



Township of Montclair

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MONTCLAIR ZONING BOARD OF ADJUSTMENT



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MINUTES OF THE BOARD OF ADJUSTMENT JANUARY 27, 2016

ORDER: The meeting was called to order at 7:50 p.m. by Graham Petto. Mr. Petto read the notice of compliance with the New Jersey Open Public Meetings Act and indicated that appropriate notice was forwarded to the officially designated newspaper of Montclair and posted in the Municipal Building. The schedule of meetings is also posted on the Township website.

ROLL CALL: Mr. Petto called the roll. Present were Mr. Harrison, Mr. Fleischer, Mr. Susswein, Ms. Baggs, Mr. Moore, Mr. Sullivan, and Mr. Petto. Ms. Checca and Mr. Reynolds were excused.

NEW BUSINESS:

Chair Harrison introduced the application. Representing the applicant was attorney Mr. David Stern.

Mr. Stern stated the intent of the applicant and introduced Mr. Roy Dedeic, engineer for the project.

Mr. Dedeic gave an overview of the existing site and reviewed the proposal to add a total of six new dwelling units in a new third story of the subject property.

Mr. Dedeic referred to Exhibit A-9 to detail the existing site plan. He then noted the proposed improvements to the site under the application including trash storage, landscaping, lighting and parking.

Mr. Fleischer asked for clarification on the proposed height of the building. He noted that the existing building appears to be 31 feet. He asked what the proposed height of the building would be following the addition to the flat surface of the roof. Mr. Dedeic replied that the height information was obtained from the survey of the property. Mr. Fleischer noted that is not consistent with the requirement of the ordinance.

Mr. Fleischer stated that it appears from the plans the height of the building will only increase by about 8.6 feet. He stated that this would not be sufficient to accommodate a full third story on the building and needed more clarification.

Mr. Dedeic explained that in the existing building there is a small attic space, about four feet in height above the second floor and below the roof. He stated that the roof does slope to the rear of the building by about two feet over the course of the building.

Mr. Fleischer replied that while in concept he understands the explanation, he stated that logically it does not seem to work. He noted that there is no clarity in the documents and plans as currently submitted. Mr. Dedeic explained the location of the small attic and how this would be replaced with the third story.

Mr. Fleischer stated that the Board needs to know the exact height of the property as measured in accordance with the standards for measuring height in the zoning ordinance. He stated that there needs to be consistency in the numbers presented in the plans to the Board. Mr. Fleischer noted that the engineering plans and the architectural plans have different height measurements.

Mr. Dedeic stated that the height figures were provided from the survey and by the architect for the applicant.

Ms. Baggs referred to the zoning analysis on the engineering plans and noted that the existing units listed for the property indicate 6 units. She noted that based on the plans and testimony so far, this is incorrect and should be 9 units. Mr. Dedeic stated that this question would be best for the architect.

Ms. Baggs asked about the front yard setback of the building which will be extended with the third floor addition. She asked if this would require a variance. Mr. Dedeic stated that this question would be best for the architect.

Mr. Sullivan clarified that extensions of front yard setbacks require a variance.

Mr. Harrison referred to the memo prepared by the Board Engineer and the note that the seepage flows in the wrong direction. Mr. Harrison asked for clarification on how this would be corrected to flow towards the street. Mr. Dedeic stated that the current design can handle the anticipated amount of runoff, but he noted that adjustments to the engineering plans would be made to address the issue.

There were no questions of the witness from the public.

Mr. Stern then introduced Mr. Michael Romanik, architect and planner for the applicant.

Mr. Romanik reviewed the architectural plans, including the existing and proposed improvements. He noted the penthouse level plans which included mechanical equipment to be placed on the roof of the property. He noted that the addition would not exceed 10% above the allowable height in the N-C zone district.

Mr. Romanik noted that the new addition would be brick to match the existing building. He reviewed the setbacks and stated that the variance before the Board is to exceed the allowable density of 28 units per acre.

Questions from the Board were then accepted.

Mr. Susswein asked Mr. Romanik if he was also serving as the applicants Professional Planner. Mr. Romanik replied yes.

Mr. Susswein asked if typically the planner prepares the zoning analysis. Mr. Romanik replies yes, however he noted that an engineer can prepare it as well.

Mr. Susswein asked if there were in fact 9 existing dwelling units in the subject property when the note on the plans states 6. Mr. Romanik replied, yes there are 9 existing units and 6 new proposed for a total of 15 units on site.

Mr. Susswein asked if the existing number of apartments is already a non-conforming density in the N-C zone. Mr. Romanik replied yes.

Mr. Susswein asked what the benefits of doubling the existing density would be. Mr. Romanik stated that the property owner would testify to the benefits. However, he noted that there is demand for additional housing in the area and he stated that the parking expert would address parking concerns. Mr. Romanik stated that the project would meet the positive criteria because it promotes the general welfare in addressing the demand for housing in the area.

Mr. Susswein asked if there were any affordable units among the 9 existing units. Mr. Romanik stated that none of the existing units are affordable, but he noted that the applicant would comply with the requirements of the Township's Inclusionary Zoning Ordinance.

Mr. Moore asked what the square footage of the new units would be. Mr. Romanik stated that information was not available on the plans, however he noted that the units are very sizeable.

Mr. Fleischer asked if the applicant would have to comply with ADA and building code requirements given the size of the renovation. He noted that presently there is only one means of egress from the units and no elevator proposed. Mr. Romanik stated that conversations have been held with the New Jersey Department of Community Affairs with regard to the required codes. He noted that a sprinkler system and central fire alarm would be installed. He stated that if an elevator is required, that it would be discussed with the applicant. Mr. Romanik stated that there have been differing opinions on the required upgrades. He noted that the ground floor of the building is accessible.

Mr. Fleischer asked if there had been any discussion with the Township Construction Official. Mr. Romanik replied no and stated that only preliminary conversations have been held.

Mr. Fleischer asked what would be located in the mechanical room. Mr. Romanik stated that HVAC equipment would be contained in the mechanical room.

Mr. Fleischer noted that the proposed mechanical room is quite small and would not be able to accommodate the units required for the building.

Mr. Joe Santomo, applicant, stated that HVAC equipment would be the only equipment in the mechanical room.

Mr. Fleischer stated that the application needed justification for the variance. He noted that the site is undersized and already exceeds the permitted residential density. He noted that there is no proposed increase in the parking. He asked what justifications would be provided to allow a doubling of the permitted residential density. Mr. Fleischer noted that even the recently adopted Land Use element of the master plan called for retaining the residential density at 28 units per acre for this site. He stated that a planning justification was needed.

Mr. Romanik stated that the justification was the need for additional housing in the area. He also noted that the proposed addition would not burden the site.

Mr. Fleischer asked what the planning rationale was for the application.

Mr. Romanik stated that the demand in the area for housing is great and that the addition would not strain the property.

Mr. Harrison asked if the heights in the prepared plans submitted by the applicant were calculated in accordance with the ordinance. Mr. Romanik replied no.

Mr. Harrison noted that it remains unclear the extent of the variance for the height given the limited information. Mr. Harrison explained that the Board needs justification to grant such a variance for the density increase. He stated that if the justification is presented a variance may be granted. He stated that at this time, the Board did not have enough information about the height of the building to rule on that variance.

Mr. Dedeic reviewed how the height of the existing building will be incorporated into the proposed addition.

Mr. Harrison asked if anyone measured the building in accordance with the definition of height in the zoning ordinance. Mr. Dedeic replied no.

Mr. Stern stated that the applicant would like to postpone the application to a later meeting to further review the height issue and update information.

Mr. Harrison agreed to the request. He reviewed some additional items identified in the planning memo.

Mr. Harrison asked how the basement is used. Mr. Santomo stated that it is mostly empty except for some small storage use by commercial tenants.

Mr. Harrison asked if storage for the residential units in the building would be provided in the basement. Mr. Santomo replied yes.

Mr. Harrison stated that the Board would need better justification for the requested use variance. He also noted that it would be best to bifurcate the testimony by the architect and the planner. Mr. Harrison continued noting that the building right now exceeds the permitted density and the request before the Board is to nearly double the residential density.

Mr. Harrison asked if the parking expert was present and could provide testimony.

Mr. Stern stated that the applicant would like additional time to do some additional parking study. Mr. Harrison stated that would be fine.

Mr. Susswein suggested the applicant prepare a building section to illustrate the levels of the building as proposed.

Mr. Fleischer noted that typically a survey includes the finished first floor elevation of the building, which could aid in determining the height of the building. He noted that an elevation for each floor and the roof would also be helpful.

Mr. Harrison explained the future schedule pending before the Board. He suggested the application be carried to the February 17, 2016 meeting of the Board, at which time a future hearing date will be announced. He noted that no testimony would be presented, only the date of the hearing. Mr. Harrison asked how the applicant would like to proceed.

Mr. Stern agreed to Mr. Harrison's recommendation.

Mr. Harrison announced the application would be carried to the February 17, 2016 meeting.

ADJOURNMENT

A motion to adjourn the meeting was offered by Mr. Fleischer, seconded by Mr. Susswein. The meeting was adjourned at 9:45pm, January 27, 2016.

Respectfully submitted,

A handwritten signature in cursive script that reads "Graham Petto".

Graham Petto, AICP
Zoning Board of Adjustment Assistant Secretary