

**MINUTES OF THE BOARD OF ADJUSTMENT
JUNE 12, 2002**

PRESENT: Chair Harrison, Ms. Brooks, Ms. Costello, Vice Chair Fleischer, Mr. Gallardo, Ms. Rock-Bailey, Mr. Susswein; also, Mr. Sullivan, Esq., Mr. Sammet, Secretary, and Mr. Charreun, Planning Technician

ABSENT: Mr. Chapman and Mr. Haizel

Secretary Sammet called the roll and announced the special meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meetings Act.

Secretary Sammet announced that the variance application of **Affordable Homes of New Jersey, 12 Cross Street** has been withdrawn. Secretary Sammet also announced that the site plan and variance application of **Augustus W. and Diane A. Riegraf, 16 Montclair Avenue** has been postponed until the August 21, 2002 regular meeting of the Board of Adjustment at the request of the applicant and that the Board has been granted an extension of time for which to act on the application. Chair Harrison announced that no further notice would be given for the site plan and variance application of **Augustus W. and Diane A. Riegraf, 16 Montclair Avenue**.

Vice Chair Fleischer called the variance application of **Tana and Mark Kamine, 9 Clairidge Court**.

Chair Harrison stepped down for this application.

Tana and Mark Kamine, applicants and owners, were sworn. Mr. Kamine described the proposed addition and the interior alterations to the residence. Mrs. Kamine stated that their family has outgrown the existing home and that the proposed addition and alteration would allow their family to remain at the current address. Mrs. Kamine also stated that the proposed addition is a second level addition within the existing footprint of the home. Mrs. Kamine continued by stating that the existing tree in the vicinity of the addition would be trimmed and kept and that the tree helps to obscure the view of the addition from the street.

The Board questioned the applicants.

Marked into evidence was:

- A-1 Site plan, floor plans, and elevations, prepared by John Collins, Architect, dated March 2002
- A-2 Six (6) photographs of the residence at 9 Clairidge Court and neighboring properties, taken by the applicants

Mrs. Kamine stated that the proposed addition is in keeping with design and style of many of the homes in the immediate area.

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

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

The Board discussed the application.

On motion by Mr. Susswein seconded by Mr. Gallardo, it was resolved to approve the variance application, subject to the following condition:

1. The addition shall be built no closer to the westerly side property line than the existing dwelling.

Chair Harrison called the site plan and variance application of **The Montclair Foundation, 21 Van Vleck Street**. Barbara Fox, Esq., appeared as attorney for the applicant. Ms. Fox described the application. She described the subject property and stated that it contains over 5 acres. Ms. Fox stated that the property had been the residence of the late Howard Van Vleck and that it was bequeathed to the Montclair Foundation in 1993. She also stated that in 1993 the applicant received the use variance to utilize the property for non-profit office and club uses and a public garden. Ms. Fox continued by stating the applicant has received Green Acres funding from the State of New Jersey and is subject to a conservation easement.

Ms. Fox called Aubin Ames, Trustee and former president of the Montclair Foundation, who was sworn. Ms. Ames described the organization and activities of the Montclair Foundation. She stated that the public garden on the property is open yearly from April 15 to the end of October. She stated that the Montclair Foundation has received \$500,000, in Green Acres funding, with the contingency that the property be conserved for at least the next 99 years. She also stated that the Garden Conservancy, a national organization for public gardens, has provided them with technical assistance. Ms. Ames continued by stating that New Jersey Department of Environmental Protection approval was required due to the Green Acres funding, and that approval of the proposal has been obtained.

Marked into evidence was:

- A-1 Letter of Approval, from the New Jersey Department of Environmental protection, dated April 11, 2002
- A-2 Brochure for the Public Garden at 21 Van Vleck Street and Mission Statement

Chair Harrison called for questions from the Board for Ms. Ames.

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

Ms. Fox called Stephen Schuckman, Horticultural Manager for the Montclair Foundation, who was sworn. Mr. Schuckman described the existing greenhouse on the property. He stated that existing greenhouse is 60 feet long by 10 feet wide with a single 3-foot wide aisle inside. He stated that the existing greenhouse is more suited for individual use and not designed for use in educational programming. He stated that the second green house is needed to provide the space required to meet the increasing demand for educational programs in the community. Mr. Schuckman continued by stating that the new greenhouse would also allow the Montclair Foundation to propagate rare and interesting plant material that is only found on the Van Vleck property.

Mr. Schuckman described the educational programs offered by the Montclair Foundation at the Van Vleck property and stated that the new greenhouse would allow them to offer concurrent educational programs. He stated that the average class within the new greenhouse would contain approximately 20 persons. Mr. Schuckman described the workshops offered for adults by the Montclair Foundation and stated that the 3-foot wide aisle within the existing greenhouse restricts these workshops from being conducted on-site.

The Board questioned Mr. Schuckman.

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

Ms. Fox called, Paul Sionas, Architect, who was sworn. Mr. Sionas described his qualifications as an Architect and Landscape Architect, and a Professional Planner. Mr. Sionas described the property, the previous applications of the applicant to the Board, and the Green Acres Program. Mr. Sionas described the parking and circulation on the property. He continued by describing the buildings on the property, the lighting used for the parking areas, and the landscaping on the property.

Mr. Sionas described the proposed greenhouse. He stated that the proposed greenhouse is an aluminum and glass structure measuring 30 feet by 50 feet. He stated that the floor of the proposed greenhouse would be crushed stone or gravel and that it would contain 2 worktables. He also stated that the height of the proposed greenhouse, as measured according to the Montclair zoning ordinance, is 13 feet and 5 inches tall. Mr. Sionas continued by stating that the location of the proposed greenhouse has been determined to be the best location on the property.

Marked into evidence was:

A-3 Photo-board of Historical Photographs of the Van Vleck property, containing photographs from 1916 through 1942

Mr. Sionas stated that the location of the proposed greenhouse was historically the location of the production and service area for the propagation of plants on the property. He stated that no trees would be removed to accommodate the new greenhouse and that the large open lawn area would still be preserved. He also stated that the new greenhouse would be aligned with the existing greenhouse, would be well screened from the view of adjacent properties, and meets the height and setback requirements for accessory structures in the R-0 zone. He continued by stating that the proposed greenhouse furthers the mission of the applicant.

Marked into evidence was:

A-4 Color Rendering of the Sheet SP-1, on a board, prepared by Sionas Architecture, dated February 22, 2002

Mr. Sionas stated that the only lighting in the proposed greenhouse would be row lighting for the plants. He stated that the applicant's proposal is in keeping with the intent and purpose of the Master Plan Re-Examination Report and that the proposed use serves an inherently beneficial use. He stated that the applicant's property meets the New Jersey Department of Environmental Protection definition of a publicly funded park and that Green Acres specifically funds projects that are significant to a region. Mr. Sionas also stated that applicant's proposal provides an educational resource that is currently not available, would allow for the propagation of plant species, and promote environmentally sound gardening practices. Mr. Sionas stated that the applicant's proposal does not represent a detriment to the public good.

Mr. Sionas stated that recommendation of the Board Engineer's letter dated May 7, 2002, would be incorporated into the plan.

The Board questioned the Mr. Sionas.

Chair Harrison called for question from the public for Mr. Sionas. None were offered.

Chair Harrison called for public comment. None was offered.

The Board discussed the application.

On motion by Mr. Fleischer, seconded by Ms. Costello, it was resolved to approve the site plan and variance application, subject to the following conditions:

1. Any sale of plant material on the subject property shall be limited to special occasions, such as holidays.

2. The applicant shall comply with the comments of the Board Engineer's letter dated May 7, 2002.

3. All lighting associated with the proposed greenhouse shall be extinguished by 10:00 P.M. nightly.

4. The applicant shall remain in compliance with the conditions of the prior approvals specified in previous Board of Adjustment Resolutions, dated October 20, 1993 and April 20, 1994.

Secretary Sammet announced the site plan and variance application of **Frog, LLC, c/o Ted Jorgensen, 132 Valley Road** was withdrawn by the applicant.

Chair Harrison announced the **Discussion of the 2001 Board of Adjustment Annual Report**. The Board recommended revisions to the Zoning Ordinance, including how front yard setback requirements are calculated for properties in the R-0, R-0(a), R-1, and R-2 zones. Also stressed were the recommended amendments to the Zoning ordinance taken from the 2000 Board of Adjustment Annual Report, including the need for regulation of retaining walls, allowing the use of gravel as a paving material for small residential parking areas, a clarification of the requirements for the installation of telecommunications equipment.

On motion by Mr. Fleischer, seconded by Mr. Gallardo, the **2001 Annual Report of the Board of Adjustment** was adopted as modified.

On motion by Mr. Fleischer, seconded by Ms. Costello the meeting was adjourned.