

**Borough of Caldwell  
Zoning Board of Adjustment  
September 6, 2017**

A Public Meeting of the Board of Adjustment of the Borough of Caldwell was held on September 6, 2017 at 7:03P.M.in the Municipal Building, 1 Provost Square, Caldwell, New Jersey. Mr. Kurus opened the meeting and read the opening statement.

**ROLL CALL:** Mr. Vere, Mr. Piazza, Mr. Kurus, Mr. Colaizzo, Ms. Buechner and Ms. Shufro

**ABSENT:** Mr. San George

**ABSENT AT ROLL CALL:** Mr. Alonso

**STATEMENT OF COMPLIANCE**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**7:04PM Mr. Alonso arrived**

**APPROVAL OF MINUTES:**

The public minutes of July 5, 2017 were approved  
Ms. Buechner and Ms. Shufro abstained.

**7:11PM Recess**

**RESOLUTION:**

**Application Z17-015**, Abracadabra Properties, LLC, 73-75 Bloomfield Avenue, Block 8, Lots 15 & 16.

Motion to approve Resolution for application Z17-015 Mr. Colaizzo, seconded by Mr. Piazza.

Mr. Alonso Yes  
Mr. Vere Yes  
Mr. Kurus Yes  
Mr. Colaizzo Yes  
Ms. Buechner Abstain  
Ms. Shufro Abstain

Approved 4-0

**NEW BUSINESS:**

**Application Z17-016**, RIA Holdings, LLC. 55-57 Bloomfield Avenue, Block 8, Lot 18 & 18.03.

Mr. Thomas Scrivo, Scrivo O'Toole is representing the applicant RIA Holdings this application is for a preliminary and final site plan approval together with waivers variance relief pursuant to 40:55-70d & c for a mixed use development at 55-57 Bloomfield Avenue and as the chairman indicated its Block 8, Lots 18 & 18.03. The property is located in the B zone and the plan is to remove the existing structure which is the C&G Auto Body repair shop which has been vacant for some time and to erect a mix use single building. The mix use being a general business office of 720 square feet as well as six residential apartment units. The Board will hear the testimony from the architect, Mr. Corso, the Engineer, Mr. Chuck Stewart, the traffic Engineer, Mr. Staigar and the Planner, Mr. Stiles. This is a much more benign use of the existing use of the property. It's consistent with the emergent character in that carter allowing both a mix use and some residential. You will hear from the traffic engineer that there is very minimal impact of traffic generated from the site. Mr. Stiles will go through the positive and negative criteria and will show the Board this evening that the applicant satisfies all the criteria for the requested relief. There was a previous application and this one deviates from the previous application less impact and for the Board members that were present for the last it was a dental office about 1700 sq. ft. and there was a variance required for the parking, notably here there is no variance required for the parking.

Mr. Kurus responded that the Board may want to hire a planner.

Mr. Steve Corso was sworn in and qualified as the Architect.

Mr. Corso gave a summation:

- Mr. Corso presented a rendering of the front of building.

### **Exhibit**

A-1 Rendering of front of building.

- 1<sup>st</sup> floor stairway & elevator.
- The entrance to lobby can be accessed from the front and through the back.
- 2<sup>nd</sup> and 3<sup>rd</sup> floors are six apartments and one small Business office.
- There are five two bedroom apartments and one, one bedroom apartment.
- The lobby will be very luxurious.
- There is a full 2<sup>nd</sup> floor and the 3<sup>rd</sup> floor is partly behind the roof that reduces the scale of the building.
- On the right side of the building it is about three feet from the property line.
- 2<sup>nd</sup> floor has the business office in the front, two, two bedroom apartments which are 1220 and 1080 sq. ft. and one, one bedroom apartment which is 880 sq. ft.
- 3<sup>rd</sup> floor three two bedroom apartments. Approximately 1090 sq. ft., 1630 sq. ft and 920 sq. feet.
- The building is virtually all brick and some stucco trim.
- Left side of the building is almost at the property line and that is stucco.
- The right side is the same thing.

- The main roof is flat and the mansard in front of it goes up 3 ½ feet higher so all the air conditioning units will be shielded.
- The air conditioning units will be in from the property lines towards the center of the building so that the sound will not go above the State required level.
- This building is smaller than what was in front of the board before.
- There are 16 parking spaces required and we are at 19 parking spaces which are available.

### Exhibit

#### A-2 Architectural Drawings

Board members discussed Mr. Corso's testimony:

- The building is a mixed use which is almost the same project as before.
- Office space is 720 sq. ft. there is a lot of residential in a business zone.
- The office could be used as a professional office.
- The code is 100 sq. ft. per occupant for office.
- Residential use will be apartments and the office is a lease space.
- Accessible to all residents and office occupants.
- There will be a handicap accessible bathroom in the office space about 45 sq. ft.
- It doesn't seem like a fair balance use of mix of business and residential. It seems like someone is pushing all residential.
- They do not know what type of business will be in that building.
- There is a ramp next to the handicap parking space but board members feel it's tight for someone to maneuver.
- The columns were moved back so they could lengthen the back up space so you can pull out straight for a long distance before they turn.
- There were comments that the bathrooms were small for the apartments.
- The west side of the building is a black wall because it is right to the property line which doesn't allow windows.
- The west side of the building there is a driveway next to the building with big trees.
- There was discussion on the roof.
- The access to the office and the apartments there were questions on the security.

OPEN TO THE PUBLIC:

**Mr. Joe Valente, owner of the bank next door to property,** asked what the setback was on the property line of the proposed building and his property line and Mr. Corso responded that at the right side it's 3 feet and at the right side in the back it's about 10 feet.

**Mr. Tony Varuolo, 58 Elm Road,** asked if there would be an access in the rear of the building and Mr. Corso responded yes there is a door from the parking lot and it is connected to the lobby.

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

Mr. Stewart gave a summation:

**Exhibit**

A-3 Sit plans 6/20/17 revised 8/8/17

- Property is located on Block 8, Lot 18 & 18.03.
- 1208 sq. ft. combined between the two lots.
- Property is located in the B Zone.
- Existing 2-story structure is currently on the property.
- There is a 1 story masonry structure in the back of the property and a paved area located on the right side.
- The property is unoccupied.
- The proposal is to construct a building pretty similar to the previous application with in regards to location and the building is smaller.
- Same drive entrance.
- Closed depress curbing and confine entrance to westerly portion.
- Parking underneath in the front portion and the rear portion of the property.
- They are providing storm drain that tie into the existing large covert that runs down parallel to Bloomfield Avenue.
- They are providing water main and sewer access to tie into the existing location in the street.
- Located in the back corner there will be a dumpster area it's a dumpster recycling and refuge area. Details are on the plan.
- They are proposing a 6 foot high vinyl fence and a gate located in the front so residents and office will have easy access to that area. It is also easy accessible for a garbage pickup provider.
- They have pulled the parking back from the rear property line and will be providing evergreen plantings along that rear portion of the property.
- 19 – 6 foot high arborvitaes plantings to be put along that rear property line to provide screening.
- The rear property is a residential zone so we are buffering that location to provide a screen to that property.
- The lighting plan will provide poll lighting in the back with cutoff shields that won't spread light on the adjacent property in the back. Also, under canopy lighting in the ceiling portion of the overhang that will illuminate the parking areas located in the front and back as well as a pole light and a wall mount light in the front portion of the property to illuminate the parking.
- The parking is in excess of the requirement in accordance to the ordinance. The office space four spots are needed one per 200 sq. ft. For the apartments 12 spaces are needed for a total of 16 required and we are at 19 parking spaces.
- There is a reduction in the impervious coverage. Currently it's 100% and we are knocking it down to 91%.

Board member discussed Mr. Stewart's testimony:

- What kind of shields are for the lighting.

- The covert parking will it have assigned parking spaces.
- The fence in the back is the neighbor's fence.
- The fence will not be replaced that was in the previous application.
- Instead of the arborvitaes maybe they could think of something else that we deter the deer from eating them.
- There are three variances that are required.
- Wheel stops were discussed for all the parking spaces close to the building.
- There was discussion about putting a sidewalk in from the front of the building to the back.
- The columns are structural and are 11 ½ ft. high and are re-enforced.
- There are 26 ½ feet of back up room from the parking spaces in the front area the required is 24 feet.
- Building is fully sprinkled.
- Refuge area is 12 x 8 with roll-out containers.
- The property slopes from the back towards the front gently.
- The liter drains will tie into the storm drains.

Mr. England asked Mr. Stewart if he had anything to discuss in regards to his letter. Mr. Stewart responded that some of the things they have addressed they added a concrete apron in front of the dumpster area. The landscaping plan has been provided. The lighting plan has been provided. The buffer zone will be in the back with the evergreen planting. If there are any other outstanding items in the reports they have no problem with agreeing to them.

Mr. England asked Mr. Stewart about the entrance doors at the front and back would it make sense to put up some kind of a railing to prevent someone from just walking off the end of the sidewalk into a blind alley and then force them to use the access doors. Mr. Stewart responded that you can yellow hatch sidewalk to sidewalk there is a lot of room and it is a quiet residential use. They can also put a mirror up.

Mr. Kurus discussed the planters in the front and he feels from a design standpoint it doesn't seem practical.

OPEN TO PUBLIC:

**Mr. Joe Valente, owner of the bank,** has concerns with the buffer lines between his building and their building. He is asking for a walkway that is wider.

**Mr. Anthony Russo, 59 Elm Road** asked if there were any thoughts of a retaining wall in the rear to keep the noise down. Mr. Stewart responded that there are not a lot of grade changes that would require a wall and at this time there is nothing proposed. The only screening at this time is the evergreen trees.

**Ms. Christine Blake, 55 Elm Road** asked about the lighting in the parking lot and if the poles can be eliminated.

**Mr. Mike Drake, 56 Elm Road** asked if the fence would be replaced. Mr. Stewart responded that in this application they are proposing evergreen planting.

**CLOSED TO PUBLIC**

Mr. Staiger was sworn in and qualified as the Traffic Engineer.

8:30PM Recess

8:37PM Roll Call

Mr. Alonso, Mr. Vere, Mr. Piazza, Mr. Kurus, Mr. Colaizzo, Ms. Buechner and Ms. Shufro

Mr. Staiger gave a summation:

- He has reviewed the application and has determined traffic impact.
- The existing site was used as a service center.
- Property had a lot of activity.
- The site had apartments above it as well and that site generated twelve trips in the morning and seventeen trips in the evening peak hours. That's 7AM – 9AM and 4:00PM – 6:00PM.
- The proposal of 720sq. ft. of office and six apartments will generate seven trips in the morning peak hour and seven trips in the evening peak hour.
- It will essentially be half of the amount of traffic generated compared to the former use of the site.
- NJDOT for Bloomfield Avenue has a peak hour flow of about 1,450 two ways in the morning peak hour and 1,600 in the evening peak hour.
- They are .5% of what the volumes are on the surrounding roadway.
- He worked with Mr. Stewart with the plan and there is a 24 foot wide driveway and 22.1 feet internal circulation.
- Clear visibility throughout the site.
- Parking spaces have maneuvering aisle with 24 feet minimum which is standard.
- This site is a lesser generator than the former site and being it is a low trip generator with no or minimal impact on traffic conditions in the surrounding area.
- The site is adequately designed to accommodate all traffic movements in and out of the site.
- The trucks will be private services for garbage pickup.
- It's a well-designed site that will operate efficiently and safely.

Board members discussed Mr. Staiger's testimony:

- The trip generators were at peak hours and the apartments will generate three trips per hour and the office use will generate four trips per hour.
- The Institute of Transportation Engineers is the standard in the Industry.

**OPEN TO PUBLIC:**

NONE

Mr. Jeffrey Stiles was sworn in and qualified as the Planner.

Mr. Stiles gave a summation:

- He has reviewed the site plans and all materials submitted.
- He has visited the site and the surrounding area.
- Reviewed the Master plan 1998 and the Re-examination report 2005.
- Variance required is a D use variance.
- Residential use is not permitted in the B Zone.
- Two additional bulk variances which is a C variance.
- A variance is needed for the side yard setback.
- Contains 100% site coverage between the existing building and the paved area that has been used parking and storage of vehicles.
- There is a building located on the westerly side of the property. The rear of it is a one story building that abuts the rear of the property and there are zero setbacks currently from that building to the rear property line.
- There is only 1.2 feet to the westerly property line.
- It has been used as an Auto Repair Body Shop.
- The second story of the building has been used for residential use.
- There is an 85 foot frontage along Bloomfield Avenue which is wide open and there are no curb cuts and the access is uninterrupted.
- The property exceeds a lot of the B zone requirements.
- Minimum lot area required in a B zone is 2,000 sq. ft. we have 12,000 sq. ft.
- 30 ft. frontage in a B zone is required and we have almost 85 feet.
- The current use is a non-conforming which is not permitted in the B Zone. Non-conforming to the side yard setback.
- Same B Zone as downtown but it is a different character than downtown.
- Elm Street behind Bloomfield has a number of single family homes as well as duplexes and some that have been divided into three to four family homes.
- There is a town home development across the street.
- East towards Essex Fells is again single family residential uses.
- If he were to characterize this neighborhood Bloomfield Avenue has a combination of residential and commercial uses. The majority of properties along that frontage with the exception of the bank are residential on the second floor and commercial on the first floor.
- This is an opportunity to provide a transitional use from Bloomfield Avenue back to Elm and ultimately back to the single family.
- It is a B Zone and what is permitted is retail uses, personal service, restaurants, banks and office space. Conditional uses that are permitted are gas stations and billboards and other advertising.
- Conforming use of all commercial would be far more impacting to the residential uses in the rear.
- The property exceeds all the bulk requirements of the B zone, size and coverage.
- Should the Board grant this variance it will not have a substantial detrimental impact to the public good.
- The residential use that they are proposing is more constant to the properties in the rear.

- The office space that they are proposing is relatively small not a lot of traffic being generated from it.
- The architectural features fit well in the neighborhood.
- They have met the negative and positive criteria this is a better zoning alternative for the property.
- Conditions should be applied to some of the concerns that the Board has.
- Consider putting a fence along the rear property line on this property.
- Replace the landscaping.
- Pole lighted should be shielded.
- 11:00PM lights should be on timers.
- Remove parking space 18 and create an entrance way.

Board members discussed Mr. Stiles testimony:

- None of the apartments will be low income housing.
- There was discussion on the uses of the property and Mr. Stiles believes retail should be downtown not in this area it would be detrimental to the downtown.
- The office space is 720 sq. ft. and can be used by more than one person.
- Mr. Kurus asked Mr. Stiles if the space is a B zone and it looks to him like the applicant wants a residential building in a B zone and only threw in about 720 sq. ft. of office space which he doesn't feel is that functional and is it really a mix use.
- Mr. Stiles replied that this is not a walkable corridor and he doesn't see it becoming one.
- Mr. Piazza responded that he knows what is being addressed in the new master plan is the concerns of the erosion of the Bloomfield Avenue business corridor and try to preserve that business corridor and prevent it to turning into more residential.

#### **OPEN TO PUBLIC:**

**Mr. Tony Varullo, 58 Elm Road** is concerned with the proposed building with noise, loss of privacy and the value of their homes. In closing the homes on Elm Road would not like this application approved.

#### **CLOSED TO PUBLIC**

Mr. Scrivo gave a brief summation.

Board members discussed the application.

Board members after discussion decided not to hire a planner to represent the Board.

Mr. Cosgrove advised the Board that someone will need to move to approve the application for the D variance and the two C variances as set forth in the application. Any approval will include the conditions that were presented to by the applicant's planner continue the fence along the rear of the property line in addition to planting, lights would be on timers, parking space #18 would be removed and an additional plan should be submitted to Mr. England for an entrance for review. Any approval will incorporate Mr. England's review

letter and it can set forth it would incorporate all representation and testimony made by the applicant and the applicants witnesses. It will be subject to planning approval and any COAH regulations.

Mr. Kurus responded that he raised a lot of issues with safety in the parking lot, walk ways, handicap accessibility and if you are talking about conditions then some of the questions that he had earlier with Mr. Stewart should be addressed. There was mention of striping , mirror as well as wheel stops.

Motion to approve application for a D variance and two C variances by Ms. Buechner. No one seconded.

Motion to deny application Z17-016, RIA Holdings, LLC. 55-57 Bloomfield Avenue by Mr. Alonso, seconded by Mr. Kurus.

Mr. Alonso	yes
Mr. Vere	no
Mr. Piazza	yes
Mr. Kurus	yes
Mr. Colaizzo	yes
Ms. Buechner	no
Ms. Shufro	no

Application Denied 4 - 3

The meeting adjourned at 10:20PM

Respectfully Submitted,

Lisa O'Neill  
Zoning Board Secretary