

**BOROUGH OF PARK RIDGE
PLANNING BOARD
JANUARY 13, 2021 8:00PM
VIRTUAL REGULAR MEETING MINUTES**

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

Mr. 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.

Swearing in of new appointments and reappointments

The following members were sworn in by Attorney Anthony Bocchi:

Class I Member:

Mayor Keith Misciagna (term ending December 31, 2021)

Class II Member:

Julie Falkenstern (term ending December 31, 2021)

Class III Member:

Councilman Robert Metzdorf (term ending December 31, 2021)

Class IV Member:

Ron Epstein (term ending December 31, 2022)

Roll Call Board:

Mayor Keith Misciagna	Present
Councilman Robert Metzdorf	Present
Ms. Julie Falkenstern	Present
Mr. Mark Bisanzo	Present
Mr. Donald Browne	Present
Mr. Ron Epstein	Present
Mr. Ray Mital	Present
Mr. Donald Schwamb	Present
Mr. Peter Von Bradsky	Present

Also Present:

Mr. Anthony Bocchi	Borough Attorney
Ms. Tonya Tardibuono	Secretary
Michael Neglia	Engineer
John Dunlea	Engineer
Carl O'Brien	Planner

Election of Officers

Chairman - A motion was made to appoint Mr. Peter Von Bradsky as Chairman of the Planning Board for the year 2021 by Mr. Schwamb and seconded by Councilman Metzdorf. A roll call vote was taken. With all members in favor, Mr. Von Bradsky was named Planning Board Chairman for 2021.

Vice Chairman - A motion was made to appoint Mr. Raymond Mital as Vice Chairman of the Planning Board for the year 2021 by Chairman Von Bradsky and seconded by Councilman Metzdorf. A roll call vote was taken. With all members in favor, Mr. Mital was named Planning Board Vice Chairman for 2021.

CLOSED SESSION

Resolution #2021-6

Professional Appointment Discussion

A motion was made by Mayor Misciagna to go into closed session and seconded by Councilman Metzdorf. The motion was carried by all members.

Board Attorney – Resolution #2021-1

A motion was made to appoint Mr. Brian Giblin of the law firm Giblin and Gannaio as Attorney for the Planning Board for the year 2021 by Mayor Misciagna and seconded by Councilman Metzdorf. A roll call vote was taken. With all members in favor, Mr. Giblin was named Planning Board Attorney for 2021.

Board Planner – Resolution #2021-2

A motion was made to appoint Maser Consulting as Planner for the Planning Board for the year 2021 by Mayor Misciagna and seconded by Mr. Bisanzo. A roll call vote was taken. With all members in favor, Maser Consulting was named Planning Board Planner for 2021.

Board Engineer – Resolution #2020-3

A motion was made to appoint Neglia Engineering as Engineer for the Planning Board for the year 2021 by Mayor Misciagna and seconded by Councilman Metzdorf. A roll call vote was taken. With all members in favor, Neglia Engineering was named Planning Board Engineer for 2021.

Board Secretary

A motion was made to appoint Tonya Tardibuono as Secretary of the Planning Board for the year 2021 by Chairman Von Bradsky and seconded by Mr. Schwamb. A roll call vote was taken. With all members in favor, Tonya Tardibuono was named Planning Board Secretary for 2021.

Approval of 2020 Meeting Dates

The meeting dates are the 2nd Wednesday of the month. A motion to approve the 2021 schedule of the Planning Board meetings was made by Mr. Schwamb and seconded by Councilman Metzdorf. A roll call vote was taken, with all members in favor, the 2021 dates were approved.

January 13 (2020 Reorganization)

February 10

March 10

April 14

May 12

June 9

July 14

August 11

September 8

October 13

November 10

December 8

January 12, 2022 (2022 Reorganization)

Approval of Minutes

The minutes of December 9, 2020 were approved on a motion from Mr. Mital, seconded by Mr. Bisanzo, and carried by all members eligible to vote.

Open to the public for non-agenda items

No members of the public wishing to speak.

RESOLUTION

Resolution #2021-4

Correction – 162 Spring Valley Road Block 802 / Lot 1

Original Resolution #2019-6

A motion was made by Councilman Metzdorf to approve the resolution. The motion was seconded by Mr. Mital and carried by a roll call vote as follows:

Mayor Keith Misciagna	Yes
Councilman Robert Metzdorf	Yes
Ms. Julie Falkenstern	Abstained
Mr. Mark Bisanzo	Yes
Mr. Donald Browne	Yes
Mr. Ron Epstein	Yes
Mr. Ray Mital	Yes
Mr. Donald Schwamb	Yes
Mr. Peter Von Bradsky	Yes

Resolution #2021-5

Correction – 162 Spring Valley Road Block 802 / Lot 1

Original Resolution #2020-5

A motion was made by Mr. Mital to approve the resolution. The motion was seconded by Mr. Schwamb and carried by a roll call vote as follows:

Mayor Keith Misciagna	Yes
Councilman Robert Metzdorf	Yes
Ms. Julie Falkenstern	Abstained
Mr. Mark Bisanzo	Yes
Mr. Donald Browne	Yes
Mr. Ron Epstein	Yes
Mr. Ray Mital	Yes
Mr. Donald Schwamb	Yes
Mr. Peter Von Bradsky	Yes

The Mayor thanked Mike Neglia from Neglia Engineering for all of his work and his firms in the past year.

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

Respectfully Submitted,



Tonya Tardibuono

BOROUGH OF PARK RIDGE
PLANNING BOARD
CLOSED SESSION RESOLUTION
#2021-6

BE IT RESOLVED by the Planning Board of the Borough of Park Ridge (hereinafter "BOARD"), pursuant to the provisions of the Open Public Meetings Act, that the BOARD meet in closed session to discuss the following subject matter(s):
Professional Appointments

which subject matter(s) is(are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7b of the Open Public Meetings Act:

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law or Rule of Court.
- () Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- () Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of individual privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- () Sub-section 4 pertaining to negotiations of any collective bargaining agreements, or the terms and conditions proposed for inclusion therein, with employees of the public body.
- () Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- () Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or any investigation of violations of the law.
- () Sub-section 7 dealing with pending or anticipated litigation or contract negotiations in which the public body is or may become a party, or any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as an attorney.
- (X) Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees or appointees whose rights could be adversely affected request, in writing, that such matters be discussed in public.
- () Sub-section 9 involving deliberations after a public hearing on a matter that may result in the imposition of a specific civil penalty or the suspension or loss of a license.

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that:

- () it is not envisioned that the BOARD will return to open session after this meeting, although the BOARD reserves the right to do so upon conclusion of the closed session, or
- (X) the BOARD will return to open session following the closed session.

This is to certify that the above resolution was adopted by the BOARD on the 13th day of January, 2021



Board Secretary

PLANNING BOARD OF THE BOROUGH OF PARK RIDGE

RESOLUTION NO. 2021-1

WHEREAS, the Borough of Park Ridge Planning Board (Board) is in need of professional legal services to serve as the attorney to the Board; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the award of a professional services contract for such services without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

WHEREAS, the Board finds that it would be in the best interests of the Borough of Park Ridge Planning Board to award a contract for such services to Brian Giblin Esq. of the firm Giblin & Gannaio pursuant to N.J.S.A. 19:44A-20.5 as a "Fair and Open" contract as defined therein; and

WHEREAS, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2021 Temporary Budget and 2020 Budget of the Borough of Park Ridge;

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Park Ridge Brian Giblin Esq., of the law firm of Giblin & Gannaio at 2 Forest Avenue Suite 200, Oradell, New Jersey 07649, be retained to provide professional legal services for the Borough of Park Ridge Planning Board for the year 2021 commencing January 1, 2021 and terminating December 31, 2021, and that the Board Chairman is hereby authorized to execute, and the Board Secretary to attest, an Agreement to carry out the foregoing, a copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Park Ridge; and

BE IT FURTHER RESOLVED, that Brian Giblin Esq. of the law firm of Giblin & Gannaio be required to comply with the requirements of N.J.S.A. 10:5-31 *et seq.* and N.J.A.C. 17:27; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Ayes: 9 Introduced by: Keith Misciagna (A)

Nays: 0 Seconded by: Robert Metzdorf (A)

Abstentions: 0

Peter VonBradsky (A)
Chairperson

Dated: 1-13-2021

PLANNING BOARD OF THE BOROUGH OF PARK RIDGE

RESOLUTION NO. 2021-02

WHEREAS, the Borough of Park Ridge Planning Board (Board) is in need of professional planning services; and

WHEREAS, this contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the undersigned does hereby attest that Maser Consulting, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, C.19, affect its eligibility to perform this contract, or will it make a reportable contribution during the term of the contract to any political party committee in the municipality if a member of that political party is serving in an elective public office of that municipality when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality when the contract is awarded.

WHEREAS, the Board finds that it would be in the best interests of the Borough of Park Ridge Planning Board to award a contract for such services to Maser Consulting of 331 Newman Springs Road, Ste 203, Redbank, New Jersey 07701 licensed professional planners in the State of New Jersey.

WHEREAS, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2021 Temporary Budget and 2020 Budget of the Borough of Park Ridge;

NOW, THEREFORE BE IT RESOLVED, by the Board of the Borough of Park Ridge Planning Board that Maser Consulting be retained to provide professional planning services for the Borough of Park Ridge Planning Board for a one year term commencing January 1, 2021 and terminating December 31, 2021, and that the Board Chairman is hereby authorized to execute, and the Board Secretary to attest, an Agreement to carry out the foregoing, a copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Park Ridge; and

BE IT FURTHER RESOLVED, that Maser Consulting shall be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Ayes: 9

Introduced by: Keith Misciagna (10)

Nays: ~~0~~

Seconded by: Mark Bisanzio (10)

Abstentions: ~~0~~

Peter Von Bradsky (10)
Chairperson

Dated: 1-13-2021

PLANNING BOARD OF THE BOROUGH OF PARK RIDGE

RESOLUTION NO. 2021-03

WHEREAS, the Borough of Park Ridge Planning Board (Board) is in need of professional engineering services; and

WHEREAS, Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071, has submitted a proposal to perform such services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) authorizes the award of a professional services contract for such services without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

WHEREAS, the Board finds that it would be in the best interests of the Borough of Park Ridge Planning Board to award a contract for such services to Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071,, based on their experience pursuant to N.J.S.A. 19:44A-20.5 as a "Fair and Open" contract as defined therein; and

WHEREAS, the aforesaid contract shall be subject to adequate funds therefor pursuant to the 2021 Temporary Budget and 2020 Budget of the Borough of Park Ridge;

NOW, THEREFORE BE IT RESOLVED, by the Board of the Borough of Park Ridge Planning Board that Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071, be retained to provide professional engineering services for the Borough of Park Ridge Planning Board for a one year term commencing January 1, 2021, and terminating December 31, 2021, and that the Board Chairman is hereby authorized to execute, and the Board Secretary to attest, an Agreement to carry out the foregoing, a copy of which is on file in the Office of the Board Secretary and Borough Clerk and is available for public inspection, subject to the approval thereof by the Mayor and Council of the Borough of Park Ridge; and

BE IT FURTHER RESOLVED, that Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071, be required to comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27; and

BE IT FURTHER RESOLVED that the Board Secretary is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Board Secretary and Borough Clerk and are available for public inspection.

Ayes: 9

Introduced by: Keith Misciagna @

Nays: 0

Seconded by: Robert Metzdorf @

Abstentions: 0

Peter von Bradsky @
Chairperson

Dated: 1-13-2021

CORRECTION Resolution
#2021-4

(original Resolution #2019-6)

January 13, 2021

PB

BOROUGH OF PARK RIDGE

PLANNING BOARD

RESOLUTION (AS CORRECTED)

* * * * *

WHEREAS, ERNEST HELLER, JR. (hereinafter referred to as "Applicant"), being the owner of premises known as 162 Spring Valley Road, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 1 in Block 802 on the Tax Assessment Map for the Borough of Park Ridge, applied to the PLANNING BOARD OF THE BOROUGH OF PARK RIDGE (hereinafter referred to as "BOARD"), seeking Minor Subdivision Approval to create two lots, Lot 1.01 and 1.02 and ancillary variances required therefor; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on August 14, 2019 and October 9, 2019; and

WHEREAS, by resolution adopted on November 13, 2019, as corrected, the BOARD approved the Minor Subdivision application and granted a variance from the requirements of lot depth as to proposed Lot 1.02 and a variance from the requirement of frontage along an improved and approved street, subject to the following conditions which shall be included in the subdivision deed::

- A. The Applicant shall remove or relocate the stone border within proposed lot 1.02 and widen the paved or gravel travel way to the northerly sideline of the Musso Lane right-of-way.
- B. The Applicant shall install a trench drain across the driveway width of Musso Lane with a 5 foot wide concrete or asphalt collar and connect said trench drain to the

existing drainage inlet in Spring Valley Road shown on the plans as Grate Elevation 332.6, subject to the review and approval of the BOARD'S Engineer.

- C. The Applicant shall grant to the Borough of Park Ridge and record an easement within the portion of Musso Lane within proposed Lots 1.01 and Lot 1.02 for municipal water service, a of a form approved by the BOARD's attorney.
- D. The Applicant shall grant to the Borough of Park Ridge and record an easement within the portion of Musso Lane within proposed Lots 1.01 and Lot 1.02 for municipal electric service, a of a form approved by the BOARD's attorney.
- E. The Applicant, its heirs and assigns, shall maintain the existing paved and/or gravel width of Musso Lane within proposed Lot 1.01 and Lot 1.02 and shall not construct, place or plant any additional structures or obstructions within the easement width of Musso Lane located on proposed Lots 1.01 and 1.02, which condition shall run with the land and shall be included and recorded as a deed restriction, subject to the review approval of the BOARD's attorney.
- F. The Applicant shall submit revised plans to the BOARD showing the revised stone border along Musso Lane, proposed trench drain, and the water and electric facilities and easements within Musso Lane, which plans shall be subject to the review and approval of the BOARD's professionals.
- G. The Applicant shall be required to execute a Developer's Agreement in a form acceptable to the BOARD and the Mayor and Council of the Borough of Park Ridge, said Agreement to be prepared by the BOARD's Attorney at Applicant's cost and expense.
- H. Applicant shall secure all necessary approvals, if not previously secured, including but not limited to the County of Bergen, the Bergen County

1. Subsequent to the approval of the minor subdivision application, the APPLICANT made timely application for Bergen County Planning Board Approval as required by law since Spring Valley Road in the Borough of Park Ridge, on which the subject premises are located, is a County Road.
2. Subsequent to such application, a Public Health Emergency and State of Emergency was declared in the State of New Jersey due to the Covid-19 pandemic by the Governor pursuant to Executive Order 103.
3. As a result of the State of Emergency, municipal and county offices were closed to the public and public bodies were precluded from meeting in-person'
4. The result of the State of Emergency was to delay the obtaining of required government approvals.
5. N.J.S.A. 40:55D-47f provides that the Planning Board may extend the 190-day period for filing a minor subdivision deed if the developer proves to the reasonable satisfaction of the BOARD (1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals.
6. By reason of the foregoing, the BOARD finds and concludes that the APPLICANT applied promptly for and diligently pursued the required approvals and that, by reason of the declared State of Emergency due to the Covid-19 pandemic, the APPLICANT was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from the Bergen County Planning Board..

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, pursuant to N.J.S.A. 40:55D-47f, that the BOARD does hereby grant an extension to the 190-day period for filing the minor subdivision required by N.J.S.A. 40:55D-47d for an additional period equal to the number of days between March 9, 2020, the date on which Governor Murphy declared a Public Health Emergency and State of Emergency pursuant to Executive Order 103 and the date of the adoption of this resolution.

Ayes: 8

Nays: 0

Abstentions: 1

Dated: 1-13-2021

Introduced by: Ray Mital (10)

Seconded by: Don Schwamb (10)

Peter Von Brackley (10)
Chairperson

Correction Resolution
#2021-5
(Original Resolution)
#2021-5

BOROUGH OF PARK RIDGE

January 13, 2021
PB

PLANNING BOARD

RESOLUTION (AS CORRECTED)

* * * * *

WHEREAS, ERNEST HELLER, JR. (hereinafter referred to as "Applicant"), being the owner of premises known as 162 Spring Valley Road, in the Borough of Park Ridge, County of Bergen and State of New Jersey, said premises also being known as Lot 1 in Block 802 on the Tax Assessment Map for the Borough of Park Ridge, applied to the PLANNING BOARD OF THE BOROUGH OF PARK RIDGE (hereinafter referred to as "BOARD"), seeking Minor Subdivision Approval to create two lots, Lot 1.01 and 1.02 and ancillary variances required therefor; and

WHEREAS, the BOARD held a hearing in connection with the application, upon due notice as required by law, on August 14, 2019 and October 9, 2019; and

WHEREAS, various documents were marked into evidence at the hearings held in connection with the Application, as more particularly set forth an Exhibit A, annexed hereto and made part hereof; and

WHEREAS, the BOARD has carefully considered the application and all evidence and testimony submitted in connection therewith;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE that the BOARD hereby makes the following findings of fact:

1. Lot 1 in Block 802 is located in the R-20 single family residential zoning district and is currently improved with a single family dwelling and detached frame garage and several other accessory structures (e.g. sheds, work table, fencing, patio).

2. Lot 1 currently is 50,161 square feet in size (20,000 sf required) having a lot width of 205.58 feet (110 feet required), a street frontage along Spring Valley Road of 205.73 feet (83 feet required), and a lot depth of 267.34 feet (160 feet required). The existing one family house has a front yard setback as measured from Spring Valley Road of 143 feet (40 feet required), a rear yard setback of 60.9 feet (50 feet required), side yard setbacks of 65.8 feet and 41.8 feet, as measured from the northerly sideline of Musso Lane (22 feet each required), building coverage of 5.3% (2,672 sf) (maximum of 18% permitted), and impervious coverage of 11.9% (75,959 sf) (maximum of 40% permitted). The existing frame garage and one of the sheds are non-conforming in terms of setbacks. The existing dwelling width is 58 feet and is 35.1% of the lot width as measured from the northerly sideline of Musso Lane (maximum of 60% permitted).
3. The Applicant proposes to subdivide the existing lot into two lots. Proposed lot 1.01 would contain 23,484 square feet (note: the minor subdivision plan erroneously indicates 24,484 square feet) (20,000 sf required) and would have a lot width of 123 feet (110 feet required) and a street frontage along Musso Lane (a 25 foot wide private street) of 123 feet (83 feet required). The lot depth would be 165.92 as measured from the northerly sideline of Musso Lane (160 feet required). Proposed lot 1.02 would contain 26,677 square feet (20,000 sf required), the lot width would be 178.75 ft., as measured from the northerly sideline of Musso Lane (110 feet required), a street frontage along Spring Valley Road would be 178.90 feet, as measured from the northerly sideline of Musso Lane (83 feet required) and the lot depth would be 144.34 feet (160 feet required).
4. The resultant lot 1.02 would be vacant except for some fencing. Future development shall comply with the setbacks, dwelling widths, building height, building coverage,

impervious coverage and F.A.R. limitation. With respect to proposed lot 1.01, the existing dwelling will front on Musso Lane and have a front hard setback therefrom of 41.8 feet (40 feet required), side yard setbacks of 60.9 feet and 25.2 feet (22 feet required) and a rear yard setback of 65.8 feet (50 feet required). The building coverage would be increased from 5.3% to 11.38% (2,672 sf divided by 23,484 sf) (maximum of 18% permitted), impervious coverage (5,959 sf) would be increased from 11.9% to 25.37% (5,959 sf divided by 23,484 sf) (maximum of 40% permitted) and the dwelling width (40 feet) will be decreased from 35.1 % to 32.52% (maximum of 60% permitted).

5. The proposed lots 1.01 and 1.02 lie along a private right-of-way for ingress and egress as described in Deed Books 1079 page 258, corrected in Deed book 1098 page 471; and per Deed Books 1079 page 260 and 1079 page 261, commonly known as Musso Lane, being 25 feet wide and providing access to the subject premises from Spring Valley Road. Musso Lane extends from Spring Valley Road to a point bordered by Lot 3 and Lot 6 in Block 802 as shown on the current tax map of the Borough of Park Ridge.
6. In addition to providing access to the proposed Lots 1.01 and 1.02, Musso Lane provides access to lots 2, 21, 3 and 6 in Block 802.
7. Section 87-36(c), "Lots," of Article VIII, "Design standards for subdivisions," of Chapter 87, "Subdivision and Site Plan review," requires that "each lot must front upon an approved and improved street with a right-of-way width of at least 50 feet in width." In addition, Section 101-15 A, "Lot regulations" of Article V, "Supplementary Lot, Yard and Bulk Regulations," of Chapter 101, "Zoning," provides that "Every principal

building or structure shall be built upon a lot with at least the minimum required frontage upon an improved and approved street.”

8. N.J.S.A. 40:55D-35 provides, in part, that “no permit for the erection of any building...shall be issued unless the lot abuts a street giving access to such proposed building...” N.J.S.A. 40:55D-36 provides that where enforcement of the foregoing “would entail practical difficulty or unnecessary hardship...” the planning board (where subdivision approval is required) may “...vary the application of N.J.S.A. 55D-35 and direct the issuance of a permit subject to conditions that will provide adequate access for firefighting equipment, ambulances and other emergency equipment...”
9. The Applicant testified that the Borough of Park Ridge currently provides snowplowing of Musso Lane and provides for leaf pick-up and sanitation services for the properties along Musso Lane. The Applicant offered testimony that easements for sanitary sewers and PSE&G gas service currently exist within the private right-of-way of Musso Lane. The Applicant further testified that there is a municipal water line and municipal electric poles and overhead wires on Musso Lane.
10. The plans indicate that there is a partial macadam pavement along a portion of Musso Lane off of Spring Valley Road and a gravel driveway thereafter. The paved and gravel surface of Musso Lane is not, however, co-extensive with the private right-of-way of Musso Lane. The travel width along Musso Lane is marked by a stone border. The current travel way width within a portion of proposed lot 1.02 is restricted to a width of only 15 feet.
11. In order to maintain adequate access for firefighting equipment, ambulances and other emergency equipment, snow plows, sanitation trucks and leaf removal equipment, the BOARD finds that it is necessary to widen the existing paved or gravel width within

proposes lot 1.02 by moving the stone border to the northerly sideline of the right-of-way of Musso Lane and to restrict any additional structures or obstructions to be constructed, placed or planted within the right of way of Musso Lane within both proposed lots 1.01 and 1.02. The BOARD notes that the 10" cherry tree shown on the plans adjacent to Musso Lane is no longer there.

12. Subject to the aforesaid condition, the Board finds that Musso Lane provides adequate access for firefighting equipment, ambulances and other emergency vehicles, snow plows, sanitation trucks and leaf removal equipment, necessary for the protection of the public's health, safety and welfare.
13. The Board finds, by reason that proposed lot 1.01 fronts on a private road rather than a public street and has no other means of access, that the enforcement of the requirements of N.J.S.A. 40:55D-35 and Section 87-36(c) would entail practical difficulty or unnecessary hardship upon the Applicant.
14. The BOARD finds that, with the exception of frontage along an improved public street, proposed Lot 1.01 fully complies with the lot size, width, frontage and depth requirements of the zoning ordinance. The BOARD further finds that proposed lot 1.02 complies with the lot size, frontage and width requirements but, by reason of its orientation for frontage along Spring Valley Road, rather than Musso Lane, does not comply with the lot depth requirement. The BOARD finds that by reason of the size and orientation of proposed lot 1.02, and the lack of access directly to a public street from Lot 1.01, the strict application of the zoning ordinance as to lot depth and frontage along an improved and approved street would result in peculiar and exceptional practical difficulties to, and exceptional and undue hardship upon, the Applicant.

15. Furthermore, subject to the conditions herein contained, by reason that the proposed subdivision results in two lots which are fully conforming as to lot size, frontage and width, that other improved lots are located along Musso Lane, that Musso Lane provides the sole means of access to a number of other existing residences, and that Musso Lane provides adequate access for firefighting, ambulance, police and other emergency vehicles, snow plows, sanitation service and leaf removal equipment, the BOARD finds that a decision to grant a waiver from the subdivision requirements of Section 87-36(c) to allow a lot not located upon a public street and a variance for lot depth as to proposed lot 1.02 and frontage along an improved and approved street as to proposed lot 1.01 will not result in any substantial detriment to the public good nor will same impair the intent and purpose of the zone plan or Zoning Ordinance of the Borough of Park Ridge,.

16. The BOARD hereby adopts the following conditions, which shall be included in the subdivision deed:

- A. The Applicant shall remove or relocate the stone border within proposed lot 1.02 and widen the paved or gravel travel way to the northerly sideline of the Musso Lane right-of-way.
- B. The Applicant shall install a trench drain across the driveway width of Musso Lane with a 5 foot wide concrete or asphalt collar and connect said trench drain to the existing drainage inlet in Spring Valley Road shown on the plans as Grate Elevation 332.6, subject to the review and approval of the BOARD'S Engineer.
- C. The Applicant shall grant to the Borough of Park Ridge and record an easement within the portion of Musso Lane within proposed Lots 1.01 and Lot 1.02 for municipal water service, a of a form approved by the BOARD's attorney.

- D. The Applicant shall grant to the Borough of Park Ridge and record an easement within the portion of Musso Lane within proposed Lots 1.01 and Lot 1.02 for municipal electric service, a of a form approved by the BOARD's attorney.
- E. The Applicant, its heirs and assigns, shall maintain the existing paved and/or gravel width of Musso Lane within proposed Lot 1.01 and Lot 1.02 and shall not construct, place or plant any additional structures or obstructions within the easement width of Musso Lane located on proposed Lots 1.01 and 1.02, which condition shall run with the land and shall be included and recorded as a deed restriction, subject to the review approval of the BOARD's attorney.
- F. The Applicant shall submit revised plans to the BOARD showing the revised stone border along Musso Lane, proposed trench drain, and the water and electric facilities and easements within Musso Lane, which plans shall be subject to the review and approval of the BOARD's professionals.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE BOROUGH OF PARK RIDGE, by virtue of the foregoing, pursuant to N.J.S.A. 40:55D-36 and N.J.S.A. 40:55D-70(c)1 that the BOARD does hereby grant a waiver from the provisions of Section 87-36(c) of the Park Ridge Subdivision Ordinance and approves the Applicant's requested Minor Subdivision, grants a variance from the requirements of lot depth as to proposed Lot 1.02 and a variance from the requirement of frontage along an improved and approved street, as more particular set forth herein and as shown on the plans submitted, subject to the following conditions which shall be included in the subdivision deed::

- A. The Applicant shall remove or relocate the stone border within proposed lot 1.02 and widen the paved or gravel travel way to the northerly sideline of the Musso Lane right-of-way.

- B. The Applicant shall install a trench drain across the driveway width of Musso Lane with a 5 foot wide concrete or asphalt collar and connect said trench drain to the existing drainage inlet in Spring Valley Road shown on the plans as Grate Elevation 332.6, subject to the review and approval of the BOARD'S Engineer.
- C. The Applicant shall grant to the Borough of Park Ridge and record an easement within the portion of Musso Lane within proposed Lots 1.01 and Lot 1.02 for municipal water service, a of a form approved by the BOARD's attorney.
- D. The Applicant shall grant to the Borough of Park Ridge and record an easement within the portion of Musso Lane within proposed Lots 1.01 and Lot 1.02 for municipal electric service, a of a form approved by the BOARD's attorney.
- E. The Applicant, its heirs and assigns, shall maintain the existing paved and/or gravel width of Musso Lane within proposed Lot 1.01 and Lot 1.02 and shall not construct, place or plant any additional structures or obstructions within the easement width of Musso Lane located on proposed Lots 1.01 and 1.02, which condition shall run with the land and shall be included and recorded as a deed restriction, subject to the review approval of the BOARD's attorney.
- F. The Applicant shall submit revised plans to the BOARD showing the revised stone border along Musso Lane, proposed trench drain, and the water and electric facilities and easements within Musso Lane, which plans shall be subject to the review and approval of the BOARD's professionals.
- G. The Applicant shall be required to execute a Developer's Agreement in a form acceptable to the BOARD and the Mayor and Council of the Borough of Park Ridge, said Agreement to be prepared by the BOARD's Attorney at Applicant's cost and expense.

H. Applicant shall secure all necessary approvals, if not previously secured, including but not limited to the County of Bergen, the Bergen County Planning BOARD Approval, the Bergen County Soil Conservation BOARD Approval, the New Jersey Department of Environmental Protection and any other required governmental approvals. In the event any agency requires modifications to the Site Plan approved herein, Applicant shall be required to return to the BOARD for the approval of such modifications.

Ayes: 8

Nays: 0

Abstentions: 1

Dated: 1-13-2021

Introduced by: Robert Metzdorf (R)

Seconded by: Ray Mital (R)

Peter Von Bradsky (R)

Chairperson