

MINUTES OF THE BOARD OF ADJUSTMENT
July 14, 2010

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

ABSENT: Ms. Cockey and Ms. Holloway

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

Chair Harrison announced the continuation of the application of **The Mental Health Association of Essex County, Inc., 354 Orange Road**. The application was last before the Board on June 23, 2010. Craig Alexander, Esq. appeared as attorney for the applicant. James Key, Esq. appeared as attorney for objectors to the application. Mr. Key stated that he had additional information to submit to the Board.

Exhibits marked:

- O-13 Applicant's 2009 Application to Essex County Home Investment Partnership
- O-14 Applicant's 2010 Application to Essex County Home Investment Partnership with correspondence from the applicant
- O-15 Correspondence dated December 3, 2007 from the applicant to the Essex County Division of Housing and Community Development

Chair Harrison called for public comment. Mark Hurwitz, 6 Highmont Terrace, was sworn and stated his support for the application. He stated that the Board should not deny the application and that the proposed development would benefit Montclair. Pansy Clark, 39 High Street, was sworn and stated her opposition to the application. She made several statements and stated that the development of affordable housing needs to be distributed throughout Montclair. Mr. Alexander objected to Township Councilor Baskerville being seated with the Board members during the proceeding. Mr. Sullivan stated that Councilor Baskerville is not participating or interacting with the Board and is seated apart from the Board members and the objection was overruled.

Stanley White, 439 Orange Road, was sworn, made several statements and stated his opposition to the application. He stated that the area can not withstand additional dwelling units and the project will negatively impact the infrastructure of the area. David Woods, 50 Pine Street, was sworn, made several statements and stated his opposition to the application. Affordable housing needs to be distributed throughout Montclair. Tracey Phalon, 185 Willowdale Avenue, was sworn, made several statements and stated her opposition to the application. The area can not withstand additional dwelling units and the project will negatively impact the infrastructure of the area. Suzanne Smith, 54 Pleasant Avenue, was sworn and stated her support for the application. She has experience in developing and managing affordable and supportive

housing of various types. She stated that the proposal would benefit the neighborhood. Ana Juron, 442 Washington Avenue, was sworn and stated her opposition to the application. She stated that the area is not suitable for the type of housing proposed.

Leah Barhash, 5 Roosevelt Place, was sworn and stated her support for the application. She made several statements and stated that she has personal experience with the issues of supportive housing for people with mental illness. The proposed housing would benefit Montclair. Cheryl Thompson Martin, 100 Lincoln Street, was sworn and stated her opposition to the application. She made several statements and stated that the development of affordable housing needs to be distributed throughout Montclair. Janet Huber, 5 Ward Place, was sworn and stated her opposition to the application. She made several statements and stated that the development of affordable housing needs to be distributed throughout Montclair. Tyrone Williams, 357 Orange Road, was sworn and stated his opposition to the application. He made several statements and stated that the development of affordable housing needs to be distributed throughout Montclair.

Robert Levendosky, 54 Pleasant Avenue was sworn and stated his support for the application. He has experience in dealing with people with mental illness and stated that the proposed development would not have a negative impact on the neighborhood. Denise Powell, 29 Cedar Avenue was sworn and stated her opposition to the application. She made several statements and stated that the development of affordable housing needs to be distributed throughout Montclair. Karen Anderson Bell, did not give her address, was sworn and stated her opposition to the application. She made several statements and stated that the development of affordable housing needs to be distributed throughout Montclair. Scott Morelli, 6 Cedar Avenue, was sworn and stated his opposition to the application.

The Board took a short recess at 9:00 pm. Mr. Key provided his closing statements. Mr. Alexander also provided his closing statements. The 7 Board members present were eligible to vote on the application. The Board discussed the application. The majority of the Board determined that the application could not be approved. There are many zoning districts located throughout the Township of Montclair where the proposed multifamily use would be a permitted use. The 2006 Master Plan Reexamination Report did not recommend that the subject property be rezoned. The applicant testified that its existing units of supportive housing for the mentally ill are located in existing buildings that did not require a use variance. There are numerous multifamily buildings located throughout the Township of Montclair containing thousands of dwelling units. The Council on Affordable Housing certified Montclair's Third Round Affordable Housing Plan as meeting the requirements of the Fair Housing Act and its regulations. Montclair modified the Affordable Housing Plan it submitted to the Council on Affordable Housing because it determined that Montclair was providing an insufficient number of affordable units for families. This application would result in an increase in the number of affordable one bedroom units in an area of the Township where such units are already concentrated. On motion by Mr. Fleischer, seconded by Mr. Burr, the application was denied, with Mr. Whipple and Mr. Kenney voting against the motion. On motion by Mr. Susswein, seconded by Mr. Whipple the meeting was adjourned.