



Township of Montclair

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MONTCLAIR ZONING BOARD OF ADJUSTMENT



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MINUTES OF THE BOARD OF ADJUSTMENT

April 19, 2017

ORDER: The meeting was called to order at 7:30 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. Reynolds, Mr. Moore, Mr. McCullough, Ms. Daye, Mr. Sullivan and Mr. Petto. Ms. Baggs, Mr. LaVail, Mr. Allen and Ms. Chowaneic were excused.

APPROVAL OF MINUTES:

Mr. Harrison introduced the minutes of the March 15, 2017 Board meeting. He noted a few edits to the minutes as presented. A motion was made by Mr. Fleischer, seconded by Mr. Reynolds to approve the minutes as amended. The minutes were approved unanimously, with Mr. Moore abstaining.

OLD BUSINESS:

Resolution for App. 2491: 62 Wildwood Avenue. Eileen Opatut & Joan Garry. Bulk variance for lot width & front yard parking for new single-family dwelling.

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

Resolution for App. 2486: 630 Valley Road. T-Mobile Northeast, LLC. Wireless telecommunications installation in N-C zone.

Mr. Harrison introduced the resolution. He noted a few edits to the resolution as submitted. A motion to approve the resolution as amended was offered by Mr. Fleischer, seconded by Mr. McCullough. The resolution was approved unanimously with Mr. Moore abstaining.

Resolution for App. 2481: 102 Lloyd Road. H. Qaim-Maqami & M. Anwarzai. Bulk variance for front yard setback and number of stories.

Mr. Harrison introduced the resolution. A motion to approve the resolution as submitted was offered by Mr. Fleischer, seconded by Mr. Reynolds. The resolution was approved unanimously with Mr. Moore abstaining.

App. 2493: 89 Valley Road. BG Holdings LLC. *Use variance for medical office use in R-2 zone district.*

Mr. Harrison announced that he would recuse himself from the application. Mr. Fleischer served as Chair for the application.

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

Mr. Trembulak summarized the application for the Board and noted the variances sought by the applicant. He noted that the applicant has bifurcated the application and would be presenting the requested variances of the application as part of this hearing and would return to the Board for site plan approval, should the variances be approved.

Mr. Trembulak stated that the existing building on the subject property has long contained a medical use. He noted that the property previously was granted a use variance for medical office use in 1989.

Mr. Trembulak introduced Mr. David Genova of BG Holdings. Mr. Genova stated that BG Holdings is under contract to purchase the building, with a contingency of the variance approval.

Mr. Genova noted that the plastic surgery center was approved as a use under the 1992 resolution granted by the Board of Adjustment.

He stated that the use variance sought under the application would be to expand medical use to the entire building. He stated that 9,000 sq. ft. of the existing building would be leased to Summit Medical Group under a seven year agreement. He stated that Summit Medical allows for shared administration, which reduces staffing needs. He stated that there would be a total of 3 new medical practices in the building, and 2 have already been identified; a neurologist and an orthopedist, both of whom are part of Summit Medical Group.

Mr. Genova noted that it is a requirement of Summit Medical that parking be provided. He stated that the existing parking lot would be improved under a site plan portion of the application and that 19 on-site spaces would be provided. He stated that BG Holdings has arranged for leases in place for 10 additional parking spaces to be located at 94 Valley Road and 7 additional spaces at 133 Valley Road.

Mr. Genova noted that the hours of operation would be weekdays from 7:00am to 6:30pm, with one evening til 9:00pm. He stated that on weekends the building would not be used, except for emergency treatments.

Questions from the Board were then accepted.

Mr. McCullough asked about the remaining 1,000 sq. ft. of the 10,000 sq. ft. building. Mr. Genova stated that the 1,000 sq. ft. would be retained by the seller for continued use under the existing medical practice.

Mr. McCullough asked about on-street parking. Mr. Genova stated that the parking analysis would be presented by the parking expert.

Mr. Moore asked if there would be a pain management practice, which may have a high use demand. Mr. Genova stated that they would be open to a restriction on pain management medical uses.

Mr. Moore asked about parking for emergency uses on the weekends. Mr. Genova stated that the lot would not be used during closed hours, so parking would be available.

Mr. Trembulak asked Mr. Genova if shared parking could be considered. Mr. Genova replied yes.

Mr. Moore asked about the length of medical appointments, and how long visitors would be at the property. Mr. Genova stated the parking expert would testify to this.

Ms. Daye asked about any proposed signage, noting the existing monument sign. Mr. Genova stated that signage would be included as part of the site plan portion of the application.

Mr. Fleischer stated concerns about the link between staff, parking and the types of medical practices. He stated that more detail would be needed by the Board of the proposed intensity of the three 3,000 sq. ft. medical offices. He noted that dermatology practices, for example, have high intensity levels and are often very busy. He stated that more information on the proposed uses would be needed by the Board.

Mr. Genova stated that BG Holdings could agree to a limitation on the number of practices permitted in the building.

Mr. Fleischer noted that the proposed additional medical offices represent a significant change to the site, which could generate much more volume of use. He stated that the Board would need to know more specific information, such as how many practitioners are on-site at one time.

Mr. Genova noted that Summit Medical group does share administrative services which changes the way traditional offices function. He noted that the proposed uses will not be too intensive for the site.

Mr. Trembulak then introduced Nick Verderese of Dynamic Traffic, parking expert for the applicant.

Mr. Verderese reviewed his findings from the parking analysis. He noted that the current Township requirement for medical parking is 1 space per 150 sq. ft. of medical office use. He stated that this requirement is outdated with respect to modern operation of medical offices. He noted that the current Township requirement is intended for sole practitioners, where 3 to 4 patients are on-site at one time. He stated that newer rates are lower.

Mr. Verderese stated that the 19 on-site parking spaces should be used by patients as off-site parking arrangements are easier to manage for employees. He stated that there would not be more than 19 patients on site at one-time.

Mr. Verderese stated that a typical maximum distance to walk for parking is 350 feet. He noted that there is 2 hour on-street parking within this distance of the subject property. He noted that during typical mid-morning and mid-afternoon counts, which is

a common time for medical appointments, that there are approximately 70 on-street spaces available. He noted that the residential uses in the area present a reciprocal timing of use for parking with the proposed medical office use.

Mr. Verderese reviewed parking at 94 Valley Road, noting that there are 27 spaces in the parking lot and that the fewest number of spaces available during observations were 11 in the afternoon.

Mr. Verderese also noted that daytime parking is permitted on a number of side streets, including Portland Place, Montague Place and Claremont Avenue.

Mr. Verderese reviewed his parking study results in detail, noting the following observations:

- February 2, 2017 (2pm to 3pm): 77 on-street spaces available
- February 3, 2017 (10am to 11am): 69 on-street spaces available
- February 3, 2017 (2pm to 3pm): 69 on-street spaces available
- February 16, 2017 (10am to 11am): 73 on-street spaces available

Mr. Verderese reviewed the Institute of Transportation Engineers parking requirement for medical office use of 3.2 spaces per 1,000 sq. ft. Mr. Verderese stated that using these requirements, the subject property would need 32 off-street spaces, where a total of 36 off-street spaces are proposed by the applicant.

Questions from the Board were then accepted.

Ms. Daye asked if weekend counts would be needed. Mr. Verderese stated that they would not be needed as the building will not be staffed on weekends, except for emergency use only.

Mr. McCullough asked about parking availability on-street under inclement weather, for example snow. Mr. Verderese stated that parking would still be available, as the applicant is providing 36 off-street spaces.

Mr. McCullough asked what the periods of peak demand would be. Mr. Verderese stated between 10am and 11am and between 2pm and 3pm. He noted that typically staffing starts to reduce for medical offices beginning at 3pm.

Mr. McCullough noted that Valley Road is quite busy with high traffic volume. He asked about patients crossing the road to access the building. Mr. Verderese noted that the area is pedestrian friendly, despite the traffic level and that there are existing crosswalks in the vicinity.

Mr. Fleischer asked Mr. Verderese to review the ITE parking requirement for medical use.

Mr. Fleischer stated that he would need further justification from the applicant that only 19 patients would be in the building at one time. He stated that perhaps there should be a limit of only 4 practices in the building. He stated that the Board needs additional information on the types of medical practices to understand the impacts of the proposed use in the R-2 zone.

Mr. Genova stated that BG Holdings would be comfortable limiting the number of practices in the building at 5 in total, with a condition that no dermatology be located in the building.

Mr. Fleischer stated that 5 offices represents smaller, more intensive uses of the building which may require more parking.

Mr. Genova stated that shared administrative staff by Summit Medical would reduce the intensity of use.

The Board then took a 5 minute break at 9:05pm.

Following the break, Mr. Trembulak introduce Peter Steck, planning expert for the applicant.

Mr. Steck introduced and reviewed Exhibit A-1, a planning report with photos of the site.

Mr. Steck reviewed the application for the Board. He noted that the building was constructed in 1954 as a medical office building, which conformed to the zone at the time. He stated that there is insufficient on-site parking even for use as a general office. He stated that there is a hardship as the parking on-site would only allow for partial use of the building. He also noted that the Board may require conditions of approval to limit the proposed medical uses.

Questions from the Board were then accepted.

Mr. McCullough asked about the off-site parking at 133 Valley Road. Mr. Steck noted that these spaces are about 400 feet from the subject property, and located on the same side of Valley Road. He noted that there will be one manager of the off-site parking, which would be Summit Medical Group.

Mr. Moore asked if there could be a condition that all employees use off-site parking. Mr. Steck stated yes.

Mr. Fleischer asked about the uses of 94 Valley Road and the parking requirement for that property. He noted that the applicant proposes to lease spaces from this building, however, the uses within 94 Valley Road may require those parking spaces in the future. Mr. Steck stated he did not know the square footage of that building, nor the required parking.

Mr. Genova returned to state that the existing building contains 11 exam rooms. He stated that a condition of no increase of the number of exam rooms could be added. He also stated that BG Holdings would be open to a condition to restrict a lab service, dentist, dermatologist or other type of high intensity medical office use. He stated that the applicant could agree to install a flashing crosswalk sign at Montague Place. He also stated that the applicant would agree to a condition to limit the number of staff to 25.

Mr. Fleischer stated that the intensity on the site is still not known as the applicant has not clarified the proposed medical uses. He stated that the Board needs the numbers for staffing and patients to determine the level of intensity of the proposed use. He stated that the greatest concern is specifically related to parking.

Mr. Trembulak stated that the applicant has requested to continue the application to the May 10, 2017 meeting of the Board.

A motion to carry the application was offered by Mr. Reynolds, seconded by Ms. Daye. The motion to carry the application to May 10, 2017 was approved unanimously.

NEW BUSINESS:

Mr. Harrison returned to chair the meeting.

App. 2492: 250 Upper Mountain Avenue. Alexandra Davies & Jay Fastow. *Bulk variance from front yard setback for additions to existing dwelling.*

Mr. Harrison introduced the application. Mr. Petto announced that the applicant had contacted the Planning Department and stated they would be unable to attend this evening.

Mr. Harrison stated that the application would be carried to the April 26, 2017 Special Meeting of the Board of Adjustment. He noted there would be no further notice.

App. 2494: 2 Chester Road. Mary Jane Weldon. *Bulk variance for front yard setback for second floor addition.*

Mr. Harrison introduced the application. Present for the application was the applicant, Mary Jane Weldon and architect Thomas Ercolano.

Mr. Ercolano reviewed the plans for the second floor solarium/roof garden addition to the existing one-story portion of the dwelling. He introduced Exhibit A-1, a colored sheet of the submitted plan set to the Board. He noted that the requested variance is from the front yard setback requirement for the front yard along Grove Street.

Mr. Ercolano introduced Exhibit A-2 and A-3, two photo boards with a series of photographs of adjacent properties.

Questions from the Board were then accepted.

Mr. Moore asked if the addition would cast a shadow on adjacent properties. Mr. Ercolano replied no.

Mr. McCullough asked for clarification of the addition type. Mr. Ercolano stated it was a solarium or sunroom.

Final comments from the Board were then accepted.

Ms. Daye stated she would be in favor of the application.

Mr. Moore stated he would be in favor of the application as there was no detriment.

Mr. Fleischer stated he would be in favor, noting that the addition was no worse than the existing front yard setback.

Mr. McCullough stated he would be in favor.

Mr. Harrison stated he would be in favor. He noted that the application would not impact the zone plan, nor present a detriment to the public good.

A motion was made by Mr. Fleischer, seconded by Mr. Moore to approve the application. The application was approved unanimously.

App. 2495: 29 Afterglow Way. Mark Green & Kristen Poppele. Bulk variance for front yard setback of corner property for rear deck addition.

Mr. Harrison introduced the application. Present for the applicant was attorney Alan Trembulak and architect Paul Sionas.

Mr. Sionas reviewed the proposed deck addition in detail for the Board. He noted that the property is located on a corner and has a front yard setback requirement from Parkhurst Place. Mr. Sionas noted that given the slope of the property the proposed deck, while elevated on the rear, is from the main level of the home. He noted that the proposed deck would not extend as far as the existing house into the front yard along Parkhurst. Mr. Sionas reviewed the details of the deck installation.

Questions from the Board were then accepted.

Mr. Harrison asked if the applicant would agree to the two recommended Historic Preservation Commission conditions:

1. The applicant should attempt to retain and recycle all original building materials that are to be removed as part of the modifications to the dwelling.
2. The existing privet hedge along Parkhurst Place should be retained to minimize any visual impact of the new deck addition.

Mr. Sionas stated that the applicant would conform to the recommended conditions of the HPC.

Comments from the Board were then accepted.

Mr. Moore stated he would be in favor of the application. He stated there would be no detriment to the public and that the deck would be an improvement for the dwelling.

Mr. Fleischer stated he would be in favor of the application with the conditions from the HPC.

Mr. McCullough stated he would be in favor of the application, noting that the deck is from the main level of the home.

Ms. Daye stated she would be in favor of the application.

Mr. Harrison stated he would be in favor of the application, noting that the proposed front yard setback of the deck is no closer than the existing front yard setback of the dwelling. He stated that the application would not impair the zone plan nor be a detriment to the public. He stated an additional condition that the deck not extend closer to Parkhurst Place than the existing house should be added. He summarized the conditions:

1. The proposed deck shall not extend any closer to Parkhurst Place than the existing setback of the dwelling from Parkhurst Place.
2. The applicant should attempt to retain and recycle all original building materials that are to be removed as part of the modifications to the dwelling.
3. The existing privet hedge along Parkhurst Place should be retained to minimize any visual impact of the new deck addition.

A motion was made by Mr. Fleischer to approve the application with the conditions stated by the Chair, seconded by Mr. Moore. The application was approved unanimously.

App. 2498: James Podvesker. 44 Harvard Street. Bulk variance for rear yard setback of one-story addition.

Mr. Harrison introduced the application. Present for the application was James Podvesker, applicant.

Mr. Podvesker reviewed the proposed addition. He noted that the existing deck on the rear of the dwelling will be removed to remove an oil tank. He stated that the proposed addition will be for the kitchen to create an eat-in area.

Mr. Fleischer noted that the proposed addition encroaches 1.8 feet into the required rear yard and asked if this presented a hardship. Mr. Podvesker replied yes, noting that reducing the size of the addition would not allow for an eat-in kitchen.

Mr. Harrison noted that compared to the previous deck, the addition will encroach less into the rear yard.

Mr. Moore asked about any screening of the addition. Mr. Podvesker noted that the dwelling is further from others behind as there are large rear yards for those properties.

Final comments from the Board were then accepted.

Mr. Fleischer stated he would be in favor of the application as submitted. He noted that the deviation is minor and that the lot is small in size.

Mr. McCullough stated he would be in favor.

Ms. Daye stated she would be in favor.

Mr. Moore stated he would be in favor.

Mr. Harrison stated he would be in favor. He noted that the addition will be setback further than the previous deck. He also noted the location of the bilco doors on the rear of the dwelling prevented any extension of the addition along the façade of the dwelling.

A motion was made by Mr. Fleischer, seconded by Ms. Daye to approve the application as submitted. The application was approved unanimously.

App. 2499: Scot & Sabrina Formey. 7 Linden Avenue. Bulk variance for side yard setback of two-story addition.

Mr. Harrison introduced the application. Present for the application were the applicants, Scot and Sabrina Formey.

Mr. Formey summarized the application for the Board. He reviewed the proposed addition and the proposed deck and noted the requested side yard setback variance.

Questions from the Board were then accepted.

Mr. Fleischer asked what the side yard setback of the new addition would be. Mr. Formey stated it would be 3 feet. Mr. Fleischer asked what the side yard setback of the deck would be. Mr. Formey stated it would be 2.53 feet.

Comments from the Board were then accepted.

Mr. McCullough stated he would be in favor.

Ms. Daye stated she would be in favor.

Mr. Moore stated he would be in favor.

Mr. Fleischer stated he would be in favor.

Mr. Harrison stated he would be in favor. He noted that the proposed addition will have a side yard setback greater than that of the existing dwelling. He stated that there would be no impairment of the zone plan and no detriment to the public good. He stated the addition would be good for the dwelling, which is located on a small lot.

A motion was made by Mr. Fleischer, seconded by Mr. McCullough to approve the application. The application was approved unanimously.

ADJOURNMENT

A motion to adjourn was offered by Mr. Fleischer, seconded by Mr. McCullough. The meeting was adjourned at 10:50pm, April 19, 2017.

Respectfully submitted,

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

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