

MINUTES OF THE BOARD OF ADJUSTMENT
June 1, 2000

PRESENT: Chair Harrison, Vice Chair Church, Mr. Chapman, Mr. Fleischer, Ms. Freundlich, Ms. Rock-Bailey, Mr. Gallardo, Mr. Williams; also, Michael Sullivan, Esq., Karen Kadus, Secretary and Donald Sammet, Assistant Secretary.

ABSENT: Mr. Spivey

Ms. Kadus called the roll and announced the special meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meeting Act.

Chair Harrison welcomed two new Board members Mr. Albert Gallardo, First Alternate, and Ms. Jinni Rock-Bailey, Second Alternate, to the Board of Adjustment.

Chair Harrison announced the variance application of **Kramer Communities LLC, 61-63 North Mountain Avenue**. Stephen Aspero, Esq., appeared as attorney for the applicant. Calvin Trevenen, Esq., appeared as attorney for Ms. Karen Weaver, 75 North Mountain Avenue, objector.

Mr. Church joined the meeting.

Chair Harrison called for the marking of exhibits. Marked into evidence was:

- A-1 Series of Photographs entitled Property and Vicinity Pictures taken by Robert Kramer, Principal, Kramer Communities, LLC.
- A-2 Series of Photographs entitled Photographs of Property and Photographs of Portions of Neighborhood taken by Stephen Aspero.

Mr. Aspero described the application and how the project does not contain apartments as noted on the original plans but that all of the units are condominiums. Mr. Aspero continued by stating that he would like to amend the Kramer Communities, LLC application from that of a Section d1 use variance to a Section d2 variance to expand a pre-existing, non-conforming use.

Marked into evidence was:

- A-3 Letter to Ms. Karen Kadus dated May 30, 2000.

Mr. Aspero continued by describing the subject property. Ms. Aspero stated that the property is not designated as a historic structure under the Township of Montclair's Historic Preservation Ordinance and that the principal and accessory structures would

eventually be demolished. Mr. Aspero requested that the Board rule that no past or present members of the Historic Preservation Commission be allowed to testify or comment on the application.

Chair Harrison stated that the type of d variance being sought would be determined when the Board makes its final decision and acknowledged that the property is not designated as historic under the Township's Historic Preservation Ordinance. Mr. Sullivan stated that if demolition of the principal and accessory structure occurs, a d variance is required and that any intricacies could be worked out later during the hearing.

Mr. Aspero stated that the applicant will object to any testimony or comment given by past or present members of the Historic Preservation Commission.

Mr. Trevenen stated that prohibiting someone from the Historic Preservation Commission or someone interested in historic preservation from providing comment is not prudent.

Mr. Aspero called Mr. Robert Kramer, Principal, Kramer Communities, LLC, he was sworn. Mr. Kramer identified and reviewed the photographs contained in Exhibit A-1.

Mr. Williams joined the meeting.

The Board questioned Mr. Kramer.

Chair Harrison opened the meeting to questions from the public for Mr. Kramer.

Mr. Sean Coglin of 91 North Mountain Avenue asked how many photographs were taken and if photographs of properties other than those adjacent to the subject property were taken.

Mr. Daniel Warshawski of 79 North Mountain Avenue asked if photographs were taken of the single family home on the property adjacent to the subject property.

Mr. Noah Franzblou of 157 North Mountain Avenue asked if photographs were selectively taken.

Mr. Aspero conducted a re-direct of Mr. Kramer. Mr. Aspero continued by describing the principal structure on the site. Marked into evidence was:

A-4 Letter from the Township of Montclair Department of Fire dated May 31, 2000.

Mr. Aspero stated that the rear house on the site is not a carriage house, it was constructed before the existing principal structure and had been used as a multi-family

dwelling for over 100 years. Mr. Aspero described the variances requested and stated that the applicant's traffic expert will testify that a parking variance is not required. Mr. Aspero continued by describing the neighborhood and by stating that zoning harms would not be substantial.

Mr. Aspero called Peter E. Meyer, PE, PP, Professional Planning & Engineering Corporation (PPE), he was sworn. Mr. Meyer described the site, stated that the property has been neglected and that from an engineer's point of view, demolition of the structures on site would be the best course of action. Mr. Meyer described the surrounding neighborhood, surrounding zoning districts, project proposal and site plan.

Marked into evidence was:

- A-5 Curriculum Vitae of Peter Meyer
- A-6 Rendered Version of Existing conditions prepared by PPE dated December 15, 1999
- A-7 Site plan prepared by PPE dated December 15, 1999.
- A-8 Sheet entitled "Site Plan" prepared by PPE dated December 15, 1999.

Mr. Meyer described the proposed traffic circulation on site , the dumpster location and enclosure, utilities layouts and stormwater drainage.

Marked into evidence was:

- A-9 Sheet entitled "Grading and Utility Plan" prepared by PPE dated December 15, 1999.

Mr. Meyer continued by describing the proposed lighting and landscaping on site.

The Board questioned Mr. Meyer.

Chair Harrison suggested that the Township of Montclair planning staff and Mr. Meyer work together to determine the required front yard setback.

Mr. Trevenen cross-examined Mr. Meyer.

Chair Harrison opened the meeting to questions from the public for Mr. Meyer.

Mr. Noah Franzblou of 157 North Mountain Avenue asked if the proposed impervious surface percentage had been calculated.

Marked into evidence was:

- A-10 Board of Adjustment Resolution for Dr. Kenneth and Margaret Davis, 49 North Mountain Avenue, dated December 16, 1992

A-11 Drainage Report for 61-63 North Mountain Avenue prepared by PPE, dated December 22, 1999.

Ms. Allison Barnett of 105 Union Street asked if there are impervious surface or density requirements for other zoning districts in the Township.

Mr. Thomas Sullivan of 188 North Mountain Avenue asked if multi-family zones have impervious surface requirements.

Mr. Terrence Shelton of 179 North Mountain Avenue asked for the impervious surface percentage and number of dwelling units in the proposal.

Mr. Sean Coglein of 91 North Mountain Avenue asked if other driveways in the neighborhood had been observed and how trash would be removed from the site.

Chair Harrison stated that the next hearing would be at a special meeting of the Board of Adjustment on June 15, 2000 in the first floor of the municipal building, and no further public notice would be given.

On motion by Mr. Fleischer, seconded by Ms. Freundlich the meeting was adjourned at 10:30 p.m.