



Township of Montclair

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MONTCLAIR ZONING BOARD OF ADJUSTMENT



**Graham Petto, AICP**  
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## **MINUTES OF THE BOARD OF ADJUSTMENT NOVEMBER 18, 2015**

**ORDER:** The meeting was called to order at 7:30 p.m. by Graham Petto. Mr. Petto 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:** Mr. Petto called the roll. Present were Chair Harrison, Vice Chair Fleischer, Mr. Susswein, Ms. Baggs, Mr. Kenney, Ms. Brinkman, Mr. Moore (arrived at 7:35 p.m.), Mr. Sullivan, and Mr. Petto. Mr. Reynolds was absent and Ms. Checca was excused.

**MINUTES:** The minutes of the September 17, 2015 meeting were offered for any suggested changes. Mr. Harrison noted a few minor edits. Ms. Baggs noted a few edits. Mr. Fleischer made a motion to approve the minutes as amended, seconded by Mr. Susswein. The minutes were approved unanimously.

### **OLD BUSINESS:**

**Resolution for App 2419: David & Helen Crossen. 64 Prospect Avenue. Bulk variance for garage addition**

Mr. Harrison introduced the resolution. Ms. Baggs provided a few edits to the resolution. A motion was made by Mr. Susswein to approve the resolution as amended, seconded by Mr. Fleischer. The resolution was approved unanimously with Ms. Baggs and Mr. Moore abstaining.

**Resolution for App 2380: NY SMSA / Verizon Wireless. 10 Pine Street. Use variance for telecommunications facility**

Mr. Harrison introduced the resolution. A motion was made by Mr. Susswein to approve the resolution, seconded by Mr. Kenney. The resolution was approved unanimously with Ms. Baggs and Mr. Moore abstaining.

**Resolution for App 2426: Daniel Groisser. 30 Club Road. Bulk variance for minimum lot width**

Mr. Fleischer introduced the resolution. A motion was made by Mr. Susswein to approve the resolution, seconded by Mr. Kenney. The resolution was approved unanimously with Mr. Harrison, Ms. Baggs and Mr. Moore abstaining.

**Resolution for App 2427: Joseph & Yolanda Gawler. 491 Park Street. Bulk variance for front porch, front yard setback.**

Mr. Harrison introduced the resolution. Ms. Baggs provided a few edits to the resolution. A motion was made by Mr. Susswein to approve the resolution as amended, seconded by Mr. Fleischer. The resolution was approved unanimously with Ms. Baggs and Mr. Moore abstaining.

**App 2425: Phil Leo & Amy Edelman. 70 Dryden Road. *Bulk variance for oil tank installation in side yard. The applicant has requested that this application be withdrawn.***

Mr. Petto announced that a correspondence from the applicant had been received requesting that the application be withdrawn. No further testimony would be presented and the applicant would no longer proceed.

**NEW BUSINESS:**

**App 2428: H&R Block E.E., Inc. 295 Bloomfield Ave. *Use variance for professional office on first floor in C-1 Center Area zone.***

Mr. Harrison introduced the application. Mr. Calvin Trevenen represented the application.

Mr. Trevenen summarized the application and reviewed the proposed use of the space. He also noted the memo received by the Historic Preservation Commission regarding the application due to its location in the Town Center Historic District.

Mr. Trevenen noted that the applicant is relocating due to the forthcoming redevelopment of the Lackawanna Plaza site. He noted that H&R Block has been located in its current space since 1997 and would like to maintain a presence in the area.

Mr. Trevenen then introduced Ms. Jennifer Navarro, District Operations Coordinator for H&R Block to testify.

Ms. Navarro stated that the region has 43 H&R Block offices that prepare taxes and provide financial and payroll services. She noted that the applicant will be a tenant of the space.

Mr. Trevenen asked Ms. Navarro a series of questions regarding the use of the space. Ms. Navarro noted that the interior will have low height temporary partitions. She also stated that the office will be open year-round to assist with corporate returns and late tax filers. She stated that between 8 and 9 employees will work at the location.

Mr. Trevenen asked about the seasonal use of the space with respect to tax season. Ms. Navarro stated that during tax season the office would be open 7 days a week. She noted that during off-season the office would be open with most hours by appointment.

Ms. Navarro noted that most clients are seniors of low-, moderate-income. She also stated that many clients do walk to the location.

Mr. Trevenen submitted Exhibit A-1 a photo rendering of the front of the proposed location.

Questions from the Board were then accepted.

Mr. Susswein asked about the retail operation and office space. He noted that Ms. Navarro testified that other locations have banking and financial services. He wanted clarification that this space would be for tax preparation only. Ms. Navarro stated that special locations handle additional services and that this location would be for tax preparation.

Mr. Kenney referred to page 4 of the submitted plans and asked what the proposed use of the lower corner "open" room would be. Ms. Navarro stated that typically these spaces are for office leaders or used as a break room.

Mr. Kenney stated that the applicant should consider that the space should not look like an office and should appear as retail.

Mr. Harrison asked for clarification about the business volume between May and December. He asked how many customers would be seen on a daily basis during this time. Ms. Navarro stated that it is dependent on the needs of the client, and there is much variation.

Mr. Harrison asked how many employees will work at the location during this period. Ms. Navarro stated that between 5 and 6 employees would report to the location on an as-needed basis.

Mr. Harrison asked how many staff would be in the office per day during this off season. Ms. Navarro stated between 2 and 3 staff would be located in the office.

Mr. Harrison asked if the office location would be staffed "on-demand" as clients need service. Ms. Navarro stated yes, and noted that the appointment request system dictates the schedule.

Mr. Harrison asked during what hours the office would be open during the off-season. Ms. Navarro stated it would be open from 9am to 9pm, as needed.

Ms. Brinkman asked about the construction of the interior walls depicted on the plan. Ms. Navarro stated they would be temporary privacy panels.

Mr. Moore asked how long an employee typically spends with a client. Ms. Navarro stated they typically meet with clients for between 45 minutes and 1 hour.

Mr. Moore asked how many clients are seen in the office per day during tax season. Ms. Navarro stated the between 20 and 30 clients will visit the office per day during this time. She noted that afternoons and evenings are often the busiest time.

Mr. Moore asked what months constitute tax season. Ms. Navarro stated January through April is the peak tax season.

Ms. Baggs asked if the applicant was aware of any other possible locations where the office could locate. Ms. Navarro stated she was not aware.

Mr. Trevenen asked Ms. Navarro how H&R Block refers to these locations, as offices or as stores. Ms. Navarro stated they are considered stores.

Mr. Trevenen asked Ms. Navarro if this location was important to the applicant. Ms. Navarro stated yes, citing the previous locations 18 year tenure and a desire to remain near the customer base.

Mr. Kenney asked how much of the work conducted by employees in the space would be done over the phone. Ms. Navarro stated that employees do not conduct much work over the phone because personal tax information must be discussed in-person. She noted that this information is confidential and requires clients to come to the office in-person. She stated that H&R Block provides people-to-people service.

Mr. Trevenen then called Mr. Roger DeNiscia, Professional Planner for the project, to testify.

Mr. DeNiscia reviewed the proposed project and presented Exhibit A-2, a photomontage of the proposed site area.

Mr. DeNiscia noted there is currently 1 on-site parking space and that the current space is vacant. He referred to the Township Master Plan and noted that service uses are permitted under the proposed land use for the area. He stated that the site is particularly suited for the use and will advance the planning principles. He also noted that the proposal is not detrimental to the zone plan.

Questions from the Board were then accepted.

Mr. Fleischer asked how long the term of the lease would be for the space by the applicant. Mr. Trevenen stated that the lease would begin December 1, 2015 and extend through April 2020 with one 5-year option to extend.

Mr. Harrison stated that he agreed that the ordinance is not clear regarding the distinction of uses. However, he noted that office uses are expressly prohibited on the ground floor. Mr. Harrison stated that an accountant is listed as an office use and that H&R Block appears to be similar in use.

Mr. DeNiscia replied to Mr. Harrison and stated that the nature of the use is different by H&R Block. He noted that while there are few visits to an accountant office, customers are required to meet on-site at H&R Block due to the confidentiality of tax information. He stated that there is a clear distinction between accounting services and tax preparation services.

Mr. Harrison noted that financial offices are also not permitted on the ground floor. Mr. DeNiscia stated that the Standard Industrial Classification (SIC) stipulates that H&R Block is in fact a service use, which lists tax preparation. He noted that this is a land use distinction.

Mr. Harrison asked which category finance is listed under in the SIC. Mr. DeNiscia stated it is under Code 6000, which is different than the service code.

Mr. Harrison asked if the use was similar to a medical or professional office. Mr. DeNiscia stated that it was not because walk-ins are permitted at H&R Block and appointments are not required.

Mr. Harrison asked if there were any other non-conforming uses in the area. Mr. DeNiscia stated he did not believe so.

Mr. Petto asked for clarification on the sign/light box. Mr. Fleischer noted that a suspended light box would not constitute a sign.

Mr. Trevenen summarized the application for the Board.

Comments from the Board were then accepted.

Mr. Susswein stated that he would be in favor of the application. He noted that this would allow the H&R Block location to maintain its presence in the neighborhood. He stated that the business does have retail characteristics. He noted that the location is particularly suited given the existing accessible ramp at the proposed location. Also, the proximity to the former location is good for the clients.

Mr. Kenney stated that he was also in favor. He noted that there cannot be any business at the location for H&R Block without a client or consumer coming into the space. He noted that the use could be considered a service given this requirement, given that service can only be provided when a client is present.

Mr. Fleischer stated that he was also in favor. He noted that this portion of Lackawanna Plaza is unique and different from the main commercial corridor along Bloomfield Avenue. He noted that two previous applications before the Board were located on Bloomfield Avenue. He stated that there are many stores in this area that are vacant and this would be a beneficial use of the space. He noted that tax preparation is not the same as an accountant office and this should be considered a service.

Ms. Baggs stated that she agreed with her colleagues. She noted that there was strong testimony on the benefits of the use. She stated that the reference to the Master Plan was beneficial given the future zoning changes to the area. She noted that the variance would not weaken the current ordinance.

Ms. Brinkman stated that she was generally in favor of the application. She stated the some of the "dead" or inactive space on the interior would not fit in a retail area. However, she noted that this is a service provider that does need a storefront. She noted that the location off Bloomfield Avenue and the long-term lease by the applicant are supportive. She also stated that the activity in the area between 3 p.m. and 8 p.m. would be beneficial for the area.

Mr. Moore stated he would be in favor. He appreciated the applicant's desire to maintain a presence in Montclair. He noted that the proposed location is walkable which is important. He also stated that maintaining active windows and storefront would be important. He also noted the benefits of the service to low and moderate income residents.

Mr. Harrison stated that there have been a number of similar applications like this one before the Board. He noted that the logic of the ordinance is to promote pedestrian traffic which is driven by sales and service uses. He noted the distinction between permitted uses on the first floor is difficult. He noted several examples where the ordinance is not clear. For example, gyms are permitted on the first floor, but dance studios are not. Also, he noted that travel agencies are permitted on the first floor but real estate offices are not. Mr. Harrison stated that Mr. DeNiscia presented strong testimony on the allowable uses. He noted that Lackawanna Plaza is unique.

Mr. Harrison stated his biggest concern is the timing of customer traffic with a low period of activity between May and December. However, he noted that there will be heavy traffic during the first 3-4 months of each year. Mr. Harrison stated that over the years there has been many vacancies in this building and it will be beneficial for the applicant

to occupy a space. He noted that given the wide variability of permitted uses in the zone, the use would not be detrimental.

Mr. Harrison reviewed the conditions discussed by the Board:

1. Sign(s) shall conform with the ordinance.
2. The applicant shall comply with and satisfy the conditions contained in report from the Montclair Historic Preservation Commission dated October 22, 2015.
3. The room marked as "open" in the southeasterly corner of the building shall not be utilized exclusively for storage use, or for office use.
4. The applicant shall be bound by all representations made on its behalf by its attorney, witnesses and professionals during the course of the public hearing.
5. The applicant shall be responsible for all escrow fees incurred in connection with the review of this matter.

M. Fleischer made a motion to grant the variance with the conditions as stated, seconded by Mr. Kenney. The variance was granted unanimously.

**App. 2433: Eric Rojas. 37 Carolin Road. Bulk variance for third story addition.**

Mr. Harrison requested permission of the applicant for App 2429: Montclair Town Center, LLC to shift their hearing to after that of App 2433: Eric Rojas. Mr. Harrison stated that the reason for this was the hearing for App 2433 should be rather short compared to that of App 2429. The applicant for App 2429 agreed to Mr. Harrison's request.

Mr. Harrison introduced App 2433. Eric and Angela Rojas were present.

Mr. Rojas reviewed the proposal to install a third story dormer on the rear of the dwelling.

Mr. Rojas submitted Exhibit A-1, a photomontage of adjacent properties with similar dormers.

Mr. Rojas explained that the current stairs to the attic level are steep and the dormer addition will allow the stairs to be reconfigured. He also noted that an additional bedroom and bathroom are needed in the dwelling for the family.

Questions from the Board were then accepted.

Mr. Kenney asked Mr. Rojas if he understood that a dormer that measure 50% of the width of the house was permitted. Mr. Rojas replied yes.

Mr. Kenney asked if other dormers on those adjacent properties were more than 50%. Mr. Rojas stated that it was difficult to tell from the street.

Mr. Kenney stated that he understood the pitch of the steep stairs. However, he noted that a smaller, compliant dormer could accommodate these stairs. Mr. Rojas replied that additional habitable space is needed in the home.

Mr. Kenney noted that it appears that the portion of the proposed dormer for the bedroom and stairs are approximately 60% of the width of the façade.

Mr. Fleischer noted that there has been an increase of variances of this type following a change to the ordinance. However, he noted that given the location of the dormer on the rear façade, it will not be visible.

Mr. Fleischer noted concern with the size of the walk-in closet. He noted that the bathroom could be shifted towards the center of the house and the closet modified to eliminate a portion of the dormer.

Mr. Kenney stated that he believed the ordinance was referring to the width of that level only, as opposed to the overall width of the building. Ms. Baggs agreed.

Mr. Fleischer stated that scale of the dormer is irrelevant given the proposed dormer is located in the rear.

Ms. Brinkman stated that the in-set of the proposed dormer would diminish the bulk appearance.

Mr. Kenney noted that from the street, the right and left façade view of the dormer will be visible.

Mr. Kenney stated that if the bathroom were centered under the peak of the roof, that portion of the proposed dormer could be removed.

Mr. Rojas stated that the bathroom as proposed is located above a bathroom on the second floor. He noted that this is to align all of the plumbing for both bathrooms. He also noted that the closet as proposed is not full height and half of the space will not be usable due to the slope of the roof.

Mr. Fleischer noted that an extension could be made over the existing sun room on the rear of the house as an alternative.

Ms. Baggs referred to the submitted survey of the property and noted the large rear yard. She asked if there was any consideration to add an addition to the rear. Ms. Rojas stated that the roof needs replacement and the thought was to pair that work with this expansion. She noted that the closet space was important as well.

Comments from the Board were then accepted.

Mr. Kenney stated that he was not in favor of the application as presented. He noted that the elevations illustrate the intent of the ordinance as shown in the side view and rear view. He stated that the applicant could attempt to get closer to compliance by reconfiguring the bathroom. He noted that evidence to support the application was not presented.

Mr. Fleischer stated that he was in favor of the application. He stated that the applicant attempted to find an as-of-right solution. He noted that the presented plan was reasonable and present no detriment to the zone plan nor the public. He stated that the Board has reviewed additions of this type previously.

Ms. Baggs agreed with Mr. Kenney. She noted that the three elevations submitted by the applicant show significant building mass to the rear. She noted that the evidence submitted shows that the houses are in fact close together and that the addition will cast a shadow. She disagrees that the addition will not be visible and the adjacent

properties will see it. She stated there was insufficient support of the application and that she would not be in favor.

Ms. Brinkman stated that she would be in favor of the application as it maintains the front of the house. She noted the proposed dormer is inset from the side of the house which minimizes the bulk impact. She stated that the proposed addition would make positive use of previously underutilized space in the dwelling. She also noted that the proposed dormer is located on the north side of the dwelling, which would not cast a shadow on adjacent properties. She stated she would be in favor because there is no impact visible from the street.

Mr. Moore stated that he appreciated the applicant's consideration in locating the addition on the rear of the dwelling. He noted that the proposal will maximize space for the applicant's growing family. He stated that there would not be a detrimental impact to the street front due to the addition location in the rear. He noted that no neighbors were present to oppose the addition. Mr. Moore stated he would be in favor of the application.

Mr. Susswein stated that he would be in favor of the application. He noted that there was no increase in height and that the addition would only be visible from the rear yard. He stated that while he understood other Board members concerns, he believes the benefits of the applicant's investment in the property would outweigh those concerns. He stated that requiring the applicant to squeeze down the size of the addition would diminish the value of the expansion.

Mr. Harrison stated that he has struggled in evaluating additions of this type since the ordinance change. He noted that there is a large distance from the location of the addition on the dwelling to the neighbor located to the rear of the applicant. He noted that it appeared the other dormers in the area, shown by the applicant, appeared to be compliant with the ordinance definition. He noted that the addition would only be visible from the side view. He stated that there are a number of houses in the township that appear as three stories due to the location of windows. He stated that the addition would not be detrimental to the zone plan and noted that the addition is contained within the footprint of the house. He noted that most of the house will not be 3 stories. He stated that he would be in favor.

Mr. Fleischer made a motion to grant the variance, seconded by Mr. Susswein. The variance was granted unanimously.

**App 2429: Montclair Town Center, LLC. 319 & 323 Claremont Avenue. Use variance for event space in R-3 zone.**

Mr. Harrison recused himself from the application. Mr. Fleischer introduced the application.

Representing the applicant was Mr. Alan Trembulak. Mr. Trembulak introduced and summarized the application.

Mr. Trembulak then introduced Mr. Steven Plofker of Montclair Town Center, LLC.

Mr. Plofker reviewed the application. He noted that the proposal includes multiple components, including an addition to the Carriage House to serve as an accessory

event space to the Georgian Inn, and conversion of an existing single-family dwelling to a two-family dwelling.

Mr. Plofker stated that currently, as approved, the Georgian Inn does not include any communal, conference nor event space. He noted that the addition of such a space is important to support the Inn. Mr. Plofker noted that the proposed plan includes a new garden to the rear of the carriage house, to serve as an outdoor area of the new event space in the Carriage House.

Questions from the Board were then addressed to Mr. Plofker.

Ms. Baggs noted that during the previous hearing regarding the Georgian Inn, the use of the Carriage House was not clear. She asked if event use of the Carriage House was proposed at the time of the first application. She also asked if the use of the space for events was needed for the Georgian Inn business plan.

Mr. Plofker stated that a business plan was not presented during the prior hearing on the Georgian Inn. He noted that while questions were raised about the use of the Carriage House during previous hearings on the Georgian Inn, the use of the property at the time was by the French language school which had an existing lease.

Ms. Baggs noted that Mr. Plofker stated during his testimony that successful hotels often have event space. Mr. Plofker stated that yes, it is true that successful hotels often have event space. However, he noted the lease of the Carriage House by the French language school at the time of the previous application prevented consideration of event space in the Carriage House at that time.

Ms. Baggs asked if the Georgian Inn could be economically viable without the event space use. Mr. Plofker stated that was not known at this time.

Ms. Brinkman asked about the use of the event space. She asked in the event the space is largely used for weddings, as noted by Mr. Plofker, if it's use would mostly be on weekends. Mr. Plofker stated that the space would be rentable at all times. He stated that due to the property's location, sensitivity to noise would be important. He noted that he manages three additional event spaces in the Township. Mr. Plofker stated that Friday and Saturday nights are the busiest, with Saturday evenings going later. He noted that weeknight events are typically less frequent and often earlier in the evening.

Mr. Susswein asked for clarification on the use of the space. He noted the proposed prep kitchen with two refrigerators and sinks, however there was no stove. Mr. Plofker stated that food preparation would largely be done off-site. He noted that usually at event venues of this type, food is not cooked on-site and that the prep kitchen would serve to assemble food.

Mr. Susswein asked about the capacity of the space given its size. Mr. Plofker stated that given its size and configuration options, there would be many size options. He noted that just the conservatory could be rented for smaller groups, while larger groups of about 100-150 could rent the entire banquet hall.

Mr. Susswein asked about bands or amplified music in the space with residential uses just 100 feet away. Mr. Plofker stated that there are very few openings proposed in

walls oriented towards residential uses. He noted that all windows in the Carriage House will be thermal break. Mr. Plofker stated that most noise will come from departing guests in the evening.

Mr. Susswein asked about the doors that opened from the conservatory. He noted that when open, there will be noise from this area that could be heard by residential uses nearby. Mr. Plofker stated that use of the garden will be limited to daytime use only. He noted that once the event is moved within the banquet hall, the doors will be closed.

Mr. Kenney asked about the relationship between the hotel and the carriage house. He asked if the carriage house could be used separately from any use of the hotel, by a weekday conference, for example. Mr. Plofker stated that would be true. However, Mr. Plofker noted that traditionally weddings do book overnight accommodations in conjunction with an event space.

Mr. Kenney asked if additional parking issues were raised by the use of the carriage house as an event space. Mr. Plofker noted that hotels have a 1 space per room requirement. He noted that there are no clear parking requirements for accessory uses of a hotel. He noted that while the HPC did state a desire to reduce the parking area on-site, that would be at the discretion of the Board.

Mr. Kenney asked how many parking spaces were allocated for the French language institute on the previous application. Mr. Plofker stated that parking for the French language institute was approved prior to his acquisition of the property. Mr. Trembulak noted that it was about 18-19 spaces for the institute and the residential use. Mr. Plofker noted that the architect/planner for the project would review the parking on-site in detail.

Ms. Baggs noted she was confused by the site plan before the Board and the previous subdivision which was part of the first application for the Georgian Inn. Ms. Baggs noted that reverting to the previous lot lines may be simpler. Mr. Plofker stated that previously, the French language institute held a long-term lease of the Carriage House. He noted that at the time of the last application, due to this lease, they believed it would be best to separate the spaces to distinguish the hotel from the institute.

Mr. Fleischer noted that previously the subdivision line was set so that each site could stand alone as a distinct use.

Ms. Baggs noted that the lots are not very clear on the submitted plans.

Mr. Moore noted the programming of event at the Carriage House and the proximity to the Georgian Inn. He asked how impacts of events on guests at the Inn would be mitigated. Mr. Plofker stated that new thermal break windows will minimize noise impacts to guests.

Mr. Kenney stated that, if approved, a concern would be that lot 19 could be sold separately from lot 20. He noted that this would separate ownership of the Georgian Inn from the Carriage House, making the event space no longer an accessory use of the hotel. Mr. Plofker stated that previously this was not a concern, however, he noted that a condition requiring a lot line adjustment would be agreeable. Mr. Kenney noted that this may be cleaner for the project going forward.

Ms. Baggs noted that the three-family dwelling adjacent to the Carriage House might not pose a problem to the applicant as they are tenants of the applicant. She asked if Mr. Plofker's firm owned any other adjacent properties in the area. Mr. Plofker stated no.

Mr. Fleischer asked if the subdivision of the lots has been recorded. Mr. Trembulak replied yes.

Mr. Fleischer stated that under the previous application, there was no discussion of food service, nor event space on the site as part of the Georgian Inn. He noted that while the proposed event space is 150 feet from the Inn, it is much closer to the 3-family dwelling. He stated that previously, under the application for the Georgian Inn, the adjacent property owners were not made aware that this would be considered for an event space. He stated that the Board would need an explanation as to why the hotel use would work previously but now requires an event space to remain financially viable. He noted that this is a significant change from the original approval.

Mr. Plofker stated that under the previous application, consideration of using the Carriage House would have been entirely speculative as the French language institute held a long-term lease.

Mr. Fleischer asked if the applicant had considered making space within the Georgian Inn for meeting/event space. Mr. Plofker stated that the spaces within the Inn are not conducive to meeting/event space.

Mr. Fleischer stated that his concern with the application would be regarding service of alcohol. He also noted that there are management issues with guests departing event spaces following an event and noise. He stated concerns about impacts to the adjacent residential uses by the introduction of an event space environment in the area. He asked how the adjacent residents would be protected from these uses. Mr. Fleischer noted that under the previous application, the hotel use could be viewed as compatible with residential uses in the area. He stated that an event space would not be compatible.

Mr. Plofker stated that the garden area adjacent to the Carriage House would not be used during evenings nor at night. He stated that the applicant would be open to a restriction on the hours during which an event can be held. However he noted that while it is difficult to regulate noise, he stated that it was in the best interest of the applicant to minimize impacts to hotel guests and tenants of adjacent properties.

Mr. Fleischer reiterated that adjacent residential uses of the hotel were viewed as compatible under the previous application. He noted that an event space use would not be compatible to the residential uses.

Mr. Plofker noted that there are a variety of uses adjacent to the property.

Mr. Kenney asked about the use of Lot 12. Mr. Plofker noted that it is the Dialysis Center. Mr. Kenney asked if that property had daytime hours only. Mr. Plofker replied yes.

Mr. Susswein asked if a restriction of the use to a conference/meeting center only would render the space not feasible. Mr. Plofker replied yes and noted that the wedding business is very strong and there is less demand for conference/meeting space.

Ms. Brinkman asked, if the use was complementary to the Georgian Inn, how guests would travel between the two buildings. Mr. Plofker stated that right now, as shown on the plans, guests would walk across the parking lot. He noted that a walkway could be created to improve access.

Questions from the public were then accepted.

Mr. Ronal Istivan, 315 Claremont Avenue, asked what time events would go until in the evening. Mr. Plofker replied that the applicant would be comfortable with a 10pm restriction on weekday events, an 11pm restriction on Fridays and a 12am restriction on Saturdays.

Mr. Istivan asked about the proposed garden/courtyard adjacent to the Carriage House event space. He noted that there are no proposed transitional areas around the garden/courtyard and that the proposed area abuts adjacent properties. He asked how noise may be kept to a minimum from this area.

Mr. Plofker stated that if outdoor use of the garden is a concern, the applicant could possibly agree to a condition that there be no music, or at least no amplified music, in the garden. He noted that management strategies to ensure departing guests are quiet would be put in place. He also noted that parking for the use is mostly located on the western side of the site, away from residential uses.

Ms. Catherine Shandler, 7 Highmont Terrace, noted that there are residents just beyond the 200 foot notification list that are being impacted by the current construction at the Georgian Inn. She asked if Mr. Plofker was aware that the noise could be heard this far away.

Mr. Plofker stated that yes he was aware. He noted that Ms. Shandler was referring to the addition under construction at the Georgian Inn. He stated that this was nearing completion.

Ms. Shandler asked Mr. Plofker if the current construction is being completed in accordance with the plans that were approved by the Board of Adjustment in 2014. Mr. Plofker replied yes.

Mr. Trembulak stated that he could proceed with testimony by the project's architect, Mr. Paul Sionas.

Mr. Fleischer stated that given the late hour, further testimony should continue at the next meeting of the Board of Adjustment on December 16, 2015. Mr. Trembulak and Mr. Plofker agreed to continue the hearing to the next meeting.

Mr. Fleischer announced that the application would be carried to the December 16, 2015 meeting and invited those members of the public to return to provide additional comments.

**App 2432: Kent Home Associates, LLC. 65 N Fullerton Ave. Use variance for density exceedance**

Mr. Petto announced that the applicant has requested to be postponed to the December 16, 2015 meeting of the Board of Adjustment. He stated that the applicant would provide notice for the hearing on December 16, 2015.

**ADJOURNMENT**

A motion to adjourn the meeting was offered by Mr. Susswein, seconded by Mr. Kenney. The meeting was adjourned at 11:30pm, November 18, 2015.

Respectfully submitted,

A handwritten signature in cursive script that reads "Graham Petto". The signature is written in black ink and is positioned above the printed name and title.

Graham Petto, AICP  
Zoning Board of Adjustment Assistant Secretary