

MINUTES OF THE BOARD OF ADJUSTMENT
March 21, 2001

PRESENT: Vice Chair Fleischer, Mr. Chapman, Ms. Costello, Mr. Gallardo, Mr. Haizel, Ms. Rock-Bailey, Mr. Susswein; also, Michael Sullivan, Esq., Karen Kadus, Secretary and Donald Sammet, Assistant Secretary.

ABSENT: Chair Harrison

Ms. Kadus 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.

Vice Chair Fleischer announced that approval of the **Minutes of the March 7, 2001** meeting would be carried to the April 11, 2001 regular meeting of the Board.

Vice Chair Fleischer announced that the adoption of the Memorializing Resolution of **Petia Morozov, 532 Highland Avenue** would be carried to the April 11, 2001 regular meeting of the Board.

Secretary Kadus announced the postponement of the variance application of **Steve Lauda and Ralph LaTorocca, Murray Street** to the May 16, 2001 regular meeting of the Board. Calvin Trevenen Esq., attorney for the applicant, consented to an extension of time.

Secretary Kadus announced that **Alyce Gottesman and Eric Schwimmer, 28 Clinton Avenue** have requested a one-year extension for their variance approval due to expire in May. They have had difficulty retaining a contractor.

On motion by Mr. Gallardo, seconded by Mr. Haizel, it was resolved to grant a one-year extension for the variance approval.

Mr. Sullivan stated that there were only 6 eligible members of the Board present to vote on the application of **Barry Pote, 72 Greenwood Avenue**. Mr. Pote requested that the application be carried to the May 16, 2001 regular meeting of the Board and granted an extension of time. Mr. Sullivan announced that no further notice would be given.

Vice Chair Fleischer announced the variance hearing on the application of **Mark and Maria Tylek, 321 Highland Avenue**. Mark Tylek, applicant and owner, was sworn. Mr. Tylek stated that a side yard setback deficiency was created during construction of an addition to his single-family residence. He explained that the deficiency was the result of an error by the land surveyor, architect or building contractor in the planning and construction phases of the project.

Marked into evidence was:

A-1 Set of 6 photographs

Mr. Tylek explained that the addition does not jeopardize the view to the rear of the property. He further explained that it would be difficult to reduce the size of the addition due to an existing window.

The Board questioned Mr. Tylek.

Marked into evidence was:

A-2 Building plans for 321 Highland Avenue

Vice Chair Fleischer called for questions from the public for Mr. Tylek. None were offered.

Vice Chair Fleischer called for public comment. None was made.

The Board discussed the application.

On motion by Mr. Chapman, seconded by Ms. Rock-Bailey, it was resolved to grant the variance request, Vice Chair Fleischer voting in the negative.

Vice Chair Fleischer announced the continuation of the hearing on the variance application of **Omnipoint Communications, 5 Roosevelt Place**. Richard Schkolnick, Esq. appeared as attorney for the applicant. Mr. Schkolnick summarized the application and testimony given to date.

Mr. Schkolnick called Lisa Harley, Radio Frequency Engineer, who was still under oath. Ms. Harley stated that 12 antennas were proposed originally, but the applicant has scaled that number down to 9. She also stated that the height of the antennas has been reduced from 6 feet to 4 feet 8 inches. Ms. Harley described how 10 out of the 12 antennas proposed originally used to be non-conforming and how the revised proposal results in 3 out of the 9 antennas proposed to be non-conforming. She stated that the 3 existing antennas would be removed and 9 new antennas placed at the site.

Marked into evidence was:

A-3 Illustration of Electromagnetic Effect

Ms. Harley stated that the antennas could not be placed any lower on the roof or signals would be blocked. She further stated that the antennas could not be mounted elsewhere on the building.

The Board requested that the applicant reexamine the location of several antennas.

The Board took a short recess.

Upon reconvening, Mr. Schkolnick requested an adjournment to the April 11, 2001 regular meeting of the Board and granted an extension of time. Mr. Sullivan reminded the applicant that if the plans show a significant change they must be submitted to the Planning Department 10 days before the April 11, 2001 meeting.

Vice Chair Fleischer announced the hearing on the variance application of **Jennie Brown, 3 Park Terrace**. Jennie Brown, applicant and owner, was sworn. Ms. Brown stated that her garage is not long enough to accommodate her car. As a result, she must keep the garage door open while the car is parked inside. She explained that since the garage door is left open, it exposes her car to the elements and theft. She also stated that raccoons sometimes enter the garage. Ms. Brown stated that the proposed addition to the garage would maintain the line of the existing side walls of the garage.

The Board questioned Ms. Brown.

Vice Chair Fleischer called for questions from the public for Ms. Brown. None were offered.

Vice Chair Fleischer called for public comment. None was made.

The Board discussed the application.

On motion by Mr. Chapman, seconded by Mr. Gallardo, it was resolved to grant the variance requests, subject to the following conditions:

1. The side wall of the garage shall be constructed on the existing setback lines.
2. The extension shall not exceed 4 feet 8 inches in length.

Vice Chair Fleischer announced the hearing on the variance application of **Marc D. Charney, 266 Midland Avenue**. Marc Charney, applicant and owner, was sworn. Mr. Charney described the proposed additions and alternations to his single-family dwelling. He stated that the proposed additions would follow the existing lines of his dwelling and that the additional space is needed to accommodate his growing family.

The Board questioned Mr. Charney.

Vice Chair Fleischer called for questions from the public for Mr. Charney. None were offered.

Vice Chair Fleischer called for public comment. None was made.

The Board discussed the application.

On motion by Mr. Gallardo, seconded by Ms. Rock-Bailey, it was resolved to grant the variance requests, subject to the following conditions:

1. The screened porch shall be no closer to Holland Terrace than the wall of the existing dwelling.
2. The addition shall be no closer to the side property line than the wall of the existing dwelling.

After discussion, the Board determined that the **Discussion of the Annual Report** be tabled until the April 11, 2001 regular meeting of the Board.

The meeting was adjourned at 9:25p.m.