

**Borough of Caldwell  
Zoning Board of Adjustment  
March 1, 2017**

A Public Meeting of the Board of Adjustment of the Borough of Caldwell was held on March 1, 2017 at 7:02P.M.in the Municipal Building, 1 Provost Square, Caldwell, New Jersey. Mr. Kurus opened the meeting and read the opening statement.

**ROLL CALL:** Mr. San George, Mr. Vere, Mr. Piazza, Mr. Kurus, Mr. Colaizzo and Ms. Buechner and Mr. Alonso

**ABSENT:** Ms. Shufro

**STATEMENT OF COMPLIANCE**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**APPROVAL OF MINUTES:**

The public minutes of February 1, 2017 were approved.  
Mr. Piazza and Mr. Alonso abstained.

**APPROVAL OF INVOICE:**

**ARH Associates**, invoice dated January 6, 2017 for application Z16-011, RIA Holdings, 55 Bloomfield Avenue in the amount of \$1,615.00. **ARH Associates**, invoice dated January 6, 2017 for application Z16-010, 27 Central Ave, LLC, 27 Central Avenue, in the amount of \$1,955.00. **Lisa Phillips**, invoice dated January 27, 2017 for application Z16-011, RIA Holdings, 55 Bloomfield Avenue in the amount of \$1,400.00

Motion to approve invoices for ARH Associates and Lisa Phillips by Ms. Buechner, seconded by Mr. Vere. All in favor.

**NEW BUSINESS:**

**Application Z16-011**, RIA Holdings, LLC, 55-57 Bloomfield Avenue, Block 8, Lot 18 & 18.03, Use Variance.

Paul Jemas representing the applicant RIA Holding, LLC he is joined by Dr. Shah and she is the owner along with her husband. Dr. Shah is a Prosthodontist who does a very specialized dentistry that involves replacement and reconstructive. They really appreciate the constitution of the board's professionals as a result with the interaction of the boards professionals Mr. England and Ms. Phillips we have revised this application and down scaled it a bit. It is really productive to have that kind of communication with them. The applicant is proposing to remove the auto body repair center that is currently on the property and replace it with her practice and six (6) residential apartment units. There will be five witnesses today first Mr. Corso, Architect, Dr. Shah, Mr. Stewart, Engineer, Mr. Staiger and Mr. Stiles, Planner.

Mr. Corso was sworn in and qualified as an Architect.

Mr. Corso gave a summation:

- He designed the building that comprise of six (6) apartments which were originally a warehouse that has been taken out of the application.
- 1<sup>st</sup> floor is the dental office.
- 2<sup>nd</sup> floor is three (3) apartments.
- 3<sup>rd</sup> floor is three (3) apartments.

### Exhibit

#### A-1 Rendering of Proposed Building

- Looking at the front of the building the first floor is set in so parking will be underneath. The second, third floor are above.
- The second and third floors are all brick with some stucco highlights.
- There are nice traditional columns.
- Two story portion with a roof to match surrounding buildings. Behind the roof is the third story. It gives an impression of a 2 ½ story building.
- Entrance to dentist office is highlighted with an arch window above it and double doors with valance windows on each side.
- Dimensional shingle roof.
- The height of the building from the measure portion around the foundation to the mansard roof is 36'6" and then there is 3 ½' at the top of this mansard with a flat roof behind it
- This was done so all the air conditioning units can be on the roof.
- Mr. Corso discussed A-1 in the original application which is the floor plan.
- Nine systems, six (6) for the apartments, two (2) for the common areas and one (1) for the dentist office.
- They will be located in the center of the building and at least 30' away from any property lines.
- Decimal level is 62.5 coming out of the unit and by the time it gets to the property line its well under 45 and the State requirement is 50.
- They are package unit's air handler and condenser together.
- Mr. Corso discussed A-2 of the original application right and left side elevation and rear elevation.
- The front of the building lines up to the other buildings to the right and left. Right side has the same dormer effect on the third floor and the rest of it is brick and stucco trims which give the appearance of a 2 ½ story building. Third floor being behind the attic.
- Around the back is all brick and the part that you drive under has 2 stories above it and the rest of it is all brick for three stories brick dormers and the brick veneer on the first and second floors.
- The left side is very close to the property line with the main part of the building where the cars drive under so there are no windows there.
- On the second floor there are two units in the front and one unit all the way across the back which is a larger unit with two master suits and all three units have two bathrooms.
- Basically the layout on the third floor is similar except you can see were the dormers are and that's where the roof comes up.

Mr. Corso reviewed Mr. England's report.

- The footings are deep enough.
- Grades around the building range from 449.6 – 450.6 so the average around the building is at 450 and the first floor average is at 451. There is an extra foot from the height of the building from the floor level down.
- Pillars are concrete with re-enforced steel inside.
- Height of building for access of vehicles is 11'8" high.
- There will be no signage on the exterior.

Board members asked questions:

- Elevator will be ADA compliance.
- Bathroom 6' x 7 ½'
- Corridor minimum is usually 3'6" and they are proposing 4'4".
- The whole building will be fully sprinkled.
- Sprinkle system on the outside too.
- All examine rooms are accessible.
- The shafts from the condensing units will come down through closets.
- The office will be one condensing unit.
- Meters, sprinkler system, valves and some water heaters in the Basement.
- There is nothing in the crawl space and it is accessible in two locations.
- The third floor will lose about a foot and a half.
- The dimensions of the rooms are a good size.
- Majority of the room is 9'.
- The bathroom in the dentist office is in the hallway by the consulting room.
- Traffic consultant will talk about the circulation of cars.
- Parking is in the back and front of property.
- There will be a roof hatch with stairs and a ladder to access the roof.
- The neighboring building is about 10 to 11 feet back.

### Exhibit

A-2 Tree Photo

- Mr. Corso explained the gutters and liters.
- Ten pieces, roof hatch generator and drains on the roof.
- Applicant will screen all lights.
- Generator in the common areas.
- Generator decibel is less than the condensing units.
- The total square footage of the building is between 9,000 and 10,000 sq. ft.
- The brick on the building will be standard size.
- The dental office is 1700 sq. ft.
- The building is smaller since it was revised without the warehouse.
- Private Service with a smaller truck for pickup of refuse and recycling.
- There will be no low or moderate income housing but they would comply if the Board requested.

### **OPEN TO PUBLIC:**

Anthony Brucchieri, 61 Bloomfield Avenue asked about the driveway on his property and he would like that a curb not be put there.

## CLOSED TO PUBLIC

Dr. Shah was sworn in.

Dr. Shah gave a summation:

- She is a Prosthodontist and she specializes in full mouth construction.
- Currently her practice is in Clifton and she will be maintaining that practice as well as this one.
- There will be two people in the office with her one at the front desk and one assistant.
- Average time for one patient is three to four hours.
- Start time will be 10AM – 6PM which can vary and Saturday 9AM – 2PM.
- The maximum patients in a day would be four.
- There will be two surgical rooms and two non-surgical rooms.
- Surgeries cannot be performed in the non-surgical rooms.
- No other physician.
- Dr. Shah understands that in the event she was to change the practice or if she were to add another doctor she will need to come back for approval in order to do that.

Board members asked questions:

- Dr. Shah currently owns the space in Clifton.
- She resides in North Caldwell.
- Mr. Shah has a business in West Caldwell.
- Professional services on the 1<sup>st</sup> floor and apartments on 2<sup>nd</sup> and 3<sup>rd</sup> floor.
- The apartments will be rental apartments.
- Upscale units.

## OPEN TO PUBLIC:

NONE

## CLOSED TO PUBLIC

Mr. Chuck Stewart was sworn in and qualified as Engineer.

Mr. Stewart gave a summation:

- The property in question is Block 8, lot 18 & 18.03.
- They are approximately 100' west of Mountain Avenue.
- Immediately to the west is an existing apartment building.
- Across the street are the rows of Town Houses in Essex Fells.
- Two lots combined 12,008.8sq. ft.
- There is an existing building on the property about 5,000 sq. ft. structure located on the westerly lot 18.03.
- There is an existing parking lot to the East of the building.
- General pyrography is the B-Business Zone.
- The property slopes back towards Bloomfield Avenue.
- Generally a flat graded site.

- The proposal is to knock down the existing structure.
- To construct a three (3) story building that Mr. Corso had described.
- Currently there is a drop curb in front of building.
- It will be closed starting at the easterly property line and they will construct a full phase curb on Bloomfield Avenue.
- There will be a two-way traffic entrance on the westerly side of the property.
- Mr. Stewart spoke about his site plan that consists of five sheets.
- Parking will be in the front of the building which will be underneath the overhang.
- There will be four parking spaces
- When you come into the parking lot you can make a right hand turn to the four parking spaces.
- Also, you can go under the building and access the rear parking lot.
- Eleven spaces in the rear of the building.
- There are eight spaces across the back of the site and three spots on the back easterly property line.
- Along the bank parking lot there is an existing wall that runs along the property. The rear easterly three spots will end up immediately adjacent to the retaining wall.
- Front of building the easterly spot will be labeled as doctor parking only.
- Dumpster will be in the northeast corner.
- There will be two compact parking spots near the dumpster.
- Two way ingress egress from Bloomfield Avenue.
- A drainage system is proposed.
- Located right in front of the site is a 48" storm drain covert that runs parallel to Bloomfield Avenue behind the curb located in the sidewalk area.
- They are proposing to tie their storm water drain into that covert.
- The storm drain line will run off the side of the building to pick up any roof liter drains and the discharge will be into this existing storm drain line.
- The rear property drains, drain towards the south.
- There is an existing sanitary line located in the front of the building and they have all the other utilities located within Bloomfield Avenue. Electric, Gas and Water.
- Standard parking stalls sizes.
- According to the ordinance we need twelve (12) parking spaces for a dental office.
- Six - two bedroom apartments' will require twelve (12) parking spaces.
- The applicant is proposing fifteen (15) parking spaces.
- The applicant is willing to remove the curbing that is along the westerly property line that Mr. Brucchieri discussed.
- Mr. Stewart is suggesting that they propose a new fence along the rear of the property.
- Six foot fence board on board.
- Mr. Stewart will modify the handicap ramp and he will modify the pavement height and the concrete walk height to provide a ramp that meets ADA requirements.
- Mr. Stewart will redesign that area to satisfy Mr. England and Mr. Kurus.
- There will be a curb along the front of the property so you can't back into Bloomfield Avenue.
- There will be a controlled ingress egress located on the westerly side.
- The fence in the rear of the property will be located on the applicant's property.
- Private hauler for garbage.

- There is plenty of room for a smaller garbage truck.
- Mr. Stewart went through Mr. England's report and there is nothing in the report that the applicant can't provide.
- There will be wall mounted lights on the building. Two in front and two in back of building. Architectural lighting through driveway area and in the front lot. They will be recessed lights inside the housing.
- Landscaping planters in front portion of property.
- There is some landscaping along the easterly property line and also in the back portion behind the refuge area.

Mr. England asked Mr. Stewart how the storm water from the residential area behind the building currently, where does it go and Mr. Stewart responded that he believes the lots are sloped towards the property and it does drain onto our property. If it is draining onto them now they can certainly accommodate that flow. They will take a look at it and make provisions for whatever is necessary. Mr. England asked if any storm water management facilities is not needed and if he can explain why to the Board and Mr. Stewart responded that due to the fact that the sight was previously developed and that we don't have an increase over a quarter acre impervious coverage so therefore according to the storm water regulations, storm water detention and or water quality it is not needed. Mr. England responded that listening to the neighbor on lot 18.02 who is concerned about the curbing you have located the curbing off the property line that appears to be about 3' is that correct and Mr. Stewart responded yes. The current plan that you have before the board the is curbing does not interfere with the access driveway correct and Mr. Stewart responded that it does not appear that it does.

Mr. England asked Mr. Stewart to describe the drainage from his property and how it would interact with the property next door.

Mr. Stewart responded that both properties slope towards Bloomfield Avenue so the water runs out towards Bloomfield Avenue. Mr. England responded that it appears that the neighbors building and driveway appear to be lower than the applicant's property. Mr. Stewart responded it is. Mr. England's recommendation is to leave the curb there to control drainage so the neighbor next door does not get additional water from your site. Since the curbing will not affect driveway access and he thinks it serves both purposes to leave the curb.

Mr. England asked about the turning movements in the rear parking lot and if there was enough room and Mr. Stewart responded yes they do they are 26.4' which is 2' over what they really need. They propose wheel stops on the plan along the parking spaces.

Mr. England asked about the lighting and will the lighting be on all night and Mr. Stewart responded that for security the entrance should be illuminated so it could be on a sensor. He will consider LED lighting.

Board Members asked questions:

- Mr. Stewart agreed to take into account the LED lighting the architectural features and will generate an amended lighting plan to be reviewed by Mr. England.
- Mr. Stewart will provide a cut sheet of the exterior unit.

- Eleven parking spaces in the back of the building and according to the Parking calculations you need 2 per unit so you will need 12.
- The parking spaces in the front will be available after hours.
- The width of the driveway is 22' and that's what the ordinance requires.
- They will stripe the area between the bollards for more of a visual context.
- The retaining wall on the bank side will stay and no one can cut through the property.
- The fence on the property now is the owner in the back's fence and they will be putting up a new fence that is 6' high.

Discussion continued on the parking spaces and the area with the compact cars and the refuge containers

- Snow removal will be taken off site.

9:12PM Recess

9:21PM Roll Call

Mr. San George, Mr. Vere, Mr. Piazza, Mr. Kurus, Mr. Colaizzo, Ms. Buechner and Mr. Alonso

**OPEN TO PUBLIC:**

**Tony Varuolo, 58 Elm Road** asked if there would be a fence put across lots 3 and lots 4. He is also concerned about the tree that is in the back

**Mr. Jemas** responded that they would be willing to speak to Mr. & Mrs. Varuolo in regards to preserving that tree and screening his property

**Kristin Blake, 55 Elm Road** she asked if light bollards are considered to keep the lighting down so they are not illuminating in the second story windows.

**Mr. Stewart** responded that they will be constructing lighting so the adjacent properties will not see the light source.

Mr. Jeffrey Stiles was sworn in and qualified as planner.

Mr. Stiles gave a summation:

- He has reviewed all plans and the revised plans and has visited the site.
- He is familiar with the Master plan and the most recent re-examination which is old. As well as being involved with discussions with the applicant and counsel regarding this application.
- There is a one story structure with no setbacks.
- The last use was an auto repair and auto rentals and has been vacant for several months.
- There was no curbing in the front and cars were backing out into Bloomfield Avenue.
- The property is 100% coverage the buildings all the parking paved areas encompass the entire property both Lots 18 & 18.03.
- There is a small section of that building that has a second story to it.
- The property is located in the B Zone which allows a variety of uses not residential as being proposed.
- Bloomfield Avenue is basically commercial with some residential properties above and then you start transitioning away from that is commercial with multifamily and single family uses.

- Retail uses are permitted. Banks, personal service establishments, restaurants and dental offices.
- The two lots merged is 12,000 sq. ft. lot area just shy of 90' along Bloomfield Avenue.
- B Zone allows lots as small as 2,000 sq. ft. and 30' of frontage.
- They are asking for the office space on the first floor which is permitted. They are looking for residential units which are not permitted in the zone.
- Preliminary site plan approval.
- D Variance is required.
- Number of parking stalls variance needed.
- Variance for set back from the property line. We have a 5' requirement and they are proposing right up to the property line.
- 6' fencing in rear is a permitted height.
- We need to meet the positive criteria by showing special reasons that associate with the property or with the use of the property.
- What the applicant is proposing is a better zoning alternative for the property than the current zoning that is there.
- They are providing building setbacks that don't exist today and setbacks on both sides. They are providing the required setbacks in the front yard.
- Consistent with land use properties.
- Improving access onto Bloomfield Avenue.
- They have met the parking requirements for this use itself.
- Traffic at a minimal.
- A condition would be if the use of the first floor changes it would need to come back before the Zoning Board.
- The lighting feature and working with the property owner to the west about the property line and curbing is something you should condition upon.
- The applicant has met the positive and negative criteria.

Ms. Phillips responded that the applicant did listen in regards to what Mr. England and myself had said about the warehouse and they did eliminate the third use and did not increase the number of residents. She believes that the positive criteria are met in terms of the mixed use. There is a bus Route right at curb. It comes down to the negative criteria of this the parking that's where the Board is going to have to listen to Mr. Staiger's testimony in terms of any kind of detriment with the amount of the variance. There is no parking permitted on Bloomfield Avenue and if there was any overflow in terms of the dentist they would probably go to Mountain Avenue. She also feels that the fence will provide a screening. Ms. Phillips feels that they have addressed the positive and negative criteria for the use as well as the bulk. She feels it comes down to the parking and that's what the Board has to evaluate after Mr. Staiger's testimony.

Mr. San George asked what the density of this proposed use and Mr. Stiles responded the residential density we have a quarter of an acre of property and six units which is 24 units per acre. Mr. San George asked if he knew the density of the adjoining properties and Mr. Stiles responded that the adjoining properties are clearly a lower density because they are one, two and three family units. He does not know the density of the units across the street. Discussion Ensued on the use of the property.

**OPEN TO PUBLIC:**  
NONE

Application will be carried to April 5<sup>th</sup> meeting. There will be no new mailings or publication.

The meeting adjourned at 10:06PM

Respectfully Submitted,

Lisa O'Neill  
Zoning Board Secretary