



Township of Montclair

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MONTCLAIR ZONING BOARD OF ADJUSTMENT



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MINUTES OF THE BOARD OF ADJUSTMENT

September 21, 2016

ORDER: The meeting was called to order at 7:40 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, Ms. Baggs, Mr. Reynolds, Mr. LaVail, Ms. Chowaniec, Mr. Allen, Mr. Sullivan, and Mr. Petto. Mr. Moore and Ms. Checca were absent.

APPROVAL OF MINUTES:

Mr. Harrison introduced the minutes of the August 17, 2016 Board meeting. He noted a few edits to the minutes as presented. Ms. Baggs also noted a few minor edits. A motion to approve the minutes as amended was offered by Mr. Fleischer, seconded by Ms. Baggs. The minutes were approved unanimously with Mr. Reynolds abstaining.

2015 ANNUAL REPORT

Mr. Harrison introduced the draft annual report of the Board of Adjustment. He noted a few edits to the recommendations section of the report. Mr. Petto stated he would revise the report based upon the recommendations offered by Mr. Harrison.

Mr. Reynolds also noted that replacement accessory structures, such as garages, and the setback requirement could be evaluated. Mr. Harrison noted that given the timing in the year, this could be reviewed under next year's annual report.

The Board made a motion to adopt the report as amended, which was approved unanimously.

OLD BUSINESS:

Resolution for App. 2448: The Deron School. 130 Grove Street. Site plan approval.

Mr. Harrison introduced the resolution. Ms. Baggs noted a few minor edits. A motion to approve the resolution as amended was offered by Mr. Fleischer, seconded by Ms. Baggs. The resolution was approved unanimously with Mr. Reynolds abstaining.

Resolution for App. 2457: Ronald DeMyers, Sr. Agency, Inc. 119 Grove Street. Use variance for professional office on first floor in N-C: Neighborhood Commercial Zone.

Mr. Harrison introduced the resolution. Mr. Harrison and Ms. Baggs noted a few minor edits. A motion to approve the resolution as amended was offered by Mr. Fleischer,

seconded by Ms. Baggs. The resolution was approved unanimously with Mr. Reynolds abstaining.

NEW BUSINESS

App 2468: Yatin & Nelti Patel. 12 Frink Street. *Bulk variances for construction of 2-family home in C-2 zone district.*

Mr. Harrison introduced the application. Present on behalf of the applicant was attorney Richard Schneider.

Mr. Schneider introduced and summarized the application. He noted that the applicant seeks to replace the existing two-family dwelling on the subject property with a new two-family dwelling, which is permitted in the zone.

Mr. Schneider introduced Alan Feld, architect for the applicant.

Mr. Feld introduced Exhibit A-1, a colored site plan set of the subject property. He reviewed the existing condition of the site. He noted that the site contained an existing two-family dwelling, 2 ½ stories in height with a width of 22 feet and a depth of 42 feet. He noted that each of the two units in the dwelling contained three bedrooms.

Mr. Feld introduced Exhibit A-2, a series of 8 color photographs of the existing site for review.

Mr. Feld also introduced Exhibit A-3, a letter from the NJ Department of Environmental Protection noting that the plans for the new dwelling had been reviewed due to the location of the subject property in the riparian buffer of Toney's Brook to the rear of the property.

Mr. Feld reviewed the plans for the dwelling for the Board.

Finally, Mr. Feld introduced Exhibit A-4, a colored rendering of the proposed dwelling.

Mr. Schneider posed questions to Mr. Feld.

Mr. Schneider asked if the 14 foot wide driveway had sufficient width to access the garage. Mr. Feld replied yes.

Mr. Schneider asked if there was sufficient space to accommodate 2 tandem parking spaces in the driveway beyond the garage entrance. Mr. Feld replied yes.

Mr. Schneider asked if the cantilevered rear of the dwelling would comply with the riparian requirements of the NJDEP. Mr. Feld replied yes.

Mr. Schneider asked if the existing riparian area on the subject property was paved. Mr. Feld stated that it was presently paved and that the area would be pervious under the proposed application.

Questions from the Board were then accepted.

Mr. Harrison stated that he was confused by the NJDEP letter presented. He noted that the letter stated a permit would not be required as written in the letter. He noted that the letter states that the property can proceed with a permit by rule as there is no new work proposed in the flood bank.

Mr. Fleischer asked if any of the proposed work on the new dwelling would be within 25 feet of the brook, particularly on the second and third floors. He noted that the area is cantilevered over the ground.

Mr. Fleischer stated that he agrees that reuse of the site, which is currently in disrepair is good. He stated that he was unsure the 14 foot driveway clearance at the garage entrance would be sufficient. He noted that the garage access could be from the street and not the driveway side to better accommodate the parking. He noted that the driveway/garage as configured would be tough to see in use.

Mr. Schneider stated that the planner would testify on the configuration of the garage loading and driveway.

Mr. Fleischer asked for clarification of the building coverage calculation. Mr. Schneider stated that the building coverage as calculated is based on the footprint of the first floor only.

Mr. Harrison noted that the coverage should be calculated to consider the cantilevered area of the second and third floor consistent with the requirement of the ordinance.

Ms. Baggs asked about the purpose of the riparian buffer. Mr. Feld stated that the intent is to maintain pervious surface adjacent to the brook to support runoff. He noted that runoff would be absorbed into the ground as opposed to flowing into the brook which would reduce flooding.

Ms. Baggs asked if the proposed cantilever of the building would impact the effect of the riparian buffer. Mr. Feld replied no and noted that under the proposed application, the pervious area would be increased.

Ms. Baggs asked if the permeability of the soil would be the same with or without the proposed overhang. Mr. Feld replied yes.

Ms. Baggs asked about the proposed zero lot line condition along the existing building to the north. She asked if there would be any risk to the adjacent building. Mr. Feld noted that the wall is a masonry wall and that footings would be matched in depth between the two buildings to protect them.

Ms. Baggs noted the proposed zero front yard setback. She asked if the existing building would encroach into the riparian buffer and by how many feet. Mr. Feld replied yes and noted the encroachment would be 2 feet.

Ms. Baggs noted that the new building needed to be pushed forward to comply with the riparian buffer. She asked if the new building was moved forward from the existing building location by only 2 feet to accommodate the riparian buffer what the front yard setback would be. Mr. Feld noted that the garage within the building adds additional square footage to the building, making it less comparable to the existing building.

Mr. Fleischer asked if there would be a full basement in the dwelling. He noted that the adjacent building basement may not be as deep as the proposed basement. Mr. Feld stated that the proposed basement could be reduced away from the adjacent building to ensure integrity.

Mr. Fleischer asked if there was a need to align the proposed dwelling with the setback of the other adjacent buildings south of the subject property. He asked how wide the sidewalk in front of the dwelling would be. Mr. Feld noted 5 feet.

Mr. Fleischer asked how the thirteen foot cantilever would be accomplished. Mr. Feld noted that a structural engineer has been consulted for the building.

Ms. Baggs referred to the elevation on page A-3 of the submitted plans and noted that the proposed upper story window projects from the front façade. She asked if this encroached over the public right-of-way. Mr. Feld replied yes.

Ms. Baggs asked what the difference was between the existing two-family and the proposed two-family. Mr. Schneider noted that the proposed has larger units than the existing and stated the planner would provide further testimony.

Mr. Reynolds noted that small adjustments could be made to tweak the plans to better fit the building on-site. He noted the garages could be reconfigured to enter from the front. He also noted that the building could be shifted rearward to accommodate a better front yard setback.

Mr. Schneider stated that the Township advised the applicant early on to present a side loaded garage to preserve the sidewalk area. He noted that the Board feedback is helpful and the plans could be revised.

Mr. Feld stated that there are design considerations that have been incorporated, such as wider garage doors, to accommodate the side loaded garage. He agreed that the plans could be reconfigured.

Mr. Harrison agreed that the presentation of the side loaded garage looks better from the street. However, he noted that the configuration presents a set of issues. He noted that standard sized cars would be difficult to maneuver in and out of the garage. He also noted that the configuration presents a zero foot front yard setback with a projection into the public right-of-way. He also noted that the plans should be updated to reflect the total building coverage consistent with the ordinance definition.

Mr. Harrison also noted that a three foot side yard setback would be better for maintenance and separation from the adjacent building. He also noted that a third off-street parking space could be accommodated in the driveway if the reconfigured garage entered from the front.

Mr. Schneider then introduced Mr. Yatin Patel, applicant. Mr. Patel reviewed the bedroom mix of the existing dwelling and the proposed dwelling. He noted that the current dwelling has one three-bedroom, one-bath unit on each of the two floors. He stated that the proposed unit #2 in the new dwelling would contain four bedrooms and be owner occupied.

Mr. Patel also noted that the current units in the existing dwelling are very small with small kitchens. He stated the proposed units are larger to meet current demands. He also noted that there is an existing full basement in the current structure on the property. He noted the proposed basement is smaller than the existing basement.

Mr. Fleischer stated he has no concerns about the presence of the basement, only concerns about the basement in relation to the adjacent building structure.

Mr. Schneider stated that he would like to take the opportunity to hold the planner testimony until after some plan revisions in response to the Board's comments.

Mr. Harrison stated that arguments for smaller units in close proximity to transit, such as the nearby Walnut Street Station, can be made. He also noted that a logical plan in context of the NJDEP requirements would make sense. He noted that the applicant has received input that redevelopment of the lot is positive.

Mr. Schneider requested the application be carried to the October 19 meeting of the Board of Adjustment. The Board agreed to the request and the application was carried with no further notice.

App. 2469: Montclair Town Center, LLC. 37 North Mountain Avenue/323 Claremont Avenue. Office use in the R-3 zone district, site plan.

Mr. Harrison recused himself from the application.

Mr. Fleischer introduced the application. Present for the applicant was Mr. Alan Trembulak, attorney for the applicant.

Mr. Trembulak summarized the application and reviewed the past application history of the properties for the Board. He noted the application for the Board involves relocating the Carriage House on the subject property, proposed medical office use in the Carriage House and subdividing the property.

Mr. Trembulak introduced Paul Sionas, architect for the applicant.

Mr. Sionas introduced Exhibit A-1, a PowerPoint presentation detailing the proposed site work under the application.

Mr. Sionas presented the presentation to the Board.

Mr. Trembulak asked if the proposed parking aisle width was deficient in certain areas. Mr. Sionas replied yes and noted that the aisle would be 21 feet in width adjacent to parking stalls 23-26, which are proposed to be compact parking stalls. He noted the driveway would widen to 24' along parking stalls 17-22.

Mr. Trembulak asked if landscaping improvements would address screening of adjacent residential uses. Mr. Sionas replied yes. He reviewed all adjacent uses of the site. He noted the location of landscaping along and within the proposed parking area.

Mr. Trembulak asked if Mr. Sionas had reviewed the memo from Board Engineer, Tom Watkinson. Mr. Sionas replied yes and stated the applicant would be willing to comply.

Mr. Fleischer noted that the plans provided to the Board and Mr. Watkinson are not as up-to-date as the one presented by Mr. Sionas. He noted that updated plans should be provided to Mr. Watkinson so that a new review can be conducted.

Questions from the Board were then accepted.

Ms. Baggs asked how the site is particularly suited for the proposed use. Mr. Trembulak stated that the planner would testify on this matter.

Ms. Baggs asked about the suitability of the building to the proposed use. She asked about the location of signage and how it would be incorporated. Mr. Sionas noted that

the all signage would require review by the HPC for a Certificate of Appropriateness. He stated the applicant would not be seeking any sign variances.

Mr. Sionas also noted that the HPC has requested as a condition of approval that the approved plans be presented to the Commission following the Board's decision.

Ms. Baggs asked how the building was suited for the use. Mr. Sionas noted that the proposed relocated building would have barrier free, accessible access. He also noted that the proposed configuration of the relocated Carriage House would create useable space in the basement level. He also noted the reuse of the building would ensure future preservation.

Ms. Baggs asked about the allocation of parking to the 3-family residential dwelling at 323 Claremont Avenue. Mr. Sionas noted that as presented, on-site there are 34 spaces for the hotel-use of the Georgian Inn, six spaces for the residential dwelling and the remaining spaces would be for the proposed office use. Mr. Sionas also noted that the applicant can allocate spaces to the residential based on needs of the tenants.

Mr. Fleischer stated that he has concerns about the location of the trash enclosure in the rear corner of the parking lot. He noted this location is far from the proposed relocated Carriage House as well as the Georgian Inn. He stated that the trash enclosure should be closer to the building.

Mr. Fleischer also noted that the original plan for the Georgian Inn approved by the Board included 3 access driveways to the site. He noted the current plan has just one main driveway to the parking area.

Mr. Fleischer also noted that the R-3 zone, within which the subject property is located, has clear requirements for larger side yards to maintain space between buildings on-site. He noted that under the plan as presented the relocated Carriage House is closer to the residential 3-family at 323 Claremont Ave. He also noted that the proposed HVAC units for the Carriage House are close to the 3-family residential. Mr. Fleischer asked why it was more important to separate the Carriage House from the driveway instead of from the residential use.

Mr. Sionas stated that the R-3 building setback requirement is for buildings on the same lot. He noted under the plan the buildings are on different lots. He also noted that the HVAC units could be relocated to minimize impacts.

Mr. Fleischer stated a 20 foot setback between the buildings should be maintained. Mr. Sionas noted the proposed Carriage House location could be shifted to the west.

Mr. Fleischer asked about a walkway to the relocated Carriage House. He noted that patients and visitors to the proposed medical office use may arrive by public transportation, which has ADA accommodations, or by taxi. He stated that at minimum walkway should be provided to the proposed accessible entrance at the rear of the relocated Carriage House.

Mr. Fleischer asked if the proposed basement level of the Carriage House would be a basement under the ordinance definition. Mr. Petto read aloud the basement definition, which is consistent with the plan as presented illustrating a basement.

Mr. Fleischer asked if two means of egress would be needed from the basement level. Mr. Sionas replied no but stated it would be evaluated.

Mr. Trembulak then introduced Mr. Craig Peregoy, traffic consultant for the applicant.

Mr. Trembulak asked Mr. Peregoy if he has reviewed the site plan and Township ordinance. Mr. Peregoy replied yes.

Mr. Trembulak asked if Mr. Peregoy has analyzed the anticipated parking demand for the proposed medical office use of the Carriage House. Mr. Peregoy replied yes and reviewed his findings.

Mr. Peregoy noted that the peak demand periods would be weekday morning and evening and Saturday midday. He stated the proposed use would generate:

- 18 trips during weekday mornings
- 27 trips during weekday evenings
- 28 trips during Saturday midday

Mr. Peregoy stated that 100 trips is the benchmark for generating an impact. Therefore, he concluded that the proposed traffic impact would be minimal.

Mr. Peregoy stated that the use, by ordinance all of the uses on the subject properties would require 91 total parking spaces, with the proposed medical office use requiring 51 spaces. However, he noted when looking at other parking generation figures from other sources, the demand for the medical use would be 24 spaces, demand for the hotel would be 41 spaces and the residential would be 4 spaces. This would total 69 spaces, which the applicant has on-site.

Mr. Peregoy also noted the use of shared parking the Township. He noted that the peak use period for the medical office would be between 10am and 2pm. He noted the peak period demand overlap of all uses on site would be 59 spaces.

Mr. Trembulak asked if the parking provided on-site would be sufficient to meet the needs of all the uses including the proposed medical office. Mr. Peregoy replied yes.

Mr. Trembulak asked Mr. Peregoy if he had reviewed usage of the driveway from Claremont Avenue to the parking area. Mr. Peregoy replied yes, and noted that the driveway would only be used by the medical office and checked-in guests of the Georgian Inn, in addition to the residential use. He noted that the proposed trip generation would be adequately supported by the proposed driveway. He noted that if Claremont Avenue were a County road, only one driveway would be permitted.

Mr. Trembulak asked Mr. Peregoy to review the parking lot circulation. Mr. Peregoy stated the parking lot would be adequate for movement. He noted that large trucks could access the trash enclosure but also noted that haulers have different vehicle sizes and types.

Mr. Trembulak asked if fire trucks could access the rear of the buildings on site. Mr. Peregoy replied yes.

Mr. Allen agreed with Mr. Peregoy's assessment and stated that fire trucks would need access.

Mr. Allen asked if the Carriage House would have sprinklers. Mr. Sionas replied yes, if needed by code.

Mr. Fleischer asked if residents of 323 Claremont Avenue would have to drive into the commercial parking lot to access their residences. Mr. Peregoy replied yes and noted this was not unusual.

Mr. Fleischer asked about trash removal from the site. Mr. Peregoy stated that vehicle size varies by the size of the trash facility. He also noted that medical waste is collected separately.

Mr. Fleischer asked if there was sufficient space to access the trash enclosure as presented. Mr. Peregoy replied yes.

Mr. Fleischer asked if any of the spaces would be reserved for any uses. Mr. Peregoy stated it would be better to maintain open spaces to respect the shared parking arrangement.

Mr. Fleischer asked how parking for the residential uses could be handled. Mr. Peregoy stated that the requirement is 6 parking spaces for the residential use, but that the number of spaces could be tailored to the needs of the tenants.

Mr. Fleischer stated that the residential uses should have designated parking spaces in the lot. He also noted that the original plans did now show the front driveway from North Mountain Avenue as the primary entrance from the hotel.

Mr. Fleischer stated he is concerned about the traffic within the lot. He asked Mr. Peregoy if there was sufficient capacity in the lot. Mr. Peregoy replied there would be sufficient capacity because the uses would generate a total of 54 trips daily, which is about half of the 100 impact threshold.

Questions from the public were then accepted.

Catherine Shandler, 7 Highmont Terrace, asked Mr. Peregoy to repeat the peak hour trip information he had provided earlier. Mr. Peregoy restated the figures.

John Matis, 319 Claremont Avenue, asked if the applicant was aware that children resided in the dwelling at 323 Claremont Ave. Mr. Matis also noted concern about the hotel guests and traffic associated with those guests. Mr. Peregoy noted the low projected trip generation for the uses.

Mr. Matis asked about security of the parking lot. Mr. Trembulak stated the planner would testify on the parking lot safety.

Ms. Shandler asked about the intersection of North Mountain Avenue and Claremont Avenue and if it was considered in the evaluation. Ms. Shandler noted that it was stated there would be low traffic generation, however she stated concern about the speed of traffic on Claremont Avenue and those vehicles turning left into the lot. Mr. Peregoy stated that the impact would be small. He noted that the road in this area is not too busy and there is space to go around a vehicle waiting to turn.

Mr. Fleischer stated that traffic does back up on Claremont Avenue traveling westbound. He noted that the driveway could be blocked by traffic waiting at the light. Mr. Peregoy

stated that the volume is not significant to be an impact. Mr. Fleischer asked if a restriction on left turns should be considered. Mr. Peregoy replied no.

Mr. Trembulak requested to continue the application to the October meeting of the Board of Adjustment. Mr. Fleischer noted he would not be in attendance at the October meeting. The application was continued to the October meeting date with no further notice.

ADJOURNMENT

A motion to adjourn the meeting was offered by Mr. Fleischer, seconded by Ms. Baggs. The meeting was adjourned at 10:40 pm, September 21, 2016.

Respectfully submitted.

A handwritten signature in cursive script, appearing to read "Graham Peltz".

Zoning Board of Adjustment Assistant Secretary