

**MINUTES OF THE BOARD OF ADJUSTMENT**  
**October 20, 2004**

PRESENT: Chair Harrison, Ms. Cockey, Ms. English, Mr. Gallardo, Mr. Haizel, Ms. Rock-Bailey, and Mr. Susswein; also, Mr. Sullivan, Esq., Mr. Mellon, Secretary, and Mr. Charreun, Assistant Secretary

ABSENT: Vice Chair Fleischer, Mr. Flood, and Secretary Mellon

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.

On motion by Ms. Rock-Bailey, seconded by Mr. Gallardo, the **Minutes of the September 22, 2004** regular meeting were adopted, Ms. Cockey and Mr. Haizel abstaining.

On motion by Mr. Gallardo, seconded by Mr. Susswein, the following Resolution memorializing the approval of the variance application of **Peter & Kristen Korian, 19 Elston Road** was adopted, Ms. Cockey, Mr. Haizel, and Ms. Rock-Bailey abstaining:

**WHEREAS, Peter and Kristen Korian**, owners of property at **19 Elston Road**, did make application to the Board of Adjustment of the Township of Montclair for a variance pursuant to NJSA40:55D-70c to allow for an easterly side yard setback less than that required pursuant to **Montclair Code Section 347-45C(1)** in connection with the construction of an addition on to an existing single-family dwelling on property designated as Lot 16 in Block 2704 on the Township Tax Map and located in the R-1 One-Family Zone; and

**WHEREAS**, the applicants submitted a property survey prepared by Donald J. Sweeney & Assoc., dated December 10, 2002, and a site plan, floor plans and elevations, prepared by Way & Associates, Architects, dated August 26, 2004; and

**WHEREAS**, this matter came on to be heard at a meeting of the Board of Adjustment held on September 22, 2004, 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, which measures approximately 55 feet in width and contains a single-family and a detached garage in the rear yard.

2. The existing dwelling has a nonconforming easterly side yard setback of approximately 5 feet for the majority of the easterly side yard, with a setback of 4 feet at an area of the easterly wall where there is a 1-foot projection from the main wall for a bay window.

3. The applicants' proposal is to construct an addition on to the rear of the dwelling, which would be set back approximately 5 feet 4 inches from the easterly side property line.

4. The proposed addition conforms to the height, rear yard setback, and westerly side yard setback requirements but does not meet the easterly side yard setback requirement of 6 feet.

5. Based upon the Board's particular knowledge of local conditions, the proposed addition 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 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 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 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 RESOLVED** by the Board of Adjustment of the Township of Montclair that the within variance application of Peter and Kristen Korian is hereby approved.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that a copy of this resolution be transmitted to the applicants, Township Manager, Township Council, Township Clerk, Township Engineer and Construction Code Official.

On motion by Mr. Gallardo, seconded by Ms. English, the following Resolution memorializing the approval of the variance application of **James Dunneman, 128 Lincoln Street** was adopted, Ms. Cockey, Mr. Haizel, and Ms. Rock-Bailey abstaining:

**WHEREAS**, James Dunneman, owner of property at **128 Lincoln 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 setbacks less than that required pursuant to **Montclair Code Section 347-45B(2)**, and a rear yard setback less than that required pursuant to **Montclair Code Section 347-45D** in connection with the construction of a several additions onto the dwelling on property designated as Lot 10 in Block 3006 on the Township Tax Map and located in the R-1 One-Family Zone; and

**WHEREAS**, the applicants submitted a property survey prepared by Richard J. Hingos, Inc., dated April 27, 2004, and a site plan, floor plans, and elevations prepared by Kien Q. Nguyen, Architect, dated July 8, 2004, that depicts the new construction; and

**WHEREAS**, this matter came on to be heard at a meeting of the Board of Adjustment held on September 22, 2004 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 a corner lot at the intersection of Lincoln Street and Madison Avenue and contains a one-story, single-family dwelling and a detached garage.

2. The applicant's proposal is to demolish most of the existing dwelling and the detached garage, enlarge the basement and first floor levels, and construct a second story addition over the expanded first floor. An attached garage is included in the proposed plan. The proposed additions meet the height and side yard setback requirements, but do not meet the front yard setback requirements in the Lincoln Street and Madison Avenue front yards, and the rear yard setback requirement.

3. The existing dwelling on the property has a nonconforming front yard setback of approximately 19.95 feet on the Lincoln Street frontage, where a minimum of approximately 52.17 feet is required due to the average front yard setback of the nearest 2 dwellings on Lincoln Street; and a nonconforming front yard setback of approximately 42.16 feet on the Madison Avenue frontage, where 44.31 feet is required due to the average front yard setback of the nearest 2 dwellings on Madison Avenue.

4. In the Lincoln Street front yard, a front yard setback of a 19.94 feet is proposed for the dwelling, and 15.54 feet is proposed for a new roofed front entry porch. In the Madison Avenue front yard, a front yard setback of 36 feet is proposed.

5. The existing detached garage is setback approximately 11.70 feet from the rear property line, and the new attached garage would also be set back from the rear property line 11.70 feet, where 25 feet is required, since the attached garage is considered part of the principal building.

6. The front wall of the dwelling as proposed in the Lincoln Street front yard would be aligned with the front wall of the existing dwelling, and the proposed encroachments into both front yards and the rear yard are minimal considering the setbacks of the existing dwelling on the property and the limited space available on the property to construct fully conforming additions.

7. At the hearing the applicant submitted a two-page alternative elevation drawing, marked as Exhibit A-3, which depicted a reduced roof pitch and overall building

height as an option for the Board to consider. The Board found that the proposed elevations depicted on Exhibit A-3 would help to minimize any negative impacts on adjoining property owners by reducing the overall height of the new construction by approximately 3 feet.

8. Based upon the Board's particular knowledge of local conditions, the proposed additions 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 within application of James Dunneman, for variances pursuant to *N.J.S.A.* 40:55D-70C(1) and (2) to permit front yard setbacks and a rear yard setback less than required is hereby approved subject to the following conditions:

1. The plans shall be revised to match the building elevations depicted on Exhibit A-3.

2. No more than one-half of the existing trees located between the dwelling on the subject property and the westerly side property line shall be removed and 2 of the 3 rearmost of these existing trees shall remain.

**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. Gallardo, seconded by Ms. Rock-Bailey, an extension of time was granted on the approval of the variance application of **David and Mia Norrie, 26 Cross Street**, until May 31, 2005.

Assistant Secretary Charreun announced that at the request of the applicant, the variance application of **Cellular Telephone Company, d/b/a AT&T Wireless, 36 Hawthorne Place** has been postponed until the December 15, 2004 regular meeting of the Board of Adjustment and that the Board has been granted an extension of time for

which to act on the application through December 16, 2004. Chair Harrison announced that no further notice would be given.

Chair Harrison called the continuation of the variance application of **Frank T. Shane, LLC, 201 Bellevue Avenue**. John Beyel, Esq., appeared as attorney for the applicant. Assistant Secretary Charreun stated that all of the Board members present are eligible to vote. Chair Harrison called for questions from members of the Board who had listened to the audio recording for any of the applicant's witnesses.

The Board questioned Mr. Shane. Mr. Shane, who was still under oath, stated that the proposed bank use is the most compatible commercial use to go with the residential use of the subject property and would promote residential stability on the subject property by making the site a comfortable place to live. Mr. Beyel stated that there would be no external ATM for the proposed bank, although there may be an ATM located within a vestibule that would be available for use after hours. Mr. Beyel also stated that he is not aware of another instance where the requested use variance had been granted for a bank in the N-C Zone.

The Board discussed the application.

On motion by Mr. Susswein, seconded by Mr. Haizel, the variance application was approved, Mr. Gallardo voting in the negative, subject to the following conditions:

1. The bank use shall be limited to the first floor.
2. No drive-up/drive-through window shall be permitted.
3. The applicant shall comply with the conditions proposed in the Planning Board resolution of April 12, 2004 as follows:
  - a. As stipulated by the applicant, one of the proposed trash enclosures shall be deleted. Additionally, parking space number one shall be eliminated and the remaining trash enclosure shall be relocated to that area.
  - b. The proposed arborvitae along the northerly property line shall be increased in size from eighteen inches to thirty-six inches.
  - c. The applicant shall comply with the recommendations contained in the memorandum dated March 2, 2004 from W. Thomas Watkinson, III, Planning Board Engineer.
  - d. The applicant shall pay any required development fees to the Montclair Housing Trust Fund in accordance with Montclair Code Section 202-39 et seq.

- e. The applicant shall be responsible for all inspection fees required under Montclair Code Section 202-27 as well as escrow fees incurred in connection with the review of this matter.

Chair Harrison called the variance application of **Alipio Wenceslau, 35 New Street**. Anthony Guerino, Esq., appeared as attorney for the applicant and stated that their Architect is not present yet at the meeting and that they would prefer to wait for the Architect's arrival before proceeding.

Chair Harrison called the continuation of the variance application of **David and Laura Janay, 210 Highland Avenue**. Calvin O. Trevenen, Esq., appeared as attorney for the applicant and called Eric Marin, Architect, who was still under oath. Mr. Marin stated that the main entrance stairway on the northerly side of the proposed dwelling has been redesigned and no longer requires a variance for the side yard setback. He continued by describing the revised stairway.

The Board questioned Mr. Marin. Mr. Marin stated that safety railings could be provided for any retaining wall that requires a height variance. He also stated that the heights of the proposed retaining walls have not been revised since the last meeting, although the Project Engineer revised the driveway gradient in order to conform to the ordinance. Mr. Trevenen stated that a title search has been conducted dating back to August of 1925 and that no recorded easements of any type exist on the subject property.

Chair Harrison called for questions from the public.

Ken Brower, 214 Highland Avenue, inquired about the advantages and disadvantages of a flat roof in terms of how the proposed roof would drain and potentially affect the safety of a steep driveway.

Mr. Marin stated that at the present time, the architectural drawings are schematic and do not depict a plan for roof drainage, although the issue is relevant and would be addressed.

Mr. Trevenen called Peter Meyer, Professional Engineer, who was still under oath.

Marked into evidence was:

A-4 Engineering Plans, on 4 sheets, prepared by PPE Corp., revised to October 20, 2004

The Board questioned Mr. Meyer. Mr. Meyer stated that the proposed height of the retaining walls preserves more of the existing grade and landscaping and that shorter retaining walls would require more regarding of the site than what is proposed. He also stated that protective railings could be added to the taller retaining walls.

Mr. Trevenen stated that he has contacted the Montclair Water Bureau in response to the concerns regarding the potential for blasting on the site and the presence of a nearby water main. Mr. Meyer stated that any blasting that would be required on the site could be monitored and controlled. Mr. Sullivan added that there are pervasive State regulations for the use of blasting, including pre and post inspections.

Chair Harrison called for questions from the public for Mr. Meyer.

Maria Czin, 206 Highland Avenue, inquired about the inspections prior to blasting and how those arrangements are made. She also inquired about the effect that blasting could have on the existing water tower located to the west of her property.

Ken Brower, 214 Highland Avenue, asked Mr. Meyer if he knew when and where blasting was last used in Montclair and who would be responsible for monitoring blasting.

Jerry Czin, 206 Highland Avenue, asked how the impact and strength of blasting is determined and if the required work could be done with jackhammers instead of blasting. Mr. Meyer stated that blasting is conducted by licensed professionals and that jackhammers could be more disruptive.

Are Tsirk, 201 Highland Avenue, asked how the blasting could affect the existing nearby water tower. Mr. Meyer stated that he could not answer the question because it is beyond his expertise.

Jerry Czin, 206 Highland Avenue, asked whether it was feasible to lower the heights of the retaining walls in the front yard. Mr. Meyer stated that it is feasible to do so, although it would require more sets of walls and more regrading and could affect trees on adjoining properties in a worse way by needing to be closer to the property lines.

Ken Brower, 214 Highland Avenue, asked what material would be use to construct the proposed retaining walls. Mr. Meyer stated that a specific type of retaining wall has not yet been determined.

The Board questioned Mr. Meyer. Mr. Meyer stated that it would be a good idea to meet with the neighbors prior to any blasting that may occur.

Mr. Trevenen called Meghan Sinnott, New Jersey Licensed Professional Planner, who was sworn and stated her qualifications.

Marked into evidence was:

A-5 Five (5) page exhibit, consisting of an aerial photograph of the area, Montclair Tax Map highlighting the subject property, and 3 pages of photographs of Highland Avenue in the vicinity of the subject property.

Ms. Sinnott described Exhibit A-5 and the variances requested. She stated that the variance requested for lot area could be granted because it is an existing lot that is similar in size to many lots in the area, it is not practical for the applicant to acquire more land from adjoining properties, and the deficiency is minor and would have no negative impact. She also stated that variance requested for a front yard parking space could be granted because the benefits outweigh the detriments. She stated that this space would provide a turn-around area, which facilitates vehicular circulation and access to the dwelling providing a service vehicle and drop-off area, and would not be visually intrusive as it is incorporated into the design of the dwelling. She continued by stating that the variance required for the heights of retaining walls could be granted because of hardship and because the benefits of the deviation outweigh any detriments. She stated that due to the exceptional steepness and narrowness of the property it is not possible to provide safe and efficient access to the site without requiring a variance for retaining walls and that the proposed retaining wall heights allow for less site disturbance, less vegetation removal, and less excavation. She also stated that the proposed retaining walls are not visually intrusive and represent a more efficient use of land.

Chair Harrison called for questions from the Board.

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

The Board took a short recess.

Mr. Trevenen and Mr. Sullivan discussed **Montclair Code Section 347-27.1H**, to clarify which of the proposed retaining wall sections would be required to have a safety railing.

Chair Harrison called for public comment.

Tom Ercolano, 202 Highland Avenue, was sworn and stated that there is no justification for the requested retaining wall heights in the front and side yards.

Marked into evidence were:

O-1 through O-4     Photographs of nearby properties on Highland Avenue

Mr. Ercolano stated O-1, O-2, and O-3 are photographs of 3 different properties on the same side of Highland Avenue to the north of the subject property and that O-4 is a photograph of the property on the same side of Highland Avenue to the south of the subject property. He also stated that he took the photographs himself on Sunday, October 17, 2004 and that the photographs accurately depict the existing conditions. He stated that the photographs illustrate that it is possible to create a driveway with lower retaining walls by adjusting the grade levels. He stated that he is a Licensed Architect and that the proposed retaining walls could require a high level of site disturbance for proper construction. He further stated that the testimony of the

applicant's Architect and Engineer, which indicated that the proposed retaining wall heights would limit site regrading and disturbance is unclear because they have not yet stipulated their construction technique. He also stated that the proposed retaining wall heights would be visually intrusive and not be in keeping with the character of the neighborhood. He continued by stating that proposed driveway and retaining wall design should be improved by lowering the wall heights and providing planting beds in front of the retaining walls to screen the view of the walls to some degree. He further stated that a design with these revisions incorporated would also result in a safer driveway.

The Board questioned Mr. Ercolano. Mr. Ercolano stated that the properties depicted in Exhibits O-1 through O-4 have similar grades to the subject property.

Mr. Trevenen questioned Mr. Ercolano. Mr. Ercolano stated that he has only done field observations on Highland Avenue and inspected the plans submitted by the applicant. He stated that the grade levels of the adjoining properties to the north and south of the subject property are very similar to the existing grades of the subject property. He also stated that the existing retaining walls located at 230 Highland Avenue are also not in keeping with the character of the properties on Highland Avenue and he is not sure that those retaining walls received the proper approvals. He further stated that the proposed retaining walls would not necessarily reduce the amount of site disturbance in comparison to shorter walls. He also stated that he is a Licensed Architect but not a Licensed Engineer.

The Board questioned Mr. Ercolano. Mr. Ercolano referred to the revised site plans, marked as Exhibit A-4 and stated that the topography depicted on the site plans, as well as the spot elevations of certain proposed retaining walls and drainage structures, support his field observations on the grade levels of the adjoining properties in relation to the subject property. He also stated that there could be certain types of retaining walls, constructed using certain methods that would be consistent with the limit of disturbance depicted on the plans.

Are Tsirk, 201 Highland Avenue, was sworn and stated that tall retaining walls give the impression of a fortress or an industrial complex, and that the applicant should be attentive to the concerns of the public regarding the aesthetics of the front yard. He also stated that he has a Ph.D. and has researched and worked with projects involving structures and vibrations, including the effects of blasting. He stated that vibrations have a tendency to travel farther when blasting very solid rock, such as what exists on the subject property. He also stated that in his experience with blasting for strip mining, there were occurrences of unexpected problems where vibration levels exceeded what was expected. He further stated that the applicant should try to avoid blasting if at all possible and that if it is not possible the applicant should go above and beyond the standard regulations and conduct tests by blasting using small amounts in particular locations to monitor the effects.

The Board questioned Mr. Tsirk. Mr. Tsirk stated that using jackhammers instead of blasting should produce far less vibration.

Ken Brower, 214 Highland Avenue, was sworn and stated that blasting should be avoided because it is not necessary and poses too many risks. He also stated that proposed retaining wall heights are not in keeping with the character with neighborhood and that the driveway should be revised in order to outlet with the flow of traffic instead of against the flow of traffic as proposed. He further stated that the plans should be revised to address the concerns of the neighborhood.

The Board questioned Mr. Brower.

Mr. Trevenen questioned Mr. Brower.

Stuart Freidman, 209 Highland Avenue, was sworn and stated that he is concerned about the appearance of the property as it is proposed to be developed and the environmental issues relating to the site work.

Sylvia Van Cleave, 12 Wimbledon Court, Cedar Grove, was sworn and stated that blasting should be avoided if possible. She stated that blasting has been conducted in Cedar Grove near her home and that there are too many risks associated with it.

Jerry Czin, 206 Highland Avenue, was sworn and stated that blasting should be avoided if possible. He stated that blasting presents risks for both the neighborhood and the owner of the subject property. He also stated that he is concerned about the effect that the proposed retaining walls would have on trees located on his property.

Mr. Trevenen referred to Exhibit O-4, which is a photograph of 206 Highland Avenue and questioned Mr. Czin. Mr. Czin stated that he would consider the style of his home as modern architecture.

Mr. Trevenen gave his closing arguments.

The Board discussed the application and it was determined that the application could be approved, subject to the following conditions:

1. A formal parking space shall not be established in the front yard and the plans shall be revised so that the turn-around area is no more than 10 feet from the edge of the driveway radius.

2. The applicant shall adhere with comments 1, 2, 4, 5, 6, 7, and 8 from the Board Engineer's report dated September 20, 2004, and the plans shall be revised according to those comments and submitted to the Board Engineer for approval.

3. The applicant shall, 7 days in advance of any grading or blasting, notify the Montclair Water Bureau and all property owners within 200 feet. The applicant shall also, 7 days in advance of any tree removal or construction of the dwelling, notify the Montclair Water Bureau, the immediately adjoining property owners located at 206 and

214 Highland Avenue, as well as the property owner directly across the street located at 209 Highland Avenue.

4. Any trees that are not removed on the subject property, as well as trees on the neighboring property located at 206 Highland Avenue within 25 feet of the property line which are of a diameter of 6 inches or greater that do not survive within a year after the Certificate of Occupancy is issued for the proposed dwelling, shall be replaced by a like kind tree, which will not have to be the same size as the tree it is replacing.

5. The applicant shall pay any required development fees to the Montclair Housing Trust Fund in accordance with Montclair Code Section 202-39 et seq.

6. Any central air-conditioning units placed on the property shall conform to the requirements of the zoning ordinance.

7. The limit of disturbance shall remain as shown on plans submitted, and no retaining walls in the front or side yard may exceed 6 feet in height.

Further discussion ensued between the Board and the applicant's professionals regarding the conditions being considered. Mr. Trevenen consulted with his experts and it was determined that they would need time to review whether it would be possible to comply with Conditions 4 and 7. Mr. Trevenen also stated that they would need to come back to the Board on December 15, 2004 with their findings and granted the Board an extension of time for which to act on the application.

Mr. Sullivan stated that any revised plans would have to be filed with the Planning Department no later than 10 days before the December 15, 2004 hearing date.

Chair Harrison announced that the application would be continued at the December 15, 2004 regular meeting and that no further notice would be given.

Chair Harrison recalled the variance application of **Alipio Wenceslau, 35 New Street**. Anthony Guerino, Esq., appeared as attorney for the applicant and stated that their Architect will not be present at the meeting and that they would like to proceed. Mr. Guerino described the application and the variances requested. Mr. Guerino stated that the applicant will comply with the landscaping requirements for the parking area setback, as well as the fence height, and that variances are not being sought for those two items.

Mr. Guerino called Alipio Wenceslau, owner, who was sworn. Mr. Wenceslau stated that the exterior lighting fixtures for the proposed dwelling would be shielded to prevent glare onto adjoining properties. He also stated that a landscaped screen would be provided in the parking area setback and that the fence height would be lowered to meet the ordinance requirements.

The Board questioned the applicant.

Mr. Wenceslau described the proposed off-street parking for the two-family dwelling and stated that the vehicles accessing the parking at the rear of the dwelling would pull in front first and have enough back-up space to maneuver the vehicle and exit the property front first as well. Mr. Guerino stated that the ground floor space is allocated to the first floor tenant, although it may be utilized as a common area for storage. Mr. Guerino also stated that the mechanical room located within ground floor would contain the components of the central air-conditioning system and that if outdoor components, such as air condensers are needed, they would be located on the driveway side of the dwelling, where there is sufficient setback.

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

Mr. Guerino gave his closing statements. The Board discussed the application.

On motion by Ms. English, seconded by Ms. Cockey, the variance application was approved, subject to the following conditions:

1. Any fencing on the property shall conform to the zoning ordinance.
2. The applicant shall pay any required development fees to the Montclair Housing Trust Fund in accordance with Montclair Code Section 202-39 et seq.
3. The plans shall be revised to demonstrate that the height of the proposed dwelling complies with the maximum building height regulations as specified in the zoning ordinance.
4. The location of any outdoor central air-conditioning units shall comply with the setback requirements of the zoning ordinance.
5. All exterior lighting fixtures shall be of low light intensity and be shielded from adjoining properties.
6. A row of evergreen plantings shall be planted within the setback of the paved driveway/parking area at the rear of the proposed dwelling, and shall be aligned with the rear corners of the dwelling, so as to form a landscaped screen around the 3 exposed sides of the driveway/parking area. The aforementioned plantings shall be no less than 3 feet in height at the time of planting, shall be planted at 4-foot centers, and shall reach an ultimate height of at least 5 feet.
7. All outstanding property taxes shall be paid prior to the issuance of building permits.

On motion by Ms. Rock-Bailey, seconded by Ms. English, the meeting was adjourned.