

MINUTES OF THE BOARD OF ADJUSTMENT – AUGUST 15, 2001

PRESENT: Chair Harrison, Vice Chair Fleischer, Ms. Brooks, Ms. Rock-Bailey, Ms. Costello, Messrs. Haizel, Gallardo, Susswein, Secretary Kadus, Board Attorney Sullivan

ABSENT: Mr. Chapman, Mr. Sammet, Mr. Graviano

Ms. Kadus called the roll and announced that the meetingOPMA.

On motion by Ms. Costello, seconded by Mr. Haizel, the Minutes of the July 18, 2001 meeting were approved, Ms. Rock-Bailey and Mr. Gallardo abstaining.

On motion by Mr. Haizel, seconded by Mr. Susswein, the following Resolution memorializing the variance application of 152 Forest Street Associates, 152 Forest Street, was adopted, Ms. Rock-Bailey and Mr. Gallardo abstaining

Insert

On motion by Ms. Brooks, seconded by Ms. Costello, the following Resolution memorializing the variance application of Finesia Walker, 145 Walnut Street, was adopted, Ms. Rock-Bailey and Mr. Gallardo abstaining.

Insert

Ms. Kadus noted that the application of Steve Lauda and Ralph Latorraca, Murray Street, will be listed in September and if the applicants are not ready to proceed, the Board will dismiss the application without prejudice.

Chair Harrison announced that since the Montclair Times did not publish the legal notice for the variance applications of Carol Cotugno, 55 South Fullerton Avenue, X Attisano, X and Cerame, X, the Board could not proceed with hearings tonight. The Board decided to hold a special meeting on September 5 to hear these applications. The Board announced that no new notice to property owners within 200 feet of the subject properties would be necessary, and the Planning staff would arrange for proper publication in the Montclair Times August 23 edition.

Chair Harrison called for the hearing on K. Webster, 52-54 Fairfield Street. David Owen, Esq., appeared as attorney for the applicant and described the decision made by the Board at the last meeting to categorize a real estate establishment as an office use rather than a retail use. Given that determination, the applicant required a use variance because the proposed real estate office would occupy more than the permitted 50% maximum gross floor area of the building.

Mr. Owen noted that the real estate office would occupy 73.7% of the commercial gross square footage and that it will occupy a portion of the first floor and all of the second floor. A book store will occupy the remaining portion of the first floor, apart from entrance and common areas.

Peter G. Steck, professional planner, was sworn. He described the site and the surrounding neighborhood. Marked into evidence were:

- A-1 3 page diagram showing square footages, maps
- A-2 Photo board
- A-3 Photo board

Mr. Steck described the site as outside the central shopping area given its location of Fairfield Street, a side street off Watchung Plaza where most of the retail stores are located. He noted that the surrounding uses are not the busiest type of stores. He noted also that directly across the street from the subject site is a bank building and an entrance to a municipal parking lot.

Mr. Steck reviewed the history of the zoning amendment from 1988 which required this mix of retail/non retail uses in the NC zone. He said that it was a response to an application for an office building in Upper Montclair. Mr. Steck described the concern at the time that office buildings would replace neighborhood-type retail, and the ordinance amendment was designed to discourage office and encourage retail, personal services, restaurants.

He continued by stating that the use is a permitted use, and was more like a conditional use which did not meet the condition of the 50% mix. He said that the real estate office would get walk-in trade, the site is particularly suited to the proposed use due to its location, and it has on-site parking.

Carolee Jones, Vice President and Manager of Montclair office of Burgdorff Realtors, was sworn. She said she has spoken to several Watchung Plaza merchants who expressed support for this variance application.

Janet Crisso, merchant in Watchung Plaza, was sworn and expressed her support for the variance.

The Board discussed the application. ON motion by Mr. Fleischer, seconded by Mr. Gallardo, it was unanimously resolved to approve the variance, subject to the condition that the real estate office occupy no more than 75% of the gross square footage of the first and second floors. A resolution memorializing this action will be adopted at a future meeting.

The meeting was adjourned at 8:36 p.m.