

MINUTES OF THE BOARD OF ADJUSTMENT
February 15, 2006

PRESENT: Chair Harrison, Ms. Cockey, Ms. English, Vice Chair Fleischer, , Mr. Haizel, Ms. Holloway, Mr. Susswein and Mr. Whipple; also, Mr. Sullivan, Esq., Mr. Mellon, Secretary, and Mr. Charreun, Assistant Secretary

ABSENT: Ms. English and Mr. Flood

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. Whipple, the following Resolution memorializing the approval of the application of **PAAG, LLC, 7 Fidelity Place** was adopted as modified:

WHEREAS, PAAG, LLC, did make application to the Board of Adjustment of the Township of Montclair to construct a three story addition to the existing single family home on property designated as Lot 28 in Block 3301 on the Tax Map of the Township of Montclair and located in the R-2 Two-Family Residential Zone; and

WHEREAS, the applicant sought variances as follows:

1. A variance pursuant to N.J.S.A. 40:55D-70d(6) to permit a building height of three stories where a maximum of two and one-half stories is permitted pursuant to Montclair Code Section 347-51.

2. A variance pursuant to N.J.S.A. 40:55D-70c to allow a front yard setback of approximately 11 feet where a minimum of 25 feet is required pursuant to Montclair Code Section 347-51.

WHEREAS, the applicant submitted a property survey prepared by Richard J. Hingos, Inc. dated August 30, 2005 as well as undated plot plan, elevations and floor plans prepared by the applicant; and

WHEREAS, this matter came on to be heard at regular meetings of the Board of Adjustment held on November 16, 2005 and January 18, 2006, 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 presented and established the following findings:

1. The subject property consists of 7,050 square feet in area with 45 feet in frontage and is irregular in shape and contains a two and one-half story single family dwelling with detached garage in the rear yard.

2. The applicant proposes to construct an addition to the easterly side of the dwelling which measures three stories as dictated by the slope of the property, but is actually lower than the existing structure.

3. In response to comments from the Board, the applicant agreed to extend the porch across the front of the new addition and eliminate the basement level casement windows in accordance with Exhibit A-1 introduced into evidence on January 18, 2006.

4. The average front yard setback of the two nearest dwellings to the west on Fidelity Place is 14 feet and thus, the proposed setback of approximately 11 feet is in keeping with the established front yard setback of the immediate area.

5. The proposed front yard setback is appropriate given the location of the existing structure which results in peculiar and exceptional practical difficulties and undue hardship upon the applicant.

6. Approval of this application will promote a desirable visual environment and provide adequate light, air and open space consistent with the purposes of the Municipal Land Use Law.

7. Based upon the Board's particular knowledge of local conditions, approval of this application will not adversely impact area properties and is not inconsistent with the intent and purpose of zone plan and zoning ordinance.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant proved the requisite special reasons for the granting of the height variance 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

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 front setback 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 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 PAAG, LLC for building height and front yard setback variances is approved subject to the following conditions:

1. The front wall of the addition shall be no closer to the front property line than the front wall of the existing house.
2. The front edge of the porch shall be no closer to the front property line than the front wall of the existing porch.
3. The addition shall not extend more than 4 feet beyond the rear line of the existing house and shall not impact the Japanese maple tree in the rear.

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. Fleischer, seconded by Mr. Haizel, the following Resolution memorializing the denial of the application of **Wallwood Gardens, Inc., 400 Orange Road** was adopted as modified:

WHEREAS, Wallwood Gardens, Inc., as owner, did make application to the Board of Adjustment of the Township of Montclair for use and bulk variances and preliminary site plan approval in connection with its proposal to construct a townhouse development on property designated as Lot 11, Block 3901 on the Tax Map of the Township of Montclair and located in the R-1 One-Family Zone; and

WHEREAS, the applicant sought the following variances as amended:

1. A variance pursuant to N.J.S.A. 40:55D-70d(1) to allow the construction of a townhouse development in the Township's R-1 Zone District where such use is prohibited pursuant to Montclair Code Section 347-41A;
2. A variance pursuant to N.J.S.A. 40:55D-70d(5) to allow a density of 21.7 dwelling units per acre, whereas one dwelling unit per lot is permitted pursuant to Montclair Code Sections 347-41 and 347-20.
3. A variance pursuant to N.J.S.A. 40:55D-70d(6) to allow a building height of 3½ stories whereas the maximum permissible building height is 2½ stories pursuant to Montclair Code Section 347-45A.

4. A variance pursuant to N.J.S.A. 40:55D-70c to allow a front yard setback of 10 feet from Orange Road where a minimum of 25 feet is required pursuant to Montclair Code Section 347-45B(1).

5. A variance pursuant to N.J.S.A. 40:55D-70c to allow a front yard setback of 6 feet from Pleasant Way where a minimum of 25 feet is required pursuant to Montclair Code Section 347-45B(1).

6. A variance pursuant to N.J.S.A. 40:55D-70c to allow a front yard setback of 5 feet from Ward Place where a minimum of 25 feet is required pursuant to Montclair Code Section 347-45B(1).

7. A variance pursuant to N.J.S.A. 40:55D-70c to allow a rear yard setback of 19 feet where a minimum of 25 feet is required pursuant to Montclair Code Section 347-45D.

8. A variance pursuant to N.J.S.A. 40:55D-70c to allow off-street parking within a front yard, which is prohibited pursuant to Montclair Code Section 347-46C.

9. A variance pursuant to N.J.S.A. 40:55D-70c to allow off-street parking at a setback of 0 feet from the Pleasant Way front property line where a minimum of 4 feet is required pursuant to Montclair Code Section 347-104.

WHEREAS, the applicant submitted a site plan, prepared by Rocco P. Orlando, Jr., AIA dated December 19, 2005 together with a site plan prepared by G.B. Associates, Inc., dated July 16, 1996 revised through September 6, 1996;

WHEREAS, this matter came on to be heard at meetings of the Board of Adjustment held on November 16, 2005, January 18, 2006, and February 1, 2006, 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 presented and established the following findings:

1. The subject property consists of 24,081.59 square feet and has frontage on three streets known as Orange Road, Ward Place, and Pleasant Way.

2. The property is currently occupied by a retail garden center pursuant to site plan approval and variance approval pursuant to N.J.S.A. 40:55D-70d by Resolution adopted November 13, 1996 of the Montclair Township Zoning Board of Adjustment.

3. The applicant proposes to demolish the existing retail garden center to construct 12 townhouse units within 4 separate multiple-unit principal structures on the

subject site. The applicant proposes to construct 2 principal buildings fronting on Orange Road; one building containing 3 units and another containing 4 units. A principle building is proposed fronting on Pleasant Way containing 3 units, and a principle building is proposed fronting on Ward Place containing 2 units.

4. With regard to the proposed use of the development, the Board found that the townhouse use was in greater conformity with the Master Plan of the Township than the present use. It relied on the Master Plan's expressed preference for single-family residential use in the subject zone, and reasoned that townhouse use would enhance the residential character of the neighborhood more than the existing commercial garden center.

5. The Board had significant concerns, however, with reference to the numerous variances requested for the development as proposed.

6. The Board found that the proposed front and rear yard setbacks from Orange Road, Ward Place, and Pleasant Way, significantly deviated from the required setback requirements mandated by Ordinance. The effect of the deviations would have a negative detrimental impact on the streetscape of the neighborhood and would impair the intent and purpose of the zone plan and zoning ordinance.

7. The Board also found that the proposed height of the townhouse units would further exacerbate the detrimental impacts of the bulk variances requested. The Board determined that a deviation from the maximum permissible height limitation by one story, in conjunction with minimum setbacks, would decrease light, air and open space, in direction opposition to the purposes of the Municipal Land Use Law.

8. In connection with the proposed height of the townhouse units, the Board determined that the need for variance relief was self-created. The applicant's need for relief is based on the architectural design of the proposed structures. The structures are designed to accommodate one parking space on the first floor level of the townhouse units in order to satisfy the off-street parking requirements of Montclair Code Section 347-101 along with the New Jersey Residential Site Improvement Standards for the site.

9. With regard to the proposed density of the site, the Board determined that the applicant failed to demonstrate special reasons for the significant departure from the density requirements of the zone. The Board found that while the proposed townhouse use may be in greater conformity with the Master Plan, the Plan nevertheless preferences detached single-family dwellings, and the mass of the proposed structures were not in conformity with the homes in the surrounding neighborhood. The Board determined that alternative design plans existed that would bring the site into greater conformity with the surrounding neighborhood, utilizing a development plan with a lesser density than proposed. Further, the proposed density of the site contributed to the magnitude of variance relief needed for development of the property as proposed.

10. The applicant failed to prove the proposed site is “particularly suited” for the proposed use, and alternative design plans are available for the site.

11. The Board determined that the townhouse development proposed was inconsistent with the character of the neighborhood, and would substantially impair the intent and purpose of the zone plan and zoning ordinance. Exhibit A-11, submitted into evidence by the applicant, demonstrated that the surrounding neighborhood consists of 55 properties in total with 4 commercial and 51 residential. Further, of the 55 properties only 13 are 2-family or more with only 5 properties having a density of more than 20 units per acre. Therefore, development of the site at a density of 21.7 units per acre could not be justified.

WHEREAS, the Board, based on the foregoing findings, concluded that the applicant failed to prove the requisite special reasons for the granting of this application; and failed to prove 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

WHEREAS, the Board based on the foregoing findings, concluded that the applicant did not prove peculiar and exceptional practical difficulties and exceptional and undue hardship and failed to prove 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);

WHEREAS, the Board, based on the aforementioned findings, concluded that the applicant did not prove that the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements, and failed to prove 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 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 Wallwood Gardens, Inc. for use and bulk variances and preliminary site plan approval is hereby denied;

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. Fleischer, seconded by Mr. Whipple, the **Minutes of the December 14, 2005** regular meeting were adopted as modified, Mr. Haizel abstaining.

Assistant Secretary Charreun announced that at the request of the applicant, the application of **Coldwell Banker/NRT, 242 Bellevue Avenue**, has been withdrawn.

Chair Harrison called the application of **Carol Fortunato, 33 Portland Place**. Carol Fortunato, owner, was sworn and described the application. She stated that she is proposing the second story loft addition onto the detached garage because she is in need of storage space for gardening and painting supplies. She stated that she presently uses the second bedroom in her home for this purpose and that she would prefer to use the bedroom for guests. She stated that due to the limited size of her property, the most logical location to add space is above the existing garage. She described the addition and stated that it would add 5 feet 4 inches of height to the garage as measured to the peak of the roof. She continued by stating that she has spoken to the neighbors that are most affected by the proposed addition and that her plan has received their support.

Marked into evidence were:

- A-1 Midland Avenue elevation drawings, prepared by the applicant, depicting the existing dwelling and the existing and proposed detached garage
- A-2 Elevation drawings, prepared by the applicant, depicting the northerly and easterly elevations of the proposed detached garage
- A-3 Elevation drawings, prepared by the applicant, depicting the southerly and westerly elevations of the proposed detached garage
- A-4 Photo board, depicting the existing detached garage on the property
- A-5 Photo board, depicting existing detached garages in the neighborhood

Ms. Fortunato stated that the existing garage is very low in height because it is set deep into the grade on 3 sides. She also stated that the proposed exterior stair entrance that is proposed in the Midland Avenue front yard of the property can be moved to the southerly side of the garage if the Board chooses. She further stated that she has examined existing detached garages in the neighborhood and that the proposed height and side yard setback are typical conditions.

The Board questioned the applicant. Ms. Fortunato stated that the only running water proposed within the addition would be a utility sink. She also stated that she is hoping to have eaves that would extend approximately 10 inches and that gutters and downspouts would be installed. She further stated that the painting supplies she mentioned earlier are related to her hobby of landscape painting.

Chair Harrison called for questions and comments from the public.

Susan White, 20 Portland Place, was sworn and stated her support for the application.

Rhoda Halprin, 30 Midland Avenue, was sworn and also stated her support for the application.

Angelo Gaccione, husband of the applicant and resident of the subject property, stated that he appreciates their neighbors' support.

The Board discussed the application. On motion by Mr. Fleischer, seconded by Ms. Cockey, the application was approved, subject to the following conditions:

1. The proposed exterior stairway shall be relocated from the easterly front yard to the southerly side of the garage, between the detached garage and the dwelling.
2. Gutters and downspouts shall be installed in such a manner that all of the stormwater collected from the roof of the garage shall be directed away from the adjoining property to the west and onto the applicant's property.
3. No additional plumbing, aside from the sink depicted on the plan and any plumbing associated with heating the garage shall be permitted in the detached garage.

Chair Harrison called the variance application of **Guy Maxwell, 559 Upper Mountain Avenue**. Mr. Fleischer recused himself for this application. David Owen, Esq. appeared as attorney for the applicant and described the application. Mr. Owen called Guy Maxwell, who was sworn. Mr. Maxwell stated that he is a licensed architect in the State of New York, and that he has prepared the drawings before the Board. He stated that the existing roof is in disrepair and has to be completely replaced. He stated that the plans were prepared and permits were filed and were stopped due to the zoning revision that restricts dwellings to 2½ stories. He stated that a small dormer is proposed at the front portion of the new roof and a full-width dormer is proposed on the rear facing part of the roof. He further stated that his home is limited in size and that the proposed dormers would allow for usage of the third floor without creating an increase in the building footprint. He also stated that the proposed height of the dwelling with the new roof would measure 29 feet 6 inches as measured to the ridge and represents an 18-inch increase from the existing height measured to the ridge.

Marked into evidence were;

- A-1 Aerial photograph of the subject property, site plan with color, and photograph of the existing rear yard, on 1 board
- A-2 Photograph of the front of the existing dwelling, cross-section of the dwelling, and attic floor plan, on 1 board

- A-3 Existing and front proposed elevation drawings, on 1 board
- A-4 Rear and Side Elevations on a board
- A-5 Garage Plans on a board
- A-6 Scale Model of the dwelling

Mr. Maxwell stated that the volume added by the new roofline and dormers is only a 6 percent increase from the existing volume. He continued by describing the proposed addition to the detached garage in the rear yard and stated that the existing garage is not large enough to accommodate 2 cars and also allow for storage space. He also stated that the proposed addition to the detached garage would align with the existing side walls of the garage and not be any closer than the existing garage to the side property line.

The Board questioned the applicant. Chair Harrison called for questions from the public. None were offered.

Mr. Owen called Peter Steck, Professional Planner, who was sworn and stated his qualifications. Mr. Steck described the application.

Marked into evidence was:

- A-7 Two-pages of photographs of the subject property and other homes in the neighborhood

Mr. Steck stated that visually, the dormer proposed at the front of the dwelling is rather small and can be considered as a dormer for light and air rather than a third story, while the rear dormer that runs the full width of the dwelling can be considered a third story because of its size and placement. He described recent case law regarding d(6) variances and stated that the Courts have found that a d(6) variance can be granted for applications that do not offend the intent and purpose of the zoning ordinance. He stated that the intent and purpose of the new 2½-story limitation was intended to discourage oversized homes, and that the applicant's proposal is in keeping with the intent of the zoning ordinance because the home will remain as a modest sized dwelling. He stated that the application involves modernizing an older house in a modest fashion, which discourages demolition and new larger homes and advances the purposes of planning. He also stated that no increase in the building footprint is proposed, the overall height to the ridgeline is well under 40 feet, and that there are no properties facing the rear of the subject property. He further stated that the proposed plan is clearly a better alternative than an addition that would enlarge the building footprint and that the proposed dormers are typical in the neighborhood and will not have a negative impact. He continued by describing the variance requested for he proposed garage addition and stated that the garage addition follows the lines of the

existing structure and is needed to accommodate applicants need for a storage space for typical household and yard items, and also poses no detriment.

The Board questioned Mr. Steck. Mr. Steck stated that for applications involving a d(6) variance for modest sized homes, the Board should tolerate a modernization of the smaller existing home as opposed to the construction of new, larger homes. He also stated that the Board should look to whether the proposed plan is a dramatic alteration to existing scale of the home and whether the height, size, and scale home still fits in to the neighborhood.

Chair Harrison called for questions and comments from the public.

Eric Delmar, 557 Upper Mountain Avenue, was sworn and stated his support for the application.

The Board discussed the application. On motion by Mr. Susswein, seconded by Mr. Haizel, the application was approved.

Chair Harrison called the variance application of **Christina Leroy & Wesley Bedrosian, 100 Montclair Avenue**. Wesley Bedrosian, property owner, and Kip Siebert, contractor, were sworn. Mr. Bedrosian described the proposed dormers and stated that no increase in overall height to ridge is proposed as party of the project. Mr. Siebert stated that the existing overall height of the dwelling is 34 feet as measured to the ridge, and that the new roof would have the same height. Mr. Bedrosian stated that he wishes not to enlarge footprint of the dwelling and that 2 bedrooms and 1 bathroom is proposed on the third floor.

The Board questioned the applicant and Mr. Siebert. Mr. Bedrosian stated that the existing attic is presently unfinished. He also stated that he discussed his plans with his adjoining neighbors on the sides but not the rear neighbor. Mr. Siebert described the details of the architectural style and materials that will be used.

The Board discussed the application. On motion by Mr. Susswein, seconded by Mr. Haizel, the application was approved, subject to the following condition:

1. The overall height of the dwelling, as measured to the ridge of the roof, shall not exceed 34 feet.

Chair Harrison called the variance application of **Nexgen Holdings, LLC, 16 Central Avenue**. Calvin Trevenen, Esq. appeared as attorney for the applicant and described the application. Mr. Trevenen called Paul Sionas, Architect, who was sworn and stated his qualifications. Mr. Sionas described the existing site and the proposed two-family dwelling.

Marked into evidence were:

- A-1 Site Plan with color, on a board
- A-2 Elevations and Floor Plans, on a board
- A-3 Photo board

Mr. Sionas described the plans, the existing and proposed setbacks, and stated that the proposed home is a modular home. He stated that details will be added to the proposed home to give it more character, including a 6-foot deep front porch. He also stated that a conforming parking area is proposed and that after discussing the plan with the neighbors, a 4-foot tall wood picket fence would be installed around the parking area instead of the solid wood fence depicted on the plans. He further stated that in order to comply with zoning, landscaping would be added within the parking area setback, which would consist of a continuous row of Dark American Arborvitae, 4 to 5 feet at the time of planting and planted at 3-foot centers. He stated that the proposed dwelling would be approximately 2 feet taller than the existing dwelling and continued by stating that there would be no attic, however, an unfinished basement is proposed. He described the potential conforming locations for the placement of central air-conditioning units and also described the trees and shrubs that would be removed from the site. He stated that a large deciduous tree located between the existing dwelling and the southerly neighbor would be removed because it is in poor health and that the existing privet hedge along the rear property line would be removed because it is high maintenance. He also stated that the existing Norway spruce in Central Avenue front yard will remain.

The Board questioned Mr. Sionas. Mr. Sionas stated that the proposed setback in the Talbot Street front yard, which is less than the average setback of the 2 nearest dwellings on Talbot Street, is dictated by the fact that the dwelling proposed is a modular home, which does not provide as much flexibility in the design and shape of the dwelling footprint.

Chair Harrison called for questions from the public. None were offered.

Mr. Trevenen called Roger DeNiscia, Professional Planner, who was sworn and stated his qualifications.

Marked into evidence was:

- A-4 Photo board, prepared by Roger DeNiscia

Mr. DeNiscia described the application and the characteristics of the property. He stated that the existing single family dwelling was constructed around 1860 and that the interior is in poor condition and is becoming unsuitable for modern living. He stated that the proposed use is permitted and that the lot frontage width is an existing

nonconforming condition and is a minor deficiency. He also stated that the existing home is located very close to each street, that the proposed front yards are both being increased from the existing conditions, and that the height, side yard setback, and rear yard setback conform to the zoning requirements. He further stated that the location of the proposed dwelling on the lot is reflective of the existing neighborhood pattern, and that the size and scale of the proposed dwelling is keeping with neighborhood.

Mr. DeNiscia stated that the dwelling units proposed are 2 bedroom units containing approximately 1,110 square feet of floor area. He stated that the proposed dwelling units would be suitable for small households, consisting of young families or the 55 and over population and that this type of unit is lacking in Montclair's new housing market. He also stated that providing new housing for these segments of the Montclair population would provide an important planning benefit to the community. He further stated that the proposed front yard setbacks would not negatively affect the site lines at the intersection because the existing dwelling, which is closer to each street at this time, presents no visibility problems, and therefore the increased front yards can only be an improvement. He continued by stating that the application meets the statutory requirements for the granting of the bulk variances requested, and that the planning benefits provided by the application outweigh any detriments.

The Board questioned Mr. DeNiscia. Mr. DeNiscia stated that if the building footprint were to be shifted or rotated in order to create more space in the side yard setback, the impact of any reduction in the Talbot Street front yard would be negligible due to the fact that the existing dwelling is closer to Talbot Street and the nearest homes on that side of Talbot Street are located a comfortable distance from the subject property. Mr. Trevenen stated that the property is not listed on any historic property lists.

Chair Harrison called for questions and comments from the public.

Jessica De Koninck, 12 Central Avenue, was sworn. Ms. De Koninck stated that she would support any increase in the proposed side yard setback, which abuts her property. She also requested that a condition be considered that would restrict the enclosing of the front porch.

The Board discussed the application. On motion by Mr. Fleischer, seconded by Mr. Whipple, the application was approved, subject to the following conditions:

1. A continuous row of Dark American Arborvitae shall be planted in the southerly and westerly sides of the proposed parking area. The plantings shall be 4 to 5 feet in height at the time of planting and planted at 3 feet on center.

2. The location of any outdoor central air-conditioning units shall comply with the setback requirements of the zoning ordinance.

3. The applicant shall pay any required development fees to the Montclair Housing Trust Fund in accordance with Montclair Code Section 202-39 et seq.

4. The side yard setback of the dwelling shall be increased near the southerly front corner of the proposed dwelling by rotating the footprint of the proposed dwelling in a counterclockwise direction, while maintaining the 6-foot minimum side yard setback requirement at the southerly rear corner, maintaining the Central Avenue front yard setback of 16.46 feet, and not encroaching closer than 4 feet from the Talbot Street front property line.

5. The open front porch facing Central Avenue shall remain as an open front porch and not be enclosed.

Chair Harrison called the application of **American Bank of New Jersey, 120 Watchung Avenue.** Robert Pansulla, Esq. appeared as attorney for the applicant and described the application. Mr. Pansulla called Richard Bzdek, banker employed by American Bank of NJ, who was sworn. Mr. Bzdek stated his employer is under contract to purchase the subject property and that they are seeking the approval of a new bank building with drive-through facilities. He stated that the first floor would contain 1,600 square feet of floor area on the first floor with 1,000 square feet of accessory space in the basement and continued by describing the proposed interior of the bank. He stated that 2 drive-through windows are proposed and stated that the drive-through lanes are essential for the bank because of the convenience provided for their customers. He described the existing and proposed branches in the northern New Jersey area and stated that they would expect 5 employees for the proposed bank with no more than 6 at any one time. He described the proposed parking and stated that in June 2005 they applied for 6 parking permits from the Township and are presently on the waiting list. He stated that they intend to secure these permits for their employees to park in the nearby municipal parking lots and free up the on-site parking provided for their customers. He stated that the lobby hours on Mondays, Tuesdays, Wednesdays, and Fridays would be from 8:00 a.m. to 4:30 p.m., and that on Thursdays the lobby would be open until 7:00 p.m. He stated that on Saturdays, the lobby hours are from 9:00 a.m. to 3:00 p.m. and that the drive through hours would be from 7:30 a.m. to 7:00 p.m. from Monday through Friday and on Saturdays from 9:00 a.m. to 3:00 p.m.. He stated that trash is contained within the branch and would be taken off site for disposal. He also stated that snow removal is privately contracted and that any excess snow would be carted away. He continued by stating that they would expect an average of 20 customers per day for the first year, and then after about 5 years, they would expect between 40 and 60 customers per day.

The Board questioned Mr. Bzdek. Mr. Bzdek stated that the maintenance crew would be on the site after work hours during the evening. Mr. Bzdek also stated that they would not consider building the proposed bank without drive-through facilities. He also stated that should they not be able to obtain permits for parking in the municipal lots, the employees of the bank would be instructed to utilize street parking. He also

further described the existing bank in Bloomfield. He stated that no conversations have taken place with the owner of the adjoining property regarding a plan for shared access or parking.

Chair Harrison announced that the application would be continued at a special meeting of the Board to be held on Wednesday, March 29, 2006 at 7:30 p.m. and that no further notice would be given. Mr. Pansulla granted the Board an extension of time. On motion by Mr. Fleischer, seconded by Mr. Whipple the meeting was adjourned.