

**MINUTES OF THE BOARD OF ADJUSTMENT**  
**March 15, 2006**

PRESENT: Chair Harrison, 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. Cockey 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. Susswein, seconded by Mr. Haizel, the Minutes of the January 18, 2006 regular meeting were adopted as modified.

On motion by Mr. Fleischer, seconded by Mr. Haizel, the Minutes of the February 15, 2006 regular meeting were adopted as modified, Ms. English abstaining.

On motion by Mr. Fleischer, seconded by Mr. Whipple, the following Resolution memorializing the approval of the application of Carol Fortunato, 33 Portland Place was adopted as modified, Ms. English abstaining:

**WHEREAS, Carol Fortunato**, owner of property at **33 Portland Place**, did make application to the Board of Adjustment of the Township of Montclair for variances pursuant to NJSA40:55D-70c to allow a height greater than permitted and front yard and side yard setbacks less than required pursuant to **Montclair Code Section 347-58A** in connection with the construction of a second story addition onto a detached garage on property designated as Lot 17 in Block 2214 on the Township Tax Map and located in the R-3 Garden Group Zone; and

**WHEREAS**, the applicant submitted a property survey prepared by P & L Associates, dated December 12, 1996 and a plot plan, elevations, and floor plans, undated, prepared by the applicant, that depict the new construction; and

**WHEREAS**, this matter came on to be heard at a meeting of the Board of Adjustment held on February 15, 2006 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 Board carefully reviewed the testimony presented and established the following findings:

1. The subject property is a corner lot located at the intersection of Portland Place and Midland Avenue, measures 25.55 feet in frontage width on Portland Place

and approximately 2,958 square feet in area, and contains a 2½-story two-family dwelling and a detached one-story garage in the rear yard.

2. The applicant proposes to construct a second story addition onto the existing one-story detached garage. The existing detached garage has a nonconforming front yard setback of 6.5 feet where 60 feet is required and a nonconforming side yard setback of 1.02 feet where 10 feet is required. The proposed addition would be aligned with the walls of the existing detached garage and would not be located any closer to any property lines than the existing garage.

3. The proposed addition would add 5 feet 4 inches of height to the garage, resulting in a height of 14 feet 1 inch as measured to the ridge on the roof in accordance with the zoning ordinance, which exceeds the maximum height requirement of 10 feet.

4. The applicant indicated that the space provided by the addition is needed for the storage of gardening tools and supplies and other miscellaneous household and personal items. The Board determined that the second story addition to the garage is the most suitable and logical location on the property to construct an addition for this purpose.

5. The applicant indicated that the proposed exterior stairway entrance to the proposed second story addition, which was depicted on the easterly side of the garage between the garage and Midland Avenue, could be relocated to the southerly side of the garage, between the garage and the dwelling on the property to lessen the impact on the Midland Avenue front yard.

6. The Board determined that the present bulk requirements in the zoning ordinance for accessory structures in the R-3 Zone is intended to be applied to accessory structures associated with multifamily principal structures on larger properties, such as garden apartments. The Board determined that applying the R-1 bulk requirements for accessory structures in the R-3 Zone for properties containing one and two-family homes would be proper in this case and the Planning Staff confirmed that the zoning ordinance would be revised to correspond with this concept.

**WHEREAS**, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and did 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 the zoning ordinance pursuant to NJSA40:55D-70C(1); and

**WHEREAS**, the Board, based on the aforementioned findings, concluded that the applicant did prove 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 variance application of Carol Fortunato is hereby 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.

**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. Whipple, seconded by Mr. Haizel, the following Resolution memorializing the approval of the application of **Guy Maxwell, Inc., 559 Upper Mountain Avenue** was adopted, Mr. Fleischer and Ms. English abstaining:

WHEREAS, Guy Maxwell, did make application to the Board of Adjustment of the Township of Montclair to construct third floor dormer additions to the existing single family home and to construct an addition to the existing detached garage on property designated as Lot 10 in Block 905 on the Tax Map of the Township of Montclair and located in the R-1 One-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 principal building height of three stories where a maximum of two and one-half stories is permitted pursuant to **Montclair Code Section 347-45A**.
2. A variance pursuant to N.J.S.A. 40:55D-70c to allow a northerly side yard setback of approximately 2.32 feet for the addition to the detached garage where a minimum of 6 feet is required pursuant to **Montclair Code Section 347-46A(2)(a)**.

WHEREAS, the applicant submitted a property survey prepared by Pronesti Surveying, Inc., dated July 30, 1999, a set of plans for the addition to the home, dated June 1, 2005, and a set of plans for the addition to the garage, dated October 5, 2005; and

WHEREAS, this matter came on to be heard at regular meetings of the Board of Adjustment held on February 15, 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 is an interior lot located in the R-1 One-Family Zone and contains a 2½-story, single-family dwelling and a detached garage in the rear yard. The subject property measures 60 feet in frontage, and contains 9,000 square feet in lot area. The subject property is not located in the Steep Slope area.

2. The existing roof on the dwelling will be removed, and as part of the project, the applicant is proposing to elevate the ridgeline by approximately 18 inches and construct a large dormer at the rear of the third floor and a smaller dormer at the front of the third floor.

3. An addition is also proposed to the existing detached garage at the rear of the property. The existing garage has a nonconforming northerly side yard setback of 2.32 feet and the footprint of the garage would be enlarged by extending the garage 6 feet towards the rear property line. The applicant proposes to continue the nonconforming side yard setback with the proposed addition to the garage

4. The proposed third floor dormer additions to the dwelling are appropriate given the fact that the existing dwelling is modest in size, the proposed additions on the third floor are modest in size, and the dwelling would still be in keeping with the existing size, scale, and character of the existing dwellings in the neighborhood. Also, the rear of the subject property faces open space and railroad property, which further limits the impact of the larger dormer addition proposed at the rear of the third floor.

5. The proposed side yard setback of the proposed garage addition 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 consistent 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 side yard setback variance for the addition to the detached garage 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 Guy Maxwell for principal building height and accessory building side yard setback variances is approved; and

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. Whipple, seconded by Mr. Fleischer, the following Resolution memorializing the approval of the application of **Christina Leroy & Wesley Bedrosian, 100 Montclair Avenue** was adopted, Ms. English abstaining:

WHEREAS, **Cristina Leroy & Wesley Bedrosian**, did make application to the Board of Adjustment of the Township of Montclair to construct third floor dormer additions to the existing single family home on property designated as Lot 10 in Block 905 on the Tax Map of the Township of Montclair and located in the R-1 One-Family Residential Zone; and

WHEREAS, the applicants sought a variance pursuant to N.J.S.A. 40:55D-70d(6) to permit a principal building height of three stories where a maximum of two and one-half stories is permitted pursuant to **Montclair Code Section 347-45A**; and

WHEREAS, the applicant submitted a property survey prepared by Richard J. Hingos, Inc., dated May 24, 2004, and a set of architectural plans prepared by Peter Willcox, Architect, dated October 31, 2005; and

WHEREAS, this matter came on to be heard at regular meetings of the Board of Adjustment held on February 15, 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 is an interior lot located in the R-1 One-Family Zone and contains a 2½-story, single-family dwelling and a detached garage in the rear yard. The subject property measures 59 feet in frontage, and contains 11,539 square feet in lot area.

2. The applicants are proposing a new roof, and as part of the project, the applicants propose to construct a large dormer at the rear of the third floor and a smaller dormer at the front of the third floor. The overall height of the dwelling as measured to the ridge on the roof is 34 feet and is proposed to remain the same.

3. The proposed third floor dormer additions to the dwelling are appropriate given the fact that the existing dwelling is modest in size, the proposed additions on the third floor are modest in size, and the dwelling would still be in keeping with the existing size, scale, and character of the existing dwellings in the neighborhood. Also, the adjoining property to the rear of the subject property is well over 100 feet away from the rear of the applicant's dwelling.

4. 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.

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

WHEREAS, the Board, based on the foregoing findings, concluded that the applicants 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

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Montclair that the within variance application of Cristina Leroy & Wesley Bedrosian for principal building height is 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.

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 following Resolution memorializing the approval of the application of **Nexgen Holdings, LLC, 16 Central Avenue** was adopted, Ms. English abstaining:

**WHEREAS**, **Nexgen Holdings, LLC**, owner of property at **16 Central Avenue**, did make application to the Board of Adjustment of the Township of Montclair for variances pursuant to *N.J.S.A. 40:55D-70c* for lot frontage width less than that required pursuant to **Montclair Code Section 347-50A**, and front yard setbacks less than that required pursuant to **Montclair Code Section 347-51**, in connection with the proposed construction of a two-family dwelling on property designated as Lot 24 in Block 1509 on the Township Tax Map and located in the R-2 Two-Family Zone; and

**WHEREAS**, the applicant submitted a property survey prepared by Richard J. Hingos, Inc., dated November 5, 2004, and a site plan, floor plans, and elevations prepared by Sionas Architecture, P.C., revised to November 28, 2005; and

**WHEREAS**, this matter came on to be heard at a meeting of the Board of Adjustment held on February 15, 2005 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; and

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

1. The subject property is a corner lot located at the intersection of Central Avenue and Talbot Street in the R-2 Two-Family Zone and measures 5,413 square feet in lot area with 51.25 feet of frontage on Central Avenue and 100 feet of frontage on Talbot Street. The property contains a 2-story dwelling and a paved driveway/parking area in the rear yard that is accessed from Talbot Street.

2. The applicant proposes to demolish the existing single-family dwelling and construct a new 2-story, two-family dwelling. A minimum lot frontage width of 60 feet is required and the property measures 51.25 feet in width on Central Avenue. The Board determined that the existing lot width is consistent with or greater than many of the lot

sizes in the neighborhood and the adjoining properties are presently developed, so there is no opportunity to obtain additional land.

3. On Central Avenue, a 25-foot front yard setback is required and a lesser front yard setback of 16.46 feet is proposed. The plan indicates that the proposed front yard setback on Central Avenue is based on the average front yard setback of the 2 nearest principal structures on Central Avenue to the south. The plan also indicates that the existing dwelling has a front yard setback of 10.53 feet on Central Avenue.

4. A front yard setback of 5.13 feet is proposed on Talbot Street where 25 feet is required. According to the plan, the average front yard setback of the 2 nearest principal structures on Talbot Street is approximately 12.5 feet. The existing dwelling on the property has a front yard setback of 3.41 feet on Talbot Street.

5. The Board determined that the proposed front yard setbacks are consistent with the historic streetscape of this neighborhood, and provides for a larger rear yard and off-street parking in a conforming location.

6. The proposed two-family dwelling would provide new, smaller rental units, which would provide planning benefits in that these types of housing units are needed within the Township.

**WHEREAS**, the Board, based upon the foregoing findings, concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship and did 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 the zoning ordinance pursuant to NJSA40:55D-70C(1); and

**WHEREAS**, the Board, based on the aforementioned findings, concluded that the applicant did prove 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 variance application of Nexgen Holdings, LLC is hereby 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.

**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.

Assistant Secretary Charreun announced that at the application of **John Gerecs, 128-130 North Fullerton Avenue**, has been adjourned until the special meeting of the Board, to be held on March 29, 2006, due to insufficient notice.

Chair Harrison called the application of **75 Elm Street, Montclair, LLC, 75 Elm Street**. Michael Carlucci, Esq., appeared as attorney for the applicant and described the application. He called Jose Gennaro, Architect, who was sworn and stated his qualifications. Mr. Gennaro described the proposed two-family dwelling and described the plans that were submitted with the application. He stated that the only variance required is for the lot frontage width, which is an existing condition, and that the property contained a dwelling previously. He also stated that the proposed dwelling is in keeping with the character of the neighborhood.

Mr. Flood arrived.

Marked into evidence were:

A-1 Photograph of the property immediately to the north of the subject property, which contains a 4-family dwelling

A-2 Photograph of the property immediately to the south of the subject property, which contains a one-family dwelling

The Board questioned Mr. Gennaro. Mr. Gennaro described the proposed location of the outdoor central air-conditioning units and stated that they would not

impede access through the doorway they are next to. He also stated that, although the tax map indicates that the property contains 10,880 square feet, the property survey indicates that the lot area is 10,649.08 square feet. He stated that the property to the north contains a detached garage that is on the property line and the principal structure on the lot to the south is 1.52 feet from the property line, which eliminates the applicant's ability to obtain any additional area to enlarge the width of the subject property.

Chair Harrison called for questions and comments from the public.

James Leslie, 74 Elm Street, was sworn and stated that the previously existing dwelling on the subject property was a single-family dwelling and stated his opposition to the proposed two-family dwelling.

Mr. Carlucci gave his closing statements. The Board discussed the application. Mr. Flood was not eligible to vote on the application because he arrived after testimony had commenced on the application. On motion by Mr. Fleischer, seconded by Mr. Whipple, the application was approved.

Chair Harrison called the variance application of **R. Luther Flurry and Jarmila Packard, 16 Madison Avenue**. David Owen, Esq. appeared as attorney for the applicant and described the application. He stated that the subject property contains a vacant nursing home, which was originally a single-family dwelling, and a second single-family dwelling at the rear of the lot, which was used as the residence and office of the proprietor of the previously existing nursing home and which was originally a carriage house accessory to the principal dwelling on the lot.

Mr. Owen called R. Luther Flurry and Jarmila T. Packard, who were sworn. Mr. Flurry stated that he and his wife intend to renovate the nursing home and return it to use as a single-family residence. He described the alterations and additions that would be required and also stated that large portions of existing asphalt paving on the property would be removed and made into lawn areas. He also described the dwelling at the rear of the lot and stated that it would also be renovated. He stated that they are seeking approval from the Board to utilize that structure as a single-family dwelling rental unit. Ms. Packard stated that the proposed renovations would restore structures that are characteristic of Montclair's history and that in order to complete these restorations they need to be able to utilize the rear building as a single-family rental dwelling.

The Board questioned the applicants.

Mr. Owen called Scot Surbeck, who was sworn and stated his qualifications as an Architect. Mr. Surbeck described the plans and the additions and renovations proposed to both structures in detail. He stated that no bulk variances are required for any of the proposed additions or alterations and that the appearance of both of the

dwellings would be greatly improved. He also described the existing driveways, parking areas, and paved areas on the property and stated that the total impervious coverage on the site would be reduced from 45 percent to 36 percent.

The Board questioned Mr. Surbeck. Mr. Surbeck stated that off-street parking for both dwellings would be within attached garages. He stated that 2 of the 3 existing large trees behind the front dwelling would be retained. He also described the pool house that would be constructed behind the front dwelling.

Mr. Owen called Peter Steck, who was sworn and stated his qualifications as a Professional Planner.

Marked into evidence were;

A-1 Aerial photograph of the area containing the subject property, with property lines (from the Tax Map) and zone boundaries indicated

Mr. Steck described the application and stated the subject property is large in size and very significant in terms of the Madison Avenue streetscape. He described the history of the property and stated that a nursing home was approved by the Board of Adjustment in 1945 and that the rear carriage house was converted and used as an office and residence for the proprietor of the nursing home. He stated that the changes to the property proposed by the applicants are in keeping with the historic character of property and the character of the residential neighborhood. He described the surrounding land uses and stated that the residential density proposed by the application is in keeping with residential density in the area due to the large size of the lot.

Mr. Steck described the variance requested and stated that it is supported by several special reasons. He stated that abandoning the nursing home use in the R-1 zone and having 2 single-family dwellings on one lot is more conforming to the R-1 Zone and would benefit the neighborhood and that the physical changes to the property would improve the visual environment. He also stated that the subject property is similar to an estate property in that it is large in size and contains a structure that in the past appears to have been a carriage house, which was later modified to the point where it would not meet the definition of a carriage house. He stated that the application is in keeping with certain goals of the Master Plan that call for the preservation of accessory carriage house structures that have historically existed on estate properties.

The Board questioned Mr. Steck. Mr. Surbeck stated that the applicants would be willing to remove more of the pavement depicted on the southerly side of the rear dwelling.

Chair Harrison called for questions and comments from the public.

Virginia Cornue, 129 Lincoln Street, was sworn and stated her support for the application.

Milt Horowitz, 17 Madison Avenue, was sworn and stated his support for the application.

Mark Janifer, 15 Madison Avenue, was sworn and stated his support for the application.

Robin Nash, 18 Madison Avenue, was sworn and stated her support for the application.

Georgene Lane, 11 North Mountain Avenue, was sworn. She inquired about the variance requested and asked why the application is not being viewed as the restoration of a property with a principal dwelling with an accessory carriage house.

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

1. All outstanding property taxes shall be made current prior to the issuance of any building permits.
2. The existing tennis court and concrete planters at the rear of the property shall be removed as indicated and shall be replaced by vegetative cover and/or gardens.
3. Upon the completion of construction requiring staging areas for heavy equipment, but no later than April 19, 2011, all pavement located to the south of the line formed by connecting the southerly edge of the southernmost driveway to the southerly edge of the paved area in front of the attached garage of the rear dwelling, shall be removed, with the exception of paved walkways leading from the driveway to the main entrance of the rear dwelling.

Chair Harrison called for a short recess.

Chair Harrison called the variance application of **21 North Mountain Avenue, LLC, 21 North Mountain Avenue**. David Owen, Esq. appeared as attorney for the applicant and John R. Dusingberry, Esq. appeared as attorney for certain property owners, including the owners of 24 North Mountain Avenue, 26 North Mountain Avenue, and 19 North Mountain Avenue.

Mr. Owen described the application and the variances requested. He called George Tsiaris, who was sworn and stated his qualifications as an Architect.

Marked into evidence were:

- A-1 Existing Site Plan & Location Map, Sheet SP-1, on a board
- A-2 Existing House Floor Plans, Sheet SP-6, on a board
- A-3 Existing House Elevations, Sheet SP-5, on a board

Mr. Tsiaris described the existing conditions and stated that the existing dwelling on the property contains a resident doctor's office that is now vacant. He also described the architectural style of the proposed buildings on the site.

Marked into evidence were:

- A-4 Photograph of the existing dwelling on the property and a photograph depicting the front of other dwellings on North Mountain Avenue
- A-5 Eleven (11) photographs of dwellings in the neighborhood, including the Schultz House

Mr. Tsiaris stated that the property has an 8.9 percent slope from the front to the rear and continued by describing the existing and proposed floor plans.

Marked into evidence were:

- A-6 Site Plan and Floor Plans, on a board
- A-7 Proposed House Floor Plans, sheet SP-8, for the existing dwelling, on a board

Mr. Tsiaris described the proposed elevations and stated that the new buildings would be no higher than the existing building on the site. He also described the proposed addition to the existing building and the proposed renovations to the interior of the existing building, which would contain 2 dwelling units. He continued by describing the floor plans of the proposed dwelling units in the 2 new buildings and the sizes of the proposed dwelling units.

Marked into evidence were:

- A-8 Proposed Elevations for existing dwelling, on a board
- A-9 Seven (7) pages, including 2 renderings of the 2 proposed two-family dwellings, a photograph of the front of the existing dwelling on the site, a photograph of the front of dwellings along North Mountain Avenue, and 3 specification sheets for the proposed site lighting fixtures

Mr. Tsiaris referred to Exhibit A-5 and stated that the design of the 2 new buildings is based on the design of the historic Schultz house further north on North Mountain Avenue. He stated that the proposed design is a benefit to the neighborhood which helps to mitigate any impacts of the requested variances and is a better option than certain types of conforming multifamily designs. He referred to Exhibit A-6 and stated that the dwelling units in the 2 proposed buildings would measure 2,050 square feet in area. He also stated that the 2 dwelling units proposed within the existing building would contain 3,250 square feet and 2,000 square feet, respectively.

Marked into evidence were:

A-10 Proposed Elevations, on a board

A-11 Proposed Northeasterly Elevations, on a board

A-12 Renderings of the proposed buildings on a board

Mr. Tsiaris described the proposed height of the new buildings and stated that the propose height is needed for the architectural style that they are trying to achieve.

The Board questioned Mr. Tsiaris. Mr. Tsiaris stated that the plans were designed according to the zoning requirements for two-family dwellings and not following the requirements for multifamily dwellings in the R-3 Zone. Mr. Dusinberry questioned Mr. Tsiaris. Mr. Tsiaris stated that the height could be lowered to meet the code; however, that he feels that the aesthetic benefits of the proposed design outweigh the impact of the variance requested for height.

Chair Harrison called for questions from the public.

Mark Hurwitz, 6 Highmont Terrace, asked whether the reference made to a brick box was in reference to a large multifamily structure that would be proposed should the present plan be denied. He also inquired on the amount of time that was spent on the current plan as opposed to any type of alternate brick box plan.

Geoff Shandler, 7 Highmont Terrace, asked if the owner of the subject property is the same as the adjoining property to the north, 25 North Mountain Avenue.

Anne Marie Lejniaks, 27 North Mountain Avenue, asked why 3 garaged parking spaces per unit in the 2 new buildings are being proposed rather than the minimum of 2 parking spaces required by the zoning ordinance.

Carlos Lejniaks, 27 North Mountain Avenue, asked Mr. Tsiaris when he was hired to do plans for the adjoining property to the north, 25 North Mountain Avenue.

Sean Coughlin, 91 North Mountain Avenue, asked how far the new buildings on the site would be from the dwelling on the adjoining property to the south. He also asked what percentage of the lot is covered by the 3 principal buildings on the lot as proposed and whether a scale model of the proposed development has been made.

Milla Seth, 6 Highmont Terrace, asked if an architect can generally guarantee that a project as proposed would actually be constructed as it appears on the plans.

Rosalind Hobeck, 17 North Mountain Avenue, asked if the design and site plan considered how the site would accommodate families with young children.

Tony Vanderer, 127 Edgemont Road, asked if it would be possible to construct one attractive structure using brick instead of the stucco that is proposed.

Anna Lejniaks, 5 Laurel Place, asked how trash would be removed from the site and whether the design would exacerbate the noise from the site in connection with trash removal. She also inquired about snow removal from the site.

George Fanous, 10 North Mountain Avenue, asked where residents of the proposed site would use outdoor recreational space. He also asked how wide the proposed driveway would be and whether 2 cars could pass each other on the driveway.

The Board discussed continuing the application at an upcoming meeting. Mr. Owen stated that he is the attorney for **25 North Mountain, LLC, 25 North Mountain Avenue**, which is scheduled for April 19, 2006, and that he would be willing to postpone that application in order to continue with the present application at the Board's regular April meeting. Mr. Owen granted the Board an extension of time on the application for 25 North Mountain Avenue through the Board's regular meeting for May 17, 2006. Chair Harrison announced that the present application would be continued at the next regular meeting of the Board to be held on Wednesday, April 19, 2006 at 7:30 p.m. and that no further notice would be given. On motion by Mr. Fleischer, seconded by Mr. Whipple the meeting was adjourned.