



Township of Montclair

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## **MINUTES OF THE BOARD OF ADJUSTMENT September 21, 2011**

**PRESENT:** Chair Harrison, Vice Chair Fleischer, Mr. Susswein, and Mr. Whipple; also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

**ABSENT:** Mr. Burr, Ms. Cockey, Mr. Edwards, Ms. English, Ms. Holloway, and Ms. Talley, Secretary

Assistant Secretary 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. Fleischer, seconded by Mr. Susswein, the **Minutes of the August 17, 2011** regular session were adopted, Mr. Whipple 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 December 14, 2011 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.

The application of **Catherine Bebout, 222 Fernwood Avenue** was called. Peter Weiner, Esq. gave his appearance on behalf of the applicant, who is traveling and not able to be present. John Guadagnoli, Architect, was sworn and described the application. Variances are requested for the proposed construction of a detached garage. The property is an irregularly shaped corner lot at the southeasterly corner of Fernwood Avenue and Valley Road. The proposed garage is replacing a detached garage on the property that was recently required to be completely removed in order to facilitate an environmental remediation project on the property.

Mr. Guadagnoli described the requested variances. The height of the previously existing garage was nonconforming at 16 feet 2 inches. The proposed garage would have a height of 17 feet 10 inches and requires a variance. Dormers are also proposed on the southerly and northerly sides of the garage roof. The footprint of the previously existing garage measures approximately 20 feet by 20 feet, is positioned at an angle to the rear property line, and has a nonconforming rear setback of 1.69 feet and 3.62 feet at the southerly corners of the garage. The proposed garage footprint would be 22 feet wide by 23 feet long, and would be parallel to the rear property line with a proposed rear setback of 3 feet, which requires a variance. The dwelling has a Valley Road front yard setback of approximately 42.92 feet. The previously existing garage is nonconforming,

being located 24.84 feet at its closest point to the Valley Road front property line. The proposed garage would be 21.5 feet from the Valley Road front property line, and a variance is requested.

Mr. Guadagnoli stated that the proposed height of 17 feet 10 inches would allow for increased accessibility within the second floor storage area, and that the property grades downward from Valley Road, which reduces the impact of the proposed height. The proposed rear yard setback and Valley Road front yard setback are largely dictated by the location of the previously existing garage, the size and shape of the corner lot, the location of the dwelling on the lot, and the small size of the existing rear yard space.

Exhibits marked:

A-1 Plans prepared by John Guadagnoli, Architect, PC dated August 14, 2011  
with color added

The Board questioned the applicant. Mr. Guadagnoli further described the proposed height. Mr. Weiner requested that the Board consider granting a variance for the previously existing height of 16 feet 2 inches if the proposed height of 17 feet inches is not approvable. Mr. Guadagnoli stated that the footprint of the proposed garage could be shifted slightly to improve the Valley Road front setback. No questions or comments were offered from the public.

The Board discussed the application. The variance for the rear yard setback could be approved, as it represents an overall improvement from the previously existing rear yard setback. The variance for the Valley Road front yard setback could also be approved based on the reasons given, subject to a minor adjustment to the footprint as specified below. The Board also determined, however, that no variance could be granted for the height. Considering the variances being granted for the rear yard setback and the Valley Road front yard setback, a height greater than permitted would have a negative impact on nearby properties and the streetscape. On motion by Mr. Susswein, seconded by Mr. Fleischer, the variance requested to exceed the maximum permitted height was denied, and the variances requested for the rear yard setback and the Valley Road front yard setback were approved, subject to the following condition:

1. The southwesterly corner of the proposed garage shall be no closer to the Valley Road front property line than that of the previously existing garage, maintaining the size and configuration of the garage as proposed.

The application of **French Institute Alliance Francaise, 37 North Mountain Avenue & 323 Claremont Avenue** was called. Calvin Trevenen, Esq., appeared as attorney for the applicant, and stated that the applicant intends to proceed with the testimony at this hearing and postpone the vote on the requested use variance until there are at least 5 eligible Board members present at a subsequent meeting. Emanuel Lainé, V.P. of French Institute Alliance Francaise (FIAF), and Ann Sophie Roure,

Language Center Coordinator for the Montclair Branch of FIAF, were sworn. Mr. Lainé provided an overview of the FIAF organization.

Ms. Roure described the French language program in Montclair, which started in January 2008 in St. James Episcopal Church on Valley Road. The Montclair program relocated to the Montclair Historical Society located on Orange Road in January 2010. Enrollment in the language classes has increased from 333 participants in 2008 to 548 participants at the present time. They currently require more space, and are limited to 3 days a week at their current location. The proposed space on the first floor of the carriage house on the Georgian Inn property will allow FIAF to accommodate their language school participants; hold courses more frequently, utilize technology better, and improve their ability to have programs for toddlers and children.

Mr. Lainé reiterated FIAF's interest in having a presence Montclair and how well the proposed space would serve their goals. They intend to be in operation from Monday to Saturday overall. The French language classes for toddlers between 1 year to 5 years of age, would be held Monday through Thursday at 9 am and once again in the early afternoon. These classes range from 45 minutes to 1 hour 30 minutes. The maximum occupancy during those periods would be 39 people that would include a maximum of 18 toddlers each accompanied by 1 adult for each toddler, 2 teachers, and 1 staff person. The French language program for children and teenagers between the ages of 6 and 17 years of age would be held Monday through Thursday from 4 pm to 5:30 pm. The maximum occupancy during this period would be 40 people that would include 36 students, 3 teachers, and 1 staff person. The French language program for adults would be held Monday through Thursday from 6 pm to 9pm. The maximum occupancy during this period would be 53 people that would include 48 adult students and 5 teachers. No staff person would be present during this time.

No group classes would occur on Fridays. They expect to schedule some personal sessions on Fridays. Teachers and staff may also be on site for administrative purposes. On Saturday, they would have hours from 9 am to 7 pm and there would have classes for children, teenagers, and adults throughout the day, with a maximum occupancy of 66 people during any one period of time including all students, teachers, and staff. They also expect to schedule a social gathering once a month on a Friday from 6:30 pm to 8:30 pm with a maximum occupancy of 50 people. Mr. Lainé described how they expect the parking lot to be utilized. He stated that based on their experience with their clientele, that the existing parking lot would adequately serve their needs. The Board questioned the applicant. FIAF intends to lease the first floor of the carriage house. They have no issue limiting the frequency of the early Friday evening social gatherings to once a month as indicated. No questions or comments were offered from the public.

Paul Sionas, Architect and Professional Planner, was sworn and described the application. The subject property contains three principal structures and consists of two tax lots. The main building is the Georgian Inn with an address of 37 North Mountain Avenue, a 13-unit hotel with ground floor office space. The carriage house is located

near the northeast corner of the Georgian Inn property and contains first floor vacant office space and one residential apartment on the second floor. The other residential structure on the site is a three-family house known as 323 Claremont Avenue. A shared parking lot containing 54 parking spaces, excluding the space depicted on the northerly side of the carriage house under a canopy, is located between the three buildings. The Georgian Inn has been used as a hotel since 1944. In 1953, the Board of Adjustment granted use variances to permit the property owner to continue to operate the hotel and restaurant at the Georgian Inn building. In 1983, the Board of Adjustment denied a use variance request to expand the hotel with an addition for an additional 12 units. The property was designated as a historic landmark by the Township Council on November 8, 2010. A Certificate of Appropriateness must be obtained from the Historic Preservation Commission before any improvements to the façade of the building can be made, including signage and lighting.

The applicant has requested a use variance and minor site plan approval. The property is located in the R-3 Garden Group Zone which is a residential zone. Private and public schools of elementary and high school grade not operated for profit are permitted as a conditional use in the R-3 zone. The proposed signage in the R-3 zone requires a variance. A new barrier-free access ramp to the front door of the building may be installed if required by construction code and is depicted on the plan. The front entrance provides access only to the first floor. A separate entrance to the second-story apartment is provided at the rear of the building. The floor plan for FIAF will include four classrooms, a reception area, two offices and storage space on the first floor. The site has sufficient parking to provide for the existing uses and the proposed use under the zoning ordinance. The applicant will be allocated the use of 20 parking spaces by the owner. The existing driveways and access aisles are long enough to allow for on site queuing so that traffic would not back up onto the roadways. Street parking is also available on North Mountain Avenue if needed. The proposed signage replaces existing signage, is minor in scale, and would not negatively impact nearby residential uses. The proposed use is in keeping with certain goals of the most recent Master Plan Reexamination Report that promote education and arts oriented uses that benefit the community. The peak parking usage of FIAF is during the early evening, which coincides with the off-peak usage the remaining users of the parking lot on the site. The proposed use adds vitality to the site and promotes conservation of the historic building.

Exhibits marked:

- A-1 Site Plan by Sionas Architecture, dated 8/26/11, color added
- A-2 Floor Plan by Sionas Architecture, dated 8/26/11, color added
- A-3 Sign plan by Sionas Architecture, dated 9/21/11
- A-4 Letter of Intent between property owner and applicant, dated 6/23/11

The Board questioned the applicant. Mr. Sionas stated that the easternmost driveway from Claremont Avenue could be signed or marked as a one way egress driveway. The applicant will approach the property owner about removing the canopy structure located on the northerly side of the carriage house and potentially removing

some of the pavement in that area and provide some landscaping. The existing site lighting has to be reviewed again to determine its suitability after dusk and whether any existing lighting spills off of the site. The dumpster area will be repaired to be enclosed consistent with the ordinance. More information will be provided about the other fenced enclosures near the dumpster. Mr. Trevenen stated that the applicant would return at a subsequent meeting with the information requested by the Board, and that a vote would be requested subject to Board member attendance.

Comments were offered from the public. Antonia Ballare, 128 Haddon Place, was sworn and stated her support for the application. Ginny Demoreuille, 141 Clarewill Avenue, was sworn and stated her support for the application. Kathleen Denny, 298 Park Street, was sworn and stated her support for the application. Chair Harrison announced that the application would continue at the October 19, 2011 meeting of the Board and that no further notice would be given.

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