



Township of Montclair

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MONTCLAIR ZONING BOARD OF ADJUSTMENT



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MINUTES OF THE BOARD OF ADJUSTMENT January 18, 2017

ORDER: The meeting was called to order at 7:35 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. Reynolds (arrived at 8:05pm), Ms. Baggs, Mr. Moore, Mr. Allen, Mr. LaVail, Mr. Sullivan, and Mr. Petto. Mr. Fleischer, Ms. Chowaneic, Ms. Daye and Mr. McCullough were absent.

NOMINATION OF OFFICERS:

A motion was made by Ms. Baggs to elect Mr. Harrison as Chair of the Board. The motion was seconded by Mr. LaVail. Mr. Harrison was elected Chair unanimously.

A motion was made by Mr. Allen to elect Mr. Fleischer as Vice Chair of the Board. The motion was seconded by Ms. Baggs. Mr. Fleischer was elected Vice Chair unanimously.

A motion was made by Mr. Allen to elect Ms. Janice Talley as Secretary and Mr. Petto as Assistant Secretary to the Board. The motion was seconded by Ms. Baggs. Ms. Talley and Mr. Petto were elected Secretary and Assistant Secretary, respectively, unanimously.

APPROVAL OF MINUTES:

Mr. Harrison introduced the minutes of the December 21, 2016 Board meeting. He noted a few edits to the minutes as presented. Ms. Baggs also noted edits to the minutes. A motion was made by Mr. LaVail, seconded by Mr. Allen to approve the minutes as amended. The minutes were approved unanimously.

RESOLUTION FOR BOARD PROFESSIONALS:

Mr. Harrison introduced the resolutions for consideration by the Board for Board Engineer. Mr. Harrison noted that the proposals received for 2017 for the Board Engineer had a different inspection rate than the one in the previously approved resolution by the Board. He stated this new resolution before the Board had been corrected to accurately reflect the terms. A motion was made by Ms. Baggs, seconded by Mr. LaVail to approve the resolution. The resolution was approved unanimously.

OLD BUSINESS:

Resolution for App. 2472: Frank Cano. 543 Upper Mountain Avenue. Bulk Variance for a 3rd story addition.

Mr. Harrison introduced the resolution. He noted an edit to the resolution as presented. A motion was made by Mr. LaVail, seconded by Mr. Moore to approve the resolution as amended. The resolution was approved unanimously.

Resolution for 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 introduced the resolution. Mr. Harrison then recused himself from consideration of the resolution as he was recused for the application.

Ms. Baggs noted a few edits to the resolution as presented.

A motion was made by Mr. Moore, seconded by Mr. Allen to approve the resolution as amended. The resolution was approved unanimously with Mr. Harrison abstaining.

Resolution for App. 2475: Alfred & Keren Poor. 24 South Mountain Avenue. Bulk variances for height of building and rear yard setback.

Mr. Harrison introduced the resolution.

A motion was made by Ms. Baggs, seconded by Mr. LaVail to approve the resolution. The resolution was approved unanimously.

Resolution for App. 2477: Valdeci Borga. 435 Grove Street. Bulk variance for front yard setback.

Mr. Harrison introduced the resolution. He noted an edit to the resolution as presented.

A motion was made by Ms. Baggs, seconded by Mr. Moore to approve the resolution as amended. The resolution was approved unanimously.

App. 2478: Joseph & Donna Wilson. 213 Highland Avenue. Bulk variance for rear yard setback.

Mr. Harrison introduced the application. Present for the application was the applicant, Mr. Joseph Wilson.

Mr. Wilson stated that he has been a 15 year resident of Montclair and resides in the subject property. He stated that the decks are in need of repair and replacement. He also noted that the new construction of the deck would be done with more sustainable materials.

Mr. Harrison asked Mr. Wilson to review how the new decks would be different from the existing decks. Mr. Wilson stated that the new two tier deck would have a slightly larger footprint than the existing deck. He also noted that the upper deck would be larger in size and that a new stair configuration would connect the decks.

Ms. Baggs asked Mr. Wilson to review the existing deck and noted where the larger portion of the deck is currently and where the expansion is proposed. Mr. Wilson stated that the lower deck currently is twice the size of the upper deck. He stated that the existing upper deck is smaller. Mr. Wilson noted that the lower deck is accessed from the walk-out basement level of the dwelling. He stated that the upper deck will be expanded and better connected to the lower deck with a new stairway.

Ms. Baggs asked if the builder or contractor for the deck was present. Mr. Wilson stated no.

Mr. Harrison asked for clarification of what was shown on the plans. He noted that it appears the existing upper deck is 542 square feet in size and the proposed upper deck will be 1,140 square feet in size. Mr. Wilson stated that the plan was to make the upper deck larger.

Ms. Baggs referred to the plans submitted with the application and noted that the lower deck currently extends 18 feet 8 inches from the house. She also noted that the proposed upper deck will extend 18 feet 6 inches from the house, where the current upper deck extends 11 feet from the house.

Ms. Baggs further noted that the proposed lower deck would be reduced by 3 feet and extend only 15 feet from the dwelling.

Mr. Harrison stated that the plans were not clear in detailing the extension.

Mr. Wilson stated that the new upper deck would be similar in size to the existing lower deck.

Ms. Baggs asked about the proposed use of the decks. Mr. Wilson stated that the upper deck is located off the kitchen in the dwelling. He noted that the proposed deck would contain an outdoor kitchen area and would not be covered. Mr. Wilson also stated that the lower deck would be covered by the upper deck above. He stated that this deck is accessed from the walkout basement of the dwelling as the property is on a downward slope.

Mr. Moore asked about visibility of the rear yard and decks from adjoining properties. Mr. Wilson stated that there are large evergreen trees surrounding the property that shield the rear yard from view of adjacent properties.

Ms. Baggs referred to the two photos submitted with the application. She asked from what vantage point the photos were taken. Mr. Wilson stated that the photos were taken from a drone by the deck construction company. He noted that these photos were not taken from adjoining properties.

Mr. Harrison asked for a description of the proposed facilities on the proposed upper deck. Mr. Wilson stated that a proposed kitchen would be located on the deck and that a grill would be included.

Mr. Harrison noted the proposed gas fire feature as well and asked if this was in addition to the kitchen. Mr. Wilson stated yes, noting that the fire pit would be located in the seating area and there would also be a gas grill in the kitchen area.

Mr. Harrison noted the proposed setback of the deck and that the calculation as shown was from the base of the steps. Mr. Harrison asked Mr. Petto if access stairs counted towards rear yard setbacks. Mr. Petto replied no. Mr. Harrison asked if Mr. Petto had calculated the rear yard setback from the proposed deck based on the plans. Mr. Petto replied no, noting that the setback provided on the plans was used for the planning report.

Ms. Baggs noted that the property is located in an area of steep slopes. Mr. Petto stated that the plans have been provided to Board Engineer Tom Watkinson for review.

Mr. Harrison asked if the applicant had any further testimony. Mr. Wilson replied no.

Final comments were then accepted from the Board.

Mr. LaVail stated that he would not be in favor of the application. He noted that the expansion would increase an existing non-conforming condition and add additional massing to the upper level deck within the rear yard. He stated that the proposed deck addition feels like an increase of the non-conforming condition.

Mr. Moore stated that he would be in favor. He stated that the proposed deck will add value to the house. He stated that the addition in the rear would be hidden by the trees from adjacent property. He stated that a condition that the property conforms to the requirements of the Board Engineer be added to the resolution. He stated there would be no detrimental impact to the community.

Ms. Baggs stated that she was still considering the application and would like to hear from her colleagues. She noted that the site has a steep slope from the front to the rear. She stated due to the slope, the main living space aligns with the upper deck level. Ms. Baggs stated that the deck would be most useful when accessible from the main living space and that the alignment of this level with the upper deck is due to the slope of the property. She stated that there does appear to be a hardship case present due to the slope of the lot.

Mr. Allen stated that the lower deck level will be less intrusive in the rear yard with the upper deck extension. He noted that it is a safety benefit to have two means of egress from the dwelling with the deck access. He stated that there will not be any view impacts from adjacent properties and there will not be any other negative impacts.

Mr. Harrison stated that normally the Board tries to accommodate additions that do not extend larger than the existing structure. He noted that the proposed deck extension should not extend any further than the existing lower deck below. Mr. Harrison also stated concern about the proposed kitchen area on the deck which would be located within the rear yard setback. Mr. Harrison summarized the conditions of approval as discussed by the Board:

1. The applicant is to conform to all requirements of Montclair Code Chapter 294: Steep Slopes and any comments by the Board Engineer regarding the application.
2. The proposed decks, both upper and lower, are not to extend further than 18 feet 6 inches from the existing dwelling.
3. The upper deck is to remain uncovered and may not be covered.

A motion was made by Ms. Baggs to approve the application with the conditions as stated by Mr. Harrison. The motion was seconded by Mr. Allen.

The application was approved unanimously, with Mr. Reynolds abstaining as he arrived at 8:05pm, following the start of the proceedings.

NEW BUSINESS:

App. 2480: JP Morgan Chase Bank. 15-21 North Fullerton Avenue. *Use variance for construction of a new bank building in the OR-3 zone and site plan approval.*

Mr. Harrison introduced the application. Present for the applicant was attorney Mr. Gregory Meese.

Mr. Meese summarized the application for the Board. He noted that the bank has existing on the subject property since 1963. He noted that the subject property is located within the OR-3 and R-4 zone districts and that bank use is not permitted in either zone. He stated that the proposed new building and upgrades to the site will provide many benefits to the Township.

Mr. Meese introduced Mr. Matthew DeWitt, engineer for the applicant, to testify before the Board.

Mr. DeWitt introduced Exhibit A-1 a colored site plan showing the existing conditions of the site. Mr. DeWitt reviewed the configuration of the site and the location between the OR-3 and R-4 zones for the Board.

Mr. DeWitt noted that the existing bank is approximately 2,700 sq. ft. in size and currently has an outdated drive up lane. He noted that there are currently 49 on-site parking spaces. He also noted that the existing setback of the bank building is 3.5 feet and the property has 85% lot coverage. Mr. DeWitt also noted that the existing building has no glass frontage along the façade of North Fullerton Avenue.

Mr. DeWitt then introduced Exhibit A-2, a colored proposed site plan of the subject property. He reviewed the proposed site, noting the new building and a reconfigured parking area with 37 on-site spaces. Mr. DeWitt noted that 25 on-site spaces are required under the Township ordinance.

Mr. DeWitt stated that the applicant plans for a phased installation of ATMs in the drive up lane. He noted that the application pending before the Board indicates one drive-up ATM in the drive lane and a planned island ATM location in the drive lane.

Mr. Meese stated that it was the hope of the applicant that the Board could consider both locations under this application.

Mr. Harrison asked about the second proposed ATM and if there would be any other improvements with its installation. Mr. DeWitt stated that a new curbed island would be installed requiring pavement cuts to house the ATM.

Mr. Harrison asked if there would be any signage and/or a canopy for the ATM. Mr. DeWitt stated that there would be a 4-5 foot wide canopy over the proposed ATM.

Mr. Harrison asked about the dimensions of the proposed island. Mr. DeWitt stated that it would be approximately 3.5 feet in width and 25 feet in length.

Mr. Harrison stated that consideration of the second ATM location would be determined later in the review of the application.

Mr. DeWitt continued his review of the site plan and noted the accessible front entrance for the sidewalk. He noted that the garage in the rear area of the property would be removed and replaced with a trash enclosure. He also noted the location of the designated loading space within the parking lot on-site.

Mr. DeWitt reviewed the pedestrian benefits of the proposed plan including benches and the location of the proposed bike racks. He noted that the benches and bike racks would match those in the Business Improvement District, within which the subject property is located.

Mr. DeWitt reviewed the proposed wall-mounted business signs. Mr. DeWitt also reviewed the proposed freestanding sign. He noted that the sign would have a total area of 12 sq. ft. and would be internally illuminated.

Mr. DeWitt noted that the directional signage has been modified to conform to Township requirements and will no longer require a variance.

Mr. DeWitt reviewed the signage for the ATM surround and noted that the ATM would be signed with halo-lit lettering.

Mr. DeWitt referred to Sheet C-5 and reviewed the lighting plan. He noted that the site would be well lit with LED lights. He also noted that the applicant does require a waiver of the site lighting requirements to permit greater lighting for the ATM as required under New Jersey Code.

Mr. Meese noted that the ATM has been shifted rearward on the building and will be located further into the site than the previous drive-through location.

Mr. DeWitt reviewed the proposed landscaping plan. He noted that the large trees on site would be retained under the application. He also noted that 4 new maple trees and 2 crab apple trees would be planted on-site. Mr. DeWitt also stated that the landscaping would be irrigated.

Mr. DeWitt reviewed the proposed front yard setback of the proposed bank building which would be 15 feet to the projected overhang. He also noted that the adjacent property to the south has a zero foot setback and the adjacent property to the north has a 17 foot setback.

Mr. DeWitt reviewed the planning considerations from the planning memo and stated that the driveway lane could be striped in the interim prior to the second ATM installation. He also noted that a loading zone has been identified in the site plan, which was raised as a planning consideration as well.

Mr. DeWitt also stated that the application would comply with the comments of the Board Engineer.

Questions from the Board were then accepted.

Mr. Reynolds asked about traffic at the site and noted that the parking lot currently is shared for event parking in the evening. Mr. Meese stated that there is currently an agreement in place for use of the lot after hours. He noted that there are issues with the current arrangement, particularly how parking is managed on the site. He noted that the current agreement will be terminated. Mr. Meese stated that the applicant is aware of the need for parking in the area and a new agreement with a condition to terminate could be drafted.

Mr. Reynolds asked if this proposed new branch would also replace the existing Chase bank at the northwestern corner of Bloomfield Avenue and North Fullerton Avenue. Mr. Meese replied yes.

Mr. Reynolds asked about the lighting requirement for the proposed ATM on the north façade adjacent to the driveway and if the lighting could be prevented from spilling onto the adjacent property. Mr. DeWitt stated that the proposed LED pole lights could be shielded to prevent such spilling of light.

Mr. Reynolds asked if power lines to the building would be located underground. Mr. DeWitt stated yes.

Ms. Baggs asked about lighting behind the proposed trash enclosure. She noted that the property extended behind the trash enclosure to an inaccessible area. Mr. DeWitt stated that there was no proposed lighting in this area, given the narrowness of the property in this location, light would impact adjacent properties.

Ms. Baggs asked if any security cameras were proposed for the parking area. Mr. DeWitt replied no.

Mr. Harrison asked about the lighting for the second ATM on the southern façade of the building. He asked if the level of illumination would be the same as the drive lane ATM. Mr. DeWitt replied yes.

Mr. Harrison noted that the proposed light level at the property line is excessive. He asked if the lighting could be modified to a greater number of less intense lights so that the light level is closer to 2 foot candles at the property line. Mr. DeWitt stated that the proposed lighting could be modified to be a different fixture to address the concern.

Mr. Harrison noted that there is a row of existing evergreen plantings along the eastern edge of the property. He asked if the proposed landscaping would modify these existing evergreens. Mr. DeWitt stated that the curb line in this area is to be modified and the existing green space expanded. He noted that the increased green space will result in elimination of a few parking spaces.

Mr. Harrison asked if the proposed loading space within the parking lot would further reduce the number of on-site spaces. Mr. DeWitt replied yes and noted that there would be 36 spaces on site rather than 37 with the loading space.

Mr. Harrison asked if the trees along the southern property line would be retained. Mr. DeWitt stated that the trees were planned to be replaced, but could be retained. Mr. Harrison stated that the trees in this area should be retained if possible.

Ms. Baggs asked about the proposed trash enclosure and if it could be moved southward into the larger parking area. She asked if this move would impact the drive lanes and if the lane width could be reduced to accommodate a relocated enclosure. Mr. DeWitt stated that the intent of the current location of the trash enclosure was to retain maneuverability for customers and trucks conducting removal of trash.

Ms. Baggs asked how the trucks for trash removal would exit the property. Mr. DeWitt noted that they could exit through the drive lanes or the entry/exit drive on North Fullerton.

Mr. Harrison asked about the street trees along North Fullerton Avenue. Mr. DeWitt noted that none were planned near the exit of the drive lanes to ensure visibility of existing cars. Mr. Harrison asked the applicant to review whether trees could be added without blocking visibility.

Mr. Reynolds asked if there would be access to the ATMs during evening hours especially considering the shared parking use of the site. Mr. DeWitt stated that the ATMs would be accessible.

Questions from the public were then accepted.

Ms. Jan Smith, 16 Forest Street, asked for a review of the lighting at the rear of the parking lot adjacent to the lot of 16 Forest Street. Mr. DeWitt noted that the proposed lighting level tapers to 0 foot candles along the shared property line. Ms. Smith asked if there was any way to further mitigate the lighting in this area. Mr. DeWitt stated that the light will be directed downward towards the surface of the parking lot and the sides of the light will be shielded to prevent spillover.

Mr. Kenneth Kleefeld, 14 Forest Street asked if there could be any further reduction of the lighting impact if a fence were installed along the shared rear property line of the subject properties of the application and 14 & 16 Forest Street. Mr. DeWitt stated that a fence in this area is not proposed as part of the application. Mr. Kleefeld stated that a review of a fence should be conducted. Mr. Meese noted that the proposed lighting would be shielded to mitigate any impacts.

Mr. Reynolds asked if the applicant had considered lower light fixtures in the parking lot. Mr. DeWitt stated that the proposed lights are 15 foot light poles, which are the lowest height permitted.

Mr. Meese then introduced Mr. Steve McGrane, architect for the project.

Mr. McGrane introduced Exhibit A-3, an updated rendering of the proposed bank building, dated November 30, 2016. Mr. McGrane noted that the design of the building presented in Exhibit A-3 had been reviewed by the Township's Development Review Committee.

Mr. McGrane reviewed the proposed design of the building. He noted the increase in glazing of the facades to more closely meet the site plan requirements of the Township.

Mr. McGrane noted that the HVAC units would be located on top of the building behind a parapet wall. He stated they would not be visible from the street level.

Mr. McGrane noted that there are two proposed wall mounted signs; one on the front façade facing North Fullerton Avenue and one on the façade wall facing the on-site parking lot. He stated that the applicant requires a variance for the size of the logo. Mr. McGrane noted that the logo and letter sizing of signs for Chase Bank are provided in standard sizes and the logo proposed here is 37.5 inches in height, where 36 inches is required by the ordinance.

Mr. McGrane also noted that the applicant also will require a variance for the height of a sign under the newly proposed design. He noted that the increased glazing on the façade requires the sign to be mounted higher on the building. He stated that the proposed wall-mounted business signs would be halo-lit.

Mr. Meese reviewed the requested sign variances of the application.

Mr. McGrane noted that the Chase sign on the proposed ATM will be halo-lit.

Mr. McGrane reviewed the proposed floor plan of the building, also included as part of Exhibit A-4. He noted that the configuration of the bank would allow for 10-12 employees on site. He stated that the bank would be open 8:30am to 5pm on weekdays and 9:00am to 2:00pm on Saturdays.

Questions from the Board were then accepted.

Ms. Baggs asked if the revised elevations were reviewed by the Development Review Committee. She noted that elevations of adjacent buildings and streetscape had not been included with the application which makes review difficult and asked if elevations would be presented. She also noted that a simulation of existing buildings with the proposed design would be useful.

Mr. Reynolds asked if the signs to be used in the application were standard sizes for Chase Bank. Mr. McGrane stated that the lettering and the logo are part of one package. Mr. Meese noted that the requested variance is for 1.5 inches in height of the logo.

Ms. Baggs asked about the height of the ceilings in the interior of the bank. Mr. McGrane stated they would be about 10 feet 10 inches.

Ms. Baggs asked about the height of the lobby entry, which appears larger. Mr. McGrane stated that the height would be lower due to the spandrel glass above.

Ms. Baggs asked about the location of the HVAC equipment. Mr. McGrane noted that it would be located behind a 3 foot parapet wall on the roof of the building.

Ms. Baggs asked for a review of the number of stories of the adjacent buildings to the subject building. Mr. McGrane noted that to the rear of the property is a four story building, a 2 ½ story building is located to the north of the building and a one story building is located to the south.

Ms. Baggs asked if a hip roof could be used to enclose the HVAC equipment. Mr. McGrane said that was not part of the current design.

Mr. Harrison asked about the sight line from the 4 story apartment building to the rear, which is set below grade of the subject property. Mr. McGrane stated that this had not been examined.

Mr. DeWitt noted that the HVAC equipment would be located on the roof area above the proposed bank vault. He noted that the roof in this area is lower than the remaining roof of the building.

Ms. Baggs stated that the roof appeared to be 5 feet lower. Mr. DeWitt replied yes.

Mr. Harrison noted that there are gooseneck lights shown on the plan to illuminate the signage. He asked if the applicant preferred halo lit, as testified. Mr. McGrane replied yes.

Mr. Harrison noted that the proposed wall sign on the North Fullerton façade was higher due to the incorporation of glass. He asked why this was needed. Mr. McGrane stated that the façade was designed to create a more prominent entry to the building.

Mr. Harrison asked why a free-standing sign was necessary when the applicant proposes a wall mounted sign on the southern façade of the building. Mr. McGrane stated the free standing sign was for visibility from the road for those traveling north and south on North Fullerton.

Questions from the public were then accepted.

Edward Chavez, 14 Forest Street, asked about the footprint of the existing building versus the proposed building. Mr. McGrane stated that the existing building footprint is roughly 2,700 sq. ft. and the proposed is 4,500 sq. ft.

Mr. Chavez asked about the orientation of the lighting and signage on the proposed building towards the parking lot. Mr. McGrane noted the lighting and signage would be to the south façade of the building.

Mr. Chavez asked about landscaping along the eastern property line. Mr. McGrane noted that there would be 4-5 foot high shrubs along this property line.

Erik Eklund, 14 Forest Street, asked if there would be more lighting or less lighting than the existing condition under the proposed application. Mr. DeWitt stated that the light under the application would be focused on the parking area and that there would be 0 foot candle illumination at the property line.

Mr. Eklund asked about the trash location and noted that the proposed enclosure is close to the property line. He asked how noise would be abated from trash pick-up. Mr. DeWitt noted that there would be very little waste generated by the bank location. He noted that most waste is shredded and directly removed by truck from the site and not placed in the trash enclosure. He stated that noise would be minimized by the construction of the enclosure which will be masonry.

Mr. Meese then introduced David Shropshire, traffic consultant for the applicant.

Mr. Shropshire stated that the proposed use of the property would be a low impact use. He stated that there would be a minimal change traffic generation by the bank as the current site is used as a bank. He noted that there would be a 35 trip increase for the PM peak period. He also noted that there would be a minor increase in delay at the intersection of North Fullerton Avenue and Bloomfield Avenue.

Questions from the Board were then accepted.

Mr. Reynolds asked if there was a consideration to have the drive lane as a right turn only lane onto North Fullerton Avenue. Mr. Shropshire stated that based on analysis there was no anticipated delay for existing traffic and there was no concern to address.

Mr. LaVail asked if there was a maximum idle time permitted considering there is only one ATM serving the drive lane. Mr. Shropshire stated that the property is a level lot and there will be minimal delay as there will eventually be 2 drive up ATMs in the drive lane in addition to the ATM within the bank building. Mr. Meese noted that the drive up ATMs will be installed in phases as noted by the applicant.

Mr. Meese then introduced Paul Ricci, professional planner for the applicant.

Mr. Ricci submitted Exhibit A-5, which included an aerial map of the site with zoning information and a series of photographs of the site and adjacent buildings.

Mr. Ricci reviewed the Exhibit. He noted the conditions of the existing site, the adjacent uses and the zones within which the subject property is located.

Mr. Ricci noted that the subject property is an ideal fit for the proposed use and is particularly suited.

Mr. Ricci reviewed the Township Master Plan with regard to the subject property.

Mr. Ricci stated that the proposed plan by the applicant would not have any detriment to the public and noted that the lighting concerns raised by the public could be addressed by the applicant.

Questions from members of the Board were then accepted.

Ms. Baggs noted Mr. Ricci's reference to the Master Plan. She noted that the proposed land use for this area in the plan recommends retaining prohibited uses from the existing zone, which include drive through banks. She asked how this would be supported. Mr. Ricci stated that the use of the property as a bank is supported under the Master Plan. He also noted that the drive thru component has been reduced from the previous configuration under the current application. He stated that the property is an extension of the downtown commercial area and a bank use is support in concept by the Plan. Mr. Meese also noted the modernization of the drive through area.

Mr. Reynolds noted that there is a bank existing on the property. He asked how the proposed design complements the existing neighborhood. Mr. Ricci stated that specific questions on the design may be best addressed by the architect. Mr. Ricci continued that the zone districts that the property is within are not presently aligned with the recommendations of the Master Plan. He stated that the proposed setback complements the adjoining land uses. He also noted that the proposed landscaping along the street buffers the site and the site will also improve pedestrian access. Mr. Meese also noted that the Development Review Committee recommended the applicant review the context of the building given the proximity to the Historic District along Bloomfield Avenue which informed the design.

Mr. Harrison noted that if the applicant was proposing an expansion to the existing building, the proofs would be less for the application. However, he noted that the applicant proposes to demolish the existing bank and construct a new bank which requires higher proofs for the use variance. Mr. Ricci agreed and noted that while the application review has a higher standard, the modifications to the site will be a great improvement.

Mr. Harrison stated that the subject properties are within a mixed use zone and bulk standards of the current ordinance are applicable. He asked how the front yard setback variance should be addressed given the situation of the property. Mr. Ricci referred to the aerial of Exhibit A-5. He noted that the proposed setback of the applicant is consistent with a number of adjacent properties to the north on North Fullerton Avenue.

Mr. Harrison noted that the Master Plan proposes intense uses for the site and asked if the proposed development was a large-scale compact development. Mr. Ricci replied no. Mr. Harrison continued stating that perhaps a mixed-use building with a bank on the first floor may be more appropriate for the site.

Comments from the public were then accepted.

Gail Garubbo, 14 Forest Street, stated that she was concerned about the proposed lighting increase of the site. She noted that currently residents of her building live with light pollution from the subject property every day. She noted that their building is 10 feet below grade of the parking lot of the subject property. She stated that the proposed lights will continue to shine down into bedroom windows of the apartment units. She noted that the new lights will be much brighter than the existing lights which she also noted may not be compliant with current Township requirements. Ms. Garubbo asked that the Board consider the lighting when reviewing the application.

Mr. Meese noted that the application will improve upon the existing conditions of the site.

Ms. Garubbo stated that she was confident the Board would do the right thing.

Mr. Meese then summarized the application for the Board. He noted that the applicant was willing to address the following items:

1. **Lighting:** Mr. Meese stated that the applicant would review the lighting “hot spots” and any other issue areas to mitigate all impacts to adjacent properties.
2. **Landscaping:** Mr. Meese stated that the applicant would agree to consult with the Township Arborist to maintain and retain all healthy trees on the property.
3. **Trash Enclosure:** Mr. Meese noted that a dumpster is not required by Chase Bank. He stated that the applicant could remove the trash enclosure if the Board so chose to have it removed.
4. **Signage:** Mr. Meese stated that the applicant would agree to a halo-lit free standing sign should the Board choose. He also noted that the wall mounted sign fronting the parking lot on the property could be reduced in size to eliminate the need for a variance.

Mr. Meese noted that the applicant is willing to work with the Board to address any and all concerns. He stated that the applicant would return the Board with these items addressed for final consideration by the Board.

Mr. Harrison stated that the applicant should review the lighting specifically with respect to the public comments. He noted that the adjacent apartment building is close to the lighting and this was raised as a major concern. He stated this should be addressed.

Mr. Reynolds noted that the relationship between the landscaping and the lighting is key for the application.

Mr. Harrison stated that elimination of the dumpster would open the site. He also noted screening for the HVAC units should be considered.

Ms. Baggs recommended that the applicant review alternatives to the spandrel glass and how the HVAC equipment could be better incorporated into the building and screened.

Mr. Harrison announced that the application would be continued to the February 8, 2017 Board meeting.

App. 2487: 10 Norman Road. Harry & Arlene Moskowitz. *Bulk variance for side yard setback of new garage.*

Mr. Harrison noted that App. 2487 was scheduled to appear last on the agenda this evening. He noted given the hour, that the Board most likely would not have time to hear the application. He asked if the applicant, Harry & Arlene Moskowitz would agree to carry the application to the February 8, 2017 Board meeting.

Mr. & Mrs. Moskowitz agreed to carry the application.

Mr. Harrison announced that the application would be carried with no further notice.

App. 2484: Rogier & Alexander Intres. 23 Chester Road. *Bulk variance for lot coverage.*

Mr. Harrison introduced the application. Present was the applicant Rogier Intres and Jonathan Perlstein, architect for the applicant.

Mr. Perlstein summarized the application before the Board. He noted that the proposed addition is to include a new mudroom and an expanded kitchen. He noted that there will be a front entrance to the addition, oriented towards Chester Road.

Mr. Perlstein stated that the dwelling is turned with the front towards Brookdale Park and the garage entrance toward Chester Road. He stated that this mudroom entrance will serve as the primary entrance from Chester Road. He continued that the proposed entry will be an improved domestic presence.

Mr. Perlstein stated that the variance required by the applicant was for a slight overage of the lot coverage requirement.

Questions from the Board were then accepted.

Mr. Harrison asked about the entrances to the mudroom from the front and rear. Mr. Perlstein noted that the home is not well sited on the lot. He said the orientation does not give the kitchen direct access to the rear yard and requires crossing through the living room to access doors to the rear yard.

Mr. Harrison noted that the Board previously approved construction of a deck addition on the property which required a variance. Mr. Perlstein stated that the deck as constructed is low to the ground and not as large as approved by the Board.

Mr. Perlstein noted that the need for the coverage variance is largely due to the attached garage to the dwelling.

Mr. Harrison asked if the applicant would agree to remove the roof over the rear entrance to the mudroom. Mr. Intres agreed to the request.

Final comments from the Board were then accepted.

Mr. Moore stated that he did not have any concerns about the variance as requested but wanted to hear comments from other members of the Board.

Ms. Baggs stated that the application presents only a minor impact on the adjacent property. She stated that she would be in favor of the application with the condition that the rear mudroom entrance not be covered.

Mr. Reynolds stated he was in favor of the application.

Mr. Allen stated he would be in favor of the application.

Mr. LaVail stated he would be in favor of the application. He stated that some additional areas could be reduced to meet the building coverage requirement, but that he would support the application.

Mr. Harrison stated that the dwelling is uniquely situated on the lot. He stated that there would be no impairment to the zone plan and no detriment to the public good. He stated that the rear entry roof should be removed.

A motion was made by Mr. Reynolds, seconded by Ms. Baggs to approve the application with the condition as noted.

The application was approved unanimously.

App. 2485: 530 Highland Avenue Capital LLC. 530 Highland Avenue. *Bulk variances for front yard setback and number of stories.*

Mr. Harrison introduced the application. Present was the applicant Jason Lewis, attorney for the applicant Helen Myyrylainen and architect for the applicant Vincent Benanti.

Mr. Benanti summarized the application for the Board. He stated that the applicant proposes to construct a second floor addition to the existing one-story single family dwelling.

Mr. Benanti introduced Exhibit A-1, which noted that front yard setback of adjacent properties to the subject property. He stated that proposed second floor addition would be in line with the existing dwelling, which is located within the required front yard setback.

Mr. Benanti also noted that the proposed second floor addition would result in a third story under the ordinance for the garage located in the basement level of the dwelling.

Mr. Benanti introduced Exhibit A-2, a series of photographs of adjacent dwellings to the subject property. Mr. Benanti noted that other dwellings in the area have similar configurations with a garage in the basement level beneath two stories above.

Mr. Benanti noted that the design of the building is intended to minimize the impact of the addition to appear lower in height with a dormer area over the garage below.

Questions from members of the Board were then accepted.

Mr. Reynolds asked for clarification of the definition of story as it relates to basements. Mr. Petto reviewed the definitions for the Board and noted that a basement is considered a story above grade when the finished surface of the floor above the basement is more than six feet above grade.

Mr. Allen asked what the final finish height above grade would be of the dwelling after the addition. Mr. Benanti noted that the height would be 29 feet, as measured under the requirements of the zoning ordinance.

Ms. Baggs noted that the property is located within the steep slope area. She referred to the memo from Board Engineer Tom Watkinson and noted he indicated there was no increase in impervious cover. Mr. Benanti confirmed Mr. Watkinson's findings, stating that a portion of the addition would be over an existing concrete patio which is already an impervious area.

Ms. Baggs noted that this is a major construction project and asked if any trees would be removed as part of the addition and construction and if any landscaping would be added. Mr. Benanti replied yes and stated that the applicant would obtain all necessary permits for the removal of the trees.

Mr. Harrison noted that the resulting dwelling would be 2-stories with the exception over the garage where the building would be 3 stories.

Final comments from the Board were then accepted.

Ms. Baggs stated that there appears to be justification for the number of stories variance due to the steep slope of the property and similar configuration of other dwellings with basement level garages and two stories above in the area. She noted that the proposed second floor addition will be in line with the existing story below with respect to the front yard setback. She stated that constructing the addition rearward to conform to the front yard setback would be difficult given the slope of the property. She stated that a condition that the applicant comply with the steep slope ordinance and the recommendations of the Board Engineer be conditions of approval.

Mr. Reynolds stated that he was in favor of the application with the conditions as stated by Ms. Baggs.

Mr. Allen stated that he was also in favor of the application. He stated that he does not understand the three story interpretation of the ordinance. He stated that the existing front yard setback will be respected and that the applicant has presented a good plan.

Mr. LaVail stated that he was also in favor of the application with the condition as stated. He noted that the proposed plan fits within the neighborhood.

Mr. Moore stated that he was in favor. He stated that the proposed plan will add value to the property and does not present any detriment.

Mr. Harrison stated that he was also in favor. He noted that the situation of the property on the slope is one that the Board has reviewed previously. He stated that the proposed design of the dwelling with the addition is better than other existing dwellings in the area. He noted that the existing dwelling is already located within the required front yard setback. He stated that there would be no impairment to the zone plan and no detriment to the public. Mr. Harrison also noted that a condition that the applicant adhere to the comments by the Board Engineer be part of the approval.

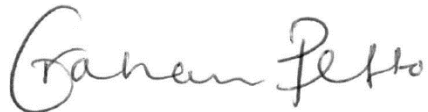
Mr. Moore made a motion to approve the application with the condition as stated by Mr. Harrison, seconded by Mr. Reynolds.

The application was approved unanimously.

ADJOURNMENT

A motion to adjourn was offered by Ms. Baggs, seconded by Mr. Allen. The meeting was adjourned at 11:30pm, January 18, 2017.

Respectfully submitted,

A handwritten signature in cursive script that reads "Graham Petto". The signature is written in black ink and is positioned above the typed name and title.

Graham Petto, P.P., AICP
Assistant Secretary
Zoning Board of Adjustment