

**STAFF REPORT COMMENTS**

**Address:** 115 Summit Avenue

**Application:** PB-22-261 – Minor site plan with (c) – variance for parking

	<u>No Comments</u>	<u>Report Attached</u>	<u>Not Submitted</u>	<u>No Objections</u>	<u>Not Required</u>
Christa Anderson, Zoning Officer		✓			
Eric Evers, Director/Fire Chief	✓				
Steven Zagorski, Police Chief				✓	
Engineering Division		✓			
Ralph Maritato, Construction Official				✓	
John Linson, City Forester	✓				
Board of Health	✓				
Historic Preservation Commission <i>TBS</i>					
City Planner-Burgis <i>(if required)</i>		✓			
Environmental Commission <i>(if required)</i> <i>TBS</i>					

Sent to applicant / attorney on: \_\_\_\_\_

(circle one)

Due Back: \_\_\_\_\_

## COMMUNITY SERVICES

**TO :** Planning Board members  
**FROM :** Christa Anderson, Zoning Officer CA  
**DATE :** July 19, 2022  
**SUBJECT :** Planning Board application #PB-22-261  
115 Summit Avenue  
Everfast Inc (D/B/A Calico)  
Minor Site Plan application with parking variance

**COPY TO:** File

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This application is filed after conversations with the tenant D/B/A Calico, a retail services business providing interior design and decorating consultation services. The application aptly describes the parameters of the proposed use which also includes an element of walk-in open-to-the-public retail sales of furniture, draperies and accessories. The applicant is expected to provide testimony as to the level of private consultation meetings and the anticipated walk-in customer visits both of which are permitted uses in the B Zone wherein the property is located.

**Site Plan Application:** The application correctly states that a site plan application and approval are required for the proposed change in use from office to retail services. The proposed use has a higher parking requirement than the prior office use which proposed use requires a site plan approval per the definition as noted in the application. The applicant requests classification of the application as a Minor Site Plan per the definition, i.e., the plan does not propose any additional floor area or lot coverage. The application clearly meets the definition of Site Plan, Minor and has been filed as such.

**Parking:** The application correctly describes the previous use which was general office with a parking requirement of 1 space per 300 square feet of gross floor area or 11 spaces. The prior use was underparked per the current ordinance requirements but has been a pre-existing condition for many years. City tax records show that it was originally built in 1955 as an office building most often housing small independent offices.

Based on the current parking requirement for Retail Service Facilities, the required parking is 17 spaces whereas the site contains 8 parking spaces. **A variance is required for insufficient parking** as correctly requested in the application.

**Signage:** A variance is also required for the proposed wall signage on the left side of the building whereas signs are permitted to be installed only on building facades where they face a street or a public parking lot. The area of the proposed side wall sign is 10.3 square feet and will be nonilluminated as shown on Sheet 4 of the signage plan package. The proposed awning and awning sign facing Summit Avenue as shown in the sign plan package is conforming and a construction permit application can be approved if and when this application is approved.

**Construction Permit #22-76383:** A construction permit was issued on 4/11/22 for the interior renovations as shown on the architectural plans submitted prepared by Anthony Guzzo, AIA, of Guzzo & Guzzo, Architects, LLC, dated 11/05/2021, inasmuch as the proposed renovations could be for the proposed use or for an office use that would not require a site plan approval. The work has been ongoing with the most recent inspection being for framing which was passed on 4/29/22. Preliminary Plumbing and Electrical inspections have also passed.

**Trash and Recycling:** The plans do not provide an existing or proposed area for storage of trash and recycling. The applicant should confirm in testimony where the trash and/or recycling is kept prior to collection. It must be stored inside as there is no exterior location. Trash and recycling information can be found on line by clicking the Trash & Recycling icon at the bottom of the City of Summit home page.

**For any mandatory recycling material not collected by the City of Summit, the property owner is required by NJ statute and City ordinance to submit an annual report to the City Recycling Coordinator, no later than March 1 of the following year, giving the amount of recycled material, the vendor responsible for the collection and a description of the material collected by the private hauler.**



## Memorandum

To: Planning Board

From: Christopher L. Dour, P.E., P.P.

Date: July 18, 2022

Subject: Everfast, Inc. d/b/a Calico  
115 Summit Avenue  
Block 2608, Lot 9  
Summit, Union County, NJ

Summit No.: PB-22-261

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We have reviewed the application and associated submissions prepared by Hilar P. Ulz, Esq. of Dempsey, Dempsey and Sheehan for Everfast, Inc. d/b/a Calico, Applicant, for the subject property as referenced below:

- a. Application to Planning Board dated May 31, 2022;
- b. Application for Development w/Memorandum in Support of Application;
- c. Site Plan Application;
- d. Use Plan w/notes, unknown source;
- e. Application for Certified List of Property Owners w/in 200 Ft dated 5/4/22;
- f. Sign and Awning Drawings, consisting of four (4) pages, prepared by KC Sign & Awnings, unsigned, dated 05/11/22;
- g. Architectural Plans entitled, "Interior Alteration, Calico, 115 Summit Avenue, Summit, NJ 07901", consisting of four (4) sheets, prepared by Anthony Guzzo, AIA of Guzzo + Guzzo Architects, LLC, signed, dated 11/05/2021; and
- h. Plan of Survey, prepared by Gregg A. Gaffney, PLS of Control Layouts, Inc., unsigned, dated 07 29 2015.

Based on our review of the above-referenced documents, this office offers the following comments:

1. The 6,202-square foot (0.14-acre) property is located at the east side of Summit Avenue, between Springfield Avenue to the south and De Forest Avenue to the north.
2. The property is in the B-Zone (Business), with properties to the immediate north, east and west in the same Zone and to the south in the CRBD-Zone.

3. The Applicant has submitted a Plan of Survey and Memorandum in Support of the Application for Development. This provides limited information as to the proposed parking on the property.
4. The property is improved with a one-story block commercial building with pavement surrounding the building, with the exception of landscaping along the Summit Avenue frontage.
5. The property is somewhat rectangular in shape with 52-feet of frontage on Summit Avenue, with an average depth of 125-feet and 48-feet along the rear (east) property line.
6. The Applicant is proposing interior renovations and "no changes to the exterior of the property and the parking layout is to remain as existing." The Applicant is requesting minor site plan approval "...to permit a deviation from off-street parking and loading requirements..." and a "...change in use from commercial use to a retail service/sales use..." which "...modifies the off-street parking requirements which triggers the need for site plan review."
7. The Plan of Survey shows four (4) parking spaces parallel to the north (left) side of the building and four (4) tandem parking spaces (2-spaces wide and 2-spaces deep) in the rear (east) of the building. The Applicant shall discuss how employees and visitors will access these spaces given the limited maneuvering space available and if there will be dedicated employee parking.
8. The Applicant notes that the Ordinance requires 17-parking spaces and one (1) loading space. The Applicant also notes in their application that six (6) spaces are to be provided, and the Applicant shall resolve this discrepancy.
9. The Applicant notes one (1) ADA space in their application, but this is not shown on the provided plan. The Applicant shall demonstrate the proposed ADA space will comply with the regulations for width, aisle space and route of travel.
10. The Applicant has noted that they anticipate four (4) to six (6) people on-site at any one time, which includes employees and customers. They also note that the site is located across from public parking, metered street parking on Summit Avenue. The Applicant shall provide testimony.
11. The Applicant has provided a plan for the installation of an awning which may encroach into the right-of-way and shall provide testimony.
12. The Applicant notes in their application that they are proposing on-site stormwater detention and shall confirm in testimony.
13. The Applicant notes that they are proposing no change in their existing lighting. Should the Applicant propose any changes, they must file with the City and comply with the Ordinance.
14. We defer to the City Forester for review and approval of the proposed improvements and submittal of a landscape plan.
15. Coordination with the City's Engineering Department shall be the responsibility of the Applicant after the application is approved by the City and prior to the issuance of a Certificate of Occupancy.

The referenced application and plans provided, satisfy the engineering requirements for this variance application. **Should the Board approve the project, the approval may be subject to the issuance of a grading permit (Chapter 35, Article 15) and any required Board conditions.** The Applicant shall verify the need for a grading permit with the City which will not be issued until all conditions of the resolution of approval are satisfied.

If you have any questions or require anything further, please contact me.

CLD/lb

**Copy To:**

⊖ PL/Zoning Chm./Atty.  
⊖ Boards Members

⊖ Applicant  
⊖ Applicant's Atty.

**COMMUNITY SERVICES**

**TO:** Christa Anderson, Zoning Officer  
Eric Evers, Director/Fire Chief  
Steven Zagorski, Police Chief  
Engineering Division  
Burgis Associates (if applicable)

Ralph Maritato, Construction Official  
John Linson, City Forester  
Health Department  
Tom Conway, Chair, HPC  
Environmental Commission (if  
Applicable)

**FROM:** Chris Nicola, Land Use Assistant, DCS

**DATE:** July 6, 2022

**LOCATION:** 115 Summit Avenue      **BLOCK:** 2608      **LOT:** 9

**APPLICATION:** Everfast Inc. (d/b/a Calico)      **FILE NO.:** PB-22-261

**PROJECT:** Minor site plan with (c) – variances for parking

Attached is a copy of the plans and application for the subject property. Please review this proposal and return a copy of this memo with your comments prior to the date indicated below.

Attach additional pages or reports, if necessary.

Please respond by: **July 20, 2022** (Please email cnicola@cityofsummit.org if you are unable to meet this date.)

**COMMENTS:** No objections  
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Ralph Maritato  
(NAME) **PRINT PLEASE**

Construction official  
(PRINT TITLE)

7/11/22  
(DATE)





**Copy To:**

⊖ PL/Zoning Chm./Atty.  
⊖ Boards Members

⊖ Applicant  
⊖ Applicant's Atty.

**COMMUNITY SERVICES**

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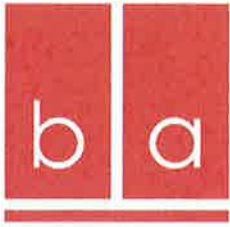
Please respond by: July 20, 2022 (Please email cnicola@cityofsummit.org if you are unable to meet this date.)

COMMENTS: No comments  
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George Kostas  
(NAME) PRINT PLEASE

REHS  
(PRINT TITLE)

7/13/22  
(DATE)



COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

**B U R G I S**  
ASSOCIATES, INC.

PRINCIPALS:  
*Joseph H. Burgis PP, AICP*  
*Edward Shieckus, Jr. PP, LLA, ASLA*  
*David Novak PP, AICP*

## MEMORANDUM

To: City of Summit Planning Board  
From: Joseph H. Burgis, PP, AICP & Tom Behrens, Jr., PP, AICP  
Subject: Everfast, Inc. (d/b/a Calico) (PB-22-261)  
115 Summit Avenue  
Block 2608 Lot 9  
Minor Site Plan Application w/ 'c' Variance Requests  
Date: July 21, 2022  
BA#: 3903.07

### I. INTRODUCTION

The Applicant, Everfast, LLC (d/b/a Calico), is requesting minor site plan approval and 'c' variance relief to facilitate the proposed change in tenancy of the above-referenced site to a design retail service/sales operation as represented in the application materials. The site is located in the B Business Zone where such retail service/sales use is permitted. The nature of proposed improvements and required variance relief are detailed herein.

### II. DOCUMENTS SUBMITTED

Our office has reviewed the following application documents:

1. Application and accompanying documents.
2. Architectural plans (4 sheets) prepared by Guzzo & Guzzo Architects, LLC dated November 11, 2021.
3. Site survey dated July 29, 2015 prepared by Control Layouts, Inc.
4. Signage plans (4 sheets) prepared by KC Sign & Awnings dated May 11, 2022.

### III. PROPERTY DESCRIPTION

The site, identified as Block 2608 Lot 9, is a 6,202 square foot parcel with 51.7 feet of frontage on Summit Avenue immediately south of the intersection with DeForest Avenue. Lot 9 is developed with a 3,264 square foot one-story masonry building with associated paved areas and strip of landscaping in front of the building. There is a row of 4 parallel parking stalls adjacent to the northerly side building elevation and 4 stacked or tandem spaces located at the rear of the property. Development surrounding the site primarily consists of commercial and office uses. The aerial image below provides a general overview of the site and surrounding development.

## IMAGE #1 AERIAL PHOTOGRAPH



Source: Google Maps, July 21, 2022. Note: lot lines are approximate.

### IV. PROPOSED DEVELOPMENT

The Applicant proposes to modify the interior of the existing building to occupy the building as a retail service/sales use. Other than the installation of new exterior signs, there are no other proposed site improvements.

The following is offered for the Board's consideration with respect to the proposed change in tenancy and site improvements:

1. Use. The Applicant shall provide testimony confirming the nature of proposed use, anticipated maximum number of employees and clients on-site at a given time and the proposed hours of operation.
2. Architectural Plans. The floor plans depict a front display area, and rear bathrooms, office and storage area. There are cosmetic improvements proposed for the exterior building elevations, including painting, trim and ornamental features as depicted on sheet number A103 of the architectural plans.
3. Deliveries. Recognizing that the site is developed with limited space for improvements, the Applicant shall confirm the expected frequency of deliveries to the site and type(s) of delivery vehicles.
4. Parking and Circulation. As noted previously, the site contains 4 parallel parking stalls and 4 tandem parking stalls yielding a total of 8 parking stalls. Retail service/sales uses require 1 space/200 square feet of gross floor area which results in a parking requirement of 17 spaces for the proposed use ( $3,264 \text{ sf}/200 \text{ sf} = 16.32$ ). The

Applicant shall demonstrate the adequacy of the proposed parking to accommodate the retail service/sales use. The Applicant shall confirm if the business will require a commercial vehicle to be stored on-site overnight.

The site exhibits a number of preexisting nonconforming site conditions with respect to parking stall and driveway dimensions which will not be exacerbated by the proposed change in tenancy.

5. Garbage & Recycling. The Applicant shall confirm the proposed location and handling of garbage and recycling.
6. Signage. Conforming "Calico" (8.93 sf) and "Design + Shop" (0.75 sf) signs are proposed on the front awning. A second "Calico" (10.26 sf) sign is proposed on the northerly side building façade for a total sign area of 19.94 square feet. The proposed signs appear to be conforming except as noted below.
7. Exterior Lighting. The Applicant shall confirm the extent of any proposed exterior lighting fixtures and compliance of same with the applicable Ordinance requirements.

## V. ZONING

The site is located in the B Business Zone wherein the proposed retail service/sales use is permitted. There are several preexisting nonconforming site conditions as depicted on the site survey which will not be exacerbated as a result of the proposed change in tenancy.

### Required Variance Relief

The development application requires the following variance relief:

1. 'c' Sign Location. We question whether, technically, the proposed sign located on the northerly side building elevation requires variance relief recognizing that there is an existing sign in this location. We defer to the City Zoning Officer in this regard.
2. 'c' Loading Space. Section 35-14.1P.9. requires one 12 foot by 60 foot loading space for the proposed retail use. The Applicant shall confirm the nature of proposed deliveries to the site as there is no available space to create a formal loading space on the premises.
3. 'c' Minimum Parking Requirement. The site contains a total of 8 parking stalls where a minimum of 17 parking stalls is required. The Applicant shall address the adequacy of the site's parking configuration to accommodate the proposed use. It is noted that there are several public parking options available located in near proximity to the property.



## VI. STATUTORY CRITERIA

The following is a summary variance relief criteria required to be addressed by the Applicant:

### 'c'(1)'/c'(2) Variance Relief

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test. These are identified as follows:

- A. Physical Features Test: An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.
- B. Public Benefits Test: An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the MLUL; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition, the applicant must address the Negative Criteria of the statute. Here an applicant must demonstrate that the variance can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the master plan and zoning ordinance.