

**MINUTES OF THE BOARD OF ADJUSTMENT
NOVEMBER 15, 2000**

PRESENT: Chair Harrison, Vice Chair Church, Mr. Chapman, Mr. Fleischer, Mrs. Freundlich, Ms. Rock-Bailey, Mr. Williams, also, Michael Sullivan, Esq., and Donald Sammet, Assistant Secretary.

ABSENT: Mr. Gallardo, Mr. Haizel and Karen Kadus, Secretary.

Mr. Sammet called the roll and announced the special meeting of the Montclair Board of Adjustment for which notice had been given in accordance with the Open Public Meetings Act.

Chair Harrison called for a continuation of the hearing on **Kramer Communities, 61 North Mountain Avenue**. Randall Chiocca, Esq. appeared as attorney for the applicant and Cal Trevenen, Esq. appeared as attorney for certain objectors.

Mr. Chiocca called Peter Meyer, Engineer. Mr. Sullivan stated that Mr. Meyer was still under oath.

Marked into evidence was:

- A-37 Landscaping and Lighting Plan on board, prepared by PPE, dated November 3, 2000
- A-38 Cover sheet on board, prepared by PPE, dated November 3, 2000.

Mr. Meyer stated that the applicant has tried to create a plan that reflects the pleasant residential neighborhood and streetscape in which the property is located. Mr. Meyer continued by stating that the proposed project conforms to the setbacks of the R-3 Garden Group Zone, that the parking standards included in the RSIS have been adhered to and that the applicant has consulted with Steven Schuckman of the Van Vleck House and Gardens for input on proposed landscaping. Mr. Meyer described the locations of the proposed buildings on the site, site access and circulation.

Mr. Meyer stated that the proposed plan seeks no variances other than a use variance. Mr. Meyer stated that the proposed density is 13.6 units per acre, a similar density to the multi-family properties in the neighborhood. Mr. Meyer continued by stating that the ratio of parking exceeds that of neighboring multi-family properties.

Mr. Meyer described the proposed stormwater collection system including that stormwater would be deposited into a proposed detention system on site with overflow going to the Valley Road system. Mr. Meyer described the existing streetscape along North Mountain Avenue and the distance between the proposed buildings on site and other buildings in the neighborhood. Mr. Meyer stated that part of the proposed drive on

the northerly side of the property has been deleted which allows for increased buffering and a subsequent decrease in the amount of impervious surface.

Mr. Meyer addressed the memorandum to the Board from Thomas Watkinson, Board Engineer, dated November 13, 2000. Mr. Meyer described the 10 comments of Mr. Watkinson and stated that each would be complied with.

The Board questioned Mr. Meyer.

Mr. Trevenen cross-examined Mr. Meyer.

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

Mr. Chiocca called Brian Clemson, Certified Landscape Archited, PPE, he was sworn. Mr. Clemson stated that he performed 2 site visits, studied site plans and met with Steven Schuckman of the Van Vleck House and Gardens as part of his preparation of the landscaping plan. Mr. Clemson stated that the applicant proposes to match existing plantings along North Mountain Avenue, and that aesthetic perimeter plantings have been chosen to buffer the site. Mr. Clemson continued by describing the interior planting scheme and foundation plantings at the base of each of the buildings.

The Board questioned Mr. Clemson.

Mr. Trevenen stated that he had no questions for Mr. Clemson.

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

Mr. Deborah Corbett of 105 North Mountain Avenue asked if Mr. Schuckman saw the final landscaping plan.

Mr. Daniel Warshawski of 79 North Mountain Avenue asked how many trees were being removed from the site.

Mr. Chiocca called William Brown, Architect, he was sworn. Mr. Brown stated that his firm works on many historic homes. Mr. Brown also stated that he examined the architectural styles in the neighborhood.

Marked into evidence was:

A-39 Color elevations on board, prepared by William Brown Architects, dated November 30, 2000.

Mr. Brown described the dimensions of the proposed buildings and stated that he would recommend "party plank" siding, a composite made of concrete which is made to look like wood and can be used on a historic structure. Mr. Brown described the architectural details on the proposed buildings and stated that he recommends a textured roof.

Marked into evidence was:

- A-40 Sheet A-1 of plans on board, prepared by William Brown Architects, dated November 2, 2000.
- A-41 Sheet A-5 of plans on board, prepared by William Brown Architects, dated November 2, 2000.
- A-42 Sheet A-2 of plans on board, prepared by William Brown Architects, dated October 31, 2000.
- A-43 Sheet A-4 of plans on board, prepared by William Brown Architects, dated October 31, 2000.
- A-44 Sheet A-6 of plans on board, prepared by William Brown Architects, dated November 2, 2000.

Mr. Brown described the proposed floor plans and elevations. Mr. Brown stated that only the main door would be visible on the elevations and individual apartment doors would be inside the proposed structures. Mr. Brown stated that the applicant will use historically compatible materials on the proposed structures and that the height meets the requirements of the R-1 One-Family Zone.

The Board questioned Mr. Brown.

Mr. Trevenen cross-examined Mr. Brown.

Chair Harrison called for public questions for Mr. Brown.

Mr. Daniel Warshawski of 79 North Mountain Avenue asked if the 20% maximum impervious surface of the R-3 Zone would be exceeded.

Mr. Noah Franzblou of North Mountain Avenue asked if it made sense to construct 4 large buildings on the site.

Ms. Deborah Corbett of 105 North Mountain Avenue asked if Mr. Brown would design any additional architectural detailing on the proposed buildings.

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

Ms. Taran Shelton of 79 North Mountain Avenue asked if the architectural details would be placed on the buildings as shown on the plans.

Dr. Latimer of North Mountain Avenue asked if the architectural style of the proposed buildings would match all architectural styles in the Township.

The Board took a short recess.

Chair Harrison called for public comment.

Ms. Allison Barnett of 105 Union Street and Executive Director of the Van Vleck House and Gardens at 25 Van Vleck Street was sworn. Ms. Barnett stated that the proposed development has an impact on the spirit and nature of the neighborhood and that the property could be subdivided into 3 single-family building lots. Ms. Barnett continued by stating that multi-family use is not unreasonable for the site but she is still concerned about the proposed density, traffic and parking impacts. Ms. Barnett also stated that the proposed landscaping is consistent with that of the neighborhood.

Mr. John Martin of 128 North Mountain Avenue was sworn. Mr. Martin stated that the constant encroachment of multi-family development in the R-1 Zone would hurt the existing character of the neighborhood.

Dr. Latimer was sworn. Dr. Latimer thanked the Board for their patience and stated that the demolished house at 61 North Mountain Avenue could have been restored and that the proposed density is too high for the site and neighborhood.

Mr. Sean Coughlin of 91 North Mountain Avenue was sworn. Mr. Coughlin commented that Kramer Communities original attorney, Stephan Aspero, stated that the historic significance of the demolished structure meant nothing and now Kramer Communities is trying to build historically compatible structures. Mr. Coughlin continued by stating that the proposed development would create a substantial detriment to traffic and the character of the neighborhood. Mr. Coughlin also stated that the proposed development would be an encroachment into the R-1 Zone and could set a precedent for wherever an R-3 Zone borders an R-1 Zone.

Mr. Richard Parkinson of 10 Van Vleck Street was sworn. Mr. Parkinson stated that he is opposed to the proposed development and sees no reason for the Board to go against the recommendations of the Master Plan. Mr. Parkinson also stated that there would be a detrimental impact on traffic and the character of the neighborhood.

Dr. Lomazow of 189 North Mountain Avenue was sworn. Dr. Lamazow stated that he moved to Montclair for the character of its single-family housing.

Mr. Daniel Warshawski of 79 North Mountain Avenue was sworn. Mr. Warshawski stated that he purchased a home in Montclair for the character of its historic residential districts. Mr. Warshawski stated that the proposal adversely effects the character of the neighborhood, that the granting of a variance would not favor the Township, that the Master Plan Re-Examination Report calls for the preservation of single-family districts and that the project would have a negative effect on the traffic situation in the neighborhood.

Mr. Noah Franzblou of North Mountain Avenue was sworn. Mr. Franzblou read section 7-6.1 of Zoning and Land Use Administration by William Cox and stated that just because the property borders on a multi-family residential use, it should not be approved for multi-family.

Mr. John Randel of 87 North Mountain Avenue was sworn. Mr. Randel stated that the developer's profit as the result of the proposed development would be at the expense of the Township of Montclair.

Mr. Thomas Sullivan of 188 North Mountain Avenue was sworn. Mr. Sullivan stated that a new single-family home on the site could also be a detriment to the neighborhood. Mr. Sullivan suggested the creation of a "shoulder zone" to buffer the existing single-family neighborhood.

Ms. Taran Shelton of 79 North Mountain Avenue was sworn. Ms. Shelton stated that the application violates the dictates of the Master Plan Re-Examination Report, that the traffic generated would have a detrimental impact on the neighborhood and that Kramer Communities has been unclear on a number of issues including the details in the plans.

Mr. John Barth of 90 North Mountain Avenue was sworn. Mr. Barth stated that the application resulted in a strong community effort asking for its denial. Mr. Barth also stated that the neighborhood should have been informed of and present during the demolition of the house that existed on site.

Ms. Deborah Corbett of 105 North Mountain Avenue was sworn. Ms. Corbit stated that the project would result in no significant tax benefit to the Township, that an increase in on-street parking would be inevitable and that Mr. and Mrs. Weaver's single-family home at the corner of North Mountain Avenue and Van Vleck Street could be next for multi-family development.

Ms. Janine Cox of 108 North Mountain Avenue was sworn. Ms. Cox stated the Kramer Communities is just trying to make money on the proposed development and urged the Board to deny the application.

Mr. Audrey Adams of 157 North Mountain Avenue was sworn. Ms. Adams stated that she is opposed to the application.

Ms. MaryAnne McDonald of 87 North Mountain Avenue was sworn. Ms. McDonald stated that she is opposed to the application.

Mr. David Templeton of 143 North Mountain Avenue was sworn. Mr. Templeton stated that the sense of community he was looking for and found in Montclair could be lost if the application is approved.

Chair Harrison stated that the Board would continue to hear the application at a special meeting on December 7, 2000 and that no further notice would be given.

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