l. B. IV. Man-Made Features – Item (27): Size and location of existing and proposed structures with all setbacks dimensioned. Whereas, the Applicant has not provided proposed structures, with all setbacks dimensioned, where applicable. **This item remains applicable.**
- m. B. IV. Man-Made Features – Item (29): Location and dimensions of existing and proposed streets. Whereas, the Applicant has not provided the dimensions of Spring Valley Road and Musso Lane. **This item has been addressed. No further action required.**
- n. B. IV. Man-Made Features – Item (30): Location of existing buildings and all other structures such as walls, fences, culverts, bridges, roadways, etc., on site and within 200 feet of site, with spot elevations of such onsite structures. Structures to be remove shall be indicated by dashed lines; structures to remain shall be indicated by solid lines. Whereas, the Applicant has not provided roadways within 200 feet of the site with spot elevations of such onsite structures. Additionally, structures to be removed, if applicable, have not been indicated by dashed lines. **The Applicant has requested a waiver regarding this item. Given the scope of the application, we have no objection to this request, but defer final acceptance of same to the Board.**
- o. B. IV. Man-Made Features – Item (31): All distances as measured along the right-of-way lines existing streets abutting the property to the nearest intersection with any other street. **This item has been addressed. No further action required.**
- p. B. IV. Man-Made Features – Item (34): Location of all existing and proposed storm drainage structures, soil erosion and sediment control devices and utility lines, whether publicly or privately owned, with pipe sizes, grades and directions of flow, location of inlets, manholes or other appurtenances and appropriate invert and other elevations. The estimated location of existing underground utility lines shall be shown. **This item has been addressed. No further action required.**
- q. B. IV. Man-Made Features – Item (44): Written proof that the lands set aside or shown for easement, public use or streets are free and clear of all liens an encumbrances. **This item remains applicable.**

Based on the scope of the application, which is a minor subdivision, the application is deemed **substantially complete** and may be scheduled for public hearing at the Planning Board. The Applicant shall address the above noted items prior to public hearing or as noted above. This recommendation does not restrict the Board from requesting any waived items at a later date nor does it alleviate the Applicant from submitting the documents for any and all future applications to the Board.



3. Variations/Waivers

- a. We defer to the Board Planner and Board Attorney regarding the determination of variations and waivers.

4. Zoning Requirements

- a. As per the Use and Bulk Standards for the R-20 Residential District:

Zoning Requirements	Required/ Permitted	Existing	Proposed Lot 1	Proposed Lot 1.1
Use	Single-Family Detached Dwelling	Single-Family Detached Dwelling	Single-Family Detached Dwelling	Single-Family Detached Dwelling
Minimum Lot Area (square feet)	20,000	44,419	20,409	24,010
Minimum Lot Width (feet)	110	178.75	123.0	178.75
Minimum Street Frontage (feet)	83	178.90	123.0	178.9
Minimum Lot Depth (feet)	160	267.34	165.92	144.34 [V]
Minimum Front Yard (feet)	40	41.8	41.8	TBD
Minimum Side Yard Each (feet)	22	60.9	33.5	TBD
Maximum Dwelling Width (% of lot width)	60	33.5	23.0	TBD
Minimum Rear Yard (feet)	50	65.8	65.8	TBD
Maximum Building Height (feet)	32	25.5	25.5	TBD
Maximum Building Coverage (percent)	18	2,672 sf / 6.0%	1,956 sf / 13.1%	TBD
Maximum Impervious Coverage (percent)	40	5,959 sf / 13.4%	5,959 sf / 29.2%	TBD
Maximum Floor Area Ratio (percent)	20	UNKNOWN	UNKNOWN	UNKNOWN
Maximum Gross Floor Area (square feet)	4,800	UNKNOWN	UNKNOWN	UNKNOWN

[V] Variance Required

5. Engineering Comments

Engineering Comments:

- a. Should this application receive approval from the Board, the Applicant will be required to provide a Soil Moving Permit with associated plans indicating grading and drainage improvements for each parcel. Percolation rates and the seasonally high water table based on testing by the Applicant's Professional Engineer will also be required to be submitted to address mitigation of stormwater runoff. **This comment remains applicable.**

Subdivision Review:

- a. In accordance with Borough of Park Ridge Ordinance Article IV, Section 87-11B the minor subdivision plan shall include "All existing structures and wooded areas within the subdivision and within 200' thereof." Applicant shall revise the key map to include the wooded areas within 200' of the subject parcel. **This comment has been partially addressed. All structures within 200' of the subdivision have not been depicted. Given the scope of the application, we take no exception to the information that has been provided, however, we defer final acceptance of same to the Board.**
- b. In accordance with Borough of Park Ridge Ordinance Article VIII, Section 87-36C "Each lot must front upon an approved and improved street with a right-of-way width of at least 50 feet in width, except as provided herein." This application is proposing to create a lot (Proposed Lot 1) that is not situated on an approved or improved street. The front of the current dwelling situated on the proposed lot will now face the proposed sideyard. This parcel is connected to Spring Valley Road by way of a 25 foot wide Right-of-Way that contains

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both a macadam driveway and a gravel drive. The surveyor shall provide relevant deeds and or filed maps defining the ownership of the underlying lands of the Right-of-Way, who benefits from the Right-of-Way, and the allowable rights and obligations associated with the Right-of-Way. **This comment remains applicable.**

- c. In accordance with the standards for the preparation of tax assessment maps, NEA suggests the proposed lot number designations be revised as follows:

- Change proposed Lot 1 to Proposed Lot 1.01;
- Change proposed Lot 1.1 to Proposed Lot 1.02; and
- This change shall be confirmed by the tax assessor.

This comment remains applicable.

- d. A lot closure has been performed for both parcels and they have been determined to be satisfactory. **No further action required**

Final Comments

- a. This approval is subject to all other applicable rules, regulations, ordinances and statutes of the Borough, Bergen County, State of New Jersey or any other governmental agency having jurisdiction over same. **This comment remains applicable, where required.**
- b. It is the Applicant's responsibility to determine what, if any, permits are required from outside agencies and internal municipal agencies and departments in order to construct the proposed development. These agencies include, but are not limited to Bergen County Planning/Engineering, Bergen County Soil Conservation District, municipal fire / police departments, Park Ridge Water, Park Ridge Electric, BCUA, NJDOT and NJDEP. **This comment remains applicable, where required.**
- c. Should the Board look favorably upon this application, a performance bond, maintenance bond and inspection escrow will be required for on-site / off-site improvements, in accordance with the Municipal Land Use Law. **This comment remains applicable, where required.**
- d. NEA recommends that a response letter be submitted that addresses each of the comments noted above. **This comment remains applicable, where required.**

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

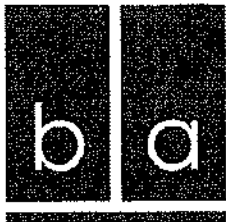
Very truly yours,
Neglia Engineering Associates



Daniel C. Lee, P.E., C.M.E.
For the Board Engineer
Borough of Park Ridge

DCL/RM

cc: Joseph H. Burgis, P.P., A.I.C.P., Board Planner *via email*
Ernest Heller, Jr – Applicant *via email* valleybodyfend@optonline.net
Judith C. Reilly, Esq., Applicant's Attorney *via regular mail* 302 Scharer Avenue, Box 202, Northvale, NJ 07647
Christopher Lantelme, P.E. & L.S. – Applicant's Engineer & Surveyor *via email* CLLJ@verizon.net



COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
Joseph H. Burgis P.P., AICP
Edward Snieckus Jr., P.P., LLA, ASLA

B U R G I S
ASSOCIATES, INC.

MEMORANDUM

To: Borough of Park Ridge Planning Board
From: Joseph H. Burgis, P.P., AICP &
Thomas Behrens, Jr., P.P., AICP
Subject: Ernest Heller, Jr.
Minor Subdivision Application
162 Spring Valley Road
Block 802 Lot 1
Date: July 29, 2019
BA#: 3563.07

INTRODUCTION

The applicant, Ernest Heller, Jr. is requesting minor subdivision approval to subdivide the above-referenced site into two new building lots, one of which will contain the existing two-story dwelling, additional structures and paved areas. The property is located in the R-20 Single-Family Residential Zone where in the existing and proposed detached single-family development is permitted. Variance relief is required as detailed herein.

SUBMISSION

Our office is in receipt of the following items for review:

1. Application dated June 6, 2019.
2. Minor Subdivision Plan prepared by Lantelme, Kurens & Associates, P.C., dated April 22, 2019.
3. Site survey prepared by Lantelme, Kurens & Associates, P.C., dated April 22, 2019.

REVIEW

Property Description

The property in question, identified as Block 802 Lot 1 in Borough tax records, is a 44,419 square foot (1.02 acre) parcel with frontages of approximately 180 feet on Spring Valley Road and 235 feet along a 25 foot wide gravel access easement known as Musso Lane. Access to the site is currently provided via Musso Lane on which several other lots have access and are developed. There are no known environmental features impacting the site. This should be confirmed by the applicant.

Exhibit 10

Development surrounding the site generally consists of detached single-family housing with a wooded area to the west across Spring Valley Road. The following aerial image provides a general overview of the site and surrounding development pattern.

Image 1: Site Aerial Photo



Source: Google Maps, July 29, 2019. Note: lot lines are approximate.

Proposed Development

The applicant proposes to subdivide existing Lot 1 (44,419 sf) into two new parcels, new Lot 1 (20,409 sf) and Lot 1.1 (24,010 sf), which conform in dimension to the requirements of the R-20 Zone, except Lot 1.1 does not comply with the minimum lot depth standard of 160 feet. Lot 1 will contain the existing dwelling, accessory structures and paved areas and will maintain the existing access on the unimproved right-of-way. Lot 1.1 will have direct access to Spring Valley Road. Building plans for Lot 1.1 have not been submitted.

The following is offered for the Board's consideration with regard to the specific elements of the proposed subdivision.

1. Accessory Buildings: The applicant shall confirm the existing and proposed uses of all accessory structures on site. The site survey labeled the larger accessory structure located at the easterly corner of the site a "frame garage" though this structure has no direct access to the driveway or garage door/opening typically associated with a detached garage for storage use or vehicle parking.

2. Frontage and Access: The Borough Ordinance requires all lots to have frontage on an approved and improved right-of-way at least 50 feet wide. Recognizing access to the existing driveway that serves the single-family home on Lot 1 is provided via Musso Lane, the applicant shall provide the necessary documentation (deeds, filed maps, etc.) to demonstrate the legal status of such access rights.
3. Maintenance and Services: The applicant shall provide the means for maintenance, snow removal and recycling/garbage collection along Musso Lane, specifically demonstrating who the responsible party is for its clearing and maintenance.
4. Utilities: The applicant confirm the location of existing and proposed utilities to service the site.
5. Tree Removal: The applicant shall confirm the status of or shall be required to obtain the appropriate tree clearing permits to develop Lot 1.1.

Required Variance Relief

1. Minimum and Maximum Floor Area Ratio: The applicant shall confirm compliance of the proposed minimum and maximum floor area of Lot 1, including the existing two-story dwelling and detached one-story structure, if applicable. The R-20 Zone requires a minimum floor area ratio of 22%, or 4,489.98 square feet, of proposed Lots 1 and maximum gross floor area of 4,800 square feet.
2. Minimum Lot Depth: Proposed Lot 1.1 will have a minimum lot depth of 144.34 feet where the R-20 Zone requires a minimum lot depth of 160 feet. Existing and proposed Lot 1 have conforming lot depths as indicated on the zoning table on the subdivision plan. The applicant shall demonstrate consistency of the proposed lot configurations with the prevailing neighborhood character and development pattern.
3. Frontage: Proposed Lot 1 will only have frontage on the 25 foot wide right of way known as Musso Lane where section 87-36C requires each lot to have frontage on an approved and improved street at least 50 feet wide. Again, the applicant shall discuss the history of access right to the unimproved right-of-way.

Statutory Criteria

The applicant should provide a justification as to the suitability of the proposed subdivision based on the statutory criteria for 'c' variance relief detailed below.

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

1. **Physical Features Test:** An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
2. **Public Benefits Test:** An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the Municipal Land Use Law; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition to the above, an applicant must address the Negative Criteria of the statute. To meet the negative criteria, an applicant must demonstrate the variance can be granted without substantial detriment to the public good and it will not substantially impair the intent and the purpose of the master plan and zoning ordinance.