

**CITY OF SUMMIT
PLANNING BOARD MINUTES
Monday, January 28, 2019**

Present

Chairman Anderson	Councilmember Fox
Vice Chairman Brinkerhoff	Mr. Parella, 1st Alternate
Ms. Balson-Alvarez	Mr. Fiore, 2nd Alternate
Mr. Drummond	Mr. Zucker
Mr. Dunn	Mr. Gibbons, Esq., Board Attorney
Ms. Ogden	Mr. Nicola, Secretary
Mr. Matias	

Notice of Meeting

Mr. Anderson called the meeting to order at 7:30 PM and stated that adequate notice of this meeting had been provided in accordance with the “Open Public Meetings Act.”

Flag Salute

Oath of Office

Marjorie Fox, Mary Ogden and Richard Fiore were sworn in as members of the Planning Board by Board Attorney Clifford Gibbons.

Appointments

Mr. Brinkerhoff nominated Bill Anderson as Chairman of the Board for the year of 2019 and Mr. Zucker seconded. All were in favor and none were opposed.

Chairman Anderson nominated Mr. Brinkerhoff as Vice Chairman of the Board for the year of 2019 and Mr. Parella seconded. All were in favor and none were opposed.

Chairman Anderson nominated Mr. Nicola as Secretary of the Board for the year of 2019 and Mr. Dunn seconded. All were in favor and none were opposed.

A motion was made by Chairman Anderson and was seconded by Vice Chairman Brinkerhoff to appoint F. Clifford Gibbons Esq. as Board Attorney for the year of 2019. All were in favor and none were opposed.

A motion was made by Chairman Anderson and was seconded by Mr. Zucker to appoint Burgis Associates as Board Planner for the year of 2019. All were in favor and none were opposed.

A motion was made by Chairman Anderson and was seconded by Ms. Balson-Alvarez to appoint Maser Consulting as Board Engineer for the Board for the year of 2019. All were in favor and none were opposed.

Approval of Minutes – December 17, 2018

Chairman Anderson asked if the Board had comments relating to the minutes from December 17, 2018. The Board made edits and changes to the minutes. Chairman Anderson moved approval of the minutes as amended and Vice Chairman Brinkerhoff seconded. All were in favor and none were opposed.

Historic Preservation Commission (HPC) Draft Ordinance

HPC members Tom Conway and Melissa Spurr presented a draft ordinance to the Board amending the current ordinance creating the Commission. Mr. Conway stated that in response to the Master Plan revision, the HPC is looking to update its ordinance. Mr. Conway stated that members of the Council are looking to the HPC to help facilitate development to maintain and enhance the character of Summit. Mr. Conway explained that the new ordinance would allow HPC to review permit applications within the historic districts. Mr. Conway stated that the intent is to add a checklist for an application and have that process run concurrently with the DCS process to issue a *HPC Certificate of Appropriateness*. Ms. Spurr reviewed the executive summary with the Board and stated that the ordinance will set the membership and rules of the HPC as well as set the procedure for designating a landmark or district. Ms. Spurr also explained that when applying for a permit for publicly visible exterior work, demolition, or relocation, landmarks and buildings in Historic Districts would get a *Certificate of Appropriateness* from the HPC before the permit is issued. Ms. Spurr noted that the *Certificate of Appropriateness* reviews do not include painting, non-permit work, interiors, or any other structural work which doesn't change the exterior appearance. Chairman Anderson stated that a more thorough review will be done by City staff as well as the Board.

Public Hearing

Tree Top Properties

51 Deforest Avenue

BL: 1904 L: 1

PB-18-245 – Major site plan with (c) – variances for front-yard setback, number of stories, building height, and parking

Mr. Bartholomew A. Sheehan Jr. of Dempsey, Dempsey & Sheehan represented the applicant. The applicant is requesting major site plan approval with (c) – variances for front-yard setback, number of stories, building height, and parking. Mr. John Dziadzio was sworn in by Mr. Gibbons and provided his testimony to the Board as the Business Manager on behalf of the applicant. Mr. Dziadzio stated that he has been authorized to speak for the applicant regarding this application. Mr. Dziadzio stated that the applicant is proposing to improve the existing structure and construct an executive office, and a duplex apartment on the upper and attic floor. Mr. Dziadzio stated that the executive offices will be used by a family business and its management team to oversee and administer the family's various interests. Mr. Dziadzio explained that apartment is intended to be used as a space for the family, extended family members or visitors from other parts of the country. Mr. Dziadzio noted that the applicant does not intend to rent out the duplex but explained that the application preserves that right. Mr. Dziadzio explained that the proposed six off-street parking spaces will be adequate to accommodate the site. Mr. Sheehan submitted exhibit A-1, which is a rendered elevation. Mr. Dziadzio explained that the applicant had investigated whether there were any underground tanks associated with the property.

Thomas Baio was sworn in by Mr. Gibbons and provided his testimony to the Board as a licensed architect. Mr. Baio stated that there will be a porch which surrounds the structure and while building coverage increases, a variance is not required. Mr. Baio stated that the porch will be surrounded with a baluster and railing which is not overtaking the structure. Mr. Baio also noted that the rails and balusters will be made of wood. Responding to the HPC report, Mr. Baio stated that the plan will use western red cedar shingles. Mr. Baio stated that an elevator and staircase are being added in the rear of the building to bring the building up to commercial code. Mr. Baio explained that the basement has a seven-foot high ceiling, and the applicants will need

to excavate one foot down to provide habitable square footage for file storage and gym equipment. Mr. Baio explained the first floor plan to the Board and stated that the intention is to restore basic business elements. Mr. Baio stated that the location of the mechanical equipment will be adjacent to the back deck and will be screened. Mr. Baio stated that the second floor has two offices marked for the two principals, as well as another conference room, and a series of partitions that begin to close off the first floor from the residential duplex. Mr. Baio noted that because the elevator comes through that residence, it effectually makes it non-rentable because it will result in privacy loss. Referring to exhibit A-3, Mr. Baio stated that the third floor is made up of a bedroom area, kitchen area, and a hallway. Mr. Baio also noted that while there is storage area, the applicants do not plan on habiting it. Mr. Baio stated that the siding will be similar on all sides of the building. Mr. Baio stated that the building will not be sprinkled but if it is determined by the Construction Official that it needs to be, then they will comply with the code. Mr. Baio stated that the most likely area to place recycling bins will be between the back staircase and the deck.

Mr. Richard Keller was sworn in by Mr. Gibbons and provided his testimony to the Board as a licensed engineer and professional planner. Mr. Keller stated that variances are required for front-yard setback towards Hillside Avenue. Mr. Keller noted that the addition of the wrap-around porch increases the deviation towards Hillside Avenue. Mr. Keller explained that variances are needed for building height, front-yard setback, and parking where six spaces were provided and 17 spaces are required. Mr. Keller stated that the application involved removing all of the detritus on the back of the building, the existing fire egress and the wooden stairs. Mr. Keller stated that the wrap-around porch portion of the outside takes up 800-square feet of the building, and then there is a 150-square foot addition in the back. Mr. Keller explained his landscape plan to the Board and noted that the plantings in the site triangle would have low ground cover to maintain optimal visibility. Referring to the lighting plan, Mr. Keller stated that low fixtures were used whenever possible and that the lighting would be focused downward. Addressing the Board Engineer's report, Mr. Keller stated that the application will have new roof leaders and they will be tied into a drywell that is 50% larger than it needs to be. Mr. Keller stated that he will comply with the Board Engineer's report as a condition of approval. Mr. Dziadzio stated that he is not aware of any environmental conditions that would delay construction of the project. Mr. Keller noted that no on-street parking is being created. Mr. Keller also indicated that the lighting on the property will be shielded. Mr. Keller stated that the plan is to use Deforest Avenue for construction vehicle access since there is good visibility at that location for vehicles.

Mr. Keller stated that the aesthetic benefit to the community is substantial and it promotes the intent and purpose of the Master Plan, thereby satisfying the positive criteria for relief of the front-yard setback variance, the side-yard landscape variances, and the parking variances. Mr. Keller stated that the requested relief could be granted without substantial detriment to the public good and that the application clearly satisfies both the positive and negative criteria of the Land Use Law. Resident David Passey was sworn in by Mr. Gibbons and he asked what the commercial function of the porch was that justifies variance request. Mr. Keller stated that the porch is an aesthetic addition that breaks down the mass, and makes it feel more like the Victorian houses that are up and down Deforest Avenue. Resident Steve Pearson was sworn in by Mr. Gibbons and he asked if a condition can be made that the construction vehicles go in and out on Deforest Avenue. Mr. Parella stated that a condition should be added which requires somebody to flag the trucks when they are going in and out. Mr. Sheehan stated that those are acceptable conditions to the applicant. Resident Cameron Barrett was sworn in by Mr. Gibbons and he asked in the event that the tenant decides to move and sell the property or rent it to

another occupant, how does the City handle the extra parking needs? Mr. Keller stated that if they were to seek to move out and create a work share or a communal work environment, then that is a different use and would have to come back to the Board. Resident Ryan Loftus was sworn in by Mr. Gibbons and he asked if large construction vehicles can be restricted to use Deforest Avenue. After careful deliberations, the Board approved the requested variances.

A motion of approval was made by Vice Chairman Brinkerhoff and was seconded by Ms. Balson-Alvarez.

Roll Call:

YES: Anderson, Brinkerhoff, Balson-Alvarez, Fox, Drummond, Ogden, Matias, Zucker, Dunn

NO: None were opposed.

DRO Update

Mr. Matias stated that an intensive review of what has been completed to date was done and that a subcommittee meeting was requested to review the next section by Mr. Burgis. Mr. Matias stated that Mr. Burgis is currently reviewing subdivision standards. Mr. Matias also noted that City Engineering staff has been working with Tom Behrens of Burgis Associates on the stormwater management section. Mr. Burgis stated that the progress of the work is consistent with the approved timeline.

The meeting adjourned at 10:33 PM.