

WOODLAND PARK
BOARD OF ADJUSTMENT MINUTES
October 24, 2016

MEETING CALLED TO ORDER AT 7:30 P.M. by Chairwoman Patterson.

OPEN PUBLIC MEETING LAW: THIS MEETING IS CALLED TO ORDER PURSUANT TO THE NEW JERSEY OPEN PUBLIC MEETING LAW, AND AS STATED IN NOTICES OF THE TIME, PLACE AND DATE PUBLICIZED IN ACCORDANCE WITH THE STATUTE. IT WAS INCLUDED IN A LIST OF MEETINGS FORWARDED TO THE HERALD NEWS AND THE RECORD AS REQUIRED NOTICES. IN ADDITION, THIS LIST HAS BEEN POSTED IN A PUBLIC PLACE BY THE BOROUGH CLERK, AND A COPY OF THIS HAS BEEN FILED IN HIS OFFICE FOR PUBLIC INSPECTION. PROPER NOTICE HAVING BEEN GIVEN, THIS MEETING IS CALLED TO ORDER AND THE CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THE MEETING.

MEMBERS IN ATTENDANCE: RUTH PATTERSON, RUSSEL JUZDAN, JOSEPH PASCRELL, ROBERT GITHENS, TIMOTHY BARGIEL, BRIAN HOLLAND, FRANCIE JOSEPH KEATING AND SEAN LIJOI

ALSO PRESENT –JOHN FIORELLO, BOARD ATTORNEY
THOMAS LEMANOWICZ, BOARD PLANNER
DAVID JUZMESKI FOR TOM SOLFARO, BOARD ENGINEER

FLAG SALUTE

A motion to approve the minutes of August 22, 2016 was made by Mr. Juzdan, second by Mr. Pascrell and approved.

ORDER OF BUSINESS

DOCKET # 16-04 – N. MARINO – 590-608 LACKAWANNA AVE. – BLOCK 125 LOT 1
– USE VARIANCE

Mr. Juzdan recused himself from this application; he is a resident within 200' of 590-608 Lackawanna.

Brian Chewcaskie, attorney for applicant, stated the subject property is located in the Senior Citizen district. The original project was approved for 50 units. They need a use variance for density because the plan has been altered to 54 units with relocations of the community and fitness rooms. The resolutions from previous applications are included in the Board's packets. The previous resolutions did not alter the site plan. They are proposing an additional 3 one-bedroom units and 1 studio. They have reviewed the board planner's report.

Jill Hartmann, Planner, was sworn in and accepted as an expert. She has appeared before the Board in the past. She stated it was her understanding that the original application was approved for 50 Senior Citizen units. The applicant is proposing to add 4 units and as a result it creates a density variance for 10.7 units where 10 is the maximum permitted. She has reviewed the plans. The actually site plan has no changes. The addition of the unit does not alter the shape of the building. The ordinance requires 1.5 parking spaces. They are proposing 83 spaces and 81 are required. She stated that the site accommodates the use. They must show that the increase in the density is appropriate and show the positive and negative criteria. She has reviewed the MLUL and the Master Plan. The site has adequate light, air and open space. The desirable visual of the site encourages Senior Citizen community development. It will provide housing for various income levels and increases the number of available Senior Citizen units. She felt it would not burden the neighborhood. This application expands the senior citizen housing which is permitted in the zone. They can add the 4 units with no change to the design of the building. Ms. Hartmann said the proposed variance can be granted without any detriment.

Ms. Joseph Keating asked if she was saying there were no changes to the building. Ms. Hartmann said they have moved the fitness and common area to the ground floor. There was an atrium between the two wings and they have eliminated the atrium. The atrium was more of an access and not common area. The fitness room and common area will be together on the 1st floor. The common open space of the ground floor keeps it away from the residents. She felt it was a better design. The building is 4 stories so the 2nd floor has an additional one studio and 1 one-bedroom and the 3rd and 4th floor has an additional one bedroom unit. They are not big units so they were able to accommodate them.

Mr. Chewcaskie said there was open space on the upper 2 floors and the community room was on the first level above the parking. The community room and fitness room now on the ground level so they were able to add the extra units. They are within the confines of the building.

Chairwoman Patterson asked why there was a deviation. Mr. Chewcaskie said the reason they are here is there was a change in the architectural drawings and unfortunately there was no permission granted for those changes. It was brought to his attention and they are here now.

Ms. Joseph Keating said she was not there when the original plan was approved but her concern is that they eliminated an atrium and then added 4 units. Mr. Chewcaskie said he was not involved in 2002. In 2004 there was an amendment to the approval. In 2007 he filed an application for an extension of time. In 2011 another application was filed to convert the age restricted units to non-age restricted units and that was subsequently withdrawn. Mr. Marino purchased the property in 2014 and in 2015 they requested the units stay age-restricted and the conversion application was withdrawn. This is the first time they are before the Board of Adjustment by virtue of the ordinance requiring 10 units per acre and they slightly exceed that number.

Chairwoman Patterson said the building is up already. Mr. Chewcaskie said it is now under construction. The Chairwoman felt they should have come to the Board before construction began. She also noted that there is a court summons because they started construction before receiving approval for the change. Mr. Chewcaskie so they are requesting permission now. The building is under construction but not finalized or ready for certificate of occupancy.

Ms. Joseph Keating asked how much of the building is done. Mr. Chewcaskie said the additional units are not complete but have been framed out and they are running the mechanicals through the building. The outside of the building is stuccoed. Chairwoman Patterson asked what else has been changed. Mr. Chewcaskie there is nothing else changed but it has come to his attention they must provide an easement for a water line. The site engineer will address concerns.

Mr. Pascrell asked what the hardship is to need the four additional units. Ms. Hartmann said there is no hardship associated with this. What you have to demonstrate is the site can accommodate the 4 extra units. There are no other variances required except the D5 variance. Most the land will remain the same because of the wetland restrictions. They will be adding more senior citizens. She felt they would be mostly occupied by one person.

Mr. Bargiel asked if there were no difference in the positive criteria. Ms. Hartmann said there was no positive criteria at the Planning Board because 10 units per acre was permitted. It was simply a site plan with no variances required.

Mr. Fiorello said the planner felt there should be revised plans for easements and file all deeds. Mr. Chewcaskie said that was not a problem. Mr. Fiorello said it was recommended that all conditions from Mr. Murphy must be included as conditions of this resolution if approved.

Mr. Lemanowicz commented with respect to the variance situation. It is his understanding that RSIS applies to this and did not know why the Planning Board did not recognize it. It is his understanding that the RSIS applies to all residential development and he quoted it in his report. He believes not only did the original application need a variance or relief that but this application with 4 more units exacerbates the situation. It is a permitted use but we are in the situation which is the appropriate density. He asked what the net change in open space was. He felt you normally think of outside but they are talking seniors. Ms. Hartmann said it is her understanding there is no net change.

Mr. Chewcaskie said the original plan had the common area on the floor above parking. There was nothing on the 3rd and 4th floor which is not filled. The community room has been broken down to include fitness room. The windows on the side were removed.

Mr. Lemanowicz felt they need a variance and that they have a change that was not requested before they started. He described the RSIS which apply to all development except for 1 or 2 family homes. He said the applicant is following the ordinance which is superseded by the RSIS.

Mr. Githens said he was confused about where the common area went and he has nothing to make him understand where it went. Mr. Chewcaskie said they could provide the original plans to show what was changed. Mr. Githens said they are looking at something dated 2002 and then one in 2015.

Ms. Joseph Keating felt they would need something to compare so they can understand the changes. Mr. Chewcaskie said he would like Mr. Shortino testify about the parking and then ask for the application to be carried until he could submit the original plans.

Mr. Lemanowicz suggested they highlight the changes in the plan.

Mr. Bargiel asked about a D5 variance. Ms. Hartmann said at the Planning Board it was a permitted use with no variances so you do not have to demonstrate the negative and positive criteria. Now that it is a D5 variance you must demonstrate the negative and positive criteria. She apologized if she was unclear.

Brian Shortino, engineer, was sworn in. He stated his qualifications and was accepted as an expert. He prepared the present site plan and the original plan in 2002. He stated there was no change to the footprint of the building and no change to the number of parking spaces. The RSIS will apply and if necessary they would ask for a de minimus exception to the required. They are proposing 83 spaces. The applicant satisfies the ordinance parking requirements. According to RSIS they required additional parking spaces. The Planning Board back in 2002 determined that 1.5 spaces per unit was sufficient. Based upon his experience he believes that 1.5 spaces is sufficient for senior housing. He stated that the additional units would not create a significant amount of traffic since it is a senior building.

Chairwoman Patterson asked if the community room could be used by families for parties. Mr. Chewcaskie said it is basically a meeting room for the residents. They would be able to socialize in that room. If one individual wanted to use the room they would have to make arrangements with building management. Under the RSIS it takes in to account visitor parking.

Mr. Lemanowicz asked if Mr. Shortino calculated the number of spaces the RSIS required. Mr. Shortino said he did and they were slightly different than Mr. Lemanowicz. When they had 50 units he calculated 94.8 and Mr. Lemanowicz had 96. On the proposed the RSIS has no standard for a studio but based on 26 one bedroom and 27 two bedrooms, the requirement would be 103 units.

Ms. Joseph Keating asked about the parking. Mr. Shortino said there are 83 spaces based on the ordinance. The 96 spaces he mentioned was based on the RSIS.

Mr. Chewcaskie said although the RSIS was adopted in 1997 the municipal ordinance was adopted in 2003. Mr. Lemanowicz said no matter when it was adopted the RSIS applies. He will supply the Board information on the RSIS. Mr. Chewcaskie said he will provide information also and ask Mr. Shortino to supply a parking table for the next meeting.

PUBLIC OPEN – CLOSED

Mr. Chewcaskie requested the application be continued to the October 24, 2016 with no further notice and he has waived the time restraints.

BREAK

DOCKET # 16-05 – HISTORIC MULROONEY FARMHOUSE, LLC – 200 BROWERTOWN RD. – BLOCK 507 LOTS 26.01 & 26.11 – PRELIMINARY/FINAL SITE PLAN – USE/BULK VARIANCES

John Veteri, attorney for applicant, stated the applicant's managing entity is Ernest Fronzuto who is the Woodland Park prosecutor. Mr. Veteri said this is a significant structure for the town. Mr. Fronzuto would like to locate his law firm at the site. There will be very little change to the outside or inside of the structure. It is in the Residential B district on Browertown Rd.

Rick Lijoi, President of the town's Historical Society and Town Historian, 63 Providence Ave., Woodland Park was sworn in. He described the history of the Mulroony family and their home. The home has never been deemed historical.

PUBLIC open for questions to Mr. Lijoi. Closed.

Mr. Veteri said the house is potentially at risk given the character of Browertown Rd.

Ernest Fronzuto, applicant, was sworn in. He stated he grew up in the town. He remembers as a child that Browertown Rd. was a very dark hole and when you came out there was a beautiful Victorian house. He felt this house is what the history of the town meant. He said his law firm has been in town for many years. He looked at the house a few years ago but negotiations fell through. In fact he has since purchased an old Victorian in Little Falls. They were well under way to locating his firm and Little Falls and he got a call from his realtor that 200 Browertown Rd. was back on the market. He just could not pass it up. The project in Little Falls is on hold and hopefully it can be developed for another use. He said he would be honored to locate his firm in this magnificent house. They are not making structural changes and all they need is the parking lot to accommodate his office. He stated his practice is a boutique practice. It is 5 attorneys and 3 permanent staff members. He would love to product this property. He has committed to put a historical marker on the property.

PUBLIC OPEN for questions. PUBLIC CLOSED

Mr. Veteri said he researched the history of the home and it did not show up anywhere. They do not intend to register the house but to be very respectful of the building.

Daniel D'agostino, architect, was sworn in. He stated his qualifications and was accepted as an expert witness. He described the plan which was marked A1 dated 8/5/16 and titled Sheet

A101. There are two floorplans, one existing and one proposed. They have created a ramp from the porch which brings you to the first floor to make it accessible for the public. What was a living room is now a reception area and paralegal office, the dining room will be used as a conference room and the kitchen will be a break room. The addition done years ago will be Mr. Fronzuto's office. In the rear of the structure there will be a library. Some of the structure is falling into disrepair. They will stay as close to original as possible.

Sheet SD101 dated 8/5/16 was marked A2. This plan includes sign proposals. There are 3 signs proposed.

Mr. D'agostino referred to the Board Planner's, the Board Engineer's and Fire Official's reports. The gross square footage is 4470 sq. ft. The freestanding sign has been inserted into the engineer's plan. It is their intent to maintain the character of the structure and have not altered the building in any way. They have provided the square footage. They made a note there is a full basement that they do not plan to finish and it will be used for storage. They will submit a plan for the basement as a condition if it is approved. They will submit construction details to show ADA compliance. They will install a knock box and add an address number.

Mr. D'agostino said net square footage is 2168 sq. ft. for the 1st story and 1946 sq. ft. for the 2nd story which totals 4114 sq. ft. The gross square footage is 2257 sq. ft. for the 1st story and 2210 sq. ft. for the 2nd story which totals 4470 sq. ft. They will revise the plan to show anything that is required for ADA.

Mr. Fiorello asked if there is a sign advertising the property historical. Mr. D'agostino said there was not. They are proposing a sign that 7'2" and be 5'10' high. Mr. Lemanowicz said there are 2 freestanding signs being proposed. The signs will be perpendicular. The structure will be used as an office with very little change. He felt it would feel like an adaptive reuse building. Mr. Veteri said the walls will stay the same but it will be converted to an office use. The application is for a professional office but if the Board would like a condition that says it will be a professional office only, they would agree to it.

PUBLIC OPEN for questions of the architect.

Mr. Lemanowicz said it is a residential zone so there is nothing regarding signs. He looked at other zones and gave the Board what other sign requirements are in different zones. Chairwoman Patterson asked where the smaller sign is located. The engineer will respond to the question.

David Fantina, civil engineer, was sworn in. He stated his qualifications and was accepted as an expert witness. He prepared the site plan. Sheet 1 of 5 was marked A3.

Mr. Fantina described the site. They are proposing to reuse the site with the minimal amount of disturbance. He described the parking lot which has 13 spaces. They will remove some of the overgrown shrubbery on the property. There is an existing loop driveway will remain and be used for FedEx or UPS deliveries. There will also be a handicap parking in that area.

There will be a sign indicating guest parking. The utilities would be reused. Impervious coverage will increase slightly. They are proposing a dry well. He referred to Sheet 2 which was marked A4. He pointed out the dry well which will catch the run off. They are proposing landscaping and lighting. Some of the existing landscaping is overgrown and must be removed.

Mr. Veteri pointed out the signage. The signs are perpendicular. There is a main sign, a corner sign and a guest parking sign. They would agree to show the historical marker on the plan.

Mr. Lemanowicz asked if the main sign is 7'2" in its widest dimension but it scales out at 9'. Mr. Fantina said it should be 7'2". They discussed an option to move it and make the driveway smaller. Mr. Veteri said they would turn it 90 degrees and make it smaller. They will discuss ways to mark the handicap space. They will be adding a handicap sign to the guest parking sign. Mr. Veteri said they could eliminate the corner sign. They would add the handicap sign to the guest parking sign so they would have 2 signs.

Mr. Lemanowicz asked if they considered cobble stone for the parking lot to keep the look of the structure. He suggested a cobblestone apron. Mr. Fantina said they could make the wall match the stone. They will show a small fence to block headlights to Mulroony Circle. Mr. Juzmeski, Board Engineer, stated he had the same comment. They would like to see the lighting reduced. They will submit the plans to the county if this application is approved.

Mr. Juzmeski asked about a trash enclosure. Mr. Fronzuto there is existing fencing in the rear which would cover up the trash cans. Mr. Fantino said he will provide top and bottom elevations along the wall. They will provide some type of guardrail. They will do test pits that were requested. They will confirm the stability of the wall. They will provide vehicle templates for the loop driveway. Mr. Fantino said he agrees with all of the Board Engineer's comments.

PUBLIC OPEN for questions. CLOSED

Mr. Fantino said they will get the lighting expert to beef up the light spill. The lighting area near the fountain is extremely bright. Mr. Lemanowicz felt they should mellow out the site. He suggested 6 poles at 10' that are spaced evenly and would give a sort of carriage house type look. Mr. Veteri said they are very open to all the comments.

Mr. Lemanowicz referred to Sheet 3A which was marked A5. He asked about an area where there is nothing shown. Mr. Fantino said they plan to put grass in that area where the shrubbery is overgrown. They will be adding shrubs in the area of Mulroony Circle to block headlights. They will be submitting a new lighting and landscaping plan.

PUBLIC OPEN FOR QUESTIONS

Erik Luker, 31 Mulroony Circle, asked about the wall along Mulroony Circle. Mr. Fantino said they were not planning to do anything to the wall once they determine it is sound. They will try to keep it ivy covered.

PUBLIC CLOSED

Frank A. Filiciotto, Traffic Engineer, was sworn in. He stated his qualifications and was accepted as an expert witness. He stated they are located at the southwest corner of Browertown Rd. & Mulroony Circle. He reviewed the site plans specifically to traffic & parking & circulation. He also reviewed the engineer's & planner's report.

Mr. Filiciotto said a lawyer's office that attracts specific a specific audience is not like a doctor's office that attracts different people every day. They will have only 8 staff members that arrive every day. This would be a single tenant office building and it yielded 8 trips. He does not believe there would be an adverse effect on the area. They are proposing 13 parking spaces so there would be 5 left for the occasional guests with appointments. The loop driveway provides nice easy access to the building. They looked at the sight distance and they do meet the requirements for stopping distance. The intersection sight distance is met but they must discuss it with the county. The removal of the corner sign will also help. The overgrown landscaping will be removed to also help. He believed an 8 person law firm should not have a detrimental impact on the roadway. Given the limited use of hours 9 to 5 and closed on the weekends there is a good portion of the week where the site is not even active.

Mr. Fiorello asked if the 5 spaces are for clients and if they would be coming different times of the day. Mr. Filiciotto said there were 5 attorneys and 3 staff members. It is rare to have 2 clients at the same time. There would be a minimum of 6 spaces available at all times for clients during the day. He said Mr. Fronzuto said that he did not have any clients at all today. Mr. Fronzuto said it is very rare to have multiple clients during the day. He said his firm is not a high volume practice. Mr. Filiciotto said based on his calculations a 14 space lot would be adequate.

PUBLIC OPEN for questions.

Mr. Fantino said they need a variance for the number of spaces. They also need a variance for the signs which they discussed. They are providing 14 spaces where 15 spaces are required. There are different requirements for different zones. There are no requirements that apply in the residential zone. They are proposing 9'X 18' parking stalls where 10' x 20' is required.

PUBLIC OPEN

Eric Luker stated he was concerned about a car backing up and going into his backyard. He suggested less spaces to accommodate a decorative bollard for safety.

PUBLIC CLOSED

Mr. Veteri felt instead of reducing the parking that some appropriate screening could be done. The closet part of the property to Mr. Luker is 3'. Mr. Juzmewski said it could be decorative and for safety to be aesthetically pleasing.

Michael Pessolano, planner, was sworn in. He stated his qualifications and was accepted as an expert witness. He stated he has reviewed the Master Plan, the application and plans. He stated he was impressed with the history of this property and felt the changes to the site were very limited. The zone does not allow an office use. So there is a building that is worthy of a law office but not allowed. There is a 4 part test for relief.

Mr. Pessolano stated there is a street tree requirement and they are willing to work with the professionals to determine the number of trees. He felt the property was suitable for an office use due to the context. It is a very private setting that embraces two lots. There is room for appropriate parking area. There is no expansion planned and there is a modest parking area. He did not think it was intruding on the residential area. The project advances 3 purposes of the MLUL. They are promoting conserving historic sites, and reusing a site that will take them well into the future and promoting a desirable visual with the period architecture. The negative criteria there are 2 aspects which are the impact on the neighborhood and the impact on the zoning regulations. He felt this could be approved without substantial detriment to the public good. It's a nice fit for something that is not overdone and is not intrusive to the area. This is a special matchup of unique conditions for this particular site.

Mr. Pessolano said as to the height relief he felt this structure is already there and it has been there a long time. The height is necessary to the project. There is a benefit that continues the good architectural balance of this site. None of the purposes of height control are violated. He felt the benefits of the application go back to his use proofs that several purposes of the MLUL are advanced. The garage is being removed which will improve the existing front yard setback. He felt 14 spaces is enough and the parking dimensions of 9" X 18 are adequate. There are no sign requirements in the residential zones. The sign package will turn out nicely. He felt the Board can readily approve it. He felt this is a good application and a positive repurposing of a historical structure. He felt the proofs were met and thought the application could be approved.

Mr. Lemanowicz said they do not have an elevation of the building. He felt they do not have a visual. He said the property is not actually registered as historical.

Mr. Fiorello asked if they could get the a representation of what it looks like for the next time.

Mr. Veteri felt these are items that are typically handled as conditions of approval. They are not changing the structure and they are under some contractual demands which is not the Board concern but it is their concern. The elevation of the property is staying the same. He felt they put on the proofs and requested a vote tonight. He has noted what would be conditions of approval.

Chairman Patterson asked Mr. Lemanowicz if he was comfortable with it. Mr. Lemanowicz stated the conditions are significant, they need new lighting and landscaping plans and the engineer had some issues with drainage. He noted there are a number of questions because landscaping and lighting will make or break the impact of this property. If the Board wants to empower him with it he would do his best. He felt you are dealing with appearance here. Mr. Veteri said there are contractual issues. He felt if they could not satisfy the Board's professionals they would be back at the Board. He said there are typical office building near this site and this is not a typical office. He felt they showed how to take a reuse of a structure to the future.

Mr. Pascrell felt they could approve the application with conditions because they are not changing the site. Mr. Lijoi felt they should vote tonight.

PUBLIC OPEN – CLOSED

Mr. Juzdan asked Mr. Lemanowicz how he would go about reviewing the plans. Mr. Lemanowicz felt they should go back to the lighting and landscaping professionals and get the plans revised to everyone's satisfaction. Mr. Githens felt putting the conditions on an approval to satisfy the Board professionals would be sufficient.

A motion to approve with the conditions that were discussed including abide by the Board professionals comments, a revised lighting and landscaping plans, grading, drainage and revised signage plans and installing decorative safety bollards all as discussed was made by Mr. Pascrell, second by Mr. Lijoi and approved by a vote of 7 – 0.

A motion to adjourn was made by Mr. Bargiel, second by Mr. Githens, all in favor. Meeting adjourned.

