

APPLICATION FORM

VILLAGE OF RIDGEWOOD BOARD OF ADJUSTMENT

(THIS BOX FOR OFFICIAL USE ONLY)

DATE RECEIVED: RECEIVED JUL 29 2019 BLOCK(S): 4703 LOT(S): 14

ADDRESS OF SUBJECT PROPERTY: 657 Franklin Tpk

APPLICANT NAME: 657 Ridgewood LLC APPLICATION NO.: ZBA-19-42

TYPE OF APPLICATION(S) - check all that apply	Application Fee(s)	Escrow Deposit(s)
<input type="checkbox"/> "C" Variance (§190-33) - \$200 per variance, max. \$1,000		
<input type="checkbox"/> "D" Variance (§190-34) - \$1,000 each for prohibited use, expansion of nonconforming use, or density; \$500 each for building height at least 10% over maximum		
<input type="checkbox"/> Appeal of Zoning Officer Decision (§190-29)		
<input type="checkbox"/> Interpretation of Zoning Regulations (§190-30)		
<input type="checkbox"/> Certification of Nonconforming Use/Structure (§190-126G)		
<input type="checkbox"/> Minor Subdivision (§190-45)		
<input type="checkbox"/> Preliminary Major Subdivision (§190-46)		
<input type="checkbox"/> Final Major Subdivision (§190-47)		
<input type="checkbox"/> Exception from Subdivision Design Standards (§190-60)		
<input type="checkbox"/> Permit for Area on Official Map (§190-31)		
<input type="checkbox"/> Permit for Lot not Abutting Street (§190-32)		
<input type="checkbox"/> Extension of Approval (§190-36D, -45H, -46C(3), -46D, -47D, -47E, -47J, -47K, -51 or -97E)		
TOTAL		

X Amended preliminary and final site plan
Fees calculated per J. Wondergem's 5/23/2019 email

\$962.50

\$2,793.65

Instructions to Applicants: All applicants are required to complete the cover sheet and Parts I, II, III and IV. The various attachments must be completed if they apply to your application. If any parts of the form do not apply to your application, please state "not applicable", "none", etc. If you have any questions, please contact the Board Secretary.

PART I. APPLICANT AND OWNER INFORMATION

- A. Applicant Name 657 Ridgewood, LLC
- B. Applicant's Mailing Address 98 Main Street, Madison, NJ 07940
- C. Applicant Telephone No. 973-615-2032 If unlisted, check here ☐
- D. Applicant Email waseemshel@aol.com
- E. Applicant's Attorney Name John M. Marmora, Esq.
- F. Applicant's Attorney Address One Newark Center, 10th Floor, Newark, NJ 07102
- G. Attorney Telephone No. 973-848-4016 Attorney Email john.marmora@klgates.com
- H. Property Owner's Name Same as applicant
- I. Property Owner's Mailing Address Same as applicant
- J. Applicant's interest in land, if not owner (e.g., contract purchaser, owner's agent, etc.)
N/A

PART II. EXISTING PROPERTY INFORMATION

- A. Street Address of Property to be Developed 657 Franklin Turnpike
- B. Tax Map Block Number(s) 4703 Lot Number(s) 14
- C. Zone District(s) OB-2
- D. Does the owner or applicant now own or have any interest in any other property that adjoins the premises which are the subject of this application? (check one) ☐ Yes ☒ No
If yes, describe the adjacent property by block and lot numbers from the current tax map.

- E. Are there any deed restrictions, protective covenants, easements, etc. affecting the subject property (check one) ☐ Yes ☒ No If yes, describe below or on a separate sheet.

- F. I have obtained from the Secretary of the Board a summary and/or a resolution concerning all prior decisions concerning development applications for the premises and have submitted these documents with this application. (check one) ☒ Yes ☐ No

Note: This certification must be submitted with the application or the application will be incomplete.

- G. Existing Use (check all that apply).

☐ Single Family Residence.

☐ Two Family Residence

☒ Other Use (Explain): Fueling Station & Dunkin Donuts

- H. Describe the existing development of the property (buildings, paved areas, etc.).

Existing 1,700 SF Dunkin Donuts Drive Thru restaurant with Shell fueling station. Paved areas include drive thru and parking.

PART III. PROPOSED DEVELOPMENT INFORMATION

- A. Proposed Use (check all that apply).

☐ Single Family Residence.

☐ Two Family Residence

☒ Other Use (Explain):

- B. Proposed Development (describe all site modifications for which approval is being sought, including buildings, paving, utilities, storm drainage, lighting, signs, landscaping, fencing, etc. and any alterations to existing improvements.

Proposed monument sign.

C. Required approvals or reviews by other governmental agencies other than the Board of Adjustment, before construction may start (check all that apply). If in doubt, ask the Board Secretary for information.

- | | |
|--|---|
| <input type="checkbox"/> Historic Preservation Commission | <input type="checkbox"/> Road Opening Permit |
| <input type="checkbox"/> Health Department | <input type="checkbox"/> Bergen/Passaic County |
| <input type="checkbox"/> Construction Code Official | <input type="checkbox"/> Other Municipality |
| <input type="checkbox"/> Soil Movement Permit | <input type="checkbox"/> N.J. DEP (e.g., wetlands) |
| <input type="checkbox"/> Retaining Wall Permit | <input type="checkbox"/> N.J. DOT (e.g., State highway) |
| <input type="checkbox"/> Flood Hazard Area Construction Approval | <input type="checkbox"/> Other (describe below) |

PART IV. PROPOSED VIOLATIONS OF THE LAND USE ORDINANCE (Chapter 190)

The following must be completed if the application is seeking a variance from the zoning regulations in Chapter 190, *Land Use and Development*.

A. The following violations of Chapter 190 are proposed by this application (reference the proposed violations by section and paragraph number in the ordinance):

Section 190-122.H(3):

1. A variance for two freestanding signs (one is pre-existing) where the maximum permitted by Ordinance is one.
2. A variance for a sign area of 18 sf; and
3. A sign setback of 0.3 ft. where the Ordinance requires a minimum of 10 ft.

B. On a separate sheet, indicate the reasons why you believe that the Board should grant relief of the above ordinance requirements, using the following criteria (check all that apply):

- ☐ Permit for Area on Official Map (see §190-31F(1) through (3))
- ☐ Permit for Lot not Abutting Street - Official Map (see §190-32F(1) and (2))
- ☐ "C" Variance (see §190-33G(1), (2) and (3))
- ☐ "D" Variance (see §190-34G(1)(a), (b) and (c))

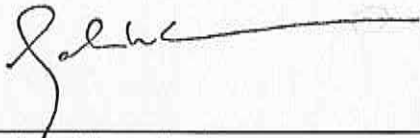
PART V. SIGNATURES AND AUTHORIZATIONS

The undersigned applicant and owner do hereby certify that all the statements contained in this application are true to the best of their knowledge.

The undersigned applicant and owner agree that if any of the information presented in this application changes prior to the issuance of any permits by the Village for the subject application, I/we will promptly notify the Board of such changes prior to the issuance of such permits.

The undersigned applicant and owner consent to the entering and inspection of the subject premises by the Board and its staff as necessary for the review of this application.

The undersigned agree to keep current all escrow accounts for review of this application and to pay any outstanding balances.



Applicant/Appellant

John M. Marmora, Esq., Attorney for Applicant / Owner



Date



Owner

Date

BLQ: 4703. 14. Tax Year: 2018 to 2019
Owner Name: 657 RIDGEWOOD LLC %WASEEM PETROLEUM Property Location: 657 FRANKLIN TPKE

Tax Year: 2018		Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total				
Original Billed:		6,345.00	6,345.00	6,605.00	6,355.00	25,650.00				
Payments:		6,345.00	6,345.00	6,605.00	6,355.00	25,650.00				
Balance:		0.00	0.00	0.00	0.00	0.00				

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2018 Prin Balance
		Description								
		Original Billed						25,650.00		25,650.00
01/08/18	1	Payment	001	995020	CK	28711	38 09	6,345.00	0.00	19,305.00
		CHAUDHARY								
04/26/18	2	Payment	001	o 995021	CK	29166	60 09	6,345.00	0.00	12,960.00
07/09/18	3	Payment	001	o 995022	CK	29525	88 09	6,605.00	0.00	6,355.00
		657 RIDGEWOOD								
10/15/18	4	Payment	001	o 995023	CK	30038	51 09	6,355.00	0.00	0.00
		657 RIDGEWOOD LLC								

Tax Year: 2019		Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total				
Original Billed:		6,413.00	6,413.00	6,582.00	0.00	19,408.00				
Payments:		6,413.00	6,413.00	6,582.00	0.00	19,408.00				
Balance:		0.00	0.00	0.00	0.00	0.00				

Date	Qtr	Type	Code	Check No	Mthd	Reference	Batch Id	Principal	Interest	2019 Prin Balance
		Description								
		Original Billed						19,408.00		19,408.00
01/07/19	1	Payment	001	o 995024	CK	30471	23 09	6,413.00	0.00	12,995.00
		657 RIDGEWOOD LLC								
04/08/19	2	Payment	001	o 995025	CK	30973	38 09	6,413.00	0.00	6,582.00
		657 RIDGEWOOD LLC								
07/09/19	3	Payment	001	o 995026	CK	31467	34 09	6,582.00	0.00	0.00
		657 RIDGEWOOD LLC								

Total Principal Balance for Tax Years in Range: 0.00

VILLAGE OF RIDGEWOOD, VILLAGE HALL
Engineering Division, 131 North Maple Avenue

Date: 7/29/2019

Re: **Flood Insurance Rate Map Information/CRS-320**

To whom it may concern:

The property located at 657 Franklin Tpl, also known as Lot 14 in Block 4703 has been located on the Village's Flood Insurance Rate Map (FIRM). The following information is provided:

Ridgewood's community number is: **340067**

The property is located on panel number: 0176 Suffix: G

The date of the FIRM index is (circle one): September 30, 2005 September 30, 2005
(G) (H)

The Property is located in FIRM zone: X AE AE-L AE-F-L (Circle One)

The main building on the property:

_____ is located in a Special Flood Hazard Area. The base flood elevation at the property is: +/- _____ (NGVD 1929). Federal law requires that a flood insurance policy be obtained as a condition of a federally-backed mortgage or loan that is secured by the building. It is up to the lender to determine whether flood insurance is required for a property. Flood insurance is available in Ridgewood and our rating is No. 7.

_____ is not located in a Special Flood Hazard Area. However, the property may still be subject to local drainage problems or other unmapped flood hazard. Flood insurance is available and may be obtained at non-floodplain rates. A flood insurance policy may be required by a lender.

_____ A determination of the building's exact location cannot be made on the FIRM. A copy of the FIRM is attached for your information.

NOTE: This information is based on the Flood Insurance Rate Map for the Village. This letter does not imply that the referenced property will or will not be free from flooding or damage. A property not in a Special Flood Hazard Area may be damaged by a flood greater than that predicted on the FIRM or from a local drainage problem not shown on the map. This letter does not create liability on the part of the Village, or any officer or employee thereof, for any damage that results from reliance on this information.

ELEVATIONS

Lowest Point Elevation - Listed As: N/A

Lowest Shingle Elevation - Listed As: N/A

First Floor Elevation - Listed As: N/A

Repetitive Loss Area - Listed As: N/A

Christopher J. Rutishauser for/
Christopher J. Rutishauser, PE, CPWM
Director of Public Works/Village Engineer



VILLAGE OF RIDGEWOOD
BERGEN COUNTY, NEW JERSEY
HISTORIC PRESERVATION COMMISSION

131 NORTH MAPLE AVENUE
RIDGEWOOD, NEW JERSEY 07450

PHONE: (201) 670-5500 x 238
FAX: (201) 670-7305

CERTIFICATE OF HISTORIC DISTRICT/SITE DESIGNATION

LOCATION OF PROPERTY: 657 Franklin Tpk, also
known as BLOCK 4703, LOT 14,

☒ IS NOT subject to review by the Historic Preservation Commission.

☐ IS subject to review by the Historic Preservation Commission because:

☐ The property is located within the Village Center Historic District and/or is designated in Chapter 190-98B (2), Land Use & Development.

☐ The property is a national/state registered site or is locally identified in the master plan and the proposed improvements need variance relief.

☐ The property is located in a residential historic district described in the Historic Plan Element of the Master Plan and the proposed improvements need variance relief.

IF THE PROPERTY REFERENCED ABOVE REQUIRES REVIEW BY THE HPC, the property owner or applicant shall provide the HPC Secretary with **10 collated copies** of the proposed plan, photos, drawings, along with the completed HPC Application Permit. (Please request a review date from the Secretary at the time that you file the application.) The HPC office is located on the 3rd Floor within the Public Works Department, Division of Engineering.

The property owner and/or applicant are invited and encouraged to attend the meeting of the Historic Preservation Commission at which the application is reviewed.

If Planning Board or Zoning Board approval is also required, the Commission will issue a report to the appropriate Board. All other recommendations will be issued to the Construction Official.

Yendi Anderson for 7 / 29 / 2019
Yendi Anderson, HPC Secretary - date

For further information regarding review by the Historic Preservation Commission, please call or contact Yendi Anderson at (201) 670-5500 Ext: 238 or via email at: yanderson@ridgewoodnj.net.

CERTIFICATE OF PRIOR PLANNING AND ZONING BOARD ACTION

BLOCK 4703, LOT 14, 657 Franklin Tpk (STREET ADDRESS)

was the subject of :

Planning Board action on: _____

- ☐ A resolution is attached.
- ☐ A resolution is not attached. (If no resolution is available, provide a short explanation.) _____
- _____
- _____
- _____

- ☒ There are no records of any planning board applications for this property address.

Wishdaya
Signature of Planning Board Secretary

Zoning Board action on: 2/24/15, 10/10/17, 11/24/15, 5/14/19

- ☒ A resolution is attached.
- ☐ A resolution is not attached. (If no resolution is available, provide a short explanation.) _____
- _____
- _____
- _____

- [] There are no records of any zoning board applications for this property address.

Signature of Zoning Board Secretary

VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT

OFFERED BY:

SECONDED BY:

IN THE MATTER OF THE APPLICATION OF
657 RIDGEWOOD LLC

WHEREAS, 657 RIDGEWOOD LLC, 657 Franklin Turnpike, Ridgewood, New Jersey (hereinafter referred to as the "Applicant") has filed an Application with the Zoning Board of Adjustment of the Village of Ridgewood (hereinafter referred to as the "BOARD") for variance relief to permit the reconfiguration of the existing retail gas service facility, and for preliminary and final major site plan approval in connection with the Property located at 657 Franklin Turnpike, Ridgewood, New Jersey and shown on the Tax Map as Block 4703, Lot 14(hereinafter referred to as the Property"), and

WHEREAS, Notice of the Application was published and served in accordance with Municipal Land Use Laws of the State of New Jersey; and

WHEREAS, public hearings were commenced on June 25, 2013 and a series of 9 meetings were held thru the meeting of February 24, 2015, as it pertains to this Application; and

WHEREAS, the Applicant seeks the following relief:

- A. A determination as to whether the Applicant's proposal for a convenience store on a site that currently serves only as a retail gas station, constitutes separate use or is an accessory use.
- B. Based upon a determination pertaining to Paragraph A, a potential for a use variance to permit more than one principal building or structure on a lot which is contrary to the Ridgewood Zoning Ordinance which does not permit either the gas station or convenience store on this Property in the OB-2 Zone.
- C. A use variance to permit more than one principal building or structure on a lot in the event the

Board determines that the canopy over the gas dispensers and kiosks are principal structures in addition to the structure that is proposed to be used as a convenience store. A variance to permit an accessory structure to be located in a front yard if the Board determines the retail gas operation to be accessory to the convenience store.

- D. A variance for a front yard setback from Franklin Turnpike for the canopy of 23 feet, where the Ridgewood Zoning Ordinance requires a setback of 30 feet.
- E. A variance for a front yard setback from Route 17 for the canopy of 25.3 feet, where the Ridgewood Zoning Ordinance requires a setback of 30 feet.
- F. A variance to permit a rear yard setback for the building that is proposed to house the convenience store of 12 feet, where the Ridgewood Zoning Ordinance requires 30 feet. This variance request is subject to the Board's determination as to whether the lot line is a rear lot line, or a side lot line.
- G. A variance to permit a loading space to be located in the front yard, where the Ridgewood Zoning Ordinance requires loading spaces to be located in a side or rear yard.
- H. A parking variance to permit parking areas to be located within the front yard setback, where the Ridgewood Zoning Ordinance requires parking areas to be located in the side or rear yard, and a setback of at least 5 feet from the side or rear lot lines.
- I. A variance to permit a trash enclosure wall to exceed 6 feet in height and to be located in the front yard, which is contrary to the requirements of the Ridgewood Zoning Ordinance.
- J. Variances from the sign requirements of the Ridgewood Zoning Ordinance to include the following:
 - 1. Proposal to have a free standing pylon sign facing Route 17, and a building façade sign on the convenience store which results in two principal signs, where the Ridgewood Zoning Ordinance only permits one.

2. Variance for the pylon sign dimensions of 12.5 feet by 4 feet, which exceeds the Ridgewood Zoning Ordinance requirements.
3. Variance to permit LED price quotes on said signage.
4. Height variance for the Route 17 sign at 17.5 feet, where 15 feet is the maximum permitted.
5. Area variance for the Route 17 sign of 50 square feet, where the maximum permitted is 30 square feet.
6. Variance to permit the pylon sign to have dimensions of 12.5 feet by 4 feet.
7. Variance for gasoline product and price signage; and

WHEREAS, the Application was presented by the Applicant's Counsel John M. Marmora, Esq.;
and

WHEREAS, Bergen Convenience Flagship, Inc., which is the Owner of property at 490 Route 17 South (Block 4703, Lot 11), represented by Robert J. Inglima, Esq., opposed this Application; and

WHEREAS, Thomas Guidice and Sal Canarato, Owners of property adjacent to both the Applicant's property and Bergen Convenience Flagship, Inc.'s property, supported the Applicant's proposal; and

WHEREAS, the Board considered the testimony, statements, and documents submitted during the course of the Public Hearings by all Parties involved, and heard the testimony of the following

Witnesses for the Applicant:

- A. David Springsteen and Kamlesh Shah, who were qualified as experts in architecture;
- B. John Palus, who was qualified as an expert in civil engineering;
- C. Lance Gianquinto, 7-Eleven Representative;
- D. R.J. Calestini, Representative of gas station operator;
- E. Elizabeth Dolan and Douglas Polyniak, who were qualified as experts in traffic engineering;
- F. John McDonough, who was qualified as an expert in planning.

Witnesses for the Objector:

- A. Hal Simoff, who was qualified as an expert in traffic engineering;
- B. Peter Steck, who was qualified as an expert in planning

Board Witnesses:

- A. Christopher Rutishauser, Board Engineer;
- B. Blais Brancheau, Board Planner; and

WHEREAS, the Board also reviewed a report from Sergeant Brian Pullman of the Ridgewood Police Department; and

WHEREAS, the Board heard from additional members of the public; and

WHEREAS, the Board entered into evidence all of the Exhibits referenced on Schedule A attached to this Resolution; and

WHEREAS, the Board made the following findings of fact:

1. The Owner of the Property is 657 Ridgewood, LLC. The Property is located in the OB-2 Zone.
2. The OB-2 Zone does not permit gas station use or a retail use. The current gas station has been in operation on the Property for over 40 years and is a pre-existing nonconforming use. It currently has 6 fuel dispensers that permit a total of 10 fueling positions. There are two existing 12,000 gallon underground storage tanks. There is an existing octagon shaped canopy over the fuel dispensers.
3. The Property is triangular in shape. It fronts on both Route 17 South and Franklin Turnpike. There is presently two driveways on Route 17 that permit ingress only, and two driveways on Franklin Turnpike, one of which permits entry and exiting and one is only for exiting. Currently the Property has an impervious surface coverage of 90.4%. Even with all of that impervious coverage, there is only 7 designated parking spaces on site.

4. The Applicant is proposing to continue the gas station use as a Shell Franchise. The Applicant is a Shell Franchisee. Mr. R. J. Calestini, who is employed by the Applicant confirmed the following:
 - A. The current trend for gasoline service stations is for the elimination of the repair type facility. Many gas stations have morphed into providing both gasoline dispensing and a convenience store, and currently, this is what the public expects at such facilities. He testified that a great majority of new installations are comprised of both a retail convenience store and gas dispensing facilities in order to meet the public demand and expectation. In this instance, there has not been nor will there be, any repair facility.
 - B. The 7-Eleven proposed facility provides the convenience store aspect for Applicant's proposal.
 - C. The Applicant has the ability to control the time for fuel delivery. The Applicant has stipulated that fuel deliveries would be after 9:00 PM and before 6:00 AM, when the parking lot is largely empty. The typical delivery consists of 8,000 to 8,500 gallons, and the truck making such a delivery is on site for less than 1 hour.
 - D. A maximum of 5 employees would be at the site on any given shift.
5. Lance Gianquinto, a Representative of the 7-Eleven Company testified that he is familiar with these types of operations having been employed by the Company for over 24 years, and has been involved in both the operation aspect and the real estate location aspect for the Company. He testified and stipulated that there would be no cooking or baking done on the premises, only reheating of a product would occur. The retail facility would have a maximum of 2 employees on any given shift. It would be a 24 hour per day, 7 day per week operation, the same as the retail gas facility.
6. From his perspective based upon his experience with 7-Eleven locations, he believes that

the facility would function well and be compatible with the proposed retail gas dispensing operation.

7. He stipulated that deliveries by box trucks are controlled and would be limited to a 4 hour time frame during off-peak hours between 11:00 AM and 3:00 PM.
8. David Springsteen and Kamlesh Shah testified as the Applicant's Architects. During the course of the Public Hearing, modifications were made to the plan including the reduction of the size of the convenience store to 2,000 square feet. On that basis, the building complied with side and front yard setbacks. The building would have no basement, and no attic. The HVAC equipment would be housed on the roof and would be screened. It was stipulated that the screening will provide an inability for the public to see the mechanicals/HVAC equipment. The Applicant stipulated as to the type of facade for the building, and that it would have a roof that is pitched and is blended with the color of the facade. The building would contain a public restroom available to convenience store and gas customers.
9. The Applicant's Engineer John Palus, testified and provided the following information:

A portion of the Property would be dedicated to the County of Bergen for future road widening. The Applicant is proposing to eliminate the Northerly driveway on Route 17 and the Southerly driveway on Franklin Turnpike.

The Applicant's proposal substantially reduces the impervious coverage on the Property by creating a coverage of 59.9% versus the 90.4% that currently exists, and by adding approximately 8,686 square feet of green area with additional landscaping.

The number of fuel dispensers would be reduced to 4 with a total of 8 fueling positions. Two 20,000 gallon underground storage tanks would be installed to replace the existing two 12,000 gallon underground storage tanks.

The Applicant's Engineer has stipulated that no fueling of tractor trailers will be permitted even though diesel service would be offered.

The canopy will be reduced in size being 50 feet by 36 feet.

The Applicant is proposing a drainage system with two seepage pits.

All new lighting fixtures would be installed.

12 parking spaces would be provided.

10. The Applicant's Traffic Engineer, Elizabeth Dolan testified that in her opinion, the revised plan improved the circulation pattern for customers coming to and leaving the site, and also improved a traffic pattern for truck delivery. She advised that in her opinion, the elimination of the Northerly driveway on Route 17, and the Southerly driveway on Franklin Turnpike constituted from a traffic engineering perspective, a vast improvement over what exists there now. She opined that the proposal constituted a safer traffic environment.

Ms. Dolan also advised that the 12 parking spaces were sufficient for the site. At the request of the Board, a Mobile Gas Station site South of the Applicant's property, on Route 17 in Paramus with a 7-Eleven convenience store was studied by the Traffic Engineer Douglas Polyniak. It was Mr. Polyniak's opinion that the 12 parking spaces for the Applicant's site were more than adequate and comparable to the Paramus location which experienced no parking problems.

Ms. Dolan testified that the new convenience store use would not generate any appreciable increase in traffic on the roadways surrounding the Property. It was her testimony that convenience store use is from existing traffic that is on Franklin Turnpike and Route 17, and is not a location that becomes a specific destination point, but rather is used by those people that travel on those roadways daily. She concurred with prior testimony that a convenience store aspect has become a use that is merged with retail gas facilities and has

become something that the general public expects when getting fuel for their motor vehicle. Elizabeth Dolan also provided testimony pertaining to the signage that was proposed indicating that the deviations were necessary on a heavily trafficked fast moving highway such as Route 17, and that the proposal by the Applicant provided the necessary visual element in providing drivers with an ability to see this location well in advance and on the at basis, the signage deviations met the safety goal requirement for the motorist.

11. The Applicant's Planning Expert John McDonough testified as to the nonconformity aspect of the Property and also as it pertains to the planning aspects of the Property. He confirmed that the station has been operating for over 40 years and has co-existed with surrounding uses. He also rendered an opinion pertaining to the proposed use in that convenience stores are now expected by the public to be part of a gas station facility and that it is not two principal uses or buildings on one lot.

Based upon the testimony provided by Mr. McDonough, it was his opinion that the site is particularly suitable for the use as proposed, and the basis for his opinion is as follows:

- A. The use as a gas station facility/convenience store is looked upon by the general public these days as one use, and is what the public expects;
- B. There are a number of similar uses along the Route 17 corridor;
- C. The current use has co-existed with other uses without any substantial detriment to the surrounding properties. It was his opinion that variance relief was appropriate from a planning perspective under the criteria set forth in the Municipal Land Use Law in that it promoted the general welfare because it met the demands of the motoring public, creates a better overall site improvement from what currently exists, creates a safer environment through better traffic pattern, creates a better visual environment by increasing landscaping and promotes efficient use of land for allowing members of the

public to come to one location for convenience shopping and obtaining fuel. Mr. McDonough also was of the opinion that there was no negative aspect to the proposal, but to the contrary, the positive aspect was the better overall site improvements as previously referenced. It was Mr. McDonough's opinion that there was no impairment to prior Master Plans goals and objectives, because of the overall upgrading of the site in bringing it more in conformity to today's standards.

Mr. McDonough also testified as to the bulk variances and rendered an opinion that the benefits outweigh the detriments as it pertains to those variances for the reasons previously referenced and that there was no substantial detriment to the public or to the impairment of the Zone Plan or Zoning Ordinances for the same reasons previously testified to. He also indicated that from a planning perspective, the Property was very unique in location and configuration and conformity to some of the bulk standards would constitute a hardship.

12. Bergen Convenience Flagship, Inc. (hereinafter referred to as the "Objector") operates the Exxon/Mobile Gas Station to the North of the site fronting on Route 17. It has on the property a fuel dispensing gas station with a convenience store known as "Tiger Mart". There is also located on the site, a cellular tower facility.

The Board recognizes that although the objector is a competitor, that the Objector has an absolute right to object to the Application and has standing for that purpose, and the fact that the Objector may be a competitor is irrelevant in connection with the Board's review and determination of this Application.

13. The Objector presented Hal Simoff as a Traffic Expert who testified that based upon his analysis of the reports and testimony submitted by Elizabeth Dolan, that same were flawed. It was his opinion that the NJDOT Highway Access Permit that was approved, may have

been approved based upon mistakes in calculations. Mr. Simoff also rendered an opinion that the site would have much more traffic than was generated by a gas station use only, that the site was insufficient from a safety aspect for the traffic that is expected to the site and that a gas only use would be superior to what is being proposed.

14. Peter Steck testified as the Objector's Planning Expert. He stated that the existing gas station is fairly modern and operates in an efficient manner. It was his opinion that this was not an expansion of a nonconforming use because everything was proposed to be demolished and in essence, this was a replacement of one nonconforming use with two nonconforming uses. It was his opinion the canopy constituted a structure and the convenience store constituted a second structure and therefore, there were two principal structures. He also testified that the site plan constituted poor planning.

In response to Mr. McDonough's testimony, Mr. Steck provided an opinion that the proposal by the Applicant is contrary to the Master Plan which does not encourage the Applicant's proposed use and that, other buildings within the area have become conforming including two buildings that are now being renovated for office use.

15. The Board also reviewed reports and heard testimony of its Consultants. With any site plan, the Board requests a report from Ridgewood Police Department Traffic Bureau and a report was issued October 13, 2012 from Sergeant Brian Pullman. In the report provided Sergeant Pullman opined that he has "no concerns with regards to the traffic impact"; he advised that the lot already has "a high volume of vehicles."
16. The Village Engineer provided two reports to the Board. He testified at the Hearing that there were benefits in this proposal from a site plan perspective in that there would be much better traffic circulation and significant storm water management improvements.

The Board's Planner provided written reports and testimony during the course of the

Hearings and directed the Board that in order to approve the Application, special reasons are required under the Municipal Land Use Law which in this instance would require a finding by the Board of "particular suitability". He did give an opinion that the site was suited for the use, that traffic typically for this type of use from a planning perspective, is based upon pass-by traffic. He confirmed that based upon the 1970 rezoning of the Property, and based upon the fact that there has been no change pertaining to that rezoning, that the burden is upon the Applicant to demonstrate an enhanced quality of proof and that the project will not result in a substantial detriment to the public good nor impair the intent of the Master Plan and Ordinances as required under the Medici criteria, which the Board has reviewed as part of its decision making.

17. The Board had the benefit of its Traffic Consultant John Jahr providing testimony as well as written reports. Modifications were made to the original plans based upon suggestions from John Jahr. In that regard based upon the final plans submitted, John Jahr rendered an opinion as follows:
 - A. From a "traffic and circulation standpoint", the plan constitutes a significant improvement to present conditions;
 - B. Elimination of the second driveways on Route 17 and Franklin Turnpike, constitutes a significant benefit to the public. Mr. Jahr advised that the overall traffic improvement was endorsed by the NJDOT.
 - C. Truck entry and turning radius can be accommodated and are in conformity with appropriate standards.
18. The Board has had the benefit of a memorandum from Board Counsel outlining the issues, the pertinent criteria as promulgated under the Statutes and Case Law in connection with its analysis of this Application. The Board Members completed its analysis and decision

making at its February 24, 2015 meeting and reviewed the "D" Variance Application, the "C" Variance Application and the Site Plan Application in that order. The review was done with a thorough analysis of the testimony of all Parties involved, the reports of all of the Professionals previously referenced in this Resolution, and the stipulations provided by the Applicant which are listed in the findings of fact. On that basis, the Board rendered the following decision:

- A. The Board has determined that the convenience store is ancillary and accessory to the gas station use. The proposal is very commonplace and it constitutes a single use. This is corroborated and substantiated by the fact that the Board made a similar decision in 1998 in which it granted a use variance to permit the Exxon Gas Station at 490 Route 17 South, which is now owned by the Objector, to demolish the existing retail gas station and building, and to construct a 6 fuel service island, a canopy, 2 island shelter buildings and a convenience store known as a Tiger Mart. This property was also in the OB-2 Zone, and although the Board recognizes that decisions pertaining to variance relief is unique to each property, the Board did render a decision in that Resolution that retail gas stations and convenience stores are particularly suited to and are typical for properties with this type of location and size. In essence, there was a recognition almost 20 years ago, that a gas station and convenience store was one use, and that decision is being followed in this Application.
- B. The fact that the uses are being operated under different management is of no significance. The Board has determined that from a land use perspective in today's environment, the convenience store is accessory to and part of a gas station. The Board acknowledges that at one time gas stations besides

dispensing fuel had a facility to repair automobiles. Those type of facilities are no longer prevalent and instead, the gas station has evolved into a facility that dispenses fuel and has retail sale of convenience items in a convenience mart. The Board has determined, therefore, the convenience store on the site proposed serves as an accessory use.

- C. The Board has further determined that there is one principal building or structure on the lot and that the canopy does not constitute a separate building, and no variance relief is necessary as it pertains to more than one principal use or structure on a lot. In essence, the convenience store and canopy serves as one modern use and that is as a facility for the retail sale of fuel and convenience items to the general public.
- D. A use variance is required. The OB-2 Zone in the Village of Ridgewood does not permit retail sale or gasoline service stations. The Board recognizes that the current retail gas station predates the revisions to the Zoning Code that happened in 1970. The proposed demolition of the entire site with the construction of the new facility as proposed, requires a D-1 variance. The Board has determined that there are special reasons in this instance to grant a use variance. The Board has determined that the use is particularly suited to this location for the following reasons:
 - 1. The Property itself is very unique being triangular in shape and being located between two existing roadways, one being a County roadway known as Franklin Turnpike, and the other being very heavily trafficked Route 17 South. These roadways actually intersect at the Southerly point of the Property. The gasoline service station has functioned without a

problem for over 40 years. The Board recognizes that the Master Plan provides since the change of the Ordinance, adherence to the uses proposed in the OB-2 Zone. A realistic look from a planning perspective in this instance indicates that uses proposed within the OB-2 Zone will not be developed on this triangular Property. The gas station use has co-existed with the other uses that surround it without any substantial detriment to the other neighboring properties. In fact, two of the adjacent property owners support this Application. The Board has determined based upon this proposal, that the Village has a unique opportunity to have this dated facility upgraded to meet current public demands and needs and at the same time provide for a better overall facility from a safety and aesthetic standpoint. In that regard, the Board has found the following reasons that promotes the general welfare and meets the mandates under N.J.S.A. 40:55D-2. These include the following:

- i. Better overall safety element to the site based upon the proposed development. There is an elimination of two driveways and a better reconfiguration and use of the driveways that are remaining. This has been supported by the NJDOT and by the Board's own Traffic Consultant. The Board finds that from a traffic safety aspect regarding ingress and egress, this plan is far superior than what currently exists. The Board concurs with the opinions rendered by the Applicant's Traffic Engineer, and the Board's Traffic Engineer, and does not agree with the opinion of the Objector's Traffic Engineer.

- ii. The actual traffic flow throughout the site is better from a traffic safety standpoint than what currently exists. Again, the Board concurs with its Traffic Engineer in this regard.
 - iii. The ability for fuel trucks to come in as stipulated in the findings of fact to be off hours between 9:00 PM and 6:00 AM is better than what currently exists.
 - iv. The reduction in impervious coverage to take a property that currently has 90.4% impervious coverage and reduce it to 59.9% and provide additional landscaping creates not only an improvement for drainage, but also an aesthetic benefit.
 - E. It will create a better overall streetscape based upon the improvements shown, and provides a desirable visual environment.
 - F. Creation of a better drainage plan constitutes a positive element and reason for variance relief.
 - G. It provides to the general public a use that the public demands on a site that can properly accommodate it.
19. The Board also determined that there is no detriment to the Zone Plan or Zoning Elements of the Village of Ridgewood, but instead there are positive elements that include the aforementioned traffic safety aspect, better vehicular circulation plan, better landscaping, better aesthetics, creation of a better visual element, creation of a better lighting plan than what currently exists and creation of a use that has no detriment within the immediate vicinity since there are no residential properties nearby.
20. The Board notes that it is the culmination of all of those reasons to constitute special reasons and constitutes a basis for the particular suitability of this Property for the uses as

proposed.

21. The Board recognizes that the Master Plan has not addressed this issue over the years, and that although there has been opportunities with re-examinations, there has been no change to the OB-2 Zone nor any change to the particular classification of this unique piece of property. It is the Board's position based upon all the information it has received, that there is a unique opportunity to upgrade the Property without any detriment to the Zone Plan of the Village of Ridgewood. The Property itself is unique and is not realistically prone to be developed as contemplated in the OB-2 Zone. The Board has determined that there is an upgrade both functionally and visually that supports various reasons under Municipal Land Use Law, to permit this use, all of which have been previously delineated. The Board recognizes this is not a minor expansion of an existing nonconforming use, but constitutes in essence "a clean slate" with the entire replacement of the current facility. However, as previously stated, this triangular piece of property fronting on these two roadways in this particular location, is particularly suited for a use the public expects and demands. On the basis of the foregoing, the Board has determined that the Property is particularly suited for the use and the Applicant's proposal constitutes a major improvement over what currently exists, and is beneficial to the public serving the purposes set forth in N.J.S.A. 40:55D-2. In addition, there is a reduction in the fuel dispensers on site which thereby reduces that aspect of the current nonconforming use. Overall, the Board has determined that the site is particularly suited for the use, the reduction in fuel dispensers and the addition of the convenience store which is common to modern day gasoline facilities, results in a better overall development of this uniquely configured lot and serves as a vast improvement to the nonconformity that currently exists.
22. Applicant is proposing a solid faced 6 foot high fence between the Property it owns and

the adjacent Northerly property. A neighboring property owner has made the request for this fence. The Board has determined that to the extent a variance is required by Section 190-124F3b and 6c, that in this instance it provides an appropriate screening between the two properties and creates a desirable, visual environment and improvement and is not detrimental to the overall Zone Plan of the Village of Ridgewood. Another reason for granting variance for the height of the fence is based upon topographic conditions in order to have an adequate screening between the properties, and 6 feet is necessary. The detail of the fencing must be submitted for review and approval to the Site Plan Committee of the Board. The fence is being constructed in what the Board has interpreted to be a side yard and not a rear yard lot line.

23. The Board has determined that variance relief for the minimum front yard, yard location of parking area, yard location of loading area, parking and loading space conflict are all appropriate in this instance based upon the fact that the Property that is the subject of this Application has a unique configuration being triangular in shape and basically fronting on two roadways. Any type of use, even those that are permitted, would require variance relief because of the size, shape and location of the Property. Likewise, exceeding the height as shown on the site plan for the enclosure for the refuse area is appropriate so that it is not readily discernible from the roadways and needs this height because of its proximity to roadways on this uniquely shaped triangular piece of property. For all the setback variances as well as the variance for the height of the enclosure that have been previously listed in this Resolution, relief is appropriate under N.J.S. 40:55D-C(1).

These variances have been granted with the understanding that there are certain stipulations made by the Applicant including, but not limited to, the restricted off-hour deliveries for merchandise to the convenience store and for fuel, and that is one of the reasons considered

as it pertains to the parking loading space conflict variance that has been approved.

24. The Board has determined that based upon the use variance justification previously set forth herein, signage is appropriate for the use recognizing that signage must be of a proper size and location to meet safety standards on a heavily trafficked Route 17. Therefore, the maximum number of principal signs, moveable fuel price signs, sign content, sign dimensional proportions, maximum free standing sign area, maximum free standing sign height, are all reasonable and standard for gas station use. In this instance, variance relief is appropriate under N.J.S. 40:55D-C2. There is a substantial benefit namely, a safety factor in having signs in the proper location and proper size to accommodate the public. The contents of the sign and the locations are what the public expects and there is no detriment in this instance since such signage does not create any detriment aesthetically, recognizing that none of it is located next to a residential area. The Board has determined, however, that the requests for increase of the maximum area of fuel price signs is not supported by the facts submitted and therefore, is denied.
25. The Board has determined that LED signs in this instance are appropriate. They conserve energy and are appropriate for gasoline service facility and they are appropriate from a convenience and visibility standard and are beneficial for that purpose. The Board has determined that there is no detriment in this instance. Therefore, variance relief is appropriate under N.J.S. 40:55D-C2. This variance has been granted with the stipulation that the overall lighting will be reviewed six months after a certificate of occupancy is issued to determine if any adjustments are required by the Village Engineer and if it is determined that such adjustments are required, the Applicant has stipulated that it will comply with such adjustments and modifications forthwith.
26. The canopy and kiosks are not considered to be primary structures, but are accessory and

are typical structures for the approved use. They have been approved with the understanding that there is no sale of sundry items from the kiosks or under the canopy.

27. The Board has further determined that preliminary and major site plan approval can be granted based upon the plans that have been submitted with the understanding and stipulation that development of the site will be subject to all the comments from the Village Engineer, the Board Traffic Expert. The approval is also subject to completion of all landscaping requirements as required by the Village Planner in his reports.
28. The Applicant shall shift the handicap parking and handicap access space and the reconfiguration of the parking is subject to the Board's approval. It is understood that the number of parking spaces as proposed remains the same, but there will be reconfiguration and relocation of the handicap space. This revised plan shall be presented to the Board for final approval.

NOW THEREFORE, BE IT RESOLVED, on this 23rd day of June, 2015, by the Zoning Board of Adjustment of the Village of Ridgewood that the request for variance relief and preliminary and final major site plan approval is hereby GRANTED subject to the following conditions:

1. The Applicant shall abide by the stipulations set forth in the Findings of Fact which shall include, but not be limited to the following:
 - A. Fuel deliveries shall be after 9:00 PM and before 6:00 AM;
 - B. A maximum of 5 employees will be on the site for any given shift;
 - C. No cooking or baking will be done on the premises, only reheating of a product would occur;
 - D. Deliveries by box trucks will be limited to a 4 hour time frame during off peak hours between 11:00 AM and 3:00 PM;

- E. There will be a total of 4 fuel dispensers with a maximum of 8 fueling positions;
 - F. No fueling of tractor trailers will be permitted even though diesel service may be offered;
 - G. Architectural screening will be provided so that there is an inability of the public to see the mechanical/HVAC equipment on the roof;
 - H. No sale of sundry items shall take place from the kiosks or under the canopy, and there shall be no outdoor sales of product;
 - I. The Applicant shall shift the handicap parking and handicap access space which is subject to the Board's further approval. It is recognized that the number of parking spaces as proposed shall remain the same;
 - J. Overall lighting will be reviewed 6 months after certificate of occupancy is issued to determine if any adjustments are required by the Village Engineer and if it is determined that such adjustments are required, the Applicant shall comply with such adjustments and modifications forthwith.
- 2. The Applicant shall develop the site in accordance with the Exhibits entered into evidence during the course of the Public Hearings, and as attached to the Application. The plans shall be amended and modified to meet all of the requirements of and as set forth in the reports of the Village Engineer, Village Traffic Consultant and Village Planner.
 - 3. All construction shall be completed in accordance with all ordinances and building requirements of the Village of Ridgewood, the Uniform Construction Code of the State of New Jersey, and in accordance with the instructions of the Construction Official of the Village of Ridgewood.
 - 4. Applicant is required to obtain a building permit, post all necessary fees and costs. No building permit shall be issued by the Village of Ridgewood for said construction on this

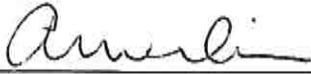
Property until the Construction Code Official has received written verification that all fees have been paid to the Zoning Board of Adjustment of the Village of Ridgewood in regards to said Land Use Application that is the subject of this Resolution. If fees are due and owing, including fees in the escrow account for the Applicant, Applicant shall make payment forthwith in regards to same.

5. Applicant shall comply with any applicable provisions of the affordable housing growth share obligation pursuant to Village Code, ordinances and Law pertaining to affordable housing. No building permits shall be issued until Applicant's growth share obligation, if any, has been determined by the Village and its representative in accordance with applicable Village regulations, Ordinances and directives pertaining to affordable housing and obligations related hereto.
6. Applicant shall comply with the terms of Village Ordinance #2802 relating to mandatory development fees to fund affordable housing (see Section 145-8), if applicable. The Applicant shall comply with all applicable Village regulations, Ordinances and directives pertaining to affordable housing and obligations related thereto.
7. Execution of a Developer's Agreement to be prepared by the Board Attorney, and posting of all necessary Performance Guarantees as required by the Village Engineer.
8. This approval is subject to all other governmental approvals including, but not limited to, approval by the Bergen County Planning Board, the Bergen County Soil Conservation

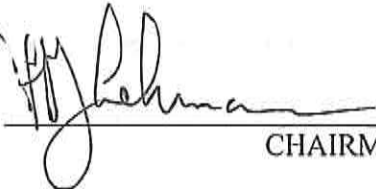
District, New Jersey Department of Transportation.

ADOPTED:

ATTESTED:



SECRETARY



CHAIRMAN

BEW: cbp
(Ridgewood.657 Ridgewood, LLC)

SCHEDULE A

**657 RIDGEWOOD LLC / RIDGEWOOD
ZONING BOARD OF ADJUSTMENT HEARING EXHIBITS**

Applicant Exhibits Marked on the Record:

Exhibits Marked at June 25, 2013 Hearing

- Exhibit A-1: Colored Rendering of Site Plan, dated 6/24/13
- Exhibit A-2: Colored Architectural Rendering of the proposed 7-11 Building (sheet R-1), dated 6/25/13
- Exhibit A-3: Architectural Rendering Sheet SK-1, dated 5/9/13
- Exhibit A-4: Architectural Rendering Sheet SK-2, dated 5/9/13
- Exhibit A-5: Aerial Photo, dated 4/30/13
- Exhibit A-6: Boundary and Topographic Survey prepared by Blue Marsh Associates, dated 1/26/12

Exhibits Marked at July 23, 2013 Hearing

- Exhibit A-7: Computer Generated 3D Site Rendering depicting the proposed freestanding sign from Franklin Turnpike looking North, dated 7/23/13;
- Exhibit A-8: Computer Generated 3D Site Rendering depicting the proposed freestanding sign from Route 17 looking South, dated 7/23/13
- Exhibit A-9: ALTA Survey, dated 3/25/09

Exhibits Marked at August 27, 2013 Hearing

- Exhibit A-10a: Colored Site Plan Rendering, dated 8/27/13;
- Exhibit A-11a: 3D Site Plan Exhibit "A", from the South looking North
- Exhibit A-12a: 3D Site Plan Exhibit "B", from the North looking South
- Exhibit A-13a: Revised Site Plans, 16 pages
- Exhibit A-14a: Traffic Impact Assessment, prepared by Dolan & Dean, dated 9/20/12
- Exhibit A-15a: Traffic Impact Assessment, prepared by Dolan & Dean, revised 2/28/13
- Exhibit A-16a: Traffic Report, prepared by Dolan & Dean, dated 1/14/14

Exhibits Marked at January 28, 2014 Hearing

- Exhibit A-10b: Revised Dynamic Engineering Plan, dated 1/20/14
- Exhibit A-11b: Revised Site Plan package filed with the Village on 12/20/13
- Exhibit A-12b: 3D Site Plan Exhibit "A", from the South looking North
- Exhibit A-13b: 3D Site Plan Exhibit "B", from the North looking South
- Exhibit A-14b: Traffic Impact Assessment Report and DOT correspondence

Exhibits Marked at March 25, 2014 Hearing

- Exhibit A-15b: Exterior Elevations SK-2, dated 12/3/13 revised 3/24/14
- Exhibit A-16b: Aerial Photograph and Ground Photographs (planning exhibit)

Exhibits Marked at May 1, 2014 Hearing

- Exhibit A-17: Site Plan Rendering, 5/1/14
- Exhibit A-18: Franklin Turnpike 3D Site Plan Exhibit "A", 5/1/14
- Exhibit A-19: Route 17 3D Site Plan Exhibit "B", 5/1/14
- Exhibit A-20: Sign dimensions for Paramus Mobil / 7-Eleven facility

- Exhibit A-21: Drawing SK-2, dated 5/1/14
Exhibit A-22: Drawing SK-3, dated 4/29/14
Exhibit A-23: Drawing SK-3, dated 4/16/14

Exhibit Marked at July 22, 2014 Hearing

- Exhibit A-24: Dolan & Dean Report, dated July 3, 2014

Exhibit Marked at August 26, 2014 Hearing

- Exhibit A-25: NJDOT letter dated August 1, 2014

Objector Exhibits Marked on the Record:

Exhibit Marked at July 23, 2013 Hearing

- Exhibit O-1: Xerxes Tank Detail

Exhibits Marked at May 1, 2014 Hearing

- Exhibit O-2: Report by Simoff Engineering, dated 4/21/14
Exhibit O-3: Figures 8 & 9 of Dolan & Dean Traffic Report dated 2/28/13 and 1/14/14 with notations
Exhibit O-4: Turning template for landscape truck
Exhibit O-5: Turning template for 9,200 gal. fuel tanker
Exhibit O-6: Exit move template for 9,200 gal. fuel tanker
Exhibit O-7: Turning template for passenger car

Exhibits Marked at July 22, 2014 Hearing

- Exhibit O-8: Peter Steck Qualifications
Exhibit O-9: Planning Report by Steck (Photographs of Site, 3 pages)

Exhibit Marked at August 26, 2014 Hearing

- Exhibit O-10: E-mail from Anthony Merlino forwarding J. Jahr's traffic report to the Board

Board Exhibits Marked on the Record:

Exhibits Marked at January 28, 2014 Hearing

- Exhibit B-1: Mr. Rutishauser report, 1/26/14
Exhibit B-2: Mr. Brancheau, 1/24/14
Exhibit B-3: Mr. Jahr, 1/28/14

Exhibits Marked at July 22, 2014 Hearing

- Exhibit B-4: Mr. Jahr, 2/5/13
Exhibit B-5: Mr. Jahr, 7/22/13
Exhibit B-6: Mr. Jahr, 1/28/14

OFFICIAL PUBLIC MONTHLY MEETING: 657 Ridgewood LLC, Block 4703, Lot 14

DATE OF DECISION: February 24, 2015

NAME	MOVED	SECONDED	YES	NO	ABSTAIN	ABSENT	
Joel Torielli							
Diana Ruhl				X			
Hans-Jurgen Lehmann				X			
Shiroy Ranji				X			
Gary Negrycz		X	X				
Jeff Voigt	X		X				
Alyssa Matthews			X				
Jennie Smith-Wilson			X				
Sergio Alegre							

**VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT**

OFFERED BY:

SECONDED BY:

**IN THE MATTER OF THE APPLICATION OF
657 RIDGEWOOD LLC**

WHEREAS, the Zoning Board of Adjustment of the Village of Ridgewood (hereinafter referred to as the "Board") approved on June 23, 2015 the request for variance relief and preliminary and final major site plan approval for **657 RIDGEWOOD LLC**, to permit the reconfiguration of the existing retail gas service facility for the property located at 657 Franklin Turnpike, Ridgewood, New Jersey and shown on the Tax Map as Block 4703, Lot 14 (hereinafter referred to as the Property"), and

WHEREAS, Condition I-I of the Resolution provides that "The Applicant shall shift the handicap parking and handicap access space and said modification is subject to the Board's further approval"; and

WHEREAS, the Board has had the opportunity to review a revised Site Plan showing the reconfiguration and relocation of the handicap parking and handicap access space; and

WHEREAS, the Board has reviewed a revised Site Plan submitted by the Applicant which is more particularly described on Exhibit A attached to this Resolution; and

WHEREAS, the Board has made the following findings of fact:

1. The Board in granting Site Plan approval, gave direction to the Applicant as it pertains to shifting the handicap parking and handicap access space on the Property and rendered a decision requiring this to be completed by the Applicant, and which would be subject to the Board's further review and approval. The Board required that the number of parking spaces as proposed by the Applicant to remain the same with the shifting of the handicap parking and handicap access space.

2. The Board has reviewed the revised Plan more particularly referenced on Exhibit A, and has determined that the Applicant has in fact, followed the Board's direction provided to the Applicant during the course of the Public Hearing as it pertains to the shifting of the handicap parking and handicap access space, and the Board has further determined that the number of parking spaces still remain the same.

NOW THEREFORE, BE IT RESOLVED, on this ____ day of _____, 2015, that Condition 1-I of the Resolution of June 23, 2015 has been satisfied, and that the shifting of the handicap parking and handicap access space as set forth on the Plans more particularly described on Exhibit A of this Resolution is hereby approved, and the condition of the aforementioned Resolution has been satisfied subject to the following conditions:


1. All the terms and conditions of the Resolution granting preliminary and final site plan approval and variance/waiver approval of June 23, 2015 remain in full force and effect subject only to the modification pertaining to the shifting of the handicap parking and handicap access space as previously set forth in this Resolution.

This Resolution memorializes a decision rendered by Zoning Board of Adjustment on

June 23, 2015.

ADOPTED: 11/24/15

ATTESTED:


SECRETARY

BEW:cbp
(Ridgewood.657 Ridgewood, LLC)

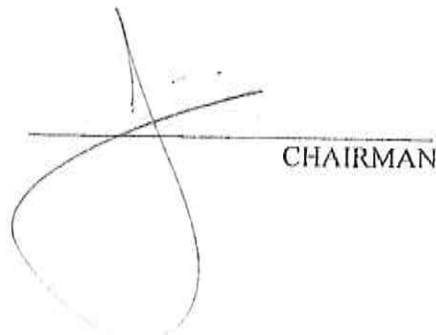

CHAIRMAN

EXHIBIT A

Site Plan for 657 Ridgewood LLC Proposed Fueling Station & Convenience Store consisting of 16 pages dated 8/7/12 revised through 4/1/15, prepared by Dynamic Engineering, Job No. 0141-11-066 for Block 4703, Lot 14, 657 Franklin Turnpike, Village of Ridgewood, Bergen County, New Jersey.

**VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT**

OFFERED BY:

SECONDED BY:

**IN THE MATTER OF THE APPLICATION OF
657 RIDGEWOOD LLC**

WHEREAS, 657 RIDGEWOOD LLC, 657 Franklin Turnpike, Ridgewood, New Jersey (hereinafter referred to as the "Applicant") previously filed an application with the Zoning Board of Adjustment of the Village of Ridgewood (hereinafter referred to as the "Board") for variance relief to permit the reconfiguration of the existing retail gas service facility, and for preliminary and final major site plan approval for a combined retail gas service facility and convenience store (hereinafter referred to as the "Prior Application") in connection with the property located at 657 Franklin Turnpike, Ridgewood, New Jersey and shown on the Tax Map as Block 4703, Lot 14 (hereinafter referred to as the "Property"); and

WHEREAS, pursuant to the Resolution adopted by the Board on June 23, 2015 the Board approved the Prior Application (hereinafter referred to as the "Prior Approval"); and

WHEREAS, the owner of property at 490 Route 17 South (Block 4703, Lot 11), Bergen Convenience Flagship, Inc. (hereinafter referred to as "BCF"), filed suit challenging the Prior Approval in the matter entitled, Bergen Convenience Flagship, Inc. v. Zoning Board of Adjustment of the Village of Ridgewood and 657 Ridgewood, L.L.C., (Docket # BER-L-7274-15); and

WHEREAS, by written opinion issued on March 2, 2017 the Hon. William C. Meehan, J.S.C. upheld the Prior Approval, based upon which an Order of Final Judgment was entered on March 22, 2017; and

WHEREAS, on April 28, 2017 BCF filed a notice of appeal of the aforesaid Order of Final Judgment with the Superior Court of New Jersey - Appellate Division (Docket # A-003609-16T4) (hereinafter referred to as the "Appeal"); and

WHEREAS, all parties, namely BCF, the Board and the Applicant, participated in the Appellate Division's mediation procedure, which resulted in a Settlement Agreement being executed between BCF and the Applicant calling for the submission by the Applicant of a revised plan for the redevelopment of the Property as a retail gas station with a quick service restaurant rather than a convenience store (the "Revised Plan"); and

WHEREAS, the Board is not a party to the Settlement Agreement so the Revised Plan

remained subject to the Board's review and approval pursuant to the procedure outlined in Whispering Woods v. Middletown Township 220 N.J. Super. 161 (L. Div., 1987); and

WHEREAS, the Applicant then submitted an application to the Board for the Revised Plan for preliminary and final site plan approval with "D" and "C" variance relief for the Revised Plan (hereinafter referred to as the "Revised Application"); and

WHEREAS, in light of the extensive revisions to the Prior Approval, the Board considered the Revised Application under both Whispering Woods v. Middletown Township 220 N.J. Super. 161 (L. Div., 1987), and as a new application under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (hereinafter referred to as the "MLUL"); and

WHEREAS, notice of the Revised Application was published and served in accordance with the requirements of the MLUL; and

WHEREAS, on August 29, 2017 and September 26, 2017 the Board held public hearings (hereinafter referred to as the "Public Hearings") to consider the Revised Application, in which the Applicant sought the following relief as outlined in its public notice:

"D" or "Use" Variances.

- (i) A variance to permit a combined gasoline filling station/quick service restaurant with drive-thru service where neither use is permitted in the OB-2 District; and
- (ii) A variance to permit more than one principal use, building or structure on one lot where the Ordinance does not permit same (if so interpreted by the Board); provided, however, that if the Board were to construe the retail gas operation to be accessory to the proposed quick service restaurant, the Applicant instead sought a variance to locate accessory structures in a front yard, which is otherwise prohibited. (The Applicant's position is that this is a singular use, per the prior interpretation of the Board.)

"C" or "Bulk" Variances and Design Waivers.

- (i) Variances for front yard setbacks from Route 17 (for the building) of 11.1 ft. and (for the canopy) of 25 ft. where the Ordinance requires a setback of 30 ft.;
- (ii) A variance for a front yard setback from the widening easement for Franklin Turnpike (for the building) of 15.9 ft. where the Ordinance requires a setback of 30 ft.; and
- (iii) A variance for impervious coverage of 82.2% where the maximum permitted by Ordinance is 70%.

"C" Variances for Signage.

- (i) A variance for five principal signs, one of which would be a pylon sign containing a Shell logo, a Dunkin' Donuts logo, and three gasoline grades and prices, two would be building-mounted Dunkin Donuts logos, and one would be a menu board sign and one would be a preview board sign, where the maximum permitted by Ordinance is one freestanding or one building-mounted sign; provided however, that if the Board ultimately were to construe the pylon signs as three separate signs, the Applicant instead sought a variance for seven principal signs;
- (ii) A variance for a freestanding sign area of 42 SF per side (84 SF total) where the maximum permitted by Ordinance is 30 SF per side (60 SF total);
- (iii) A variance for a freestanding sign dimension of 10.5 ft. x 4 ft. which exceeds the maximum permitted by Ordinance;
- (iv) Variances for Dunkin Donuts building mounted sign areas of 27.14 SF each where the maximum permitted by Ordinance is 11.1 SF;
- (v) Variances for Dunkin Donuts building mounted sign dimensions of 3.18 ft. by 8.54 ft. each which exceeds the maximum permitted by Ordinance; and
- (vi) A variance for a menu board sign area of 41.84 SF where the maximum permitted by Ordinance is 30 SF.

WHEREAS, the Revised Application was presented by the Applicant's counsel John M. Marmora, Esq.; and

WHEREAS, BCF appeared at the aforesaid hearings through counsel, Robert J. Inglima, Esq., who supported the Revised Application; and

WHEREAS, the Board considered the testimony, statements, and documents submitted during the course of the Public Hearings by all Parties involved, and heard the testimony of the following:

Applicant's Witnesses:

- A. Kamlesh Shah, who was qualified as an expert in architecture;
- B. John Palus, who was qualified as an expert in civil engineering;
- C. Nicholas Verderese, who was qualified as an expert in traffic engineering; and
- F. John McDonough, who was qualified as an expert in planning.

Board's Witnesses:

- A. Christopher Rutishauser, Board Engineer;

- B. Brigitte Bogart, Board Planner; and
- C. John Jahr, specially retained traffic consultant.

WHEREAS, the Board entered into evidence all of the Exhibits referenced on Schedule A attached to this Resolution; and

WHEREAS, after considering the Revised Application, supporting materials, reports of its professionals, and the testimony of all Parties at the Public Hearings, the Board makes the following findings of fact:

1. The Owner of the Property is 657 Ridgewood, LLC. The Property is located in the OB-2 Zone.
2. The OB-2 Zone does not permit gas stations or quick service restaurants with drive-thru service. The current gas station has been in operation on the Property for over 40 years and is a pre-existing nonconforming use. It currently has 6 fuel dispensers that permit a total of 10 fueling positions. There are two existing 12,000 gallon underground storage tanks. There is an existing octagon shaped canopy over the fuel dispensers and a kiosk below.
3. The Property is triangular in shape fronting on both Route 17 South and Franklin Turnpike. There are presently two driveways on Route 17 that permit ingress only, and two driveways on Franklin Turnpike, one of which permits ingress and egress and one being egress only.
4. The Property has an impervious surface coverage of 87.2% with 7 designated parking spaces on site.
5. The Applicant is proposing to continue the retail gas operation as a Shell franchise and is thus requesting signage consistent therewith.
6. The Applicant's engineer, John Palus, testified that the Applicant is proposing a 1,700 SF quick service limited restaurant with a drive-thru, and a retail gas operation with 8 fueling positions, canopy and kiosk. He described the site plan changes from the initial submission, which include the following:
 - A. Reducing the number of interior seats from 14 to 10 at 5 tables;
 - B. Reducing the building size from 1,800 SF to 1,700 SF with basement for mechanicals and storage only (where the Prior Approval was for a 1900 SF building);
 - C. Relocating the canopy to the northerly end of the site in order to allow parking closer to the building for more convenient access by patrons;
 - D. Increasing the number of parking stalls from 11 positions to 12 (subsequently

reduced to 10 at the request of the Board, as further discussed hereinbelow), in addition to the 8 spaces at the fueling positions;

- E. Relocating the trash enclosure to be in closer proximity to the building for more convenient access by employees;
 - F. Relocating the driveway on Route 17 in a northerly direction; and
 - G. Adding a bicycle rack to the plans.
7. Mr. Palus also testified that a new application will be filed with the NJDOT for the relocated driveway and that the curb footings will not encroach into the Route 17 right-of-way, and the Plans will be noted to provide for same.
 8. Lastly, Mr. Palus confirmed that the existing monitoring wells will be closed if required and the appropriate well closure permits will be provided to the Board engineer.
 9. The Applicant's traffic engineer, Nicholas Verderese, testified that in his opinion, the Revised Plan provided for an improved circulation pattern for customers entering and exiting the Property from even what was previously approved; that the proposed improvements constituted a vast improvement over the current condition; that the removal of the southerly driveway on Route 17 and the relocation of the access driveway closer to the north end of the Property will minimize conflicts with on-site vehicles; and that 10 parking spaces not only exceeded the Village Code requirement of 9 spaces, but would be sufficient for the proposed use. Mr. Verderese further confirmed that there would be approximately 5-8 employees on site during a maximum shift, but that the business operator would prohibit employees from driving and parking on site if there were insufficient parking spaces for patrons.
 10. At the request of the Board, the Applicant agreed that the parking spaces will be reduced from 12 to 10 so that additional landscaping can be provided. The two parking spaces to be removed will be "banked" so that if the Board determines in the future that they are needed, they can be so utilized. Accordingly, the Board presently grants the Applicant a variance for maximum impervious surface coverage of 82.2% where the maximum permitted by Ordinance is 70%; however, the Applicant shall submit a revised plan showing two of the parking spaces to be initially constructed as landscape areas, which revised plan shall be subject to the review and approval of the Board.
 11. Mr. Verderese opined that the adjacent street system will not experience any significant degradation in operating conditions with the Revised Plan.
 12. The Applicant's architect, Kamlesh Shah, testified as to the building floor plans and confirmed that the exterior architectural features on the proposed building are generally

consistent with what was previously approved by the Board. Mr. Shah further testified that Dunkin Donuts does not cook on premises but rather merely heats previously prepared foods and serves beverages.

13. The Applicant's planning expert, John McDonough, testified as to the nonconforming aspects of the Property. He confirmed that the station has been operating for over 40 years and has co-existed with surrounding uses. He also rendered an opinion that the use as a retail gas facility/ quick service limited restaurant with drive-thru service does not constitute two principal uses or buildings on one lot; rather, in the current marketplace it constitutes a singular use.
14. Mr. McDonough further opined that the Property is particularly suitable for the proposed use for the following special reasons:
 - A. The use as a retail gas facility/quick service restaurant with drive-thru provides for a "one stop shop" opportunity, and promotes the efficient use of the land in a manner that is consistent with public demand and industry trend;
 - B. There are a number of similar uses along the Route 17 corridor thus indicating both public demand and acceptance;
 - C. The current use has co-existed with other uses without any substantial detriment to the surrounding properties.
 - D. Variance relief is appropriate from a planning perspective under the criteria set forth in the MLUL in that it promotes the general welfare because it meets the demands of the motoring public, creates a better overall site improvement from what currently exists, creates a safer environment through better traffic pattern, creates a better visual environment by increasing landscaping, and promotes efficient use of land for allowing members of the public to come to one location to re-fuel their vehicles while obtaining convenience food and beverages from the quick service restaurant.
 - E. There are no negative impacts from the Revised Plan; rather, the benefits are substantial, including the addition of substantial greenscape, an aesthetic upgrade to a presently unattractive site, and the improvement to traffic safety in the vicinity based upon the closure of the two southerly driveways and the improved on-site circulation.
 - F. There are no impairments to prior Master Plan's goals and objectives, because of the overall upgrading of the site in bringing it more in conformity to today's standards and the public needs.

15. Mr. McDonough also testified as to the bulk variances and rendered an opinion that the benefits outweigh the detriments as it pertains to those variances for the reasons previously referenced and that there was no substantial detriment to the public good or any impairment of the Master Plan or Zoning Ordinance for the same reasons previously expressed. He also indicated that from a planning perspective, the Property was very unique in location and configuration and conformity to some of the bulk standards would constitute a hardship.
16. Mr. McDonough also testified as to the signage variances and opined that the relief is justified under both the hardship standard and the balancing standard as follows:
 - A. The amount of signage is due to the condition of the land, extensive road frontage and vantage points;
 - B. The signage is not disproportionate to the proposed improvements; and
 - C. The benefit of clear and safe identification of the site outweighs any detriment.
17. The Applicant withdrew its variance for the building mounted sign that faces Route 17 when the Board indicated that they would not approve the variance and the Plans shall be modified accordingly.
18. The Board also reviewed reports and heard testimony of its consultants.
 - A. The Village Engineer provided one report to the Board, and testified at the Public Hearings that there were benefits in this proposal from a site plan perspective in that there would be much safer traffic circulation.
 - B. The Board's Planner provided a report and testimony during the course of the Public Hearings and advised the Board that in order to approve the Revised Application, special reasons are required under the MLUL which in this instance would require a finding by the Board of "particular suitability". She opined that in her view the Property was suited for the use and that traffic typically for this type of use from a planning perspective is based upon pass-by traffic. She confirmed that based upon the 1970 rezoning of the Property, and based upon the fact that there has been no change pertaining to that rezoning, that the burden is upon the Applicant to demonstrate an enhanced quality of proof and that the Revised Plan will not result in a substantial detriment to the public good nor impair the intent of the Master Plan and Zoning Ordinances as required under the Medici criteria, which the Board has reviewed as part of its decision making. She also confirmed that the relocated driveway allows for a better and safer access to the site and increases the length of the driveway to allow for a greater buffer before entering

- the internal circulation of the site, and any potential conflicts between vehicles.
- C. The Board had the benefit of its traffic consultant, John Jahr, who provided testimony as well as written reports. Modifications were made to the original plans based upon suggestions from Mr. Jahr, and in his opinion, the currently proposed design constitutes a significant improvement to present conditions, and even to the conditions previously approved.
19. The Board has determined that there are special reasons in this instance to grant a use variance. The Board has determined that the use is particularly suited to this location for the following reasons:
- A. The Property itself is very unique being triangular in shape and being located between two existing roadways, one being a County roadway known as Franklin Turnpike, and the other being very heavily trafficked Route 17 South. These roadways actually intersect at the southerly point of the Property. The gasoline service station has functioned on this Property without incident for over 40 years, and there is no present indication that any of the uses permitted within the OB-2 Zone will be developed here. The gas station use has co-existed with the other uses that surround it without any substantial detriment to the other neighboring properties. The Board has determined based upon this proposal, that the Village has a unique opportunity to have this dated facility upgraded to meet current public demands and needs and at the same time provide for a better overall facility from a safety and aesthetic standpoint. In that regard, the Board has found the following reasons that promotes the general welfare and meets the mandates under N.J.S.A. 40:55D-2. These include the following:
 - i. Better overall safety element to the site based upon the proposed development. There is an elimination of two driveways and a better reconfiguration and use of the driveways that are remaining. This has been supported by the NJDOT and by the Board's own traffic consultant. The Board finds that from a traffic safety aspect regarding ingress and egress, this plan is far superior than what currently exists, and what was previously approved. The Board concurs with the opinions rendered by the Applicant's traffic engineer and the Board's traffic engineer.
 - ii. The actual traffic flow throughout the site is better from a traffic safety standpoint than what currently exists. Again, the Board concurs with its traffic engineer in this regard.

- iii. The ability for fuel trucks to come in as stipulated in the findings of fact to be off hours between 9:00 PM and 6:00 AM is better than what currently exists.
 - iv. The reduction in impervious coverage and addition of landscaping creates not only an improvement for drainage, but also an aesthetic benefit.
 - v. The Revised Plan will create a better overall streetscape based upon the improvements shown, and provides a desirable visual environment.
 - vi. Creation of a better drainage plan constitutes a positive element and reason for variance relief.
 - vii. The Revised Plan provides to the general public a use that the public demands on a site that can properly accommodate it.
20. The Board also determined that there is no detriment to the Master Plan or Zoning Elements of the Village of Ridgewood, but instead there are positive elements that include the aforementioned traffic safety aspect, better vehicular circulation plan, better landscaping, better aesthetics, creation of a better visual element, creation of a better lighting plan than what currently exists and creation of a use that has no detriment within the immediate vicinity since there are no residential properties nearby.
21. The Board notes that it is the culmination of all of those reasons to constitute special reasons and constitutes a basis for the particular suitability of this Property for the uses as proposed.
22. The Board notes that although there have been opportunities with re-examinations, there has been no change to the OB-2 Zone nor any change to the particular classification of this unique piece of property. It is the Board's position based upon all the information it has received, that there is a unique opportunity to upgrade the Property without any detriment to the Zone Plan of the Village of Ridgewood. The Property itself is unique and is not realistically prone to be developed as contemplated in the OB-2 Zone. The Board has determined that the Revised Plan represents an upgrade both functionally and visually that supports various special reasons under MLUL. The Board recognizes this is not a minor expansion of an existing nonconforming use, but constitutes in essence "a clean slate" with the entire replacement of the current facility. However, as previously stated, this triangular piece of property fronting on these two roadways in this particular location is particularly suited for a use the public expects and demands. On the basis of the foregoing, the Board has determined that the Property is particularly suited for the use and the Applicant's proposal constitutes a major improvement over what currently exists, and

is beneficial to the public serving the purposes set forth in N.J.S.A. 40:55D-2. In addition, there is a reduction in the fuel dispensers on site which thereby reduces that aspect of the current nonconforming use. Overall, the Board has determined that the site is particularly suited for the use, the reduction in fuel dispensers and the addition of the quick service restaurant results in a better overall development of this uniquely configured lot and serves as a vast improvement to the nonconformity that currently exists. This rationale constitutes the reasoning also for the Board's prior approval for the land use application brought by the Applicant.

23. The Board has determined that variance relief for the minimum front yard setbacks is appropriate in this instance based upon the fact that the Property has a unique configuration being triangular in shape and basically fronting on two roadways. Any type of use, even those that are permitted, would require variance relief because of the size, shape and location of the Property. For all the setback variances that have been previously listed in this Resolution, relief is appropriate under N.J.S. 40:55D-70(c)(1).
24. These variances have been granted with the understanding that there are certain stipulations made by the Applicant including, but not limited to, the restricted off-hour deliveries for merchandise to the quick service restaurant and for fuel, and that is one of the reasons considered size and location to meet safety standards on a heavily trafficked Route 17. Therefore, the maximum number of principal signs, moveable fuel price signs, sign content, sign dimensional proportions, maximum free standing sign area, maximum free standing sign height, are all reasonable and standard for gas station use. In this instance, variance relief is appropriate under N.J.S. 40:55D-70(c)2. There is a substantial benefit namely, a safety factor in having signs in the proper location and proper size to accommodate the public. The contents of the sign and the locations are what the public expects and there is no detriment in this instance since such signage does not create any detriment aesthetically, recognizing that none of it is located next to a residential area.
25. The canopy and kiosk are not considered to be primary structures, but are accessory and granted based upon the plans that have been submitted. The Board considers this to be a singular use as it did with the Prior Application that has become increasingly common on Route 17; therefore, it does not see the need for variances for two principal uses and/or structures on one lot.
26. The approval is also subject to completion of all landscaping requirements as required by the Village Planner and Village Engineer to be provided in place of the parking spaces that are being banked for future use, if needed. This revised plan shall be presented to

the Board for final approval.

NOW THEREFORE, BE IT RESOLVED, on this 10th day of October, 2017, by the Zoning Board of Adjustment of the Village of Ridgewood that the request for variance relief and preliminary and final major site plan approval is hereby GRANTED subject to the following conditions:

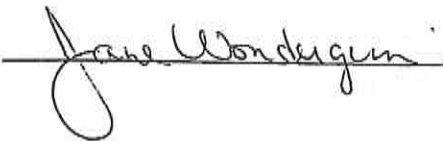

1. The Applicant shall develop the site in accordance with the Exhibits entered into evidence during the course of the Public Hearings, and as attached to the Application. The plans shall be amended and modified to meet all of the requirements of and as set forth in the reports of the Village Engineer, Village Traffic Consultant and Village Planner. The Applicant shall revise the Plans in accordance with the requirements set forth in this Resolution to be reviewed and approved by the Board as it pertains to those revisions.
2. All construction shall be completed in accordance with all ordinances and building requirements of the Village of Ridgewood, the Uniform Construction Code of the State of New Jersey, and in accordance with the instructions of the Construction Official of the Village of Ridgewood.
3. The Applicant is required to obtain a building permit, post all necessary fees and costs. No building permit shall be issued by the Village of Ridgewood for said construction on this Property until the Construction Code Official has received written verification that all fees have been paid to the Zoning Board of Adjustment of the Village of Ridgewood in regards to said Land Use Application that is the subject of this Resolution. If fees are due and owing, including fees in the escrow account for the Applicant, Applicant shall make payment forthwith in regards to same.
4. The Applicant shall comply with any applicable provisions of the affordable housing growth share obligation pursuant to Village Code, ordinances and Law pertaining to affordable housing. No building permits shall be issued until Applicant's growth share obligation, if any, has been determined by the Village and its representative in accordance with applicable Village regulations, Ordinances and directives pertaining to affordable housing and obligations related hereto.
5. The Applicant shall comply with the terms of Village Ordinance #2802 relating to mandatory development fees to fund affordable housing (Section 145-8), if applicable. The Applicant shall comply with all applicable Village regulations, Ordinances and directives pertaining to affordable housing and obligations related thereto.
6. The quick service limited restaurant use that has been approved is contemplated to be a

Dunkin Donuts facility. It is stipulated that any quick service limited restaurant and use shall not be permitted to cook on the premises, but only heat previously prepared foods and serve beverages, and this limitation shall remain and run with the land unless further approved by the Zoning Board of Adjustment of the Village of Ridgewood, or unless quick service restaurants become a permitted use in the subject zone. Also, the basement of the building will be used for mechanicals and storage only.

7. This approval is subject to all other governmental approvals including, but not limited to, approval by the Bergen County Planning Board, the Bergen County Soil Conservation District, New Jersey Department of Transportation.
8. Execution of a Developer's Agreement to be prepared by the Board Attorney, and to be recorded in the Bergen County Clerk's Office in the Book of Deeds, and posting of all necessary performance guarantees as required by the Village Engineer. Applicant is required to obtain a building permit, post all necessary fees and costs. No building permit shall be issued by the Village of Ridgewood for said construction on this Property until the Construction Code Official has received written verification that all fees have been paid to the Zoning Board of Adjustment of the Village of Ridgewood in regards to said Land Use Application that is the subject of this Resolution. If fees are due and owing, including fees in the escrow account for the Applicant, Applicant shall make payment forthwith in regards to same.

ADOPTED: October 10, 2017

ATTESTED:

A handwritten signature in cursive script, appearing to read "Jane Wonders", written over a horizontal line.A handwritten signature in cursive script, appearing to read "J. J. Lehmann", written over a horizontal line.

BEW: cbp

(Ridgewood.657 Ridgewood, LLC)

SCHEDULE A

**657 RIDGEWOOD LLC I RIDGEWOOD
ZONING BOARD OF ADJUSTMENT HEARING**

Exhibits Marked on the Record:

Exhibits Marked at August 29, 2017 Hearing

- A-1 Zoning Board of Adjustment Resolution memorialized June 23, 2015
- A-2 Zoning Board of Adjustment Resolution memorialized November 24, 2015
- A-3 Order of Final Judgment entered by Hon. William C. Meehan on March 22, 2017
- A-4 Notice of Appeal filed April 28, 2017
- A-5 Prior Approved Site Plan prepared by Dynamic Engineering
- A-6 Aerial Photograph of Site
- A-7 Color Version of New Site Plan
- A-8 Photo Rendering No. 1
- A-9 Photo Rendering No. 2
- A-10 Photo Rendering No. 3
- A-11 Photo Rendering No. 4
- A-12 Photo Rendering No. 5
- A-13 Supplemental Traffic Report by Dynamic Traffic dated August 29, 2017

Exhibits Marked at September 26, 2017 Hearing

- A-14 Amended Site Plan Rendering prepared by Dynamic Engineering dated August 10, 2017, last revised September 12, 2017
- A-15 Planning Exhibit (3 sheets), prepared by John McDonough
- A-16 Prior Architectural Rendering
- A-17 New Architectural Plan prepared by KSD Architecture dated September 13, 2017 (Sheet SK-4)

VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT

OFFERED BY:

SECONDED BY:

IN THE MATTER OF THE APPLICATION OF
657 RIDGEWOOD LLC

WHEREAS, 657 RIDGEWOOD LLC, 657 Franklin Turnpike, Ridgewood, New Jersey (hereinafter referred to as the “Applicant”) has previously received preliminary and final site plan approval and variance approval for 657 Franklin Turnpike, Ridgewood, New Jersey and shown on the Tax Map as Block 4703, Lot 14(hereinafter referred to as the Property”), by virtue of a Resolution dated June 23, 2015, which was modified by virtue of a Resolution dated October 10, 2019; and

WHEREAS, the Applicant is proposing a minor modification to the originally approved Plan to permit a change in the height and clearance structure for motor vehicles for the drive-thru lane; and

WHEREAS, the matter was reviewed by the Village of Ridgewood Zoning Board of Adjustment at its meeting of April 9, 2019; and

WHEREAS, the Board has made the following determination:

- A. The modification proposed to the structure for clearance of motor vehicles in the drive-thru do not require variance relief and is de minimus in nature;
- B. On the basis of the minor modification proposed, no public hearing is required.

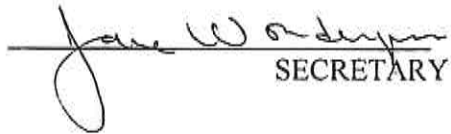
NOW THEREFORE, BE IT RESOLVED, on this 14th day of May, 2019, by the Zoning Board of Adjustment of the Village of Ridgewood that the modification to the motor vehicle clearance structure as proposed by the Applicant, said Exhibit having been submitted to the Board and attached hereto, is

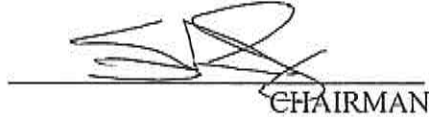
hereby approved.

BE IT FURTHER RESOLVED, that except as contained herein, all of the conditions of the prior approvals remain in full force and effect.

ADOPTED: MAY 14, 2019

ATTESTED:


SECRETARY


CHAIRMAN

BEW: cbp
(Ridgewood.657 Ridgewood, LLC)

OFFICIAL PUBLIC MONTHLY MEETING: 657 Ridgewood LLC 657 Franklin Turnpike

Block 4703, Lot 14

DATE OF DECISION: 12/12/17

NAME	MOVED	SECONDED	YES	NO	ABSTAIN	ABSENT	RECUSED OR INELIGIBLE TO VOTE
Hans-Jurgen Lehmann Chairman			X				
Gary Negrycz Vice Chairman	X		X				
Alyssa Matthews							
Diana Ruhl			X				
Greg Brown							
Sergio Alegre							
Ines Bunza		X	X				
John Papietro							
Alternate #1							
Isaac Lebow Alternate #2							

VILLAGE OF RIDGEWOOD
ZONING BOARD OF ADJUSTMENT

OFFERED BY:

SECONDED BY:

IN THE MATTER OF THE APPLICATION OF
657 RIDGEWOOD LLC

WHEREAS, 657 RIDGEWOOD LLC, 657 Franklin Turnpike, Ridgewood, New Jersey (hereinafter referred to as the "Applicant") received variance relief and preliminary and final site plan approval by the Zoning Board of Adjustment of the Village of Ridgewood (hereinafter referred to as the "BOARD") on October 10, 2017 for a combined retail gas station facility and convenience store on the Property located at 657 Franklin Turnpike, Ridgewood, New Jersey and shown on the Tax Map as Block 4703, Lot 14(hereinafter referred to as the Property"), and

WHEREAS, the Resolution conditioned its approval upon the Applicant revising the Plans in accordance with the requirements set forth in the Resolution as it pertains to the completion and modification to the landscaping requirements as required by the Village Planner and the Village Engineer to be provided in place of parking spaces that are being banked for future use if needed as per Paragraph 26 of the aforementioned Resolution; and

WHEREAS, a Landscape Plan has been submitted and reviewed by the Planning Board Members, said Plan being entitled: "Landscape Plan" prepared by Dynamic Engineering, Sheet 7 dated 8/10/17 and revised through 10/4/17; and

WHEREAS, the Board approved the Landscape Plan at its meeting held on December 12, 2017 and made the following findings:

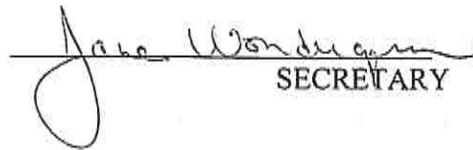
1. The Landscape Plan is in accordance with the requests made by the Village Planner and by the Board during the course of its prior public hearings. The installation of this landscaping

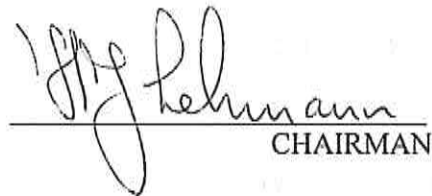
shall be completed by the Applicant as part of its preliminary and final site plan approval

NOW THEREFORE, BE IT RESOLVED, on this 9th day of January, 2018, by the Zoning Board of Adjustment of the Village of Ridgewood that the Landscape Plan previously referenced in the Resolution is hereby GRANTED approval.

ADOPTED: JANUARY 9, 2018

ATTESTED:


SECRETARY


CHAIRMAN

BEW: cbp
(Ridgewood.657 Ridgewood, LLC)

OFFICIAL PUBLIC MONTHLY MEETING: 657 Ridgewood LLC 657 Franklin Turnpike

Block 4703, Lot 14

DATE OF DECISION: 12/12/17

NAME	MOVED	SECONDED	YES	NO	ABSTAIN	ABSENT	RECUSED OR INELIGIBLE TO VOTE
Hans-Jurgen Lehmann Chairman			X				
Gary Negrycz Vice Chairman	X		X				
Alyssa Matthews							
Diana Ruhl			X				
Greg Brown							
Sergio Alegre							
Ines Bunza		X	X				
John Papietro							
Alternate #1							
Isaac Lebow Alternate #2							