

To: Ridgewood Zoning Board of Adjustment
Gregory Asadurian, Esq

From: John Barree, PP, AICP

CC: Jane Wondergem, Board Secretary
Christopher Rutishauser, PE

Date: January 3, 2023

Re: ZBA 22-41 Les Dann, LLC
246-264 South Broad Street
Block 3905, Lot 12, 13, 14
"D" Variance and "C" Bulk Variances

As requested, I have reviewed the following materials in preparation of this report:

- Village of Ridgewood Board of Adjustment Application Form, dated September 8, 2022.
- Targeted Sites Investigation Summary prepared by Eikon Planning and Design, LLC, dated September 9, 2022.
- Site Plan prepared by Bertin Engineering, dated June 13, 2022, revised October 20, 2022.
- Architectural Plans prepared by Coppa Montalbano Architects, dated October 14, 2022.
- Signage Plan, dated October 14, 2022.
- Stormwater Operation and Maintenance Manual prepared by Bertin Engineering Dated June 13, 2022.

Property and Project Description

The subject property comprising lots 12, 13, and 14 in Block 3905, is a 73,810 square foot (1.69 acres) irregular lot located with approximately 244 feet of frontage on South Broad Street opposite its intersections with Highwood Avenue and Leonard Place. The rear (west side) of the property abuts the railroad tracks. The property is currently developed with a 1-story auto body shop, a 2.5 story residential dwelling with a frame garage, and a contractor's office yard with a one-story frame garage and a one-story stucco garage.

The applicant is proposing to demolish the existing buildings and to develop a new, larger auto body shop. The property will consist of a two-story, 16,188 square-foot service center attached to a one-story, 16,126 square-foot service garage on the southern side of the property.



The northern half of the property is proposed to be developed with a surface parking lot. The proposed parking lot contains 76 parking spaces, three of which are ADA accessible and three of which are electric vehicle charging spaces. The parking lot will be accessed by a 24-foot-wide, two-way driveway on South Broad Street.

The landscape plan consists of four Greenspire Linden deciduous trees, five ornamental Eastern Redbuds, eight evergreen trees, 134 evergreen shrubs, and 28 decorative grasses along the property's perimeter and surrounding the parking lot. A six-foot-tall, chain-link fence is proposed along the property's northern, side lot line helping to buffer the property from the neighboring residential use. A retaining wall with a maximum height of six feet is proposed along the rear property line adjacent to the railroad tracks.

The lighting plan consists of three types of neutral white LED light fixtures mounted at a height of 16 feet in the parking lot and along the pedestrian walkway. Two forward throw lights are along the pedestrian pathway from the parking lot to the building. Two forward throw lights fixtures with integral louvre are at the northern edge of the parking lot. The remaining four light fixtures are within the western half of the parking lot

The applicant is proposing a monument sign that reads “Mountain View Auto Collision Center” in the property’s front yard. The sign is four feet tall and nine feet and two inches long.

Zoning

The site is in the Village’s R-3 Two-Family Residential District. The proposed auto body shop is not permitted in the zone and requires a d-1 use variance. The bulk table below indicates the project’s compliance and deviations from the bulk requirements:

R-3 Bulk Schedule		
	Required	Proposed
Min. Lot Area	8,400 SF	73,810 SF
Min. Lot Width within 140'	50'	251.95'
Min. Lot Width @ Front Yard Setback	60'	257.8'
Min. Lot Depth	120'	277.9'
Min. Front Yard Setback	40'	28.8' (V)
Min. Side Yard Setback	10'	10'
Min. Combined Side Yard Setback	33% of lot width = 85.1'	> 85.1'
Min. Rear Yard Setback	45' (per 190-119.A(3) +50% requirement when abutting a railroad)	11' (V)
Max. Height	30'	32' (V)
Max. Total Coverage by Above Grade Structures	25% of lot area = 18,452.5 SF	32.8% = 24,220 SF (V)
Max. Coverage by Above-Grade Structures (140')	25% of lot area within 140'	Not provided
Min. Off-Street Parking Spaces	1 space per 250 square feet of GFA = 32,314 SF; 130 spaces	76 surface spaces + 3 EV space bonus = 79) (V)
Min. Accessible Parking Spaces	4 spaces	3 spaces (V)

(V) = Variance Required

Sign Standards (190-122)		
	Required	Proposed
Max. Number of Freestanding Signs	1 sign	1 sign
Max. Sign Area	30 SF	12 SF
Min. Setback Freestanding Sign	5'	6'
Max. Sign Height	10'	4'

Fence and Retaining Wall Standards (190-124)		
	Required	Proposed
Required Setback Retaining Wall	1 foot for each foot of height = 6'	0' (V)
Max. Height Retaining Wall	4'	6' (V)
Max. Height Fence	6' when part of buffer	6'

(V) = Variance Required

Variances & Waivers Required

- 1) D-1 Use Variance – The applicant is proposing a new auto body shop in the R-3 Zone, where auto body shops are not permitted.
- 2) Insufficient Front Yard Setback (190-106.E(2)) –The minimum required front yard setback is 40 feet, where the proposed front yard setback is 28.8 feet.
- 3) Insufficient Rear Yard Setback (190-106.E(5) / 190-119.A(3)) – The minimum required rear yard setback is 45 feet, where the proposed rear yard setback is 11 feet. The requirement in the R-3 Zone is 30 feet, but an additional 50% is required for yard areas abutting a railroad.
- 4) Excessive Building Height (190-106.E(1)) – The maximum permitted building height is 30 feet, where the proposed building height is 32.8 feet.
- 5) Excessive Total Coverage by Above Grade Structures (190-106.E(10)) – The maximum permitted coverage by above grade structures is 25%, where the proposed coverage is 32.8%.
- 6) Insufficient Off-Street Parking (190-121.A(3d)) – The minimum required number of parking spaces is 130, where the applicant is proposing 79 parking spaces when accounting for a 3 space bonus for the EV spaces.
- 7) Insufficient Retaining Wall Setback (190-124.F(2b)) – The minimum required setback for the retaining wall is 6 feet, where no setback is proposed.

- 8) Excessive Retaining Wall Height (190-124.F(3b)) – The maximum permitted height for a retaining wall is 4 feet, where a 6-foot-tall retaining wall is proposed.
- 9) Excessive Fence Height (190-124.F(3b)) – The maximum permitted height of a fence in the front yard of a non-residential use is 4 feet where 6 feet is proposed.

Planning Comments

Variances

- 1) The applicant requires a d(1) Use Variance to permit the auto body shop. To grant such a variance, the applicant must satisfy both the positive and negative criteria associated with d variance relief for the “d-1” variance:
 - a) Positive Criteria: Since the use is not inherently beneficial and there does not appear to be hardship associated with developing the property, the applicant must demonstrate that the site is particularly suited for the use and that the project advances the purposes of zoning.
 - b) Negative Criteria: The applicant must demonstrate that the use will not be a substantial detriment to the public good, and that it will not substantially impair the intent and purpose of the zoning ordinance.
- 2) The applicant requires bulk “c” relief for eight proposed conditions. The required proofs shall be consistent with the standards found in the MLUL at section 40:55D-70.c, and shall demonstrate one of the following:
 - a) C(1) “hardship” variance relief can be granted if there is a particular physical aspect of the property size, shape, topography or other characteristic that creates a hardship that prevents conformance with the Ordinance.
 - b) C(2) “benefits vs. detriments” variance relief can be granted if the applicant demonstrates that the proposed relief furthers the purposes of zoning and that the benefits of the proposal outweigh the detriments.
 - c) In either case, the applicant must satisfy the “negative criteria” through a demonstration that the proposed relief will not be detrimental to the public health, safety, or welfare, and that the proposed relief can be granted without substantial impairment to the Village’s Master Plan and Zoning Ordinance.

Master Plan Considerations

- 3) The 2022 Master Plan indicates that the purpose of the R-3 Zone is to retain the existing development pattern of compact lots within walking distance of the Central Business District. The Future Land Use Plan proposes retaining the R-3 Zoning designation for the subject property.

Plan Details

- 4) The applicant includes standards for gross building area and coverage by improvements, indicating that variance relief is required. The Ordinance sections containing those standards indicate that they are specific to one- and two-family homes. Therefore, they do not apply to this application.
- 5) The applicant shall provide testimony quantifying the coverage by above-grade structures located within 140 feet of the front lot line. Additional relief from Section 190-106.E(11) may be required.

Parking and Circulation

- 6) The applicant is providing three accessible parking spaces where four are required. The applicant shall revise the site plans to provide four accessible parking spaces.
- 7) The plans indicate that 98 parking spaces are proposed, which counts 76 surface spaces and 22 repair bay spaces in the service center building. The service bay spaces are not considered parking spaces by definition, so while they account for the storage of vehicles, they do not count toward the parking total.
- 8) On the building's north elevation, there is a garage door providing access for the delivery of parts. Access to this garage requires driving through two parking spaces and over the pedestrian walkway that connects the parking lot to the building. The applicant shall provide testimony regarding this configuration and how it is anticipated to function.

Environmental & Permitting

- 9) The applicant provided a "Targeted Site Investigation Summary" prepared by Eikon Planning and Design, LLC, dated September 9, 2021. The credentials of the individual that signed the report have not been provided. The report identifies several potential areas of environmental concern associated with the historic operation of the property. There appear to be open questions about the environmental status of the property and to what extent remediation activities may be necessary. I defer to the Village Engineer for a complete review of the existing conditions and potential environmental impacts of the proposed use.

- 10) The applicant should provide testimony about any permitting that will be required from NJDEP or other outside agencies in addition to any measures taken to manage hazardous waste and limit environmental impacts.

Operations

- 11) The applicant shall provide testimony about how the existing businesses on the property will change as a result of the new development. Does the new facility combine the operations that exist today on Lots 12 and 14?
- 12) The applicant shall provide testimony about the typical services provided, licenses required from the State, environmental controls proposed, and other general information about how the site operates on a day-to-day basis including:
- a) Frequency, hours, and types of deliveries.
 - b) Tow truck drop-off / pick-up operations – will vehicles be dropped off at all hours?
 - c) Anticipated number of employees during the peak shift.
 - d) Types of waste generated and frequency and timing of collection.
- 13) The applicant shall provide testimony about site security needs and how they impact the fence and gate design.

Landscaping and Buffers

- 14) The proposed non-residential use abuts residential properties to the north and south. A row of evergreen plantings consisting of Arborvitae is proposed along most of the common lot lines. The buffer is as narrow as 5 feet deep along the northern property line, although it should be noted the adjacent residential property has a fence and evergreen plantings along that portion of the common lot line. The applicant should provide testimony to confirm that the 5 feet of depth is sufficient to accommodate the plantings at maturity.
- 15) The proposed fence along the north property line and around the parking lot is a chain link fence. The applicant should provide testimony about the adequacy of the fence for screening and buffering purposes.
- 16) No fencing is proposed along the southern property line adjacent to the neighboring residential properties. A row of evergreen plantings is proposed, but additional screening with a solid fence may be beneficial to separate the incompatible uses.

- 17) Neither the property survey nor the existing conditions plan shows existing trees on the property. The applicant should provide testimony about the number of trees that will be removed as a result of the development. The applicant shall comply with the tree replacement requirements in Chapter 260 of the Village Code if applicable.
- 18) A ground-mounted transformer is proposed in the front yard in the southeast corner of the property. It is recommended that shrubs and other complementary landscaping be added to screen the transformer from public view.

Lighting

- 19) The lighting plan does not show any substantive off-site spillage that may impact neighboring properties. However, the sources of light from several of the pole-mounted fixtures may be visible to the neighboring properties. The applicant should provide testimony about whether any shielding is proposed and design options that may be feasible if required.

Architecture

- 20) The front building that will be visible from the public right-of-way is proposed to have Tudor-style design and finishes that are reminiscent of the design of "The Dayton" apartment building further up South Broad Street. The applicant should provide testimony about the exterior finish materials, compatibility of the design in the R-3 Zone and discuss the extent to which the architectural style contributes to the need for a height variance.
- 21) The proposed exhaust vents for the spray booth are located on a portion of the building near the residence at 276 South Broad Street. The applicant shall provide testimony about the discharge from the exhaust vents and potential hazards and/or nuisances that may impact the neighboring property.

Miscellaneous

- 22) If the Board acts favorably on the application, the applicant shall comply with the provisions of the Village's non-residential development fee ordinance in Section 190-144.

Photos from site visit conducted on November 18, 2022:



Lot 13 – 256 South Broad Street (Left) and Lot 12 – 246 South Broad Street (Right)



Lot 14 - 264 South Broad Street



Frontage along Lot 12, existing Mountain View Auto