

MINUTES OF THE BOARD OF ADJUSTMENT
December 18, 2013

PRESENT: Chair Harrison, Mr. Burr, Mr. Fleischer, Mr. Susswein, and Mr. Tsai; also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: Ms. Checca, Mr. Edwards, Mr. Kenney, Mr. Reynolds, Vice Chair Whipple, 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. Burr, seconded by Mr. Susswein, the **Minutes of the November 18, 2013** regular meeting were adopted as modified, Mr. Fleischer abstaining.

On motion by Mr. Burr, seconded by Mr. Susswein, the following resolution memorializing the Board's decision on the application of **Prudential New Jersey Properties, 695 Bloomfield Avenue** was adopted, Chair Harrison, Mr. Fleischer, and Mr. Tsai abstaining:

WHEREAS, Prudential New Jersey Properties (hereinafter "Prudential"), did make application to the Board of Adjustment of the Township of Montclair to permit a real estate sales office on the first floor of property designated as Lot 21 in Block 1402 on the Township Tax Map and located in the C-1 Central Business Zone-Center Area; and

WHEREAS, the applicant requested a variance pursuant to N.J.S.A. 40:55D-70d(1) as the proposed use is not permitted pursuant to Montclair Code Section 347-79B; and

WHEREAS, the applicant submitted a first floor plan prepared by Sionas Architecture, P.C. consisting of one sheet dated June 5, 2013; and

WHEREAS, this matter came on to be heard at meetings of the Board of Adjustment held on October 9 and November 20, 2013, at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony and exhibits presented at the public hearing and based thereon established the following findings of fact and conclusions of law:

1. The subject property is located at the northwest corner of Bloomfield Avenue and Bell Street and is improved with a two story building. Parking is provided in the rear of the building, with access from Bell Street.

2. The subject property is bordered by a parking lot and the Whole Foods grocery store to the west, the Bellclaire apartment building to the north and east, and the Eastern Oil gas station to the south. A mixed use building that is part of the Bellclaire project is located at the northeast corner of Bell Street and Bloomfield Avenue. The CentroVerde redevelopment project comprised of three mixed use buildings, 329 dwelling units, 38,112 square feet of office space and 32,736 square feet of retail space will be located in the block southeast of the subject property.

3. By resolution adopted January 14, 2013, the Montclair Planning Board granted preliminary and final site plan approval to construct a third story addition to the building which included the following:

a. Construction of a new 3,279 square foot third-story addition which will be used as office space.

b. Conversion of the first floor from performing arts space to retail, restaurant and/or commercial use and conversion of the second story from performance space to office use.

c. Abandonment of 1,793 square feet in the basement and conversion of the remaining space from performing arts to business use.

d. Repaving and reconfiguring of the parking lot for a net increase of two parking spaces, including one barrier-free parking space and eleven compact parking spaces.

4. Prudential currently has a real estate sales office at 92 Church Street and as part of this application, seeks to relocate to occupy 1,995 square feet of the first floor store front at the corner of Bloomfield Avenue and Bell Street. Prudential offered testimony that its current location on Church Street close to Orange Road was not visible enough and did not generate sufficient "walk-in" traffic. Prudential currently has two full time administrative employees, sixteen full-time sales associates and five part-time sales associates. Anticipated hours of operation are Monday through Friday 9:00 a.m. to 6:00 p.m.; 10:00 a.m. to 4:00 p.m. on weekends and additional hours by appointment.

5. Since 2009, Prudential has incorporated an art gallery into its real estate sales office. The applicant testified it will continue the art gallery use at the subject property in the delineated area in Exhibit A-1. Approximately 20 to 30 pieces would be displayed along with a minimum of six shows per year.

6. Section 347-79B provides: "In the center area of the C-1 Central Business zone, pedestrian-oriented, regional, specialized shopping opportunities in a downtown setting shall be encouraged. Uses which are automobile-oriented, or which have low customer turnover on the ground floor or which create gaps in retail store frontage shall be discouraged, except that appropriate retail, office and residential uses in all areas of

the zone shall be encouraged above the ground floor.” The Board determined the proposed real estate sales office on the first floor would function differently than a traditional office use and is more akin to a retail use. Real estate sales offices generally provide attractive window display areas to advertise their properties for sale to pedestrians and attract “walk-in” customers. The dedicated art gallery would generate additional visitors and walk-in traffic and the combined uses are consistent with the intent and purpose of the Zoning Ordinance.

7. This high profile corner location at the western end of the Center Area is particularly suited for the proposed real estate sales office with art gallery component and will provide a vital bridge with the Montclair Art Museum located one block to the east.

8. Approval of this application advances the purposes of the Municipal Land Use Law contained in N.J.S.A. 40:55D-1 et seq., specifically encouraging appropriate use of land which promotes the public health, safety, morals and general welfare (-2a) and provides sufficient space in an appropriate location for the proposed use (-2g).

9. The Board finds the proposed real estate sales office and art gallery use is consistent with the intent and purpose of the 2006 Master Plan Reexamination Report as follows:

a. It is consistent with a general land use goal which seeks to: “[e]nsure that new development is harmonious with existing development in scale and style and does not harm the quality of life of surrounding neighborhoods, particularly at a time when development pressures are high”.

b. Is consistent with a goal of the economic development and the arts which seeks to: “promote Montclair as an arts community; recognize that the arts are integral to healthy community development and economic progress; make it a destination point for the arts and entertainment venues; emphasize the link between promotion of the arts with the economic vitality of the community.”

c. Is consistent with a recommendation of the economic development and the arts advancing the concepts of the 2001 Montclair Arts Plan.

10. Based upon the Board’s particular knowledge of local conditions, the within application will not adversely impact the public good.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved the requisite special reasons for the granting of this application and proved by a preponderance of the evidence that the proposed relief could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Montclair, that the within application of Prudential New Jersey Properties for a variance pursuant to N.J.S.A. 40:55D-70d(1) to permit a real estate sales office with art gallery area is hereby approved subject to the following conditions:

1. Compliance with and satisfaction of all conditions contained in the Planning Board's resolution of January 14, 2013, not inconsistent herewith.
2. The art gallery shall function in the area delineated on Exhibit A-1 and provide a minimum of six new shows per year.
3. The proposed manager's office shall be relocated, so that no office shall be visible from either Bloomfield Avenue or Bell Street.
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 hearings.
5. 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

On motion by Mr. Burr, seconded by Mr. Susswein, the following resolution memorializing the Board's decision on the application of **Bank of America, 560 Valley Road** was adopted as modified, Mr. Fleischer abstaining:

WHEREAS, Bank of America, did make application to the Board of Adjustment of the Township of Montclair to install three wall-mounted signs on property designated as Lot 26 in Block 1711 on the Township Tax Map and located in the N-C Neighborhood Commercial Zone; and

WHEREAS, the applicant requested variances pursuant to N.J.S.A. 40:55D-70c as follows:

1. New Merrill Lynch wall sign on large brick façade (Sign 1)
 - a. To allow the wall sign on a portion of the building not occupied by the referenced business contrary to Montclair Code Section 347-109.A(1).
 - b. To allow the wall sign on a wall that does not face directly upon a street or municipal parking lot contrary to Montclair Code Section 347-109.A(2).

c. To allow the wall sign to exceed 24 inches in height contrary to Montclair Code Section 347-109.A(4).

d. To allow the wall sign outside of the permitted sign location band between 8 and 12 feet above grade contrary to Montclair Code Section 347-109.A(5).

2. New Merrill Lynch wall sign on entrance canopy (Sign 2)

a. To allow the wall sign on a portion of the building not occupied by the referenced business contrary to Montclair Code Section 347-109.A(1).

b. To allow the wall sign on a wall that does not face directly upon a street or municipal parking lot contrary to Montclair Code Section 347-109.A(2).

3. Replacement of Bank of America wall sign on a large brick façade (Sign 3)

a. To allow the wall sign on a portion of the building not occupied by the referenced business contrary to Montclair Code Section 347-109.A(1).

b. To allow the wall sign on a wall that does not face directly upon a street or a municipal parking lot contrary to Montclair Code Section 347-109.A(2).

c. To allow the wall sign to exceed 24 inches in height contrary to Montclair Code Section 347-109.A(4).

d. To allow the wall sign outside the permitted sign location band between 8 and 12 feet above grade contrary to Montclair Code Section 347-109.A(5).

WHEREAS, the applicant submitted a sign plan prepared by Blair Companies consisting of eight sheets revised through October 11, 2013; and

WHEREAS, this matter came on to be heard at meetings of the Board of Adjustment held on July 17 and November 20, 2013, at which time it was established that notice was properly published and that property owners within 200 feet of the subject property had been properly served with notice; and

WHEREAS, the Board carefully reviewed the testimony and exhibits presented at the public hearing and based thereon established the following findings of fact and conclusions of law:

1. The subject property is improved with a concrete and brick building occupied by Bank of America on the first floor and Merrill Lynch on the second floor. The property is located in the Upper Montclair Historic Business District and was the subject of a report issued by the Montclair Historic Preservation Commission dated November 15, 2013.

2. By resolution of the Board of Adjustment dated September 22, 1993, the Board granted variance relief pursuant to N.J.S.A. 40:55D-70c to permit wall-mounted business identification signs on the westerly and northerly exterior walls of the building.

3. The applicant proposes the addition of 2 wall signs and the replacement on 1 wall sign on the building. On the large brick façade on the northerly side of the building, a new 2 foot 4-3/8 inch by 11 foot "Merrill Lynch Wealth Management" with logo sign (Sign 1) is proposed as well as replacement of an existing Bank of America sign with a 3 feet 1-1/4 inch by 9 feet "Bank of America" sign with logo (Sign 3). Also proposed is a new 1 foot 10 inch by 12 foot 4 inch "Merrill Lynch Wealth Management" sign with logo (Sign 2) on a masonry canopy projection of the building entrance at grade level.

4. The building is set back a substantial distance from the front street line, contains a large footprint with unusual architectural style and was originally built for a single tenant. Based upon the unusual characteristics of the building and its location on the property combined with its dual use, the strict application of the sign regulations results in peculiar and exceptional practical difficulties and exceptional and undue hardship upon the applicant.

5. Based upon the unique physical features of the site, the proposed number, size and location of signs is appropriate and necessary in order to allow the public to safely and adequately identify the two uses.

6. Approval of this application advances the purposes of the Municipal Land Use Law contained in N.J.S.A. 40:55D-1 et seq., specifically encouraging appropriate use of land which promotes the public health, safety, morals and general welfare (-2a) and promotes a desirable visual environment through creative development techniques (-2i).

7. Based upon the Board's particular knowledge of local conditions, approval of this application will not adversely impact the public good.

8. Approval of the three wall-mounted signs is consistent with the intent and purpose of the Sign Ordinance which seeks to avoid "visual clutter".

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and that the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and that the benefits of the deviation would substantially outweigh any detriment and would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of

the Zone Plan and Zoning Ordinance pursuant to the requirements of N.J.S.A. 40:55D-70c(2).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Adjustment of the Township of Montclair, that the within application of Bank of America for sign variances as outlined herein is hereby approved subject to the following conditions:

1. The background color of the "Merrill Lynch Wealth Management" sign with logo (Sign 2) shall match the background color of the existing "Bank of America" sign located over the front entrance facing Valley Road.

2. The applicant shall comply with paragraph 2 of the recommendations contained in the Montclair Historic Preservation Commission report dated November 15, 2013.

3. The applicant shall be bound by all representations made on its behalf by its attorney, witnesses, and professionals during the course of the public hearings.

4. 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.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council and Township Clerk.

On motion by Mr. Burr, seconded by Mr. Susswein, the following resolution memorializing the Board's decision on the application of **Steve & Sandy Goodman, 22 Berkeley Place** was adopted, Mr. Fleischer abstaining:

WHEREAS, Steve & Sandy Goodman, did make an application to the Board of Adjustment of the Township of Montclair for a variance pursuant to N.J.S.A. 40:55D-70c to modify and enlarge an existing front porch and construct a one story addition, on property designated as Lot 1 in Block 1604 on the Township Tax Map and located in the R-1 One-Family Zone; and

WHEREAS, the property is a corner lot, located at the intersection of Berkeley Place and North Mountain Avenue, and a variance is requested from Montclair Code Section 347-45B(2) for a front yard setback of less than required from the North Mountain Avenue front property line; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on November 20, 2013, at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

WHEREAS, the applicant submitted a property survey, dated September 16, 1993, and plans by Sionas Architecture, dated September 30, 2013; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The property is a corner lot, located at the intersection of Berkeley Place and North Mountain Avenue, and is located in the R-1 One-Family Zone. The property contains a 2½-story single-family dwelling and a detached garage. The driveway on the property is on North Mountain Avenue.

2. The existing front porch that wraps around the northwesterly corner of the dwelling has a roofed area and an unroofed area. The proposed work involves enlarging and altering the porch by squaring off the porch floor at the corner of the porch, extending the porch roof into the corner of the porch with a pergola-type roof in order to cover an area of the porch floor to contain a built-in hot tub, and constructing a one story addition within the footprint of the existing unroofed porch on the North Mountain Avenue side of the dwelling.

3. The minimum permitted front yard setback from each front property line is dictated by the average of the 2 properties on each side of the subject property. The minimum permitted setback from the Berkeley Place front property line is 25.4 feet and a conforming 27.2 feet is proposed for the new construction. The minimum permitted setback from the North Mountain Avenue front property line is 27.1 feet and a nonconforming setback that varies from 17.1 feet to 18.4 feet is proposed for the new construction, and a variance is requested.

4. The Board determined that the requested variance could be approved. The majority of the new construction is aligned with the existing roofed and unroofed sections of the porch. The expansion of the porch footprint at the corner of the porch is very minor in size. The dwelling would remain in keeping with the size and scale of existing dwellings in the neighborhood, and the application does not have a negative impact on the streetscape or any neighboring property; and

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and proved that the variance could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variance could be granted without substantial detriment to the public good and would not

substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within application is hereby approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

On motion by Mr. Burr, seconded by Mr. Susswein, the following resolution memorializing the Board's decision on the application of **Mark & Stephanie Lurie, 379 North Fullerton Avenue** was adopted, Mr. Fleischer abstaining:

WHEREAS, Mark & Stephanie Lurie, did make an application to the Board of Adjustment of the Township of Montclair for variances pursuant to N.J.S.A. 40:55D-70c to construct a second floor addition over an existing one story section of the dwelling, on property designated as Lot 1 in Block 3502 on the Township Tax Map and located in the R-1 One-Family Zone; and

WHEREAS, the property is a corner lot, located at the intersection of North Fullerton Avenue and Aubrey Road, and a variance is requested from Montclair Code Section 347-45B(2) for a front yard setback of less than required from each front property line; and

WHEREAS, this matter came on to be heard at a regular meeting of the Board of Adjustment held on November 20, 2013, at which time it was established that notice was properly published and the property owners within 200 feet of the property in question had been properly served notice; and

WHEREAS, the applicant submitted a property survey, dated August 29, 1966, and plans by Architectural Design Associates, dated September 30, 2013; and

WHEREAS, the Board carefully reviewed the testimony presented and established the following findings:

1. The property is a corner lot, located at the intersection of North Fullerton Avenue and Aubrey Road, and is located in the R-1 One-Family Zone. The property contains a 2½-story single-family dwelling and an attached garage. The driveway on the property is on North Fullerton Avenue.

2. A second floor addition is proposed over an existing one story section of dwelling located on the northerly side of the house. The addition measures 10 feet by 22 feet 2⅞ inches and would contain a master bathroom and a walk-in closet.

3. The minimum permitted setback for the new construction from the North Fullerton Avenue front property line is 25 since the only adjoiner to the south has a setback of less than 25 feet. The minimum permitted setback from the Aubrey Road front property line is dictated by the average of the 2 properties adjoining the subject to the east on Aubrey, which is 30.33 feet.

4. The proposed setback from the North Fullerton front property line is 24.48 feet where a minimum of 25 feet is permitted, and the proposed setback from the Aubrey Road front property line is 28.20 feet where a minimum of 30.33 feet is permitted and variances are requested.

5. The Board determined that the requested variances could be approved. The addition is located within the existing footprint. The dwelling would remain in keeping with the size and scale of existing dwellings in the neighborhood, and the application does not have a substantial negative impact on the streetscape or any neighboring property; and

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and proved that the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and the zoning ordinance pursuant to NJSA40:55D-70C(1); and

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant proved that the purpose of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and proved that the benefits of the deviation would substantially outweigh any detriment and proved that the variances could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to the requirements of NJSA40:55D-70C(2); and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within application is hereby approved; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that a copy of this resolution be transmitted to the applicant, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

The Board discussed the **2014 Schedule of Regular Meetings**. On motion by Mr. Burr, seconded by Mr. Fleischer, the 2014 Schedule of Regular Meetings was adopted.

The Board remained in open session and briefly discussed the proposals from Mr. Sullivan as **Board Attorney for 2014** and Mr. Watkinson as **Board Engineer for 2014**. The Board noted that Mr. Watkinson's meeting attendance fee differs from his other fees which are based on an hourly rate. The Board asked that the Planning

Department clarify this with Mr. Watkinson as it relates to the meeting attendance fee and the time involved with meeting attendance.

On motion by Mr. Burr, seconded by Mr. Fleischer, the following Resolutions appointing Mr. Sullivan as Board Attorney and Mr. Watkinson as Board Engineer at the indicated rates for the 2014 year were unanimously approved:

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-71b, provides that the Board may employ legal counsel, experts and staff as it may deem necessary, not exceeding, the amount appropriated by the governing body for its use; and

WHEREAS, the Board has determined it has the need to retain an attorney to provide legal services including, but not limited to advice and consultation, attendance at meetings, preparation of documents and representation of the Board in suits and other proceedings and other services as may be required from time to time; and

WHEREAS, the appointment of the attorney may be made without public bidding as an exception to the bidding requirements of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5(1)(a)(i) as a professional service because legal services are rendered by persons authorized by law to practice their recognized profession, whose practice is registered by law and because such services are of a qualitative nature which will not reasonably permit the drawing of specifications or the receipt of competitive bid; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that it does hereby appoint Michael D. Sullivan, Esq. as Board Attorney to serve from January 1, 2014 to December 31, 2014 or until a successor is appointed; and

BE IT FURTHER RESOLVED that the officers of the Board of Adjustment are hereby authorized and directed to sign an Agreement in connection with such services, which agreement shall be on file with the Township Clerk; and

BE IT FURTHER RESOLVED that the Secretary of the Board is hereby directed to cause to be printed once, in an official newspaper of the municipality, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and the contract are on file and available for public inspection in the office of the Township Clerk.

WHEREAS, the Municipal Land Use Law, N.J.S.A. 40:55D-71b, provides that the Board may employ legal counsel, experts and staff as it may deem necessary, not exceeding, the amount appropriated by the governing body for its use; and

WHEREAS, the Board has determined it has the need to retain an engineer to provide engineering services including, but not limited to advice and consultation,

attendance at meetings, preparation of reports and other services as may be required from time to time; and

WHEREAS, the appointment of the engineer may be made without public bidding as an exception to the bidding requirements of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5(1)(a)(i) as a professional service because engineering services are rendered by persons authorized by law to practice their recognized profession, whose practice is registered by law and because such services are of a qualitative nature which will not reasonably permit the drawing of specifications or the receipt of competitive bid.

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that it does hereby appoint W. Thomas Watkinson as Board Engineer to serve from January 1, 2014 to December 31, 2014 or until a successor is appointed; and

BE IT FURTHER RESOLVED that the officers of the Board of Adjustment are hereby authorized and directed to sign an Agreement in connection with such services, which agreement shall be on file with the Township Clerk; and

BE IT FURTHER RESOLVED that the Secretary of the Board is hereby directed to cause to be printed once, in an official newspaper of the municipality, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and the contract are on file and available for public inspection in the office of the Township Clerk.

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 June 18, 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 application of **Montclair Senior Housing Corporation, 340 Orange Road** was postponed until the January 15, 2014 meeting of the Board. The Board was granted an extension of time and no further notice would be given.

The application of **Mr. & Mrs. Felix Bhandari, 95 Heller Way** was announced. Felix Bhandari, and George Held, Architect, were sworn. Mr. Held described the application. Variances are requested to construct a one story addition at the rear of the dwelling. The property is located in the R-0(a) One-Family Zone, measures 110.05 feet in frontage width and 12,530 s.f. in lot area, and contains a 1½-story single-family dwelling and an attached garage. A one story addition containing a laundry room and mudroom is proposed at the right side rear corner of the dwelling. The addition measures 10 feet 11 inches by 14 feet 8 inches. The maximum permitted principal building width is 65% of the lot frontage width. The existing dwelling is nonconforming at approximately 74% across the front or widest part of the dwelling footprint. The proposed addition at the rear corner can be viewed as widening the rear section of the

dwelling to a nonconforming width of approximately 69% of the frontage width, and a variance is requested. The maximum permitted principal building coverage in the R-0(a) zone is 20% of the lot area. With the proposed addition, the lot coverage increases from an existing nonconforming 21.98% to 23.26% of the lot area, and a variance is requested.

Exhibit Marked:

A-1 Photographs of the dwelling

The Board had no questions. No questions or comments were offered from the public. The Board discussed the application and determined that the requested variances could be approved. The addition does not exacerbate the nonconforming width of the dwelling and the increase in the nonconforming building coverage is minor. The addition provides modern and functional benefits to the dwelling and does not negatively impact the streetscape or an adjoining neighbor. On motion by Mr. Fleischer, seconded by Mr. Burr, the application was approved.

The Board took a short recess while Mr. Charreun attempted to contact Board members to confirm whether or not they would be arriving late. There were 5 Board members present, and there was no indication from the other Board members that they would be arriving. The application of **Mathew C. Mathew, 235 Claremont Avenue** was announced. David Owen, Esq. appeared as attorney for the application and requested that the application be carried to the next meeting of the Board. The applicant prefers to present the application with at least 7 Board members present. It was announced that the application would proceed at the January 15, 2014 meeting of the Board, and that no further notice is required. No extension of time was necessary.

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