

To: Ridgewood Zoning Board of Adjustment
Mark J. Semeraro, Esq.

From: John Barree, PP, AICP

CC: Bruce Whitaker, Esq, Board Attorney
Jane Wondergem, Board Secretary
Christopher Rutishauser, PE, CPWM, Director of Public Works / Village Engineer

Date: May 6, 2025

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:

- Site Plan prepared by Bertin Engineering, dated June 13, 2022 consisting of 11 sheets, revised through November 4, 2024.
- Alternate Grading Utility & Soil Erosion Control Plan prepared by Bertin Engineering, consisting of 1 sheet, revised through February 25, 2025.
- Alternate Landscape and Lighting Plan prepared by Bertin Engineering, consisting of 1 sheet, revised through February 25, 2025.
- Setback Exhibit prepared by Bertin Engineering, consisting of 1 sheet, undated.
- Stormwater Drainage Analysis prepared by Bertin Engineering revised through November 4, 2024.
- Site Grading and Stormwater Control Plan Checklist (and accompanying exhibits), consisting of 5 sheets.
- Architectural Plans, prepared by Bilow Garrett Group Architects and Planners, P.C., consisting of 4 sheets, revised through October 29, 2024.
- Stormwater Operation and Maintenance Manual, prepared by Bertin Engineering, revised through April 22, 2025.
- Targeted Site Investigation Summary, prepared by Eikon Planning and Design, LLC, dated September 9, 2021.
- Village of Ridgewood Development Application with attached Resolutions dated September 8, 2022.
- Stormwater Operation and Maintenance Manual prepared by Bertin Engineering, dated June 13, 2022.
- Survey prepared by Bertin Engineering, dated March 16, 2022 consisting of 1 sheet, with survey affidavit, dated April 25, 2025.

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, 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 new development will include 17,222 square feet on the ground floor that will consist of vehicle service area inclusive of three drying, painting and spraying booths that has 11 exterior roll-up doors. The remainder of the ground floor contains a reception and office area with customer waiting space. The second floor / mezzanine is proposed to have an area of 4,910 square feet and contain a conference room, executive offices, lunch room and a part storage room.

Customer / employee parking is proposed on the east side of the building between South Broad Street and the proposed structure, and along the north side of the building. A gated rear yard area between the train tracks and the principal structure includes 51 stacked spaces for vehicle storage and 4 parking spaces, along with trash and recycling dumpsters.

The landscape plan consists of six Greenspire Linden deciduous trees, seven ornamental Eastern Redbuds, two evergreen trees, 225 evergreen shrubs, 50 deciduous shrubs, and decorative grasses along the property's perimeter and surrounding a flagpole and entrance walkway feature between the structure and South Broad Street. A six-foot-tall, vinyl fence is proposed around the perimeter of the property along both sides and the rear lot line. A retaining wall with a maximum height of approximately 4.5 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 specified at 4,000K, mounted at a height of 16 feet in the parking lot and along the pedestrian walkway.

The applicant is proposing a free-standing sign that reads "Mountain View Auto Body" in the property's front yard. The sign structure is 10' x 10' with a 2' tall stone base, a 5' open area with support columns, and a 3' x 10' sign face.

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 to expand the operation into the area formerly occupied by the residential use, and a d-2 expansion of a non-conforming use variance for the modifications to the existing body shop use. The applicant previously applied to the board for a certificate of non-conformity for the body shop use. The Board determined that the body shop is a pre-existing non-conforming use on Lots 12 and 14. 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'	257.6'
Min. Lot Depth	120'	277.9'
Min. Front Yard Setback	40'	100'
Min. Side Yard Setback	10'	34.9'
Min. Combined Side Yard Setback	33% of lot width (85')	74.9' (V)
Min. Rear Yard Setback	45' (per 190-119.A(3) +50% requirement when abutting a railroad)	73.6'
Max. Height	30'	30'
Max. Total Coverage by Above Grade Structures	25% of lot area = 18,452.5 SF	23.33%
Max. Coverage by Above-Grade Structures (140')	25% of lot area within 140'	18.68%
Min. Off-Street Parking Spaces	1 space per 250 square feet of GFA = 22,132 SF; 89 spaces (3 of which are EV parking)	81 spaces + 3 EV Credits = 84 Spaces (V)
Min. Accessible Parking Spaces	4 spaces	4 spaces

(V) = Variance Required

Sign Standards (for Institutional Uses in Residential Zones) (190-122.C(3))		
	Required	Proposed
Max. Number of Freestanding Signs	1 sign	1 sign
Max. Sign Area	30 SF	30 SF
Min. Setback Freestanding Sign	5'	5'
Max. Sign Height	10'	10'
Wall Sign Area	30 SF	198 SF (V)
Wall Sign Height	n/a	20' above grade

Fence and Retaining Wall Standards (190-124)		
	Required	Proposed
Required Setback Retaining Wall	1 foot for each foot of height = 4.76'	0' (V)
Max. Height Retaining Wall	4'	4.76' (V)
Max. Height Fence	6' when part of buffer	6'

(V) = Variance Required

Variances 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) D-2 Expansion of a Non-Conforming Use Variance – The applicant is proposing to expand the existing non-conforming auto body shop.
- 3) Insufficient Side Yard – A minimum combined side yard setback of 85 feet is required where 74.9 feet is proposed.
- 4) Insufficient Off-Street Parking (190-121.A(3d)) – The minimum required number of parking spaces is 89, where the applicant is proposing 84 parking spaces, at least 54 of which appear to be designed for vehicle storage, when accounting for a 3-space bonus for the EV spaces.
- 5) Insufficient Retaining Wall Setback (190-124.F(2b)) – The minimum required setback for the retaining wall is 4.76 feet, where no setback is proposed.
- 6) Excessive Retaining Wall Height (190-124.F(3b)) – The maximum permitted height for a retaining wall is 4 feet, where a 4.76 foot retaining wall is proposed.
- 7) Excessive Wall Sign Area (190-122.C(3)(b)) – The maximum permitted sign area in residential zones (for institutional uses) is 30 square feet where 198 square feet is permitted for the proposed wall sign.

Design Exceptions Required

- 1) Insufficient Parking Stall Dimension (190-90.B) – Parking stalls are required to be 9' x 20' without curb overhangs, or 9' x 18' with a 2' curb overhang. Most of the proposed parking stalls are 9' x 18' without the required curb overhang.
- 2) Insufficient Access Aisle Width (190-90.C(2)) – Thirty (30) of the stacked parking / storage spaces in the fenced yard do not have access to a minimum 24 foot aisle width.

Planning Comments

Variances and Exceptions

- 1) The applicant requires a d(1) Use Variance and d(2) Expansion of a Non-Conforming Use Variance to permit the auto body shop. To grant this relief, the applicant must satisfy both the positive and negative criteria as established by the Municipal Land Use Law and relevant case law:
 - 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 there are special reasons to grant the variance, which generally requires a showing 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 and master plan.
- 2) The applicant requires bulk “c” relief for a variety of 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.
- 3) The applicant requires design exception relief pursuant to section 40:55D-51 of the municipal land use law for two conditions related to parking space and drive aisle dimensions and one condition related to access to the solid waste dumpsters. To justify the exceptions, the applicant shall provide testimony demonstrating that strict compliance with the site plan design standards is impracticable.

Master Plan Considerations

- 4) 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.

Parking and Circulation

- 5) The plans show 55 spaces in the fenced rear yard. The applicant should provide testimony about the use of the parking stalls, which are allocated for parking versus storage of vehicles that are being serviced.

Environmental & Permitting

- 6) 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.
- 7) 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

- 8) 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 – what are the limitations on vehicle drop-offs?
 - c) Anticipated number of employees during the peak shift.
 - d) Types of waste generated and frequency and timing of collection.

- 9) The applicant shall provide testimony about site security needs and how they impact the fence and gate design. It is recommended that a Knox box or similar tool be provided to allow emergency personnel to access the gated area.

Landscaping and Buffers

- 10) The applicant shall comply with the tree replacement requirements in Chapter 260 of the Village Code as applicable for the proposed removal of trees on the property.

Lighting

- 11) 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 how the light sources will be shielded from the neighboring residential properties.

Signage

- 12) The applicant is proposing a free-standing sign that is consistent in size, height, and placement with permitted free-standing signs for permitted institutional uses in residential zones. There are no specific sign standards for commercial uses in the zone. To the extent that variance relief might be required, it may be reasonable to consider it subsumed into the use variance as the dimensions of the sign are consistent with what is otherwise permitted in the zone.
- 13) The proposed wall-mounted sign is 198 square feet in area, where a maximum area of 30 square feet is permitted for institutional uses in residential zones. Relief is required for the size of the sign.
- 14) The proposed free-standing and wall-mounted signs are both indirectly illuminated, which is permitted by the Village Ordinance. The applicant should confirm that the lights will be concentrated on the signs and will not create glare that is visible from neighboring properties or the street.

Miscellaneous

- 15) 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.