



Township of Montclair

205 Claremont Avenue

Montclair, NJ 07042

tel: 973-509-4954

fax: 973-509-4943

MONTCLAIR ZONING BOARD OF ADJUSTMENT



Graham Petto, AICP
Assistant Planner

Department of Planning and Community Development
gpetto@montclairnjusa.org

MINUTES OF THE BOARD OF ADJUSTMENT MAY 6, 2015

ORDER: The meeting was called to order at 7:51 p.m. by Janice Talley. Ms. Talley 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 Town website.

ROLL CALL: Ms. Talley called the roll. Present were Chair Harrison, Vice Chair Fleischer, Ms. Baggs, Mr. Reynolds, Mr. Susswein, Ms. Brinkman, Mr. Sullivan, Ms. Talley and Mr. Petto. Ms. Checca, Mr. Moore and Mr. Kenney were absent.

MINUTES: The minutes of the April 1, 2015 meeting were offered for any suggested changes. Mr. Harrison provided minor edits. Mr. Susswein also noted an edit. A motion to approve the minutes was offered by Mr. Susswein, seconded by Mr. Reynolds and approved unanimously.

OLD BUSINESS:

Resolution for App. 2394: Davis Wellness Solutions, LLC. 314-316 Orange Road.
Variance to permit a medical office use (wellness center) on the first floor in the NC zone.

Mr. Harrison recused himself from discussion of the resolution. Mr. Fleischer asked the Board if there were any comments on the resolution. Mr. Susswein moved to approve the resolution, seconded by Ms. Baggs. The motion was approved unanimously.

App. 2400: 84 Orange Road, LLC. 84 Orange Road. *Use variance and site plan application to convert church to office.*

Mr. Harrison introduced the application. Mr. Alan Trembulak represented the applicant. Mr. Trembulak noted that the applicant is requesting a (d) variance, and only six eligible board members were in attendance. Because of these circumstances, he requested the application be postponed to the May 20th meeting.

App. 2398: Zecchino/Nicolo's Bakery. 8 Baldwin Street. *Use variance and site plan application for 995 square foot addition.*

Mr. Harrison introduced the application. Mr. Robert Gaccione represented the applicant.

Mr. Gaccione presented the application and discussed the proposed site plan. He then introduced Mr. Nicholas Zecchino, Manager and Vice President of Nicolo's Bakery.

Mr. Zecchino discussed this history of the business in the community, recent growth and acquisition of property. He noted that the plans will allow for an improved circulation and operations.

Questions from the Board were then accepted.

Ms. Baggs asked about the new layout for the sales area. She asked if the area dedicated to wholesale use would be increasing in floor area. Mr. Zecchino replied no.

Ms. Baggs asked if bathrooms would be provided for retail customers. Mr. Gaccione noted that the architect would address those questions. He noted that the bathrooms will be refinished, however they will not be available to the public. Mr. Gaccione also remarked that there would not be any table service provided; the establishment would be counter service only.

Ms. Baggs asked about the modifications and the impact on deliveries to the property, asking if they would increase. Mr. Zecchino stated that the modifications were intended to improve retail operations and circulation.

Mr. Gaccione then introduced Mr. Anthony Facchino, civil engineer for the project.

Mr. Facchino introduced Exhibit A-1, an aerial photo of the site. He reviewed the exhibit, noting the location of buildings, parking access to the site and the location of the loading area.

Mr. Facchino then introduced Exhibit A-2 a proposed site plan rendering dated March 2, 2015. He reviewed the exhibit and noted the requested variances.

Questions from the Board were then accepted.

Ms. Baggs asked where the requested landscaping area was located on the proposed plans. Mr. Facchino noted that adding landscaping along the street frontage on Glenridge Avenue would be difficult to implement with the parking lot and adjacent driveway making conditions tight.

Ms. Talley asked how loading occurs at the property. Mr. Zecchino reviewed the process for loading and unloading at the bakery.

Ms. Talley noted that some of the loading and unloading process occurs within the Township property along the side of the building on Baldwin Street to the corner at Glenridge Avenue. She indicated that in this area, the township property could be landscaped.

Mr. Fleischer asked for clarification of the situation. He asked what would happen with the paved area between the first parking space and the Township property strip. He asked if this area could be landscaped or if it was a parking space. Mr. Gaccione noted that a space could be added.

Mr. Fleischer stated he was concerned about how close to the corner the spaces are especially with parked cars backing out onto Glenridge Avenue. He noted that this area should not be used as a parking space and that a buffer would be safer. He stated that the parking space would be too close to the corner.

Mr. Zecchino stated that the area of discussion is used frequently during the delivery loading/unloading process, especially during inclement weather. He stated that landscaping the area may be an inconvenience to this process. He noted that other landscaping was to be added on the site.

Mr. Fleischer noted that during the initial review, Mr. Zecchino had stated that trucks remain parked on Baldwin Street to load and unload. He asked if the entire corner would be needed for loading/unloading logistics. Mr. Zecchnio replied that the delivery van park on the sidewalk parallel to the building.

Ms. Talley noted that loading should not occur on Township property, which is where this activity is taking place.

Mr. Gaccione clarified and indicated there is an understanding that greenery is desired in this area to the corner at Glenridge Avenue. Mr. Zecchino stated that he is willing to work with the Township to address the situation.

Mr. Susswein noted that the area has always been township property and stated that the township could have landscaped it.

Ms. Talley noted that in many instances loading or parking encroaches onto township property and applications present an opportunity to address the issues.

Mr. Facchino stated that he would work with Ms. Talley to identify landscaping opportunities.

Mr. Facchino then referred to Exhibit A-2 to note the drainage for the site and noted that all discharge would be re-routed to Baldwin Street.

Ms. Baggs noted that the fence along the property line is wavy and not straight. Mr. Facchino stated this would be reviewed.

Mr. Fleischer asked about the process for trash removal. Mr. Zecchnio replied that pick up occurs three days per week with a front loading truck that backs out of the parking area. Mr. Facchino noted that there will be enough clearance for this operation under the proposed plans. Mr. Fleischer asked if the trash removal truck could turn around. Mr. Zecchino stated that would not be possible because tenants park in the area.

Mr. Fleischer stated that he would like a condition that the asphalt area on Glenridge Avenue be striped for no parking.

Ms. Brinkman asked about the barrier free parking spot and the three foot striped pathway to the outdoor seating area. She asked if the striped pathway continued. Mr. Facchino stated that pedestrians would have to continue along the driveway to access the sidewalk.

Ms. Brinkman asked if the applicant had considered moving the outdoor seating area to the corner of Glenridge Avenue and Baldwin Street. She noted this could create space to make a barrier free parking space near the entrance. Mr. Facchino stated that this could create a blind spot when exiting that parking space.

Mr. Harrison asked if the applicant would adhere to all of the Zoning Board Engineer's comments. He asked specifically where the leaders for the new addition would be installed. Mr. Facchino stated they would be contained within the building.

Mr. Harrison asked about Planning Consideration #5 from the Department of Planning's memo to keep the existing fence. Mr. Facchino replied that the fence would be kept.

Mr. Harrison stated that he understands the reasons behind landscaping the portion of township property along the side of the subject property. He agreed with Mr. Susswein's comment that the township could have landscaped this area. Mr. Facchino stated that some landscaping could be added at the corner. Mr. Harrison noted that the landscaping and striping to indicate no parking should discourage parking at the corner.

Mr. Harrison asked about lighting in the parking area and noted that a dark area remains to the rear of the multi-family dwelling on the property. He asked if that could be addressed. Mr. Facchino stated that the issue is very minor and the addition of another light may overwhelm the residential area with light.

Mr. Harrison asked if there was an entrance at the rear of the dwelling. Mr. Zecchino replied there was no entrance at the rear. He also noted that residents have complained about the lights.

Mr. Harrison suggested that one light from the garage building could be relocated to the rear of the residential building to address the poor lighting in that area.

Mr. Gaccione then introduced Mr. Keith Gianakopoulos, architect for the project.

Mr. Gianakopoulos introduced Exhibit A-4 a series of sketches and architectural renderings of the subject property. He reviewed the existing structures, proposed renderings and described them in detail. He also noted that all existing signs would remain.

Questions from the Board were then accepted.

Mr. Fleischer stated that it was not clear if a sidewalk or a striped walkway would be placed along the parking access driveway to connect to the main entrance. He noted that there are planters on the side of the outdoor seating area which block pedestrian access across the seating area to the entrance. Mr. Facchino stated that a striped walkway is there, but it narrows to allow for the full 24 foot driveway width.

Mr. Fleischer stated that there could be a sidewalk on the residential side of the driveway aisle. He stated his intention was to identify a three foot clear walking path from the parking area to Baldwin Street sidewalk. He stated that he would favor a narrower driveway aisle in order to accommodate a three foot walkway.

Ms. Brinkman asked about the stucco cornice material capping the brick on the new addition. She asked how the brick caps on the existing building and if there was a capstone. Mr. Gianakopoulos replied that there is brick underneath the overhang.

Ms. Brinkman asked where the new exhaust hood for the kitchen facility would be located. Mr. Gianakopoulos replied that it would be located on the roof of the new addition. Ms. Brinkman asked if any other equipment would be located there. Mr. Gianakopoulos replied that the HVAC equipment would be located there as well.

Mr. Susswein asked how tenants accessed the dwelling units above the bakery and retail store. Mr. Gianakopoulos noted the entry door to the residential units above is next to the retail entry on the plans. Mr. Susswein noted that it was not clearly presented on the plans.

Mr. Harrison referred to the memo provided by the Historic Preservation Commission. He asked why metal louvers for the trash enclosure would not be used as they are in the Upper Montclair Historic District. Mr. Gianakopoulos replied that the intention was to match the existing fence.

Mr. Gaccione then introduced Mr. Peter Steck, Professional Planner for the project.

Mr. Steck distributed Exhibit A-5 a summary of planning related items for the project. Mr. Steck reviewed the exhibit and noted the existing conditions of the site. He noted that the proposal is for the expansion of an existing non-conforming use. He noted that the 4 foot by 5 foot landscaped area at the corner of Baldwin Street and Glenridge Avenue could be completed, but would be troublesome. Mr. Steck also noted that this is the only mixed-use property in the area.

Questions from the Board were then accepted.

Mr. Fleischer noted in Photo 1 of the exhibit A-5 that there is a utility pole in the parking area along Glenridge Avenue. He stated this was another reason to justify no parking in this area.

Mr. Gaccione then summarized the application and stated that the applicant would accept a no parking sign for the asphalt area on Glenridge Avenue, would create a walking path from the parking area to the sidewalk and provide 45 to 50 square feet of landscaping at the corner of Baldwin Street and Glenridge Avenue.

Summary comments from the Board were then provided.

Mr. Susswein stated that he was in favor of granting the relief requested with conditions. First he was in favor of a condition for the landscaping of the corner. He stated he would not be in favor of a condition on lighting because of the conflicts with the tenants and other residential properties. He noted those issues should be addressed between the applicant and the residents. Mr. Susswein also agreed that there should be a condition for no parking along Glenridge Avenue with either striping or a sign. He noted there should be a condition to comply with the Zoning Board Engineer's comments and that a 3 foot walkway should be included from the parking area to the sidewalk and main entrance.

Mr. Fleisher stated that he was in favor of the application with conditions. He agreed with Mr. Susswein's conditions, however he noted that there should be a condition for the lighting as it does not meet the ordinance as presented.

Mr. Reynolds stated that he was generally in favor of the project. He noted that the landscaping is helpful in conjunction with no parking at the corner.

Ms. Baggs stated that she was in favor of the application for the reasons already stated. She suggested that the parking area on Glenridge Avenue could be used for staff only and not permit public parking. She stated that she would be in favor of that condition.

Mr. Gaccione stated that there would be no objection to that condition proposed by Ms. Baggs.

Ms. Brinkman stated that she was in favor of the application and conditions discussed. She noted that a 3 foot at grade path is critical and the green space at the corner is important.

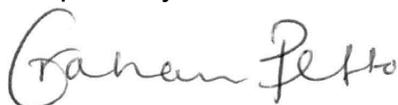
Mr. Harrison stated that he was in favor of all variances requested by the application and site plan approval. He reviewed the proposed conditions:

1. A new landscape area shall be added 4 feet wide and 5 feet in length in each direction at the intersection of Baldwin Street and Glen Ridge Avenue subject to review and approval by the Planning Department.
2. The applicant shall comply with and satisfy paragraphs 1 through 5 contained in the report dated March 28, 2015 from W. Thomas Watkinson, P.E., P.P., Board Engineer.
3. The paved area immediately adjacent to the south of the Glenridge Avenue parking area shall be designated as "no parking" and striped accordingly subject to review and approval by the Planning Department.
4. The Glenridge Avenue parking area shall be designated for employees only (which includes delivery vehicles) and an appropriate sign shall be added subject to review and approval by the Planning Department.
5. The applicant shall comply with the comments contained in the Montclair Historic Preservation Commission report dated December 23, 2014 with the exception of comment number 4 relating to the dumpster enclosure.
6. The applicant shall install a shielded building mounted light fixture or fixtures as needed to provide a light level in the parking area designated for use by the residential tenants that complies as closely as possible to the code requirement to the rear of the multi-family building subject to review and approval of the Planning Department.
7. The applicant shall install a marked three-foot wide pedestrian path from the rear parking area to the sidewalk on Baldwin Street subject to review and approval by the Planning Department.
8. The applicant shall be bound by all representations made on its behalf by its attorney and professionals during the course of the public hearing.
9. The applicant shall be responsible for all inspection fees required under Montclair Code Section 202-27 as well as escrow fees incurred in connection with review of this matter.

ADJOURNMENT

The meeting was adjourned at 10:30 pm.

Respectfully submitted,



Graham Petto, AICP
Zoning Board of Adjustment Assistant Secretary