



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

Memorandum

MEMO TO: Village of Ridgewood Zoning Board
FROM: Maryann Bucci-Carter, PP, AICP, Village Planner
DATE: June 2, 2021

**Re: Outfront Media LLC
Preliminary & Final Major Site Plan with Variances
Planning Review Letter # 1
Block 4703, Lot 10
500 Route 17
Ridgewood Village, New Jersey
Zone OB-2
Our File: HVRZ4703.02
Application No.: ZBA-21-16**

As per your request, our office has reviewed the above referenced application. The following documents were reviewed for this application:

- Village of Ridgewood Development Application form;
- Flood Insurance Rate Map Information;
- Certificate of Historic District/Site Designation;
- 1975 Planning Board Resolution approving addition to a gas station;
- Municipal Lien Search;
- Tax certification;
- 2018 Google ariel view of the site.
- Boundary and Partial Topographical Survey by Dynamic Engineering, dated 12-18-19 consisting of one (1) sheet.
- Preliminary and Final Site Plan for Outfront Media LLC, by Dynamic Engineering, dated 2-20-20, consisting of three sheets.

The application is substantially complete and can be deemed complete. In the comment section below there is a request for additional information. Additional details may also be requested by the Village Engineer.



Village of Ridgewood Zoning Board of Adjustment
Re: Outfront Media, LLC
Preliminary and Final Site Plan with Variances
Page 2

June 2, 2021
Our File: VRZ4703.02

1. Summary of Application

The applicant, Outfront Media LLC, is seeking Preliminary and Final Major Site Plan approval to construct a "single pole, double-faced, off premise multi-message digital offsite advertising billboard sign with dimensions of 10 feet – 6 inches x 35 feet - 8 ¼ inches, (375 square feet) and a height of 40 feet. The applicant proposes 24/7 operation of the digital messaging sign." The type of sign proposed is commonly referred to as a billboard. It is proposed to be situated ten (10) feet from the highway R-O-W line and zero (0) from the existing commercial building currently operating on the site.

2. Site Description

The site is conforming in size. It is 22,278 square feet, (approximately ½ acre) in size and triangular in shape. It presently contains an auto repair facility that has been in operation for many years. Existing site improvements include a one story building with three garage bays and an office area. The building contains a wall sign identifying the business as Tire/Wheel Performance Center and it is currently operational. The commercial business operation contains an entry and exit driveway with outdoor surface parking spaces, two outdoor storage containers, broken asphalt, gravel areas and peripheral fallow and grass areas.

3. Surrounding Area Character and Uses

The project site is located on the southbound side of NJ Highway Route 17. Immediately adjacent to its' south along Route 17 is an Exxon Service Station with canopy and convenience Store. To the North is a two story office building. To the east, across Route 17 from the site at 460 West Saddle River Road is the NJ State Registrar property and park presently undergoing rehabilitation and historic restoration known as the Schedler Property. Across Franklin Turnpike (west of billboard) is the Valleau Cemetery (tax map page 30). South of the proposed billboard site is the Old Paramus Church, on East Glen Avenue.

3. Variances Required

The following "d" or use variances are required:

- **§190-122.B(1)(a):** Specifically prohibits billboards. A d(1) use variance is required.
- **§190-113.A:** The existing auto related use on the site is a pre-existing non-conforming use. Adding other uses to the site is an expansion or intensification of a pre-existing non-conforming use requiring a d(2) use variance.



Village of Ridgewood Zoning Board of Adjustment
Re: Outfront Media, LLC
Preliminary and Final Site Plan with Variances
Page 3

June 2, 2021
Our File: VRZ4703.02

- **§190-113.E(1):** The billboard is a second principal use on the site. If the Board determines it to be a building subject to height requirements, then a d(6) use variance is required as the 40' proposed height exceeds by both 10' and 10% of the permitted height of 30'.

In addition, the following new "c" or bulk variance are required for this second principal use:

- **§190-113.E(2):** A 30' minimum front yard setback is required, 10' proposed.
- **§190-113.E(3):** A 12' minimum side yard setback is required, 10' proposed.

Should the billboard also be considered a sign, the following bulk variances from the sign requirements are needed:

- **§190-122.F:** One exterior sign permitted. This would be a second exterior sign on the site.
- **§190-122.F(1):** Exterior sign to display only the name, logo or activities carried on at the site. Billboard to have other messages.
- **§190-122.F(3)(b):** Maximum 60 square feet of sign area permitted for two-sided sign, 749 square feet proposed.
- **§190-122.F(3)(c):** Maximum 15' sign height permitted, 40' proposed.
- **§190-122.F(5):** Source of sign illumination to be shielded so as to be not visible from the street or adjoining properties. The billboard is designed to be visible from the street.

4. Variance Types

The application requires both "d" variances and "c" variances. As such the applicant will have to testify as to the positive and negative criteria.

D(2) Expansion of non-conforming use

Pursuant to the MLUL and the State Court's decision in the case of *Burbridge v. Mine Hill Board of Adjustment*, the burden is on the applicant to demonstrate that there is a *special reason* to permit the expansion of the existing non-conforming use. In *Burbridge*, the Court held that a Zoning Board considering a request for a d(2) variance must determine whether permitting the expansion would promote the purposes of 1. The MLUL, 2. The municipality's Master Plan and Zoning Ordinance, and 3. The State Development and Redevelopment Plan. The d(2) variance may only be granted for a nonconforming use that was established legally prior to the enacting of the current zoning.



Village of Ridgewood Zoning Board of Adjustment
Re: Outfront Media, LLC
Preliminary and Final Site Plan with Variances
Page 4

June 2, 2021
Our File: VRZ4703.02

- a. Positive Criteria
 - i) That the site is particularly suited to the use.
 - ii) There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (NJSA 40:55D(2)), and should promote the purposes of the municipality's Master Plan and the State Development and Redevelopment Plan.
- b. Negative Criteria
 - i) That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
 - ii) That the variance can be granted without substantially impairing the Zone Plan or Zoning Ordinance.

The applicant should be prepared to provide testimony regarding the following requests:

"c"(1) Bulk Variance:

- i. Exceptional narrowness, shallowness or shape of property;
- ii. Exceptional topographic conditions or physical features uniquely affecting the property; or
- iii. Extraordinary and exceptional situation uniquely affecting the property or the structures lawfully existing thereon.

"c" (2) Bulk Variance:

- iv. Positive Criteria
 - a. Purpose of Municipal Land Use Law will be promoted by the proposed deviation; and
 - b. The benefits of the deviation substantially outweigh the detriments.
- v. Negative Criteria
 - a. The proposed deviation will not result in a substantial detriment to the public welfare; and
 - b. The proposed deviation will not substantially impair the intent and purpose of the master plan and the zoning ordinance

5. Master Plan Compliance

The 2016 Re-Examination Report contains the following relevant passages:



Village of Ridgewood Zoning Board of Adjustment
Re: Outfront Media, LLC
Preliminary and Final Site Plan with Variances
Page 5

June 2, 2021
Our File: VRZ4703.02

- *A primary planning objective cited in the prior reexamination report is the preservation of the Village's residential neighborhood.* The proposed billboard will likely be visible from residential uses thus being contrary to this objective.
- In 2012, the historic preservation plan element was amended reflecting the addition many properties and strengthening the effort of historic preservation within the Village. There are several extremely significant and contributing historic properties that will be negatively impacted by the proximity of the proposed billboard.

The 1983 Master Plan, which is still in effect, contains the following relevant passages:

- Page 66. *The OB-2 Zone permits the same uses as are permitted in the OB-1 zone ...The height limitation is restricted to 30 feet...No change is proposed in the zone district boundary or standards regulating this zone.* So the zone was evaluated and no changes proposed to allow either automobile service uses or billboards. Similarly, no subsequent re-examination proposed changes to allow automobile service uses or billboards.

One of the purposes of the Village's Land Use and Development regulations is to "Promote a desirable visible environment through creative development techniques and good civic design and arrangements". The proposed billboard would not appear to advance this purpose.

6. Comments

- a. An elevation plan, including materials and finishes, of the proposed billboard should be provided.
- b. A view analysis from any nearby residential properties should be provided.
- c. The site is in need of significant up-grading. The site plan application for the billboard gives the Board the ability to review the entire site and require general up-grading as needed.

Please do not hesitate to contact me at mbcarter@RidegewoodNJ.net if you have any questions.

Sincerely,
CME Associates

Maryann Bucci-Carter, PP, AICP
Project Leader