

City of Northfield Planning Board
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Minutes: July 18, 2013

Notice of this meeting had been given in accordance with Chapter 231 Public Law 1975, otherwise known as the Open Public Meetings Act. Notice of this meeting had been given to The Press, posted on the bulletin board in City Hall, filed with the City Clerk, and posted on the City website, stating the date, time and place of the meeting and the agenda to the extent known.

The regular meeting of the Northfield Planning Board, held on Thursday, July 18, 2013 in Council Chambers, City Hall, Northfield, was opened by Chairman Richard Levitt at 7:02 p.m. and the following members were present or absent as noted:

Linda Dyrek-absent
Denise Kintish-absent
Dr. Richard Levitt
Mayor Vincent Mazzeo
Lou Milone-absent
Sgt. Paul Newman
Henry Notaro-absent
Councilman Frank Perri
Ron Roegiers
Derek Rowe
Clem Scharff-absent
Jim Shippen

Deborah Wahl, Professional Engineer-present for Matthew Doran
Norman Zlotnick, Solicitor

The first application on the agenda was Margaret Dougherty, Block 71, Lots 11 & 12 located at 306 W. Oakcrest Avenue in the R-3 Zone. Ms. Dougherty is requesting a "C" variance for side yard setbacks for the construction of an addition to her residential home. Ms. Dougherty was sworn in by Dr. Levitt.

Ms. Dougherty testified that she intends to add a 16 ft. addition onto the back of her home and needs the side yard variances since there is an existing non-conformity and she wants to keep the same rectangular shape of the structure. She wants to enlarge a very small bedroom, add a handicapped bathroom including a handicapped shower stall as her disabled brother is coming to live with her from Texas, enlarge a kitchen eating area, and transform a small 3rd bedroom which has been used as a dining room, into a new open family room.

Mr. Perri asked about parking and Ms. Dougherty said she has a double car driveway on site, curbs and sidewalks. Mr. Roegiers and Dr. Levitt discussed the setbacks. The

required side setbacks are 10 ft. on one side and 15 ft. on the other side. The existing setbacks are 5.1 ft. and 8.92 ft. and she is not intending to increase the existing non-conformity with the new addition. Dr. Levitt asked if there was anyone from the public who wished to speak and seeing no one, he closed the public session.

Dr. Levitt asked for a motion and Mr. Perri made the motion noting that any water from downspouts or the addition be retained on the property. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-absent, Mrs. Kintish-absent, Mayor Mazzeo-yes, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-absent, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the "C" variance carries.

The second application was from John Mirenda of John Mirenda Construction Company for Block 71, Lots 1,2,3,26,27 & 28, located at 2600 New Road in the C-B zone. The site is the former location of Superior Aluminum Products. The attorney representing the applicant is Charles Gemmel of Gemmel, Todd & Merenich of Linwood. They are proposing to renovate the building for office use and there is an agreement of sale contingent on preliminary and final site plan approval with variances and waivers.

Mr. Gemmel began by stating that the structure is a tired, old building and they intend to construct a new office purpose building which will be smaller in size and they will significantly improve the building which will be an enhancement to the property, they will improve ingress and egress at the site, they will create a real parking lot, improve landscaping and site drainage, and will be eliminating non-conformities by reducing the size of the building. There are variances that will be required due to the surrounding areas which are developed. The site is 21,000 sf in size but the depth is only 90 ft. There are also three frontages which are triggering the variances. This is the fourth project developed in Northfield by Mr. Mirenda; the others being on Zion, Tilton and New Roads. He has made significant improvements at these sites and is hoping for a fourth. Dr. Levitt swore in the professionals. Present to testify were John Mirenda, the applicant and developer of Northfield, Mark Zawacki, Professional Architect of Northfield and Vince Orlando, Engineer and Planner of Ocean View.

Vince Orlando testified first and his credentials were accepted by the Board. Mr. Orlando described the neighborhood and noted that the site is located on Route 9 between Oakcrest and Revere Avenues. He described the existing building as a large 7000 sf structure and the proposed new building will be reduced to 4600 sf. There is presently an asphalt area in front of the building which can hold 7 or 8 cars, but there are not designated stalls and it is difficult for traffic to maneuver on the site. There are currently not enough parking spaces as 35 are

necessary. He described the fence and landscaping as old and in need of replacement. There are curbs and sidewalks on the sides with an area of incomplete sidewalk in front.

Mr. Orlando continued by describing the dimensions of the property as 90 ft. x 240 ft. and it is difficult to position the building on the site. There are three frontages, and two curb cuts on New Road lacking signage for ingress and egress which is dangerous.

Mr. Gemmel presented a photo of the current building including a drawing of the proposed building. Mr. Zlotnick rendered the site plan displayed as Exhibit A-1 and the photo/drawing Exhibit A-2.

Mr. Orlando described the proposed improvements. The access on New Road has to go. It is not safe or efficient. They are proposing signage on New Road and lawn trees and foundation plantings. They want to give the site a visual facelift. They will construct two parking fields; one on the north side and one on the south. They will include ingress on the side streets and desire adequate parking ratios on each side of the building.

Mr. Orlando stated that there is not adequate lighting or storm water management currently. There are only building lights. They intend to sufficiently illuminate the site and grade for storm water management. The storm water drainage system will exist in the front, but will be underground. For landscaping, they want to provide the best available to complement the new building. They will plant ten shade trees on the side and front using Cleveland Bradford Pears and add foundation plantings. They will be "greening up" the site. They will have lights on poles with back shields which will only illuminate the parking areas not the streets or highway. They intend to save some of the trees on the site and will install a 6 ft. vinyl fence.

For parking, there will be a series of stacked parking spaces, three on the north side and three on the south side, for employee parking. The majority of the side parking will be for customers. The parking ratio is one space per 158 ft. and the standard is 1 space per 150 ft. They will be 8 ft. short at 4 ft. per space. Mr. Gemmel noted that they will only need the parking variance if the building is leased 100% medical.

Mr. Gemmel asked Mr. Orlando to discuss mechanicals and trash enclosures. He stated that there will be a maximum of four separate units in the building and Mr. Miranda expects to house two to four tenants. There will be four small air conditioning units similar to a central air unit for a house with the smallest unit servicing 1150 sf. There will be no dumpsters and the tenants will use trash cans which will be buffered in back by the vinyl fence.

Mr. Orlando said that the fence will buffer the back yards of the neighboring homes. By removing building mass, this creates more light, air, and open space and this reduction will be an improved alternative for the neighbors. He noted that most of the variances and waivers are due to the narrowness of the site.

The variances and waivers were discussed. They are requesting a front yard setback where 50 ft. is required and 26 ft. is proposed. They require a height variance for a small portion of the peak of the roof as 25 ft. height is required and 26.66 ft. is proposed. The parking requires a 20 ft. setback and they are proposing 5 ft. on the north side, they are at the curb line on the south side, and 1 ft. on the New Road side. The parking encroaches on the setback, but they are increasing on-site parking which outweighs any detriment and the parking will be buffered with landscape plantings. The required parking is 31 spaces and they are proposing 29 spaces. The landscape buffer also requires a variance in that 10 ft. is required and the same footage amounts are proposed as with the parking encroachment. The sign variances are a proposed 6.75 setback for the sign on New Road where 15 ft. is required. The sign façade footage also needs a variance for the New Road side signs. The requirement is 57.5 sf for façade signs and 64 sf is proposed.

The applicant is requesting a number of waivers and these were discussed. Mr. Gemmel said a waiver is needed for less than 100 ft. from the nearest intersection. The drive aisles were discussed. It was mentioned in the Engineer's letter that 25 ft. is required and they are proposing 24 ft. Mr. Orlando said they are trying to provide ingress and egress balance and 24 ft. is more than adequate for two-way traffic. Concerning access point widths, Mr. Doran said they should be 30 ft. instead of the proposed 26 ft. The applicant said they could widen them out. Mr. Gemmel noted that they will require a waiver for not having parking 50 ft. from a residential zone. Mr. Orlando said that would not be practical due to the way the area is zoned; they would not have any parking at all if they adhered to the requirement.

Mr. Orlando believed that the variances and waivers can be granted under either C1 or C2 criteria. Under C1, they can be granted due to the narrowness of the site which creates a hardship. He felt that even with the narrow lot they will be able to create a sensible balance of the building with the parking. Under C2, which weighs benefits and detriments, there are four purposes of zoning which will be enhanced. The first is the development of land which promotes a positive welfare to the public which is currently a property with dangerous ingress and egress. The second is this project will encourage the free flow of traffic and help with congestion by providing an improved parking solution. The third is the improved site will provide desirable aesthetics. The fourth is a more efficient use of the land and will provide a better tax ratable and product for the City of Northfield.

Mr. Orlando continued with his testimony stating that there is no detriment to the public good or zone plan and the site will be better than what currently exists. The neighborhood will be enhanced with the removal of a dilapidated building and an improved buffer. Also, they intend to eliminate non-conformities. Building coverage which is currently 37.1% will be reduced to 22.7%. The required building coverage is 25%. Floor area ratio will also be reduced as the current figure is .371 and proposed is .227. Mr. Orlando said it is obvious that the building is too big for the site.

Mr. Shippen asked about the stacked parking on either side of the trash receptacles and air conditioners and when the trash cans would be emptied. Mr. Mirinda addressed this question and said the trash would be picked up mid-mornings on Saturdays. Normally medical offices will be closed on Saturday. Mr. Mirinda said he will coordinate this with the trash haulers and the receptacles will not be emptied at night. This will not interfere with the residents or use of the building. Sgt. Newman asked if the trash would be picked up by truck or picked up and carried away. Mr. Mirinda said most likely picked up as medical uses do not generate a lot of waste. Mayor Mazzeo asked about utilities and if new services will be added for sewer or water on Revere or Oakcrest Avenues. Mr. Mirinda wasn't sure which roads would be affected but he noted that they will be running all new services and they do have a utility plan. Mr. Orlando added that water hook-up will be using Oakcrest Avenue. This concluded Mr. Orlando's testimony.

Mark Zawacki, A.I.A. of Northfield, the applicant's Architect, gave his credentials, was sworn in, and testified before the Board. His credentials were accepted by the Board. Mr. Zawacki said Mr. Mirinda wants to use parts of the existing structure and to make the building smaller. They intend to use the existing foundation and build up. They will recycle what they can. The new building will have five entrances with an arcade in front in the classical form. The only encroachment is in the top middle of the entranceway which is for accentuation of the entrance. This small area is shown in red on the plan. The area requiring the height variance is only a tiny area at the peak.

Mr. Zawacki addressed the façade signs. He noted that 57.5 sf is allowed and they will be requiring 64 sf which is 7.5 sf over what is permitted. Mr. Gemmel asked Mr. Zawacki to show the signage on the rendering. He pointed out that the façade signs will blend in with the architecture and will consist of block of individual letters.

Dr. Levitt asked about pedestrian traffic flow. Mr. Zawacki agreed that the entrance to the building is at the front center arcade and the sidewalk will go completely around the building under a cover from the parking area. Mr. Mirinda said there will be two to four units with a possibility of 4 unit entrances at the front. He added that he has stacked parking at two other

locations in the city and they have worked quite well and these buildings are 100% medical. He is comfortable with the parking ratio and noted that Doctors schedule more prudently than in the past and they don't want their patients to have to wait for any length of time to see them. This site needs help and he thinks he can fix it. Mr. Gemmel concluded his questioning by saying that there is no formal loading area and asked about deliveries. Mr. Mirenda stated that deliveries will be by U.S. mail or UPS or FedEx deliveries and this is similar to his other three sites and has been no problem. Dr. Levitt asked if he would agree to stop signs at the Revere and Oakcrest Avenue exits as suggested by Mr. Doran and he said that he agrees to all in Mr. Doran's letter.

Dr. Levitt asked Ms. Wahl to address to Mr. Doran's letter and report on the areas that were not covered in the testimony. Ms. Wahl said Mr. Gemmel and the professionals did a good job of addressing the items in Mr. Doran's letter. She noted that site triangles at both intersections need to be added. Dr. Levitt said the Board will hear from the public and then the Board will hear a quick summary.

Dr. Levitt opened the public session. Elaine Zamansky of 330 E. Revere Avenue came forth and was sworn in. Her home is on the Revere side and her main concern is with traffic. It is hard to get out of her driveway now and she also had concerns with what type of medical might be involved and has concerns about hours of operation. She said that she is glad the building will be improved. Mr. Mirenda spoke to Mrs. Zamansky about the fence. He said that what he is proposing and what is in the Engineer's letter are different. Mr. Doran noted that the fence should be reduced at certain areas along the street. Mr. Orlando said 3 ft. to the front setback. Mr. Mirenda said he is proposing 6 ft. all around. Dr. Levitt noted that 6 ft. all around would interfere with the sight triangle. Ms. Wahl said that the item under the review comments is number three. It was discussed and suggested that 5 ft. past the edge of the sight triangle would be a better alternative and then went a step further and decided that 3 ft. to the site triangle and then 6 ft. would suffice. Dr. Levitt said this would give the neighbors protection and allow for better sight. Mr. Mirenda said that whatever he can do to help the neighbors will be done. Mrs. Zamansky asked about noise from the air conditioning units. Mr. Mirenda said the units are no bigger than residential sized units. Mr. Roegiers noted that they would have to be enclosed. Mr. Shippen added that they cannot be taller than three ft. Mr. Mirenda said he thought it would be more offensive to put the mechanicals on the roof. He addressed Mrs. Zamansky again and said that he cannot speak on hours of operation at this time since he does not currently have a user. He stressed that it will not be a 24 hour facility. Mrs. Zamansky asked about lighting. Mr. Mirenda led Mrs. Zamansky to the site plan and showed her exactly what was proposed. He added that the lights will be shielded and will be anti-glare. Dr. Levitt noted that Mr. Mirenda has certified that the site will not disturb the neighbors. He asked for a short recess at 8:00 p.m. so that Ms. Wahl

could compile a list of the variances and waivers required. Mr. Mirenda continued to discuss the site plan with Mrs. Zamansky.

The Board reconvened at 8:07 p.m. Ms. Wahl read the variances and waivers as such:

Variances-

Lot Width 125 ft. required 90 ft. existing and proposed

Front yard setback on Rt. 9 50 ft. required 26 ft. proposed

Building Height 25 ft. required 26.67 proposed

Parking setback 20 ft. required 1 ft., 5 ft., 5 ft. proposed

Buffer-landscape 10 ft. required 1 ft., 5 ft., 5 ft. proposed

Waiver for stacked parking-6 spaces

No. of parking stalls 31 required/150 sf ratio 29 proposed/158 sf ratio

Sign setback 15 ft. required 6.7 proposed

Rt. 9 façade signs 57.5 sf required 64 sf proposed-4 sign combination

15 ft. landscaping to residential uses in rear-proposing 16 ft. setback and 6 ft. vinyl fence

Driveway no closer to Rt. 9 than 100 ft. 78 ft. proposed

Driveway not to encroach on 15 ft. setback 2 ft. proposed

Driveway aisle width 26 ft. required 24 ft. proposed-will widen apron to comply with 30 ft. requirement of the Ordinance

Relief from requirement of not parking within 50 ft. from a residential zone-they are proposing 2 ft. for the stacked employee parking

6 ft. vinyl fence to allow it to be 6 ft. for the full length excluding the sight triangle areas

Mr. Zlotnick added that parking on Saturday mornings will be restricted for trash pick-up. Mr. Perri asked that the hours of operation be discussed. Mr. Mirenda accepted the hours to be restricted to 7:00 a.m. to 10: p.m.

Mr. Shippen made the motion for the variances and waivers and Councilman Perri seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-absent, Mrs. Kintish-absent, Mayor Mazzeo-yes, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-absent, Councilman Perri-yes, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the Variances and Waivers carry.

Mr. Roegiers made the motion for the Major Site Plan, Preliminary and Final. Mr. Shippen seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-absent, Mrs. Kintish-absent, Mayor Mazzeo-yes, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-absent, Councilman Perri-yes, Mr. Roegiers-yes,

Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the Site Plan carries.

The third and final application of the evening is from Calvary Chapel Gateway, Inc., Block 16.01, Lot 47 located at 631 Tilton Road in the Mainland Professional Plaza in the R-C zone. Dr. Levitt swore in Tony Montemurro, the Pastor and Gary Mednick, the Architect who also provided a drawing of the floor plan and an aerial view of the site labeled Drawing Z-1. The attorney representing the Chapel is Samara Trocki-Sidell. She addressed the Board and said that they are proposing no changes to the existing structure. They will be making changes to the interior which is evident from the submitted drawing. The Chapel plans to be open Wednesday evening and Sunday during which times The Plaza will be 97% vacant with most of the offices and business closed. Dr. Levitt asked if there would be other times during the week when activities would take place. Mr. Montemurro stated that there is nothing firmly scheduled at this time and he expects the Wednesday meeting to be about 25% of those attending the Sunday Service. They may consider other meetings such as a men's meeting at another time. Ms. Trocki-Sidell said everything is up for negotiation since it is not a permitted use in the zone. Dr. Levitt began a discussion about assembly halls and asked Ms. Wahl if they were a permitted use in the R-C zone. Ms. Wahl said they were not a permitted use or a conditional use and Mr. Zlotnick agreed that a "D" Variance is necessary.

Dr. Levitt asked if anyone from the public wished to be heard and seeing no one, he closed the public session.

Councilman Perri asked if the Chapel would be a tax ratable. Mr. Zlotnick said Calvary Chapel would not affect taxability of the shopping center since there would be a commercial lease for the space itself. Mr. Roegiers agreed and said they are leasing not owning. Mr. Zlotnick continued by explaining that a use variance is being requested and this type of variance has a higher burden than other variances. He asked for special reason and positive criteria. Ms. Trocki-Sidell said that there are inherently beneficial uses in the community for schools and hospitals and a church type of use can be classified somewhat with these other positive uses. A place of worship provides spiritual healing and is a positive influence on congregants and other businesses surrounding it. Ms. Trocki-Sidell said it was difficult to find case law for a place of worship in this type of zone, but those attending services are positive spiritual believers in a greater spiritual being and this is a positive thing. Mr. Zlotnick agreed that this type of use encourages the general health and welfare of the community. Ms. Trocki-Sidell concluded by saying that there is nothing detrimental about a spiritual place of worship. Mr. Zlotnick said he also did case research on this and agreed this situation does not come up very often. Ms. Trocki-Sidell said that she was unable to use undue hardship as a qualification because it is a commercial space and there have been tenants in and out. It would secure the

area by being beneficial to keep a client over time, but it would not be a hardship on the plaza owner.

Councilman Perri asked about the parking schematic being sufficient with the hours of operation. Mr. Mednick referred to the drawings and photo he submitted which provided the floor plan showing the exits at the request of the Fire Inspector. He added that there is a substantial amount of parking available and will not impact any other businesses in the plaza.

Mr. Shippen made the motion for the "D" variance for a house of worship assembly hall in the R-C zone. Mr. Roegiers seconded the motion.

The roll call vote was as follows:

Mrs. Dyrek-absent, Mrs. Kintish-absent, Mayor Mazzeo-no vote as an elected official, Mr. Milone-absent, Sgt. Newman-yes, Mr. Notaro-absent, Councilman Perri-no vote as an elected official, Mr. Roegiers-yes, Mr. Rowe-yes, Mr. Scharff-absent, Mr. Shippen-yes, Chairman Levitt-yes. The motion to approve the "D" Variance carries.

There was one resolution to memorialize for Michael & Kelianna Care, Block 16.01, Lot 21, 30 Henry Drive, who were approved for a "C" variance to construct a fence at the June 6, 2013 meeting. A voice vote was all in favor with the following abstentions: Mr. Milone, Councilman Perri, and Mr. Scharff.

The next regular meeting will be August 1, 2013.

The meeting was closed by Chairman Levitt at 8:28 p.m. with a motion from Mr. Shippen and a second from Mr. Roegiers.

Respectfully submitted,

Robin Atlas, Secretary to the Board