

**MINUTES OF THE BOARD OF ADJUSTMENT
SEPTEMBER 5, 2001**

PRESENT: Chair Harrison, Ms. Brooks, Ms. Costello, Mr. Fleischer, Mr. Gallardo, Mr. Haizel, Mr. Susswein; also, Michael Sullivan, Esq., Ms. Kadus, Secretary, Donald Sammet, Assistant Secretary and Nicholas Graviano, Land Use Planner

ABSENT: Mr. Chapman and Ms. Rock-Bailey

Secretary 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 Meetings Act.

On motion by Mr. Fleischer, seconded by Mr. Gallardo, the **Minutes of the August 15, 2001** regular meeting were adopted as modified.

Chair Harrison announced the variance and site plan application of **Carol Cotugno, 55 South Fullerton Avenue**. John Guadagnoli, Architect, Lorena White, Realtory, Schweppe and Company, and Keith Hack, the applicant's son, were sworn. Mr. Hack stated that he was authorized to speak on Ms. Catugno's behalf and that she was aware that the application was proceeding that evening.

Mr. Guadagnoli described the application and the variances sought. He stated that due to the property being a corner property and having two front yards, the applicant is not able to fit all parking in a side or rear yard area. He also stated that a four foot setback for the parking area was not necessary as it would abut an apartment building which itself has a one foot setback. He continued by stating that the house is an unoccupied one family dwelling which the applicant will restore. Mr. Guadagnoli also stated that adequate off-street parking would be provided.

Mr. Hack stated that he is converting the home into a three-family house and will occupy the first floor dwelling unit himself. He also stated that a common entrance to the dwelling would require that a historic staircase be altered and therefore a second entrance is proposed. Mr. Hack stated that there is no parking available on street for visitors so a larger parking area than is required is proposed. He also stated that an 18 foot wide driveway would be provided as per code requirements.

The Board questioned Mr. Guadagnoli and Mr. Hack.

Mr. Hack stated that he would occupy 3 of the 4 garage spaces proposed.

Chair Harrison called for questions from the public for Mr. Guadagnoli and Mr. Hack. None were offered.

Chair Harrison called for public comment.

Jennifer Alexander, Esq., representing the 5 South Fullerton Avenue Condominium Association came forward. She stated that the Association is concerned with the number of parking spaces proposed and that they may be rented to others not living at the property. She further stated that the Association believes that 6 to 9 parking spaces would be more appropriate as more would negatively impact the appearance of the neighborhood.

Mr. Mike Gara, 5 South Fullerton Avenue, was sworn. He stated that 5 parking spaces per dwelling unit is excessive and would result in a substantial increase in noise and traffic from the site.

Ms. Mary Anne Ribley, 5 South Fullerton Avenue, was sworn. She stated that she would be looking at a large parking area from her condominium if the plan was approved.

Mr. Joyce Goldman, 5 South Fullerton Avenue, was sworn. She stated that on-street parking is rarely a problem in the neighborhood and that it was possible to get an exception from the Police Department for overnight parking for visitors or guests.

Ms. Lea Varhash, 5 South Fullerton Avenue, was sworn. She stated that the increased noise from automobiles on the site would negatively impact her quality of life.

Ms. Monique Sage, 5 South Fullerton Avenue, was sworn. She stated that she was concerned about the additional traffic that would be generated from the site.

Mr. Jerry Clobey, 5 South Fullerton Avenue, was sworn. He stated that the amount of parking proposed is excessive.

Ms. Marge Ward, 5 South Fullerton Avenue, was sworn. She stated that she is concerned that the air quality would be negatively impacted if the parking area was approved as proposed.

Ms. Adrianna O'Toole, 48 South Willow Street, was sworn. She stated that she is concerned about the additional stormwater runoff from the site if the plans were approved.

Mr. Guadagnoli stated that only 10 vehicles would be visible at any one time since four of the parking spaces proposed are garage spaces.

Ms. Lorena White, Realtor, Schweppe and Company, was sworn. She stated that the commercial properties that Mr. Hack has developed in the past fully blend in with the surrounding community.

The Board questioned Ms. White.

Ms. Kadus stated that a lighting plan, drainage plan, and landscaping plan had not been submitted as required for site plan approval.

The Board discussed the application.

On motion by Mr. Fleischer, seconded by Mr. Gallardo, it was resolved to approve the variances to permit access to dwelling units other than through a common entrance and building setbacks subject to the following conditions:

1. All outstanding taxes shall be paid.
2. On-site parking spaces shall not be rented for use by parties other than the occupants of the building.
3. The applicant shall redesign the parking area to conform to the Zoning Ordinance except that the Board may consider a request for a waiver to permit less than the 18 foot wide driveway width required by Montclair Code Section 281-91.
4. No parking shall be permitted in the front yard of Roosevelt Place which shall be adequately landscaped.
5. The applicant shall obtain site plan approval.

Chair Harrison announced the variance application of **George and Phyllis Attisano, 449 Valley Road**. Ed Lopez, Architect, was sworn. Mr. Lopez described the variances requested. He continued by describing the proposed additions and stated that they were proposed to accommodate larger bedrooms and a larger kitchen. He also described the unusual shape of the subject property.

The Board questioned Mr. Lopez.

Chair Harrison called for questions from the public for Mr. Lopez and public comment on the application.

Mr. Fred Sauder, 176 Gordonhurst Avenue, was sworn. He stated that he is pleased with the work the Attisanos have done on the property and supports the application.

The Board discussed the application.

On motion by Mr. Fleischer, seconded by Ms. Costello, it was resolved to approve the variance requests.

Chair Harrison announced the variance application of **Len and Donna Cerame, 266 North Mountain Avenue**. Susan Chandler, Architect, and Len Cerame, applicant and owner, were sworn. Ms. Chandler described the existing detached garage and an existing setback deficiency. She stated that Donna Cerame wishes to use the proposed second floor garage space for the preparation of sample artwork for her clients. She also stated that Ms. Cerame's work is predominately done off-site at a client's premises. Ms. Chandler also stated that the proposed design meets the height requirements of the ordinance.

The Board questioned Ms. Chandler.

Mr. Cerame stated that no clients or customers would be coming to the property and that work is done predominantly at a client's property with only sample work being done in the garage. He also stated that storage of large quantities of paints would not take place on the premises.

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. Gallardo, it was resolved to approve the variance request, subject to the following conditions:

1. The applicant shall meet all requirements of the Township of Montclair Home Occupation Ordinance, Montclair Code Section 347-31E.
2. All paints and other flammable materials shall be stored in a fire-proof storage cabinet.
3. The proposed porch shall meet all setback requirements of the Zoning Ordinance.
4. There garage shall not be used as a dwelling unit.

The meeting adjourned at 9:30 p.m.