

**MINUTES OF THE MONTCLAIR BOARD OF ADJUSTMENT SPECIAL MEETING
MAY 6, 1998**

PRESENT: Chair Harrison, Vice Chair Chapman, Mmes. O'Connell, Freundlich, Messrs. Church, Fleischer, Tobin, Williams; also Michael Sullivan, Esq., and Ms. Kadus, Secretary.

ABSENT: Mr. Zichelli, Assistant Secretary

Ms. Kadus called the roll and announced it to be a special meeting of the Montclair Board of Adjustment for which notice had been given in accordance with the Open Public Meetings Act.

Ms. Kadus announced the postponement of the Decamp Bus Lines, Inc., application for 100 Greenwood Avenue, to May 20. Mr. Kuhl was not available tonight, she said, and the Board agreed to carry it to the May 20 meeting at which time closing arguments and a vote would be heard.

Chair Harrison called for the hearing of Michael Shulman, 32 Union Street. Mr. Shulman, owner, was sworn. He described his request to create two apartments on the first floor of an existing nonconforming rooming house in a two family zone. He described the floor plans to the Board and the number of occupants currently living in the building. He indicated that he usually rents rooms to single individuals and does not rent to families. There are 13 persons currently residing there. He proposes to create 3 apartments and 2 rooming units on the first floor.

Marked into evidence was the following:

A-1 Color floor plan prepared by the applicant

In reviewing the parking capacity, Mr. Shulman described the number of parking spaces he can accommodate on the site. He said that 13 vehicles fit in the rear yard on a gravel area. Although his parking requirement under the zoning ordinance is 16, many of his tenants do not drive, he said. He believed that his parking was adequate.

Ms. Adriana O'Toole, 48 South Willow Street, was sworn. She opposed the increase in density and demand for parking.

Mr. Alfano, 33 Union Street, was sworn. He supported the application.

Mr. Shulman summarized his request.

The Board discussed the matter. On motion by Ms. O'Connell, seconded by Ms. Freundlich, the variance was denied, Mr. Fleischer voting to approve.

Chair Harrison called for the hearing of **Robert and Elaina Richardi, 170-172 Lincoln Street**. Mr. Robert Richardi, owner, was sworn. He has owned the property for 14 years and purchased it as a 6 family dwelling. He received a notice from the township that the property is a legal 4 family dwelling, and he was directed to reduce occupancy to 4 families. He described the third floor of the building as containing two rooming units. He said that sometimes the tenants have had hotplates, but were told to remove them. He said that it is impractical to have his roomers pay rent to his tenants, and that it made more sense for an absentee owner to collect the rent directly.

Mr. Richardi requested permission to either install kitchens in the two third floor units to make them apartments, or to continue them as rooming units but collect the rent directly which was contrary to what the zoning ordinance requires under definition of "family".

Mr. Victor Deming, 164 Lincoln Street, was sworn. He opposed the increase in density, and noted problems with the tenants and the parking of vehicles obstructing the sidewalk.

Ms. Josephine Nash, 129 Elm Street, was sworn. She also opposed the variance in that the neighborhood did not need higher density.

Mr. Clint Taylor, 123 Elm Street, was sworn. He knew the property as being a four family house, and he opposed the conversion to a six family.

Ms. Florence Deming, 164 Lincoln Street, was sworn. She opposed the variance and change in the character of the neighborhood.

Mr. Richardi made closing comments.

The Board discussed the application. On motion by Mr. Fleischer, second by Mr. Church, the variance to create two apartments on the third floor was denied.

On motion by Ms. Freundlich, second by Mr. Tobin, the variance to permit the roomers to pay rent directly to the owner was denied, Ms. Freundlich and Mr. Tobin voting to approve.

The meeting was adjourned at 10:10 p.m.