

**MINUTES OF THE BOARD OF ADJUSTMENT
AUGUST 17, 2005**

PRESENT: Chair Harrison, Vice Chair Fleischer, Mr. Haizel, Mr. Susswein, Mr. Whipple; also, Mr. Sullivan, Esq., Mr. Mellon, Secretary, and Mr. Charreun, Assistant Secretary

ABSENT: Ms. Cockey, Ms. English, Mr. Flood, and Ms. Holloway

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.

Assistant Secretary Charreun announced that the variance application of **Bernice Paschal, 5 Tuers Place** would be postponed until the September 21, regular meeting due to insufficient notice, and that a new public notice would be completed.

Assistant Secretary Charreun announced that at the request of the applicant, the application of **AHS Hospital Corp., Mountainside Hospital Foundation George Street and Walnut Crescent** has been withdrawn without prejudice to its reinstatement at a later date.

Assistant Secretary Charreun announced that at the request of the applicant, the application of **New York SMSA Limited Partnership- d/b/a Verizon Wireless, 320 Orange Road** has been withdrawn and that the applicant has filed an application with the Planning Board which will be heard in the coming months.

On motion by Mr. Fleischer, seconded by Mr. Susswein, the **Minutes of the July 13, 2005** special meeting were adopted.

On motion by Chair Harrison, the **Minutes of the July 20, 2005** regular meeting were adopted as modified, Mr. Fleischer, Mr. Susswein, and Mr. Whipple abstaining.

Chair Harrison called the variance application of **Keith Halpern & Roberta Lazarus, 18 Norman Road**. The applicants were sworn and Mr. Halpern described the proposed addition and deck. He stated that the proposed one-story addition would contain additional space for the kitchen, a half-bath, and a mudroom.

The Board questioned the applicants. Mr. Halpern stated all of the proposed work would be aligned with the existing side wall of the home.

Chair Harrison called for questions and comments from the public. None were offered.

The Board discussed the application. On motion by Mr. Fleischer, seconded by Mr. Whipple, the variance application was approved.

Mr. Haizel joined the meeting.

On motion by Chair Harrison, the following Resolution memorializing the approval of the application of **Cynthia Smith, 141 Summit Avenue** was adopted, Mr. Fleischer, Mr. Haizel, Mr. Susswein, and Mr. Whipple abstaining:

WHEREAS, Cynthia Smith, as owner, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to NJSA40:55D-70c to allow for a side yard setback less than that required pursuant to **Montclair Code Section 347-46A(2)(a)** in connection with an existing detached garage that was constructed in violation of the minimum required side yard setback on property designated as Lot 52 in Block 3506 on the Township tax map and located in the R-1 One-Family Residential Zone; and

WHEREAS, the applicant submitted a property survey prepared by Richard J. Hingos Inc., dated September 29, 2004, that depicts the existing detached garage; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on July 20, 2005 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 an interior lot located in the R-1 One-Family Zone, measuring 131 feet in width at the front of the lot and 25,410 square feet in area. The subject property contains a 2½-story single-family dwelling and a detached garage located at the rear of the lot.

2. A building permit was issued on April 1, 2004 for the construction of a detached garage on the subject property. The plans submitted with the permit application were prepared by Page Goolrick Architect, P.C., dated March 25, 2004, and depicted a fully conforming detached garage.

3. The detached garage was constructed with an easterly side yard setback of 3.39 feet, measured to the front corner of the garage, and 3.62 feet, measured to the rear corner of the garage, where a minimum side yard setback of 6 feet is required. The applicant is now requesting a variance from **Montclair Code Section 347-46A(2)(a)** in order to legalize the existing easterly side yard setback

4. The testimony of Richard J. Hingos, a New Jersey Licensed Land Surveyor, who's firm Richard J. Hingos, Inc., had surveyed the applicant's property and other properties on Summit Avenue, indicated that the nonconforming easterly side yard setback of the detached garage came about as a result of a surveying error, in which the easterly side property line of the subject property was incorrectly located due to miscalculations in determining the correct field reference points.

5. The surveying error was discovered by Mr. Hingos' firm while conducting surveying work on the adjoining property to the east and was discovered after the applicant's detached garage had already been constructed with a nonconforming easterly side yard setback.

6. The applicant relied on the survey information that was provided to her in preparation for the construction of the detached garage and all permits were properly obtained.

7. There are numerous properties in the neighborhood that also contain detached garages with nonconforming side yards and the existing detached garage is located a sufficient distance from any homes on adjoining lots. The Board determined that a variance to permit the existing nonconforming easterly side yard setback of the detached garage could be granted without substantial detriment to the public and without substantially impairing the zone plan.

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 variance 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 variance 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 FURTHER RESOLVED, by the Board of Adjustment of the Township of Montclair, that the within application of Cynthia Smith for a variance pursuant to *N.J.S.A.* 40:55D-70C(1) and (2) to permit a side yard setback less than required is hereby approved.

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. Harrison, the following Resolution memorializing the approval of the application of **Norma Alicea, 14 New Street** was adopted, Mr. Fleischer, Mr. Haizel, Mr. Susswein, and Mr. Whipple abstaining:

WHEREAS, **Norma Alicea**, owner of property at **14 New Street**, did make application to the Board of Adjustment of the Township of Montclair for variances pursuant to NJSA40:55D-70c to allow for front yard and side yard setbacks less than that required pursuant to **Montclair Code Section 347-51** in connection with the

construction of additions onto an existing dwelling on property designated as Lot 5 in Block 3101 on the Township Tax Map and located in the R-2 Two-Family Zone; and

WHEREAS, the applicant submitted a property survey prepared by Herbert G. McDonald Associates, Inc., dated February 18, 2005, and a site plan, floor plans, and elevations, prepared by Tullis Studio, dated April 25, 2005; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on August 17, 2005, 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 an interior lot located in the R-2 Two-Family Zone and contains a 2-story, single-family dwelling. There is no driveway or off-street parking on the property. The subject property measures 25 feet in width along its frontage on New Street and contains 3,225 square feet in lot area.

2. An addition is proposed at the rear of the dwelling, which will square off the first floor at the northwesterly rear corner of the dwelling and provide additional floor space along the full width of the home at the rear on the second level. The existing one-story section at the front of the dwelling would be rebuilt in the same location. A new roof is proposed and the height of the dwelling would be increased.

3. The existing dwelling has a nonconforming front yard setback of 6 feet 3½ inches measured to the one-story section at the front of the dwelling and 9.73 feet and 10.20 feet as measured to the front corners of the existing 2-story portion of the dwelling. The existing dwelling has a nonconforming easterly side yard setback of 1.49 feet (front corner) and 1.22 feet (rear corner), and a nonconforming westerly side yard setback of 1.10 feet (front corner) and 1.37 feet (rear corner), where 6 feet for one side yard and 10 feet for the other side yard are required.

4. The overall height of the dwelling, as measured to the peak of the roof, would be raised from the existing 19 feet 3 inches to 25 feet, which is a conforming height. The rear yard setback is also conforming.

5. The proposed addition at the rear of the dwelling and the elevation added to the dwelling are aligned with the existing walls of the dwelling and do not encroach any closer to any property line than the existing dwelling.

6. Based upon the Board's particular knowledge of local conditions, the proposed additions and modifications to the existing dwelling are consistent with the character of the neighborhood and will not adversely impact the public good.

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 variance application of Norma Alicea is hereby approved, subject to the following conditions:

1. Any central air-conditioning units shall comply with the setback requirements as depicted on Exhibit A-1.
2. The roof leaders shall be directed away from the side property lines

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. Harrison, the following Resolution memorializing the approval of the application of **Sergio Almada, 22 Orange Road** was adopted, Mr. Fleischer, Mr. Haizel, Mr. Susswein, and Mr. Whipple abstaining:

WHEREAS, **Sergio Almada**, owner of property at **22 Orange Road**, did make application to the Board of Adjustment of the Township of Montclair for variances pursuant to NJSA40:55D-70c to allow for front yard and side yard setbacks less than that required pursuant to **Montclair Code Section 347-51** in connection with the construction of a third story onto an existing two-family dwelling on property designated as Lot 11 in Block 1405 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 January 29, 2001, and a site plan, floor plans, and elevations, prepared by William Godsall & Associates, dated April 27, 2005; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on August 17, 2005, 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 an interior lot located in the R-2 Two-Family Zone and contains a 2-story, two-family dwelling with a paved parking area in the rear yard. The subject property measures 25 feet in width and contains 2,500 square feet in lot area.

2. A complete third story addition is proposed over the second floor, which would be aligned with the exterior walls of the existing dwelling, excluding the front wall of the one-story section at the front of the dwelling.

3. The existing dwelling has a nonconforming front yard setback of 14.66 feet and 14.58 feet to the front corners of the one-story section at the front of the dwelling. The existing second level has a front yard setback of 22.16 feet and 22.08 feet at its front corners. The average front yard setback of the 4 nearest principal structures, 2 on either side of the subject property, is 10.9 feet, therefore the front yard setback requirement for the subject property is 25 feet.

4. The existing dwelling has a nonconforming northerly side yard setback of 0.93 feet (front corner) and 0.55 feet (rear corner), and a nonconforming southerly side yard setback of 5.57 feet (front corner) and 5.85 feet (rear corner), where 6 feet and 10 feet are required, respectively.

5. The proposed third story addition would be aligned with the existing walls of the dwelling and does not encroach any closer to any property line than the existing dwelling.

6. Both of the existing apartments within the existing two-family dwelling are small in size, and the proposed addition would provide the space needed by the applicant to accommodate his family.

7. Based upon the Board's particular knowledge of local conditions, the proposed addition to the dwelling is consistent with the character of the neighborhood and will not adversely impact the public good.

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 variance application of Sergio Almada is hereby approved, subject to the following condition:

1. The roof leaders shall be directed away from the side property lines

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. Harrison, the following Resolution memorializing the approval of the application of **Suzanne & Tim O'Connor, 18 Douglas Road, Glen Ridge** was adopted, Mr. Fleischer, Mr. Haizel, Mr. Susswein, and Mr. Whipple abstaining:

WHEREAS, Suzanne and Tim O'Connor, owners of property at **18 Douglas Road**, did make application to the Board of Adjustment of the Township of Montclair for variances pursuant to NJSA40:55D-70c to allow for a side yard setback less than required pursuant to **Montclair Code Section 347-46A(2)(a)** and a rear yard setback less than required pursuant to **Montclair Code Section 347-46A(3)** in connection with the construction of a detached garage on property designated as Lot 24 in Block 4011 on the Township Tax Map and located in the R-1 One-Family Zone; and

WHEREAS, the applicants submitted a property survey prepared by Arthur F. Mead, Jr., dated August 12, 1998, and a site plan, floor plan, and elevations prepared by Behm Design, that depicts the new construction; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on July 20, 2005 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 an interior lot that is bisected by the municipal boundary line between Montclair and Glen Ridge. The front half of the subject property is located in Glen Ridge and the rear half is located in Montclair. The Montclair portion of the lot is located in the R-1 One-Family Zone, measures 52.42 feet in width and contains 4,404 square feet in area.

2. The subject property contains a 2½-story single-family dwelling which is almost completely located on the Glen Ridge side of the property. The lot also contains

the remains of a detached one-car garage located at the rear of the lot, which is in Montclair, and has been destroyed by a fallen tree.

3. The applicants propose to construct a new detached two-car garage in the same area as the destroyed one-car garage; however, the footprint will be enlarged. The plans indicate that the footprint of the destroyed one-car garage measured approximately 14 feet in width by 19 feet in length and that the proposed two-car detached garage would measure 24 feet in width by 24 feet in length.

4. The property survey indicates that the destroyed detached garage had nonconforming rear yard and southerly side yard setbacks of approximately 3 feet, not including a "bump out" at the rear wall of the previously existing garage, which would not be proposed on the new garage.

5. The applicants intend to incorporate the remaining concrete slab into the foundation of the proposed garage and the proposed setbacks in the southerly side yard and rear yard are in keeping with the setbacks of the previously existing garage. The height of the proposed garage conforms to the ordinance.

6. Based upon the Board's particular knowledge of local conditions, the proposed detached garage is consistent with the character of the neighborhood and will not adversely impact the public good.

WHEREAS, the Board, based upon the foregoing findings, concluded that the applicants 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 applicants 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 **Suzanne and Tim O'Connor** is hereby approved, subject to the following condition:

1. The roof leaders shall be directed away from the side and rear property lines.

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. Harrison, the following Resolution memorializing the approval of the application of **Elio Suriano, 252 North Fullerton Avenue** was adopted, Mr. Fleischer, Mr. Haizel, Mr. Susswein, and Mr. Whipple abstaining:

WHEREAS, **Elio Suriano**, owner of property at **252 North Fullerton Avenue**, did make application to the Board of Adjustment of the Township of Montclair for variances pursuant to NJSA40:55D-70c to allow for front yard and side yard setbacks less than that required pursuant to Montclair Code Section 347-51 in connection with the construction of additions onto an existing dwelling on property designated as Lot 44 in Block 2408 on the Township Tax Map and located in the R-2 Two-Family Zone; and

WHEREAS, the applicant submitted a site plan, floor plans, and building elevations prepared by John Guadagnoli, Architect PC, dated April 14, 2005, with a revision date of July 1, 2005 for the site plan, and a property survey prepared by Kennon Surveying Services Inc., dated May 18, 2005; and

WHEREAS, this matter came on to be heard at a meeting of the Board of Adjustment held on August 17, 2005, 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 an interior lot located in the R-2 Two-Family Residential Zone and contains a 2-story dwelling that is in the process of being converted from a two-family dwelling to a one-family dwelling. The subject property does not contain a detached garage; there is a driveway along the southerly side of the dwelling. The property has 32 feet of frontage on North Fullerton Avenue and contains 4,283 square feet in area.

2. The applicant proposes to construct a second level extension over the northerly end of the front porch that will include part of a sitting room and a balcony and would be aligned with the front porch on the first floor below it. Two (2) dormers, measuring 16 feet in width each, are proposed at the attic level of the dwelling, one at the northerly side of the dwelling and another at the southerly side of the dwelling, which would be aligned with the side walls of the dwelling.

3. The required front yard setback for the subject property is approximately 46.7 feet, based on the average front yard setbacks of the 4 nearest principal structures, 2 on either side of the subject property. The existing dwelling has a nonconforming front yard setback of 17.83 feet and 21.5 feet, as measured to the front corners of the dwelling. The existing dwelling also has a nonconforming northerly side yard setback of 2.45 feet (front corner) and 2.66 feet (rear corner) and a nonconforming southerly side yard setback of 8.34 feet, where 6 feet and 10 feet are required, respectively.

4. The proposed additions to the dwelling are aligned with the existing walls of the dwelling and do not encroach any closer to any property line than the existing dwelling.

5. Based upon the Board's particular knowledge of local conditions, the proposed additions and modifications to the existing dwelling are consistent with the character of the neighborhood and will not adversely impact the public good.

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 variance application of Elio Suriano is hereby approved, subject to the following condition:

1. Any central air-conditioning units shall comply with the required setbacks.

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.

Chair Harrison called the variance application of **The Junior League of Montclair-Newark, Inc., 4 & 4A Stonebridge Road**. Rita Chimel, Esq., appeared as attorney for the applicant and described the application. She stated that the time period requested for the variance would run from April 29, 2006 to June 3, 2006 and that during that period the subject property would be used as a designers showhouse. She also stated that a written lease would be completed with the owners of the subject property should the application be approved.

Ms. Chimel called Kristen Terrio, current president of the Junior League of Montclair-Newark, Inc., and resident of 95 South Mountain Avenue, who was sworn. She described the charitable and fund-raising activities of their not-for-profit organization in detail.

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

Ms. Chimel stated that Ms. Terrio, who was still under oath, would testify on behalf of the Chairperson for the proposed designers showhouse, who was not able to attend the meeting. Ms. Terrio described how the proposed designers showhouse would operate as a fundraiser. She stated that the proposed hours would be from 10 a.m. to 4 p.m. on Tuesdays, Wednesdays, Fridays, and Saturdays, from 10 a.m. to 8 p.m. on Thursdays, from 12 noon to 4 p.m. on Saturdays, and closed on Mondays. She also stated that no smoking would be permitted in the home, that no children under 10 years of age would be permitted at anytime, and that liquor would only be served at special events with a license. She further stated that the showhouse would have its staff both inside the home and outside on the property. She continued by describing the positive effects of having a designers showhouse in the community.

The Board questioned Ms. Terrio. Ms. Chimel stated that many of the proposed dates are speculative because they have been contemplated far ahead in advance and may not all occur.

Ms. Chimel called Dr. Julia Fernald, Finance Chair for the proposed showhouse and resident of 102 Lorraine Avenue, who was sworn. Dr. Fernald stated her qualifications as financial specialist and described the financial goals of the proposed showhouse.

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

Ms. Chimel called Liz Ruvo, House Executive for the proposed showhouse and resident of 31 Windsor Place, who was sworn. Ms. Chimel stated that Ms. Ruvo would also be testifying on behalf of the Special Events Chair for the proposed showhouse, who could not attend the meeting. Ms. Ruvo stated that she oversees the showhouse committees in charge of parking, traffic, and security. She stated that they have contacted the Montclair Police Department regarding traffic, parking and security issues and that they are prepared to follow all of the Police Department's recommendations. She further stated that off-duty police officers would be hired for traffic and security and that the property has a security system. She continued by stating that they are preparing a plan for the regular removal of garbage and debris from the site. She addressed fire safety and stated that fire detectors will be installed where needed and they would arrange for an inspection by the Montclair Fire Department to set occupancy limits and for general fire safety.

The Board questioned Ms. Ruvo. Ms. Ruvo stated that no on-site parking is contemplated because the property will be landscaped near the driveway as part of the showhouse exhibition and that there are safety concerns. She also described the garbage removal options. Ms. Chimel stated that the plan is to have the showhouse open on Monday, May 29, 2006, from 10 a.m. and 4 p.m. Ms. Chimel also stated that the proposed events that are scheduled to go to midnight could be scaled back. Ms. Chimel further stated that the on-site tent would be on the site from approximately April 19, 2006 to June 3, 2006 and that they are proposing 1 freestanding sign, which not to exceed 12 square feet in area.

Ms. Chimel called Andree Bertsche, 147 South Mountain Avenue, who was sworn and stated that she is a real estate broker associate at Stanton Company with 25 years of experience in Montclair. She stated that in her opinion, the proposed showhouse would increase the value of the subject property as well as the properties in the neighborhood. She stated that this has been shown with the previous showhouse events in Montclair. She also stated that the proposed showhouse would have a positive effect on the business districts since the showhouse attracts visitors to Montclair.

The Board questioned the witness.

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

Ms. Chimel gave her closing remarks.

The Board discussed the application. On motion by Mr. Fleisher, seconded by Mr. Whipple, the variance application was approved, subject to the following conditions:

1. The applicant shall adhere to the Montclair Police Department's recommendations in regards to parking and public safety.
2. The applicant shall adhere to the Montclair Fire Department's recommendations in regards to fire and public safety.
3. All necessary fire and building permits shall be obtained by the applicant at the applicant's expense.
4. Any tent erected on the property shall only be in place between April 19, 2006 and June 10, 2006. The placement of any temporary tent structure shall conform to all setback requirements for principal buildings (except side yard setbacks from the common property line of Lots 32 and 32.03) specified in the Township Zoning Ordinance.
5. The applicant may install one identification sign on the site for the duration of the use of the tent and which shall not exceed 12 square feet in area.
6. The applicant shall adhere to the Department of Public Works' recommendations in regards to waste removal.
7. The applicant shall adhere to the following schedule of operation for public events: April 29, 2006 through June 3, 2006, the show house shall be open to the public from 10 a.m. to 4 p.m. on Tuesday, Wednesday, Friday and Saturday; 10 a.m. to 8 p.m. on Thursday; and on Sundays from 12:00 p.m. to 4:00 p.m., and be closed to the public on Mondays except for Memorial Day when it shall be open from 10 a.m. to 4 p.m.

8. The applicant shall adhere to the following special events schedule for any functions that may take place at the subject property:

DATE	EVENT	HOURS
March 3, 2006 Friday	Bare Beginnings Party (Sustainers)	7:00 p.m. – 12:00 midnight
March 4, 2006 Saturday	Bare Beginnings Party (Actives)	7:00 p.m. – 12:00 midnight
April 27, 2006 Thursday	Press Preview	1:00 p.m. – 4:00 p.m.
April 29, 2006 Saturday	Patrons' Party	6:00 p.m. – 12:00 midnight
May 2, 2006 Tuesday	Lecture/Lunch	11:00 a.m. – 2:00 p.m.
May 3, 2006 Wednesday	Lecture/Lunch	11:00 a.m. – 2:00 p.m.
May 4, 2006 Thursday	Lecture/Cocktail Party	6:00 p.m. – 9:00 p.m.
May 6, 2006 Saturday	Murder Mystery Night	6:00 p.m. – 11:00 p.m.
May 9, 2006 Tuesday	Lecture/Lunch	11:00 a.m. – 2:00 p.m.
May 12, 2006 Friday	Cocktail Party	7:00 p.m. – 11:00 p.m.
May 14, 2006 Sunday	Mother's Day Tea	2:00 p.m. – 5:00 p.m.
May 16, 2006 Tuesday	Lecture/Lunch	11:00 a.m. – 2:00 p.m.
May 18, 2006 Thursday	Lecture/Lunch or Cocktail Party	11:00 a.m. – 2:00 p.m. 6:00 p.m. – 9:00 p.m.
May 19, 2006 Friday	Wine Tasting Event	7:00 p.m. – 11:00 p.m.

May 20, 2006 Saturday	Chamber Music Concert and Dinner	7:00 p.m. – 11:00 p.m.
May 21, 2006 Sunday	Men's Event	12:00 noon – 4:00 p.m.
May 23, 2006 Tuesday	Lecture/Lunch	11:00 a.m. – 2:00 p.m.
May 25, 2006 Thursday	Lecture/Lunch or Cocktail Party	11:00 a.m. – 2:00 p.m. 6:00 p.m. – 9:00 p.m.
June 3, 2006 Saturday	Auction	6:00 p.m. – 12:00 midnight

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