



Township of Montclair

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MONTCLAIR ZONING BOARD OF ADJUSTMENT



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MINUTES OF THE BOARD OF ADJUSTMENT

September 13, 2017

ORDER: The meeting was called to order at 7:43 p.m. by Graham Petto. Mr. Petto read the notice of compliance with the New Jersey Open Public Meetings Act and indicated that appropriate notice was forwarded to the officially designated newspaper of Montclair and posted in the Municipal Building. The schedule of meetings is also posted on the Township website.

ROLL CALL: Mr. Petto called the roll. Present were Mr. Harrison, Mr. Fleischer, Mr. Reynolds, Ms. Baggs, Mr. Moore, Mr. LaVail, Ms. Chowaneic, Mr. McCullough, Ms. Daye, Mr. Sullivan and Mr. Petto. Mr. Allen was excused.

MINUTES: The minutes from the August 16, 2017 meeting were presented. A motion to approve the minutes as amended was made by Mr. Fleischer, seconded by Ms. Chowaneic and approved unanimously.

OLD BUSINESS:

Resolution for App. 2517: 792 Valley Road. Jennifer and David Campanaro.
Front yard setback variance.

Mr. Harrison introduced the resolution and noted an edit to the resolution as presented. A motion to approve the resolution as amended was offered by Mr. Fleischer, seconded by Ms. Baggs. The resolution was approved unanimously, with Mr. LaVail abstaining.

Resolution for App. 2518: 311 Grove Street. Michael Matzo. *Front yard setback variance.*

Mr. Harrison introduced the resolution. A motion to approve the resolution was offered by Mr. Fleischer, seconded by Ms. Baggs. The resolution was approved unanimously.

Resolution for App. 2519: 95 Summit Avenue. David Smith and Lori McCann.
Side and rear yard setback variance.

Mr. Harrison introduced the resolution. A motion to approve the resolution was offered by Mr. Fleischer, seconded by Ms. Baggs. The resolution was approved unanimously.

NEW BUSINESS – RESIDENTIAL APPLICATIONS:

App. 2521: 105 Bellevue Avenue. Jeff Somerstein & Susan Mazo. *Bulk variance for accessory structure setback*

Mr. Harrison introduced the application. Present were the applicants, Jeff Somerstein and Susan Mazo as well as architect Karen Brinkman.

Ms. Brinkman submitted Exhibit A-1, a series of reviewed the plan for the proposed garage. She reviewed the proposed new garage for the Board and noted the proposed location on the property. She stated that the proposed location would be best.

Questions from the Board were then accepted.

Mr. Fleischer asked if the former garage, which is sized more as a shed, would be knocked down. Ms. Brinkman stated that it would be removed.

Mr. Fleischer noted that the lot is 60 feet wide and has a good sized backyard. He questioned the need for the variance. Ms. Brinkman stated that the current driveway is along the western property line, very close to the property line and aligns with the current garage/shed location, which is about 3 feet from the property line.

Mr. Somerstein stated that the proposed garage length would be inclusive of a storage area.

Mr. Harrison stated that the proposed side yard setback does align the garage with the existing driveway. However, he noted shifting the garage forward to meet the required rear yard setback would not result in a loss of lawn space, as the garage would shift forward on the driveway surface.

Questions and comments from the public were then accepted.

Mr. Paul Silverman, 106 Lorraine Avenue, stated that the proposed rear yard setback variance for the garage would negatively impact his property. He noted that the rear yard of his home is small and the proposed garage location would be detrimental to his property.

Mr. Charles Michaud, 107 Bellevue Avenue, stated that he was in favor of the side yard setback variance, as the existing garage/shed is an eyesore. He also noted that the proposed garage design is in keeping with the style of the home on the property.

Final comments from the Board were then accepted.

Mr. Moore stated that he would be in favor of the application.

Mr. Reynolds stated that he would be in favor of the side yard setback variance only and stated that he would not be in favor of the rear yard setback variance.

Mr. Fleischer stated that he would be in favor of the side yard setback variance due to the location of the existing driveway. He stated that the proposed garage represents an improvement over the existing shed.

Ms. Chowaneic stated that she would be in favor of the side yard setback variance and noted that the new garage will meet the applicants' needs.

Ms. Baggs stated that she would be in favor of the side yard setback variance and that it would not present a substantial impairment of the zone plan. She stated that she was opposed to the rear yard setback variance.

Ms. Daye stated she would be in favor of the side yard setback variance.

Mr. LaVail stated he would be in favor of the side yard setback variance.

Mr. McCullough stated he would be in favor of the side yard setback variance.

Mr. Harrison stated he would be in favor of the side yard setback variance. He stated that the location of the existing driveway and the location of the existing shed on the property supported the variance request. He stated he would not be in favor of the rear yard setback as it would impair the zone plan and no justification was provided by the applicant.

A motion was made by Mr. Fleischer to approve the side yard setback variance and deny the rear yard setback variance. Ms. Baggs seconded the motion. The motion was approved unanimously.

OLD BUSINESS (CONTINUED):

App. 2506: 19-23 North Willow Street. Redeemer Church of Montclair. *Conditional use variance and site plan approval for expansion of a church in the R-2 zone district.*

Mr. Harrison introduced the application. Present for the applicant was attorney Alan Trembulak.

Mr. Trembulak summarized the application for the Board. He noted that the church is a conditional use in the R-2 zone and that the church proposes to construct a 2-story addition to the rear of the existing sanctuary building. Mr. Trembulak noted that the building at 23 North Willow Street would be removed. He stated that the applicant requires a conditional use variance for on-site parking, noting that the current church has limited on-site parking and proposes additional on-site parking under the application. He noted that the applicant is also seeking site plan approval.

Mr. Trembulak introduced Daniel Ying, senior pastor at Redeemer Church.

Mr. Ying stated that the church has been in existence since 2001 and moved into the current location in 2008. He noted that the church works to contribute positively to Montclair. He also stated that prior to 2008, the property was occupied by Trinity Episcopal Church. Mr. Ying stated that the property has been used as a church for just about 100 years.

Mr. Ying stated that Sunday service is held from 10:00am to noon and that the average attendance is about 200 adults and children; the sanctuary has seats for 240. He stated that Petra Baptist Church also uses the sanctuary on Sundays and holds an afternoon worship service.

Mr. Ying stated that the church currently has 107 members and that membership growth has been steady, with many new and departing members.

Mr. Ying described the property at 23 North Willow Street, noting that the building contains three offices for two pastors, an administrative assistant and 5 part-time staff. He also noted that the building contains classroom space and a rear garage where the youth groups meet. He stated that the building is not ADA compliant and presents limitations.

Mr. Ying distributed Exhibit A-1, a weekly schedule of events held at the Church. He stated that bible studies held at the church through the week average between 6 and 8 participants.

Mr. Ying stated that the proposed two-story addition will contain office space, classrooms and a fellowship hall for post-service gatherings. He stated that the proposed space would support the operations of the church.

Questions from the Board were then accepted.

Ms. Baggs asked if the church maintained a choir. Mr. Ying replied no.

Ms. Baggs asked if there was on-site parsonage for the church. Mr. Ying replied no.

Ms. Baggs asked if the church hosted weddings and Mr. Ying stated that the sanctuary is not conducive to weddings and that weddings conducted by the church are hosted off-site.

Ms. Baggs asked if there were any other uses of the church space by outside groups. Mr. Ying stated that the Montclair Opera Theater has used the space in the past for rehearsals.

Ms. Baggs asked about the use of the basement in the new addition. Mr. Ying stated that the basement as proposed would be unfinished and used for storage. He stated that there is no planned occupancy use of the basement. He stated that currently storage is contained within the basement and attic of the building at 23 North Willow Street.

Ms. Daye asked how about the number of members of Petra Baptist Church. Pastor Robert Coles, Jr of Petra Baptist Church was sworn in to respond. He stated that the church has less than 50 members and has experienced a growth of between one and two percent per year.

Ms. Baggs asked if Petra Baptist Church had a choir. Mr. Coles stated that the choir meets only immediately following Sunday service. He also noted that the church does not conduct bible study sessions at the property and instead holds studies by conference call, which is easier for elderly members.

Mr. McCullough commended the Redeemer Church for having only 107 members but average attendance of 200 at Sunday services. He noted that the property is adjacent to the YMCA along the rear yard which would not present an issue for the rear yard setback.

Mr. Fleischer stated concerns regarding the proposed use. He stated that the applicant is proposing an increase of space over the amount of space in the existing building at 23 North Willow Street. He noted that additional space indicates a plan to intensify use of the site, creating an opportunity for the church to grow.

Ms. Daye also noted that the proposed plans show a lot of space for use by children in the classrooms.

Mr. Ying stated that healthy churches do experience a level of growth. He stated that the church is limited by the capacity of the sanctuary, which only holds 240 people. He stated that the church has no plans for a formal day care to operate at the site. He stated that the church only has one opportunity to build a building addition of this type.

Mr. Fleischer expressed concern about the size of the fellowship or assembly hall, which will function as a large gathering space. He repeated concern about intensification of use at the site.

Mr. McCullough asked if the church had a plan for a school at the site and if they had planned the long-term use of the space. Mr. Ying stated that there is no definitive plan and that the church plans to serve the community.

Mr. Harrison asked if the size of the fellowship hall was specified as part of the plan development. Mr. Ying stated that there was no specific size requirement of the hall.

Mr. Harrison asked if the width of the proposed addition could be reduced to comply with the 65% maximum building width of the ordinance. He noted that some spaces within the addition could be reconfigured to accommodate the reduction. Mr. Ying replied that the configuration is needed by the church, with the meeting spaces near the first floor offices.

Questions from the public were then accepted.

Daphne Wilks, 24 North Willow Street, asked what service has such a high number of members in attendance. She noted that she has seen only 25-30 churchgoers at the property on Sundays. Mr. Ying stated that the 10am service is very large with about 200 attendees and that Petra Baptist has a smaller service in the afternoon.

Dana Morgan, 25 North Willow Street, asked about the promotional material on future growth of the church posted on the church's website. Mr. Ying stated that the purpose of the promotional video was to support fundraising efforts for the addition. He stated that healthy churches do require an element of growth. He stated that there is no plan to expand the sanctuary seating, which will limit growth of the church. He noted the property cannot support a large congregation.

Mr. Morgan asked how many cars park in the rear of 23 North Willow. Mr. Ying replied there are currently 4 parking spaces in this area. Mr. Morgan introduced Exhibit O-1, a photograph of the rear parking area behind 23 North Willow showing more than 4 cars parked behind the building. Mr. Morgan also noted that the on-street parking arrangement on Sundays has an adverse impact on traffic flow on the street.

Tracy Resnick-Hart, 22 North Willow Street, asked which community is supported by the Church; the community of church membership or the greater Montclair community. Mr. Ying stated that the church is working to support both communities. Ms. Resnick-Hart asked if the growth of the church would adversely affect North Willow Street. Mr. Ying replied no, stating that the number of attendees to Sunday services would be the same.

William Scott, 23 Cedar Avenue, asked if the church had considered an adaptive reuse of the existing building at 23 North Willow Street. Mr. Ying stated that the lack of a physical connection with the sanctuary building presented a barrier to reuse of the existing building.

Lynda Alves, 27 North Willow Street, asked if the plan still shows parking in front of the new addition. Mr. Ying replied yes.

Dr. Renee Baskerville asked if additional congregations are added to a church building, if any approval from the Township is required. Mr. Coles stated that Petra Baptist

Church did not obtain approval before renting space within the church. Mr. Sullivan stated that it would require additional research to answer the question.

Ms. Chowaneic asked if the church planned any other uses of the site through partnerships with the Interfaith Hospitality Network and the Human Needs Food Pantry. Mr. Ying stated that the support of these organizations is largely financial and through volunteer work and not direct service provision. He stated there was no plan to provide such services on site.

Mr. Ying explained the need for the fellowship hall. He noted that currently the congregation gathers in the front of the sanctuary following services. However, he noted that there are times that the sanctuary is in use and another post-service gathering space is needed. He stated that about 30-40 attendees gather for coffee and bagels following services. Mr. Ying noted that there is currently a kitchenette in the sanctuary building.

Mr. Ying stated there is no plan to rent the fellowship hall to outside users.

Mr. Ying stated that the church has no plan to open a school and does not have the resources to do so. He stated that the church does offer a vacation bible school program on a short term basis.

Mr. Fleischer asked if the applicant would consider a condition to prohibit renting of the fellowship hall, and only allow for exclusive use by the church. Mr. Trembulak stated that this would have to be discussed with the applicant.

Mr. Trembulak then introduced Paul Sionas, architect for the applicant. Mr. Sionas reviewed Exhibit A-2, a PowerPoint presentation summarizing the project. He reviewed the proposed site improvements for the Board and the interior configuration of the new addition and connection to the existing sanctuary building.

Questions from the Board were then accepted.

Ms. Baggs noted the windows for the basement level and the proposed ceiling height of 9 feet. She asked if there was a plan to use the basement for assembly. Mr. Sionas stated that there was no plan to use the basement and that the church is proposing to use it for storage.

Ms. Baggs asked how many occupants the basement could hold. Mr. Sionas stated that the basement could accommodate 326 people as assembly space with tables and chairs. He noted that there would be egress from the basement and it would be served by the elevator.

Ms. Baggs asked about the location of mechanical equipment. Mr. Sionas stated that it would be located on the southeast corner of the flat roof behind a three foot parapet wall.

Ms. Baggs asked about the attic level windows shown on the northern façade. Mr. Sionas stated they were for a potential vaulted ceiling in the assembly hall.

Mr. Fleischer asked if the mechanical equipment could be located within the basement or the attic. Mr. Sionas replied yes, stating the equipment could be located in either space.

Mr. Fleischer noted that the applicant indicated that about 130 adults and 70 children attend Sunday service. He noted that there is only one interior access door from the sanctuary into the new addition for children to pass through to attend Sunday school. Mr. Sionas stated that an additional door could be added.

Mr. Fleischer noted that the plans indicate space within classrooms for many more children than the church has indicated a need. He stated that there is space for more than 70 students. Mr. Sionas stated that the configuration of the addition was based on a master plan from the church.

Mr. Harrison noted that the fellowship hall is located on the second floor of the proposed addition and is accessed through the main entry to the stairwell and elevator. He noted that there may be many attendees to travel from the sanctuary to the fellowship hall and the space did not seem sufficient. Mr. Harrison asked if the size of the hall was based on the church's plans. Mr. Sionas stated that the size of the hall was intended to accommodate the congregation from the sanctuary.

Mr. Harrison noted that there is space on the plans for more than 70 children in all of the classrooms. Mr. Ying stated that the church is planning for some modest growth. Mr. Harrison stated that based upon space in the classrooms, the church would have sufficient space to double in size.

Ms. Daye asked how many children would be in the nursery space. Mr. Ying stated that he would need to reference the church's master plan.

The Board took a brief recess from 10:30pm to 10:40pm.

Mr. Sionas continued testimony following the recess.

Mr. Sionas stated that based on occupancy calculations, there is space in the classrooms for 116 occupants, which would be inclusive of teachers and students. He noted that this does not account for furniture, such as desks in the classrooms.

Questions from the public were then accepted.

Tracy Resnick-Hart, 22 North Willow Street, stated concern about headlights from the parking area and the sound of cars. Mr. Sionas stated that it is a valid concern and that there would be headlights from cars exiting the lot. He noted that lights from the site could be on a timer. Mr. Ying stated that the lights could go off at 10pm.

Dana Morgan, 25 North Willow Street, asked how the impact from the addition on the adjacent dwelling could be mitigated. Mr. Sionas noted the planned evergreen landscaping and solid wood fence along the shared property line between the church and Mr. Morgan's property. Mr. Sionas also noted that the addition is located at the rear, adjacent to the YMCA to further mitigate any impact.

Tracy Resnick-Hart asked about how snow removal would be accommodated on the site. Mr. Sionas noted the planned landscaped area between the parking lot and the new addition to place snow during the winter.

Mr. Reynolds asked if the trash enclosure proposed for the north side of the addition could be relocated to the south side away from Mr. Morgan's property. Mr. Sionas replied yes.

Mr. Trembulak then introduced Sean Bailey, board member of the Redeemer Church, to testify.

Mr. Bailey stated that the church has proposed the size of the building to meet the needs of the ministry. He stated that there is no desire to start a school, no interest in renting any space and no interest in starting a day care program.

Questions from members of the Board were then accepted.

Mr. Fleischer noted the submitted schedule of uses, Exhibit A-1, and asked if the building could be reduced in size to account for the limited weekly use. He noted that most of the building will be empty over the course of a week with peak usage only on Sundays. Mr. Bailey stated that the church would be limited in its operations in a smaller space on Sundays.

Ms. Baggs asked about the proposed basement level, noting the high ceilings and windows. She asked if there was any proposed use of that space. Mr. Bailey stated he was not aware of any program needs for the basement other than storage.

Mr. Reynolds stated that the large addition as proposed does not meet the regulations and that the church has not provided sufficient justification for the addition.

Mr. Harrison stated that the proposed addition is larger than what is permitted under zoning. He noted that the applicant is proposing 4,900 sq. ft. of storage in the basement level. He noted concern about the long-term use of the building, beyond the term of the Redeemer Church with such space. He suggested that some proposed spaces could be relocated to the basement to reduce the size of the proposed addition.

Mr. Harrison suggested that the applicant comply with the 65% maximum permitted width of a building to reduce the size of the building.

After conferring with the applicant, Mr. Trembulak stated that the applicant would comply with the 65% requirement.

Mr. Trembulak then introduced Paul Anderson, engineer for the applicant.

Mr. Anderson reviewed the prepared site plan and drainage plan for the Board. He stated that the applicant would comply with the comments provided from the Board Engineer. He stated that should the proposed building be reduced in width that there would be no significant change to the plans as presented to the Board.

Ms. Baggs noted that the Board Engineer's memo, should refer to the plans dated June 6, not June 9.

Mr. Harrison asked if the basement could be habitable and dry space. Mr. Anderson replied yes, stating that it could be with some waterproofing and a sump pump. He also noted that there would be no impact to the Crescent Brook.

Ms. Baggs asked if the trash could be relocated to the south façade. Mr. Anderson replied yes.

Mr. Harrison asked what the building coverage of the site would be with the reduced building size to conform to the 65% maximum permitted building width. Mr. Anderson replied that it would be 44.5%.

Questions from members of the public were then accepted.

Dana Morgan, 25 North Willow Street, asked if there was an option to put parking in the rear of the building, as opposed to on the street. Mr. Anderson noted that the parking area would not fit to the rear of a proposed addition.

Mr. Trembulak then introduced Gerard Hazell, professional planner for the applicant.

Mr. Hazell reviewed the variances sought by the applicant, including the conditional use variance and associated bulk variances for the proposed addition.

Mr. Hazell stated that the church is an inherently beneficial use to the community and stated that the proposed design and placement of the addition is appropriate for the neighborhood. He stated that there would be no impairment to the zone plan of the application.

Questions from members of the public were then accepted.

Dana Morgan, 25 North Willow Street, asked if there would be any adverse impacts of the application on the neighborhood and the street. Mr. Hazell stated that the impact would be a net positive as the applicant proposes to provide addition on-site parking which will reduce on street parking demand.

Mr. Morgan introduced Exhibit O-2, a series of photographs showing parking on the street on Sunday near the church along North Willow Street.

Final comments from the public on the application were then accepted.

Dana Morgan, 25 North Willow Street, referred to the previously submitted Exhibits O-1 and O-2. He stated his opposition to the application and recommended that the board deny the application. He stated that the proposed addition was massive, 4 times the size of a residential home, for the neighborhood and the growth of the church would be detrimental. He stated there would be adverse impacts on the quality of life along North Willow Street.

Tracy Resnick-Hart, 22 North Willow Street, stated agreement with Mr. Morgan's comments and recommended the application be denied.

Lynda Alves, 27 North Willow Street, stated that the proposed massive addition would present an invasion of privacy onto her property. She noted that the addition would have a second floor with full view of her yard. She noted that there are no windows on the rear of the YMCA. She also noted that the parking in the front yard would be an eyesore for the neighborhood. Ms. Alves stated that she has no opposition to the church, only to the proposed addition.

William Scott, 23 Cedar Avenue, asked the Board if the building would be reduced in width when complying with the 65% maximum permitted building width requirement. Mr. Harrison replied yes and noted that the addition would reduce in width by an estimated 17 feet. Mr. Scott asked if there would be any change in the rear yard setback variance request. Mr. Harrison replied no.

Mr. Trembulak then summarized the application for the Board. He noted the remaining variances requested by the applicant. He noted that as a result of compliance with the 65% maximum building width requirement, the side yard setback of the addition from

the shared property line with 25 North Willow Street would be increased from 10 feet to 27 feet.

Mr. Trembulak noted the requested conditional use variance for compliance with the on-site parking requirement. He noted that the proposed plan by the applicant will provide more spaces than currently available on the site, which will not exacerbate the impact on the neighborhood.

Mr. Trembulak recommended the Board approve the application, as the applicant has agreed to reduce the size of the proposed addition.

Final comments from the Board were then accepted.

Mr. Reynolds stated that the design of the addition is nice, however he had concerns regarding the requested variances. He said the applicant's agreement to reduce the width of the addition is good, as is the increase in parking availability. He also understood the concerns of the neighbors in the area. He also noted that the size of the proposed addition is large and is perhaps more than needed for the church. He stated that there may not be sufficient justification for such an addition.

Mr. Fleischer stated that the proposed addition is too large without sufficient justification. He stated that the reduced building width to comply with the ordinance is an improvement. He stated that the addition is to rear of the site which does impact the adjacent rear yards. He noted that there should be a condition to restrict the heights of windows on the northern façade wall to protect privacy of adjacent neighbors. He also recommend that site lighting be turned off at 10pm and that no uses be permitted after 10pm. He also noted concern about rental uses of the building.

Ms. Chowaneic stated agreement with previous Board member comments. She noted that the parking lot should be placed in the rear or on the side of the building. She stated that church parking lots can be very busy. She agreed that there should be a limitation on rentals of the building and also noted concern about future development of a pre-k program as they can generate additional traffic.

Ms. Baggs asked for a review of the criteria to consider a d(3) conditional use variance. Mr. Sullivan reviewed the criteria for Ms. Baggs and the Board.

Ms. Baggs stated concern about the possibility of a large congregation in the space. She noted that the basement is fully accessible with high ceilings, windows, and space for about 300 occupants as testified by Mr. Sionas. She stated that the site could not handle such an amount of people. Ms. Baggs also noted concern with the about the proposed building coverage of about 44.5%, which is nearly a 50% increase and a substantial change. She stated that this increase would impair the zone plan and no hardship justification was presented. Ms. Baggs also noted that the increased off-street parking will be a benefit for the larger neighborhood but unpleasant for immediate neighbors of the site.

Ms. Daye stated agreement with previous Board comments. She stated that the applicant is proposing a significant amount of space and that the scheduled weekly activities held by the church do not align with the space increase. She also noted that there was not sufficient testimony from Petra Baptist Church regarding use of the new space.

Mr. LaVail stated that he understands the needs of the church, however there is a lot of space proposed. He stated that the design of the addition is nice. He stated that the parking lot located in front of the addition is not good for the area. He stated that he has concerns regarding the application due to the requested bulk and mass of the addition and the limitation of the Board to control future uses.

Mr. McCullough stated that the application is difficult to consider. He thanked the applicant for the presentation and the good design of the addition. He stated that the approach should perhaps be different to the addition. He noted that the size of the sanctuary will limit future growth of the church. He agreed that other proposed spaces are needed to support the church. He stated that the plan needs additional work and consideration.

Mr. Moore stated that he was conflicted about the application. He noted the size of the congregation and the size of the addition were concerning. He believed that the applicant should better explain programming of the new space.

Mr. Harrison stated that the testimony provided by the neighbors of the property has been helpful in the Board's review of the application. He noted that the Board does have legal limits with respect to houses of worship. He noted that with regard to the requested conditional use variance that the applicant is not modifying the number of seats in the sanctuary and is actually improving the parking condition by providing additional on-site parking spaces. Mr. Harrison reviewed the requested bulk variances and the justification. He noted the conditions discussed by the Board that should be part of any approval of the application:

1. The sanctuary shall be limited to 240 seats.
2. Use of the building shall be limited to religious purposes by religious groups that utilize the sanctuary for worship service.
3. Lots 2 and 3 shall be consolidated by deed filed with the Essex County Register's Office.
4. The applicant shall comply with and satisfy the comments contained in the June 21, 2017 review memorandum prepared by W. Thomas Watkinson, P.E., Borough Engineer and revised plans shall be subject to his review and approval.
5. All mechanical equipment shall be relocated from the roof to the basement.
6. A gate shall be installed on the parking lot entrance which shall be closed at 10 p.m.
7. Parking lot lighting and use of the parking lot shall not extend past 10 p.m.
8. The plans shall be revised to comply with Montclair Code Section 347-45(C)4 by eliminating approximately 17 to 18 feet of building width at the northerly end of the proposed addition without any other change to the footprint.
9. A tree shall be added at the northern end of the proposed addition in the area where approximately 17 to 18 feet of building width is to be eliminated.
10. The configuration of the rooms shall remain comparable to the layout depicted on the above referenced floor plans prepared by Sionas Architecture, P.C., with no significant increase in size of the proposed rooms.
11. Building coverage shall not exceed 45%.

12. The trash and recycling enclosure shall be located adjacent to the northerly wall of the proposed addition.
13. The proposed shrubbery along the northerly end of the parking lot shall be extended to the rear lot line.
14. Window sill height on the northerly side of the proposed addition shall be no lower than 7 feet above floor level of each floor.
15. The applicant shall obtain final site plan approval.
16. The applicant shall be bound by its own representations as well as those made on its behalf by its attorney and professionals during the course of the public hearing.
17. 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 review of this matter.

Mr. Harrison stated that the Board should consider the d variance first and then the c variances requested by the applicant under a second vote. He also noted that the applicant should return to the Board on October 11, 2017 for final site plan approval, consistent with the modifications as discussed by the Board.

A motion was made by Mr. Reynolds, seconded by Mr. Fleischer to approve the d(3) conditional use variance requested by the applicant. The variance was approved unanimously.

A motion was made by Mr. Reynolds, seconded by Mr. Fleischer to approve the requested c variances, except the variance of the maximum permitted building width, by the applicant. The variances were approved with Mr. Harrison, Mr. Fleischer, Mr. Reynolds, and Mr. Moore voting in favor. Ms. Baggs, Ms. Chowaneic and Mr. LaVail voted in opposition.

A motion was made by Mr. Reynolds, seconded by Mr. Fleischer to grant preliminary site plan approval with a condition that the applicant return for final site plan approval. The motion passed unanimously.

NEW BUSINESS:

App. 2516: 594 Valley Road. P and D Zimmerman Family Limited Partnership. *Residential density variance and site plan approval for expansion of a building in the N-C zone.*

At 10:40pm, following the Board's recess, Mr. Petto announced that the application would be carried to the September 27, 2017 Board of Adjustment meeting with no further notice.

App. 2513: 111 & 113 Grove Street & 63 Walnut Street. Willow Grove Partners and Greenwood Partners. *Use variance for commercial use in the R-2 zone.*

At 10:40pm, following the Board's recess, Mr. Petto announced that the application would be carried to the October 11, 2017 Board of Adjustment meeting with no further notice.

ADJOURNMENT

A motion to adjourn was offered by Mr. Reynolds, seconded by Mr. LaVail. The meeting was adjourned at 1:10 am, September 14, 2017.

Respectfully submitted,

Graham Petto, P.P., AICP
Assistant Secretary
Zoning Board of Adjustment