

**MINUTES OF THE BOARD OF ADJUSTMENT**  
**September 6, 2000**

PRESENT: Chair Harrison, Vice Chair Church, Mr. Chapman, Mr. Fleischer, Ms. Freundlich, Mr. Gallardo, Mr. Williams; also, Michael Sullivan, Esq., Karen Kadus, Secretary and Donald Sammet, Assistant Secretary.

ABSENT: Ms. Rock-Bailey

Ms. 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 Meeting Act.

Chair Harrison announced the continuance of the variance application of **Kramer Communities LLC, 61-63 North Mountain Avenue**. Randal Chiocca, Esq., appeared as attorney for the applicant. Calvin Trevenen, Esq., appeared as attorney for Ms. Karen Weaver, 75 North Mountain Avenue, objector.

Mr. Trevenen asked for a clarification on how each dwelling unit is defined since it will effect the number of off-street parking spaces required. Mr. Chiocca requested that the issue be discussed later in the evening so that he could consult with Mr. Meyer, engineer for the project.

Mr. Chiocca stated that the applicant is requesting a D(1) variance, not a D(2) variance as stated at the first hearing.

Mr. Chiocca called Peter Meyer, PE. Marked into evidence was:

A-24 Amended Site Plan on Board, prepared by PPE, dated September 5, 2000

A-25 Conceptual Off-Site Drainage Detail, prepared by PPE, dated September 6, 2000

Mr. Meyer stated that plans have been modified to show a 35 foot front-yard setback rather than the 25 foot front-yard setback originally proposed. Mr. Meyer stated that this will enable the applicant to save 5 existing trees in the front yard.

Mr. Meyer continued by describing the stormwater management plan for the site including that an underground outfall would be created and that drainage would flow towards Valley Road rather than North Mountain Avenue as originally proposed. Mr. Meyer then stated that by agreement, the revised plans call for the sanitary sewer to run under the Tierney's Tavern property rather than under property owned by Larry's Auto Body.

Mr. Meyer continued by stating that the existing buildings on site cover 8.6% of the site and that the applicant's proposal would increase the building coverage to 23.2%. Mr. Meyer also stated that the site is currently 33% impervious surface and would be increased to 64% as a result of the proposed project.

Mr. Meyer stated that in response to a memo from Kevin Allen of the Montclair Fire Department, a flared driveway for emergency vehicle access would be created and a fire lane would be designated.

Mr. Meyer stated that the applicant will comply with all recommendations put forth in the memorandum from Tom Watkinson, Board Engineer.

The Board questioned Mr. Meyer.

Mr. Trevenen cross-examined Mr. Meyer.

Chair Harrison opened the meeting to questions from the public for Mr. Meyer.

Mr. Ed Latimer of 166 North Mountain Avenue asked where water runoff from the site would go.

Mr. Noah Franzblou of 157 North Mountain Avenue asked if the revised plans were on file in the planning office, if a report was created to show that the building could not be saved and if water would flow off site after the proposed construction.

Mr. Robert Hubble of 39 Upper Mountain Avenue asked how many parking spaces were proposed per dwelling unit and how trash collection would take place on site.

Mr. Sean Coglein of 91 North Mountain Avenue asked how many trees exist on the property, what their ages were and how tall the proposed structure would be.

Mr. Chiocca conducted a re-direct of Mr. Meyer.

Mr. Chiocca called Robert DeNiscia, P.P., he was sworn. Mr. DeNiscia described his qualifications. Mr. DeNiscia stated that the project would involve the development of housing units on a deteriorating site.

Marked into evidence was:

A-26 Photographs on Board

A-27 Zoning and Land Use Map on Board.

Mr. DeNiscia described the site as excessively large for a single-family home. Mr. DeNiscia continued by stating that the home is not in a habitable condition and that the

structure at the rear of the site is in poor condition. Mr. DeNiscia described the location and size of the site as suited for multi-family development and that the poor condition of the structures on site are a detriment to the neighborhood and community as a whole. Mr. DeNiscia continued by stating that there is a need for the type of housing proposed in the region.

Mr. DeNiscia described the current land uses in the neighborhood and stated that single-family homes are not the predominant land use on the block. Mr. DeNiscia stated that the site should be considered a "transitional" lot since it could buffer the single-family homes to the north on North Mountain Avenue from the multi-family developments to the south. Mr. DeNiscia stated that the proposal is consistent with the Master Plan and that the site was once zoned R-3.

Mr. DeNiscia stated that the proposed project does meet the criteria for a use variance as the site is suited for the proposed use, the site is in an area of mixed uses, the structures on site are deteriorated, many of the surrounding land uses are multi-family or commercial, the site was previously used for multi-family housing and the Master Plan allows for flexibility in permitted uses. Mr. DeNiscia stated that the project would not negatively effect the neighborhood and that the use would not alter the pattern of land use. Mr. DeNiscia continued by stating that the single-family homes adjacent to the multi-family homes in the neighborhood have been substantially improved despite their proximity to those multi-family uses.

The Board took a short recess.

The Board questioned Mr. DeNiscia.

Marked into evidence was:

A-28 Plate 3b, Multi-Family Land Use Plan from the Township of Montclair  
Master Plan of 1987

Mr. Trevenen cross-examined Mr. DeNiscia.

Chair Harrison opened the meeting to questions from the public for Mr. DeNiscia.

Mr. Daniel Warshowski of 79 North Mountain Avenue asked about the condition of the property.

Mr. Robert Hubble of 39 Upper Mountain Avenue stated that there are adverse impacts in terms of noise from more intense residential uses.

Mr. Ed Latimer of 166 North Mountain Avenue asked if the proximity to multi-family housing was the reason for the property's deterioration.

Mr. Noah Franzblou of 157 North Mountain Avenue asked if rental housing would be on site.

Mr. Chiocca conducted a re-direct of Mr. DeNiscia.

Marked into evidence was:

A-29 Copy of Property Record Card for 61 North Mountain Avenue

A-30 Copy of Property Record Card for the structure at the rear of 61 North Mountain Avenue

Mr. Trevenen conducted a re-cross-examination of Mr. DeNiscia.

Chair Harrison stated that the next hearing would be at a special meeting of the Board of Adjustment on September 13, 2000 in the first floor of the municipal building, and no further public notice would be given.

On motion by Mr. Chapman, seconded by Vice Chair Church, the meeting was adjourned at 11:40 p.m.