

**MINUTES OF THE MONTCLAIR BOARD OF ADJUSTMENT
AUGUST 19, 1998**

PRESENT: Chair Harrison, Mr. Church, Ms. O'Connell, Mr. Fleischer, Ms. Freundlich, Mr. Tobin, and Mr. Williams; also, Michael Sullivan, Esq., and Secretary Karen Kadus.

ABSENT: Vice Chair Chapman and Mr. Zichelli, Assistant Secretary.

Ms. Kadus 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.

On motion by Mr. Fleischer, seconded by Mr. Church, the **Minutes of May 20, 1998** were adopted.

On motion by Mr. Church, seconded by Mr. Fleischer, the **Minutes of July 15, 1998** were adopted, Mr. Tobin abstaining.

Ms. Kadus announced that **Essex Guest House, Claremont Avenue**, requested a postponement to the September 16 meeting, at which time witnesses would be presented to complete the testimony.

Chair Harrison called for the continuation of the hearing of **Irene Robb, 60 North Willow Street**. Ms. Robb began by showing photographs of her property to explain the location of the front yard parking area she wished to create.

Marked into evidence was:

A-2 Photographs on board

Ms. Robb explained that she had enough room to fit one or two cars in the front yard. The Board questioned the dimensions written on the photographs by Mrs. Robb, in that her dimensions did not match those drawn by the surveyor on the property survey. The Board members felt that she was actually measuring over her property boundaries, which would mean that the cars would be parked on portions of her neighbor's land. The Board members also expressed concern that the cars would overhang into the public sidewalk.

After some discussion, on motion by Mrs. Freundlich, seconded by Mrs. O'Connell, a motion to deny the application was unanimously passed. A resolution memorializing this action will be adopted at a future meeting.

Chair Harrison called for the continuation of the application of **Nicholas Masone, 133 Grove Street**. Carl Woodward, Esq. appeared as attorney for the applicant, who introduced Paul Sionas, architect, who was sworn. Marked into evidence were:

- A-5 Site Plan, dated July 21, 1998
- A-6 Color site plan, dated July 21, 1998, on board

Mr. Sionas reviewed the latest revisions to the site plan, including 3 parking spaces that had been created in the front yard along Grove Street. He also clarified the turning radius exiting from the rear of the repair building. The ten spaces along the easterly property line had been shifted further east so that they are against the guard rail. Marked into evidence were:

- A-7 Color floor plan, August 17, 1998, on board
- A-8 Elevations, color, August 17, 1998, on board

Mr. Robert Dever, from Enterprise Rent A Car, who was still sworn, reviewed the spatial needs for his business and how the cars would circulate around the building. He also discussed his need for two signs on the property.

Mr. Sionas returned to review the special reasons for the use variance. Marked into evidence was:

- A-9 Photo board

Mr. Woodward summarized the application. On motion by Mr. Fleischer, seconded by Mr. Williams, the use variance was unanimously approved.

On motion by Mr. Fleischer, seconded by Mr. Tobin, the impervious surface coverage variance was unanimously approved.

On motion by Mr. Church, seconded by Mr. Williams, a motion to require the applicant to remove the Enterprise Pole sign in order to erect a wall sign was denied, with Mrs. Freundlich, Mr. Harrison, Mr. Tobin and Mr. Fleischer voting in the negative.

On motion by Mr. Harrison, seconded by Mrs. Freundlich, the variance to retain the Enterprise pole sign and erect a wall sign was approved, subject to the condition that the applicant reduce the size of the wall sign to 2 foot by 2 foot, Mr. Williams, Mr. Church and Mrs. O'Connell voting in the negative.

On motion by Mr. Williams, seconded by Mr. Church, it was unanimously resolved to approve the site plan, front yard parking variance and rear yard setback variance, subject to the following conditions:

1. The plans shall be revised to add an additional four spaces in the front yard along Grove Street to provide a minimum number of 17 parking spaces on site.
2. Wall mounted signs facing Walnut Street shall be prohibited.

3. The applicant shall construct a wood fence along the southeasterly side of the property to shield the adjacent property from headlights, the height and type of fence shall be approved by the Planning Department.

4. The dumpster shall be relocated to the southwesterly side of the property in a location to be approved by the Planning Department.

5. The applicant shall comply with items 4, 5, 6 and 7 of the Board Engineer's Report dated July 2, 1998. The applicant shall meet with the Board Engineer to resolve paragraphs 2 and 3 to his satisfaction.

6. The applicant shall obtain County Planning Board approval.

7. The applicant shall comply with any conditions imposed by the governing body with respect to plantings along the northeasterly side of the property located within the right of way.

8. The Enterprise Rent-a-Car wall mounted sign facing Grove Street shall not exceed two feet by two feet in size.

A resolution memorializing this application will be action at a future meeting.

Chair Harrison announced that the application of **Alter, 10 North Willow Street**, would be carried to the September 16 meeting due to the late hour, with the applicant's consent.

The Board took a short recess.

Ms. O'Connell stepped down for the hearing of the following application.

Chair Harrison called for the application of **Eric Kollist, 198 Grove Street**. Mr. Kollist, applicant, was sworn and described his need for an addition onto his single-family house to accommodate his growing family. He had constructed a garage addition to the rear which required a variance several years ago. His proposal now involves construction of a second story addition over that garage, maintaining the same setbacks as the garage. He added that the architectural style of the addition would be in keeping with the style of the house.

The Board discussed the application. On motion by Mr. Fleischer, seconded by Mr. Williams, the application was unanimously approved, subject to the following condition:

1. The second story addition maintain the same setbacks as the first story garage.

A resolution memorializing this action will be adopted at a future meeting.

Ms. O'Connell rejoined the Board.

Chair Harrison called for the application of **Mr. & Mrs. Mierendorff, 176 South Mountain Avenue**. Grant Gille, Esq., appeared as attorney for the applicant and described the proposal to construct a garage addition to a single-family house. Marked into evidence were:

- A-1 Photo board
- A-2 Photo board
- A-3 Property survey, dated May 26, 1998
- A-4 Color elevation
- A-5 Profile of alternative designs
- A-6 Property survey with topography
- A-7 6 alternate sketches
- A-8 Sanborn map excerpt

Mr. John Way, architect, was sworn. He described the proposal to construct a garage on the side of the subject house which encroached into the required setback area. He then described the sloping site and the location of the old dwelling on the site. He explored several alternatives, some needing variances also, and concluded that the proposal before the Board was the only logical one. Some of his alternate designs would require significant cutting into the slope, requiring extensive retaining walls at a high cost. Others would block views. Marked into evidence were:

- A-8 Landscaping plan
- A-9 Site Plan, dated August 15, 1998

Mr. Way reviewed the landscaping on the site and how the garage would be partially buffered from the neighbor's view. He also emphasized the steep topography of the rear yard, which severely limits the construction on the site.

Mr. Gille summarized the application. On motion by Mr. Williams, seconded by Mr. Church, it was unanimously resolved to grant the variance for the side yard setback, subject to the following condition:

1. All landscaping be maintained as indicated on exhibit A-4, drawing prepared by Way and Associates, Architects, revision dated August 15, 1998.

The meeting was adjourned at 11:10 p.m.