



Township of Montclair

205 Claremont Avenue

Montclair, NJ 07042

tel: 973-509-4954

fax: 973-509-4943

MONTCLAIR ZONING BOARD OF ADJUSTMENT



Graham Petto, AICP
Assistant Planner

Department of Planning and Community Development
gpetto@montclairnjusa.org

MINUTES OF THE BOARD OF ADJUSTMENT

JUNE 17, 2015

ORDER: The meeting was called to order at 7:55 p.m. by Janice Talley. Ms. Talley read the notice of compliance with the New Jersey Open Public Meetings Act and indicated that appropriate notice was forwarded to the officially designated newspaper of Montclair and posted in the Municipal Building. The schedule of meetings is also posted on the Township website.

ROLL CALL: Ms. Talley called the roll. Present were Chair Harrison, Vice Chair Fleischer, Mr. Reynolds, Mr. Susswein, Ms. Baggs, Mr. Moore, Mr. Sullivan, Ms. Talley and Mr. Petto. Ms. Checca arrived at 8:45pm. Ms. Brinkman arrived at 8:50pm. Mr. Kenney was absent.

MINUTES: The minutes of the May 20, 2015 meeting were offered for any suggested changes. Mr. Harrison provided some edits to the minutes. Ms. Baggs also provided some edits. Mr. Fleischer made a motion to approve the minutes, seconded by Mr. Susswein. The minutes were approved unanimously.

OLD BUSINESS:

Resolution for App. 2402: Verizon Wireless. 52-54 Fairfield Street. Variance for telecommunications facility.

Mr. Harrison recused himself from this resolution. Mr. Fleischer introduced the resolution for review by the Board. Mr. Susswein offered some edits. Mr. Susswein made a motion to approve the resolution. The resolution was approved by Mr. Fleischer, Mr. Reynolds and Mr. Susswein. Mr. Harrison and Ms. Baggs abstained. Ms. Checca was not yet present.

Resolution for App. 2397: Mt. Hebron Cemetery. 851 Valley Road. Use variance and site plan application to build a mausoleum.

Mr. Harrison introduced the resolution and asked for any edits. Mr. Fleischer made a motion to approve the resolution, seconded by Mr. Susswein. The resolution was approved by Mr. Harrison, Mr. Fleischer, Mr. Reynolds and Mr. Susswein. Ms. Baggs abstained. Ms. Checca was not yet present.

App. 2400: 84 Orange Road, LLC. 84 Orange Road. Use variance and site plan application to convert church to office.

Mr. Alan Trembulak, representing the applicant requested that the application be postponed to the July 15 meeting of the Board of Adjustment. The Board accepted the postponement.

App. 2367: 58 James Street – 58 James Street. *Site plan application for four dwelling units.*

Chair Harrison recused himself from the application. Vice Chair Fleischer introduced the application.

Mr. Alan Trembulak represented the applicant. Mr. Trembulak reviewed the application and the proposed project. He made note of the previous use variance for the property that was granted by the Board of Adjustment.

Mr. Trembulak then introduced Paul Sionas, architect for the applicant. Mr. Sionas introduced Exhibit A-1 a PowerPoint presentation reviewing the application. Mr. Sionas reviewed the requested variances.

Mr. Fleischer asked during the presentation if a variance was required for each unit. Mr. Sionas replied yes.

Mr. Fleischer asked if a front yard parking variance was requested. Mr. Sionas replied, yes that such a variance was needed for Unit 1.

Mr. Sionas reviewed the positive and negative criteria as well as consistency with the Township's master plan. Mr. Sionas testified that he had a preliminary meeting with the Township Fire Chief who is evaluating access for emergency response equipment to the property.

Questions from the Board were then accepted.

Mr. Susswein asked about the trash and recycling collection for the project. He asked if this would be collected at the curb. Mr. Sionas replied yes.

Mr. Susswein wanted clarification from the applicant that if the plans as presented are approved would that be the plans that are built. Mr. Sionas noted that the footprint of the structures would be maintained but also noted that slight modifications to interior layouts could be made.

Mr. Fleischer referred to the office spaces proposed in the units and noted that they could be changed into bedrooms. Mr. Sionas noted that a condition could be developed for any conversion to remove the closets from the office spaces to ensure they do not qualify as a third bedroom.

Mr. Moore asked which units would be handicap accessible. Mr. Sionas noted that all 5 units could be adapted for handicap access. Mr. Sionas also noted that state COAH regulations require an adaptable unit.

Mr. Moore asked if any of the units had a basement. Mr. Sionas replied that Unit 1 has a basement.

Mr. Moore asked about accessibility for the Fire Department. Mr. Sionas stated that the applicant would agree to the requests made by the Fire Chief, which include noting the location of hydrants and the size of the water line as well as striping portions of the driveways as fire lanes.

Ms. Baggs asked what other types of buildings could be placed on the property to accommodate the five approved units. She asked if two multi-family houses could be

built on the property. Mr. Sionas replied yes. Ms. Baggs asked if that had been considered by the applicant. Mr. Sionas replied no and noted that the site plan has been developed by a different firm than the previous approval. He stated that previous units of this type have been successful. He stated that maintaining the two existing on-site buildings and on-site landscaping was desired. Mr. Sionas stated that these types of units appeal to empty nesters and young people.

Ms. Baggs asked if these types of units as proposed were more desirable from a marketing stand point. Mr. Sionas stated that the applicant could better answer that question.

Ms. Baggs noted that the lot coverage exceeds the permitted coverage by a very small percentage. She asked why this could not be met and why a variance was requested. Mr. Sionas stated that the plan could meet the required lot coverage however he stated that the units as presented are an optimal size. He noted that they could possibly be reduced to meet the requirement.

Mr. Fleischer asked if there was a required width for a fire lane. Mr. Sionas replied no.

Mr. Fleischer stated that the R-2 zone district permits only a single principal structure on-site. He noted that in the R-3 zone, where more multiple structures are permitted, has strict setback requirements to space the buildings. Mr. Fleischer asked for an explanation. Mr. Sionas noted that there are clear setback requirements in the R-3 zone. He stated that the applicant consulted with the Planning Department. He noted that there is 11 feet between Unit 3 and Unit 5 and 9 feet between Unit 3 and Unit 2. He stated that there could be additional spacing, however the intention was to preserve common open space areas. He stated that the presented site plan represented the best solution. Mr. Sionas noted that the R-3 zone requires 15 feet between structures. He also stated that private entries do also compromise some space as well.

Mr. Fleischer asked Mr. Sionas, in his role as a Professional Planner, to explain the 9 to 12 foot proximity distance between buildings would be sufficient for buildings of this scale. Mr. Sionas stated that the distance was sufficient. He noted that the smallest distance was between two one-story buildings.

Mr. Fleischer asked about the distance between Units 3 and 5 which are both two-story buildings. Mr. Sionas stated that the distance between these two units is 11.71 feet. He stated that he is comfortable with this distance. He noted that the pedestrian entry is not near this area. He stated that the gabled roof and dormers and façade of Unit 3 is stepped back from Unit 5 to create additional space.

Mr. Fleischer noted the overhangs of Units 1 and 2. Mr. Sionas agreed that Unit 1 does have substantial overhangs. Mr. Fleischer stated that the overhangs are between 3 and 4 feet based on his review of the plans and asked Mr. Sionas if the distance between the overhangs of Units 1 and 2 was only 4 feet. Mr. Sionas replied yes.

Questions from the public were then accepted.

Mr. John Di Milia, of 10 Twin Brook Road, West Caldwell and owner of 52 James Street, asked what the impact would be of the impervious surface created by this project. Mr. Sionas stated that drainage calculations for the project are required to be submitted to the Board of Adjustment Engineer.

Mr. Di Milia asked about the distance between the driveway and the property line between 58 and 52 James Street. Mr. Sionas referred to the plans and noted that and that at its narrowest there was a 1 ½ foot distance between the driveway and the property line. He noted that this was needed to accommodate a 12 foot turnaround area. Mr. Sionas noted that skip laurels would be planted in this area and the remainder of the area between the driveway and the property line would be heavily planted.

Mr. Di Milia asked what other variances had been requested. Mr. Fleischer reviewed the notice of hearing to share the variances as requested by the applicant.

Mr. Brendan McCarty, resident of 151 Chestnut Street, noted that planned arborvitae plantings would be 20-25 feet at maturity. He asked how long it would take for those plantings to reach maturity. Mr. Sionas stated that they would reach mature height in about ten years. Mr. McCarty noted the reduced setback and overhang from Unit 3 would be visible from his yard. He asked if this could be more immediately remedied. Mr. Sionas stated that larger trees could be planted.

Marilyn Trushell, resident of 60 James Street, noted that the driveway shown on the left side of the site plan does not currently exist and that only a small curb cut exists at this time. She noted that there is a storm drain in the middle of the curb cut and asked what would happen to the drain under the plans. Mr. Sionas replied that the drain would be relocated and that it would be contingent on review by the Engineer.

Steve Trushell, resident of 60 James Street, clarified the question posed by Marilyn Trushell with respect to the storm drain. Mr. Trushell also asked if there were four variances requested. Mr. Sionas replied yes.

Mr. Trembulak then introduced Steven Plofker, 16 Erwin Park Road, on behalf of the applicant.

Mr. Plofker noted that two-family houses were considered for the site. However, he noted that the area is transitional and there has been little investment. He stated that the intention is to construct high quality housing and that could not be achieved with 2 two-family dwellings. He also stated that it was the intent to accommodate an affordable dwelling unit and that could not be completed in 2 two-family dwellings. He noted that the 20% affordable requirement does make things difficult and there was a desire to keep the dwellings detached.

Questions from the Board were then accepted.

Mr. Moore asked which of the units would be the affordable unit. Mr. Plofker replied that the unit has not yet been designated, but noted that the affordable unit needs to have a kitchen, bedroom and bathroom on the first floor. Mr. Fleischer noted that only Units 1, 2, 3 and 4 would qualify and that Unit 5 would not.

Mr. Fleisher noted that the footprints of the buildings could not change. He asked if this could be a condition of approval. He also noted that clarification with Ms. Talley and the building permit process would be needed to ensure compliance.

Mr. Sullivan replied that a condition could stipulate that prior to the issuance of any permits the affordable unit could be designated and compliant.

Mr. Trembulak stated that no further testimony would be presented by the applicant.

Comments from members of the public in attendance were then accepted.

Brendan McCarty, 151 Chestnut Street, addressed the Board. He stated that while he did want the property to be developed, he had concerns about the rear yard setback variance, especially for Unit 4 on the proposed site plan. Mr. McCarty submitted a photo, Exhibit O-1 for review by the Board.

Mr. Fleischer noted that according to the presented plans that rear second story of Unit 4 did not contain a bedroom and was a double height first floor space. Mr. McCarty stated his desire for the plans to be re-worked to reduce the impact of Unit 4. He reiterated that the proposed unit is very close to his property line and the proposed overhang of the unit is even closer.

Mr. Fleischer asked Mr. Sionas what the distance was from the rear of the proposed Unit 4 to the rear of Mr. McCarty's property would be. Mr. Sionas stated the distance would be 114 feet.

Mr. McCarty asked Mr. Sionas how high the edge of the overhang of Unit 4 would be from the ground. Mr. Sionas replied that it would be 18 feet.

Mr. Susswein asked if larger trees could be planted in this area to reduce the impact on Mr. McCarty's property. Mr. Plofker stated that in his experience, trees purchased at a height of 10-12 feet have a lower survival rate than those purchased at 8-10 feet in height.

Ms. Katie Young, 51A James Street, addressed the Board. She stated that the new plans were compatible with the neighborhood. She noted that development of this type already exists on the street, including in her complex across James Street where there are 12 units. She also noted that there are many two-family dwellings on the street as well that are not well kept. Ms. Young stated that owners often maintain their properties better than renters.

Ms. Young finally stated that safety was another concern among neighbors on James Street. She noted that previously there was a fatal shooting on nearby William Street. She stated that there is bad activity near the subject property and that it needs to be fixed up.

Mr. Brendan McCarty, 151 Chestnut Street, returned to ask a follow up question. He asked Mr. Plofker if the proposed units would be owner-occupied or rentals. Mr. Plofker stated that no decision has yet been made on occupancy type.

Ms. Marilyn Trushell, 60 James Street, then provided public comment. She stated that she agreed that the property should be developed. However, she has concerns about the density of the project. She stated that the original application original included 30% building coverage and that had been reduced to 28.3%. Mr. Fleischer clarified that the density for the project was previously approved under a prior application. Mr. Fleischer noted that the ordinance for building coverage is 25% and the applicant is requesting a variance from the coverage requirement.

She stated that Unit 4 is adjacent to the rear yard of her property and that this reduced setback would set a precedent for future applications. Mr. Fleischer clarified that each application before the board is evaluated on its own merits.

Ms. Trushell stated that she believes the proposed project will make her feel squished on her property and that the setback reduction from 37 feet to 4 feet was too drastic.

Steve Trushell, 60 James Street, then provided public comment. Mr. Trushell stated that he was disappointed with the proposed plans and was glad to hear many good questions asked. He stated that the existing block is comprised of 2 family homes and that homeowners are often better than rental tenants. He stated that the proposed development is too dense and would include 10 cars on-site. He reiterated that the plans were too extreme and that he would prefer to see two-family houses on the property.

John Lucci, 51A James Street, provided public comment. Mr. Lucci stated that he is in support of the proposal. He stated that this proposed project is the best thing to happen to James Street and that the property currently is an eyesore. He noted that it would be a positive contribution to the street. Finally, Mr. Lucci stated that the project provides a positive housing balance and contribution for the whole neighborhood.

Mr. Brendan McCarty, 151 Chestnut Street, returned to ask another questions. He noted that the Board had previously approved five units. He asked if there was a limit on the number of principal structures in the R-2 zone. Mr. Fleischer noted that the zone only permits one principal structure. Mr. Fleischer stated that the application before the Board is for site plan approval and associated variances. Mr. McCarty stated that overall the project does provide a benefit but should not infringe upon individual rights. He stated with some modifications the plan could be much better.

Ms. Marilyn Trushell, 60 James Street, asked a clarifying question. She asked if the project had to be 5 units. Mr. Fleischer noted that 5 units were previously approved for the site. Mr. Sullivan clarified that a maximum of 5 units was approved. Ms. Trushell noted that perhaps the number of units could be less than 5 to be more accommodating.

No further comments from the public were offered.

Mr. Trembulak then summarized the application, site plan and requested variances for the Board.

Comments from members of the Board were then provided.

Mr. Fleischer asked Mr. Sullivan about the application and the vote required. Mr. Sullivan noted that this was an application for site plan approval, and as such only a simple majority was required.

Mr. Susswein stated that a challenge for the Board is that an up or down vote is require on specific concrete proposals. He noted that the job of the board is not to view proposals to personal ideal values. He stated that the role of the Board is to review the application as presented and compare it with respect to the ordinance to make a judgement and determine if the variance is justified.

Mr. Susswein stated that in this case the benefits greatly outweigh the detriments. He noted that the property is an eyesore, blighted and does pose safety concerns to the neighborhood. He noted that affordable housing is also needed in this area of the Township. Mr. Susswein stated that in total, the variances can be justified. He noted

that the building coverage variance is minimal, the fence height variance is understandable, as is the front yard parking variance. He stated that the lot is oddly shaped which presents practical difficulties and that the proposed solution makes sense.

Mr. Reynolds agreed with Mr. Susswein's comments. He noted that the variances are reasonable. Mr. Reynolds stated that given the small overage of the building coverage, an attempt could be made by the applicant to meet the ordinance. Finally, Mr. Reynolds stated he was pleased the application included an affordable housing unit.

Ms. Baggs stated that overall she agreed with Mr. Susswein's and Mr. Reynold's comments. She noted she took exception with the variance request for building coverage and noted that the proposal could be tweaked to meet the 25% requirement. She stated the applicant had not proven the need for this variance.

Mr. Moore stated that the property is an eyesore. He noted that the proposed development would revitalize and beautify this area. He appreciated the inclusion of affordable housing, accessibility and steps to address safety. He stated that the project should further mitigate any encroachment on Lot 5 as shown on the plans. Mr. Moore stated he was in favor of granting the requested variances.

Mr. Fleischer stated that overall he was in favor of the project. However, Mr. Fleischer reviewed some concerns.

First, Mr. Fleischer noted that two of the units on the property are existing buildings and that in order to be compliant with the building coverage requirement, there could only be 900 square feet of coverage in the 3 new units. Second, he noted that Unit 4, opposite Lot 5, could be moved a few feet further south. However, 114 feet of distance between the proposed unit and the structure on Lot 5 is a good distance. Third, Mr. Fleischer noted concern about how close the proposed buildings are to one another on-site.

Overall, Mr. Fleischer stated that the project was good and represented an enhancement. He stated that the density could be handled in this location.

Mr. Sullivan reviewed the conditions that were discussed by the board and presented them:

1. The landscape plan shall be revised to replace the proposed skip laurel along the westerly side of the property with dark American arborvitae.
2. Prior to issuance of a building permit, the applicant shall identify the moderate income unit and prove compliance with all applicable regulations.
3. In the event any first floor office is converted to a bedroom, the second floor bedroom shall be converted to an office.
4. The applicant shall comply with and satisfy paragraphs 1 through 7 contained in the report dated June 13, 2015 from W. Thomas Watkinson, P.E., P.P., Montclair Zoning Board Engineer.
5. The applicant shall obtain Fire Department approval.
6. The applicant shall comply with the plans submitted to the Board except interior adjustments are permitted provided there is no change to the building footprints or the number of bedrooms in any dwelling unit.

7. The area to the north of the second floor bedroom in Unit 4 shall be open to the first floor and shall not contain living space or a balcony.
8. The applicant shall be bound by all representations made on its behalf by its attorney and professionals during the course of the public hearing.
9. The applicant shall be responsible for all inspection fees required under Montclair Code Section 202-27 as well as escrow fees incurred in connection with review of this matter.

A motion to approve the application, with the conditions stated was made by Mr. Susswein, seconded by Mr. Moore. Mr. Fleischer, Mr. Reynolds, Mr. Susswein and Mr. Moore voted in favor of the application. Ms. Baggs opposed. The application was approved.

NEW BUSINESS:

App 2407: Ercument & Ikbal Tokat. 119 Upper Mountain Avenue. *Use variance for height exceedance*

Chair Harrison returned to the meeting. In addition, Ms. Brinkman and Ms. Checca joined the meeting as well. Mr. David Owen, representing the applicant, requested that this application be moved to the July 15 meeting of the Board of Adjustment. A motion was made and approved unanimously to carry the item to the July meeting.

App 2406: Valverde Building, LLC. 440-444 Bloomfield Avenue. *Use variance for density increase*

Mr. Harrison introduced the application. Mr. Ronald Shaljian represented the applicant and summarized the requested variance.

Mr. Shaljian introduced Mr. Eric Maran of Smith Maran Architects who is the architect for the project. Mr. Maran reviewed the project and the requested variance.

Questions were then offered by members of the Board.

Mr. Fleischer asked how the variance was justified. He noted that the third floor unit could be large and nice rather than being divided into two smaller units. He asked what the basis for the request was. Mr. Maran stated that hardship was hard to determine in this case. Mr. Sullivan reviewed the required proofs for the variance request.

Mr. Susswein asked if there would be a net increase in the total number of bedrooms in the building. Mr. Maran stated that there would not be an increase in the number of bedrooms. He stated that the property owner believes the third floor as currently configured is being underutilized. Mr. Maran noted that a 3 bedroom, 2 bathroom unit or even 4 bedroom unit would be permissible. However, he noted that the applicant desires to keep the units right sized for the neighborhood and to split utility costs among the units. He noted that there are no detriments and no true increase in the number of bedrooms.

Mr. Fleischer noted that on the proposed plans the studies in each unit have a closet. He asked if these would be considered a bedroom. Mr. Maran stated that the studies do not meet the minimum width requirement for a bedroom. Ms. Brinkman noted that the minimum width for a bedroom is 7 feet.

Ms. Checca asked about the structural integrity of the building and referred to some notes on the presented plans. Mr. Maran stated that the additional walls on the third floor would improve the integrity of the structure.

Ms. Baggs asked about the living rooms of proposed units 3A and 3B and the dining room of unit 3A as shown on the proposed egress plans. She asked if these spaces had more or less light and ventilation than existing conditions. Mr. Maran stated that these spaces would have less light and ventilation.

Ms. Baggs asked Mr. Maran how the light and ventilation situation would be addressed. Mr. Maran stated that the buildings have access to light and ventilation. He noted that the spaces will be lit through the study and by transom windows to be installed over interior doors.

Ms. Brinkman noted that the studies in each of the units as presented on the plans have a closet and door, which technically makes them each a bedroom. She asked if these are two 2-bedroom units. Mr. Maran replied no.

Ms. Brinkman asked if the bedrooms of the existing units on the second were directly below these proposed bedrooms. Mr. Maran replied yes. Ms. Brinkman asked if those bedrooms were the same size. Mr. Maran stated that the size of those bedrooms on the second floor was not known.

Mr. Maran stated that the study in each unit could be modified to no longer be considered a bedroom.

Ms. Baggs asked if the Board could stipulate requirements for the floor plan of the project. Mr. Sullivan noted that if the applicant was using a no net increase in bedrooms as a required proof, then the Board could have some input on the number of bedrooms.

Mr. Moore asked if the applicant would be providing parking for the units. Mr. Shaljian replied that parking would not be provided.

Ms. Checca asked how light in the living room would be provided. Mr. Maran stated that the transom window over the interior doors would provide light. He also noted that the study could be opened to the living room. Ms. Checca asked if the applicant would be amenable to a condition to open the study to the living room. Mr. Shaljian stated that would be fine.

Mr. Susswein asked Mr. Maran to review the egress from the property. Mr. Maran distributed Exhibit A-1 and reviewed the egress plan for the Board.

Mr. Susswein asked if occupants of the units would enter from the rear of the building. Mr. Maran stated that was a possibility.

Mr. Harrison noted that the egress plan includes a path on the adjacent property which is also owned by the applicant. He asked if there was an existing easement on this property to accommodate the egress plan. Mr. Maran replied no.

Mr. Harrison asked if rear access to the units would be up the fire escape. Mr. Maran said yes, it could be.

Mr. Harrison asked about the parking lot to the rear of the building and if there was any available parking spaces. Mr. Maran stated that he was not sure if parking was available there.

Mr. Harrison then asked about the heating and air conditioning configuration for the building and new units. Mr. Shaljian introduced Ira Smith to provide testimony.

Mr. Smith stated that there was no new HVAC system planned for the building. He noted that existing radiators would be reconfigured in the proposed third floor units.

Mr. Harrison asked if window air conditioners would be used to cool the units. Mr. Smith replied yes. He also noted that new exhaust fans would be installed in the bathrooms only.

Mr. Harrison asked Mr. Smith about the structural integrity of the building. Mr. Smith stated that under prior renovations, leaks in the third floor bathroom had rotted some floor joists. He noted that many of the notes on the plans are general and informational to contracts to protect clients and the architectural firm.

Ms. Checca noted that there is a load bearing wall shown on the third floor plans. She asked if there was one on the second floor as well. Mr. Smith stated that the load is shifted like a truss to columns on the second floor.

Mr. Reynolds stated that the closet in the study could be removed as well to create more space. Mr. Smith noted that the building has high ceilings, approximately 12 feet, on this level and that it is a former commercial space.

Ms. Baggs asked if this layout with a living room with no windows was typical. Mr. Smith stated the layout was not typical. Ms. Baggs asked if the application complied with building code requirements. Mr. Fleischer noted that the plans would be required to meet all standards.

Ms. Brinkman noted concerns about the study and living room configuration.

Mr. Fleischer stated that the application before the Board is with respect to a density calculation for the number of units not bedrooms.

Mr. Sullivan noted that the discussion was pertinent as the applicant has stated that the conversion does not increase the number of bedrooms because the plans are to convert a 2-bedroom unit into two 1-bedroom units.

Ms. Checca asked if any existing windows were to be removed. Mr. Smith replied no and stated that all would remain.

Mr. Harrison suggested that the Board proceed with final comments before a vote.

Mr. Fleischer stated that he was in favor of the variance request but that he would like to see the living room opened to more light and ventilation. He proposed a condition to remove the closet and door to the study so it cannot be considered a bedroom.

Ms. Checca agreed with Mr. Fleischer's comments. She noted that the door and closet should be removed from the study. Transoms and other techniques to increase light to the living room should be addressed. She noted that the site could accommodate the increased density.

Mr. Reynolds stated that he was in favor of the application with the conditions discussed.

Ms. Baggs stated that the Master Plan favors increasing density here along Bloomfield Avenue. She noted that while the building may not be the best it is well situated for the increased density.

Ms. Brinkman stated that she was in favor of the application on the condition that the study is opened to the living room and the closet removed.

Mr. Moore stated that he was also in favor of the application and agreed with the other Board members comments. He noted that perhaps skylights could be installed to add light and air to the living room space. He agreed that the study should not be considered a bedroom.

Mr. Susswein stated he was in favor of the application and supported reconfiguring the study to be an alcove off the living room.

Mr. Harrison stated that he would have liked to hear more planning related testimony by the applicant. However, he noted that parking does not need to be addressed by the applicant due to the location in the C-1 zone, so the concerns about planning testimony are reduced.

Mr. Sullivan reviewed the conditions discussed by the Board:

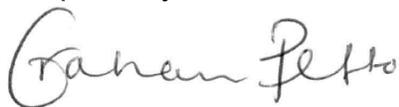
1. The door and closet in each of the studies of the new third floor apartments shall be eliminated.
2. The rear egress shall be cleaned up and maintained so as to be suitable for use by individuals.
3. The applicant shall record an easement in the Essex County Register's Office permitting access to the building on the subject property from the adjacent parcel to the southeast known and designated as Lot 6.01, Block 3106 subject to review and approval by the Zoning Board Attorney.
4. The applicant shall be bound by all representations made on its behalf by its attorney and professionals during the course of the public hearing.
5. The applicant shall be responsible for all inspection fees incurred under Montclair Code Section 202-27 as well as escrow fees incurred in connection with review of this matter.

A motion to approve the application was made by Mr. Susswein, seconded by Mr. Fleischer. The application was approved unanimously.

ADJOURNMENT

The meeting was adjourned at 12:10 am, Thursday June 18, 2015.

Respectfully submitted,



Graham Petto, AICP
Zoning Board of Adjustment Assistant Secretary