

**MINUTES OF THE BOARD OF ADJUSTMENT
JUNE 18, 2014**

PRESENT: Chair Harrison, Mr. Burr, Ms. Checca, Mr. Edwards, Mr. Fleischer, Mr. Kenney, Mr. Susswein, and Vice Chair Whipple; also Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: Mr. Reynolds, Mr. Tsai, and Ms. Talley, Secretary

Mr. Charreun called the roll and announced the regular meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meetings Act.

On motion by Mr. Whipple, seconded by Mr. Fleischer, the **Minutes of the May 21, 2014** meeting were adopted as modified, Ms. Checca and Mr. Kenney abstaining.

It was announced that at the request of the applicant, the site plan application of **Wallwood Gardens, Inc., 400 Orange Road** was postponed until the September 17, 2014 meeting of the Board. The Board was granted an extension of time and the applicant would be required to complete a full public notice for that pending date.

It was announced that at the request of the applicant, the continuation of the application of **Montclair Town Center, LLC, 37 North Mountain Avenue and 323 Claremont Avenue** was postponed until the July 16, 2014 meeting of the Board. The Board was granted an extension of time. The applicant has also filed for site plan approval and public notice for the July 16, 2014 meeting will be completed.

It was announced that at the request of the applicant, the continuation of the application of **Sprint Corporation, L.P., 630 Valley Road**, was postponed until the July 16, 2014 meeting of the Board. The Board was granted an extension of time and no further notice would be given.

The application of **Evan Rudall, 716 Valley Road**, was announced. The applicant and John Guadagnoli, Architect, were sworn. Mr. Guadagnoli described the application to construct a new detached garage and install fencing. The property is a corner lot at the intersection of Valley Road and Glenwood Place, and contains a two family dwelling and a detached garage accessed by a short driveway from Glenwood Place. The existing garage measures approximately 18 feet by 18 feet, and is in disrepair and needs to be demolished. The existing garage is nonconforming as it is located as close as 6.19 feet to the Glenwood Place front property line where a minimum of 28 feet is required, and 0.52 feet to the rear property line where a minimum of 6 feet is required. The proposed garage would measure 24 feet by 24 feet. The setback from the Glenwood Place front property line would be increased to 18 feet, and the setback from the rear property line would increase to 3 feet. The proposed setback from Glenwood Place was selected so that the new garage would not be any closer to

Glenwood Place than the dwelling located on the adjoining corner lot to the west, which has a side wall facing Glenwood Place. In addition to the variances requested for the new garage, the applicant is seeking a variance for the height of a fence that is partially located in the Glenwood Place front yard. A fence height of 6.5 feet is proposed and a maximum height of 4.5 feet is required.

The Board questioned the applicant. Mr. Rudall stated that the fence height was chosen for privacy and security reasons. He stated that the layout of the 6.5 foot tall fence was selected based on their desired usage of the yard space between the house and the garage. The movement of vehicles in and out of their new driveway was also a factor in deciding the fence layout. He also stated that the existing Oak tree that is right up against a front corner of the garage will have to be removed.

The Board discussed the application. The Board determined that the variances requested for the detached garage could be approved. The setbacks of the new garage are a significant improvement from the existing condition, and based on the characteristics of the properties in the neighborhood, the variances requested for the garage will not have a negative impact. The majority of the Board also determined that the variance requested for fence height could not be approved. The property and its characteristics are not significantly unique enough to warrant special consideration as it relates to the fence height. On motion by Mr. Whipple, seconded by Mr. Burr, the variances associated with the garage were unanimously approved. A motion to approve the variance for the fence height was made by Mr. Burr, and was seconded by Mr. Edwards, but only received 2 affirmative votes and failed to pass. A follow up motion to deny the variance for the fence height was made by Mr. Kenney, was seconded by Mr. Whipple, and passed receiving 5 affirmative votes, with Mr., Burr and Mr. Edwards voting against the motion.

On motion by Mr. Whipple, seconded by Mr. Burr, the meeting was adjourned.