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**MINUTES OF THE BOARD OF ADJUSTMENT**  
**November 8, 2017**

**ORDER:** The meeting was called to order at 7:40 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, Ms. Baggs, Mr. Moore, Mr. LaVail, Mr. McCullough, Mr. Sullivan and Mr. Petto. Mr. Allen, Ms. Chowaneic and Ms. Daye were excused. Mr. Reynolds was absent.

**APPROVAL OF MINUTES:**

The minutes of the October 11, 2017 meeting were introduced and discussed. A motion to approve the minutes as amended was offered by Mr. Fleischer, seconded by Mr. Moore. The minutes were approved unanimously.

The minutes of the October 25, 2017 meeting were introduced and discussed. A motion to approve the minutes as amended was offered by Mr. Fleischer, seconded by Ms. Baggs. The minutes were approved unanimously with Mr. Moore and Mr. McCullough abstaining.

**2018 SCHEDULE OF MEETINGS:**

The draft 2018 Schedule of Meetings was introduced and discussed by the Board. The Board adjusted the dates of the January, February, April and November meetings. The 2018 Schedule of Meetings was finalized as follows:

January 24	April 11	July 18	October 17
February 7	May 16	August 15	November 7
March 21	June 20	September 12	December 19

A motion was made by Mr. Fleischer, seconded by Mr. LaVail to approve the schedule as amended. The schedule was approved unanimously.

**RESOLUTIONS:**

**Resolution for App. 2527: 68 Pleasant Avenue. Jason & Tracey Santarcangelo.**  
*Bulk variance of front and side yard setback for addition to dwelling; bulk variance of side yard setback for accessory structure; bulk variance for driveway setback.*

The resolution was introduced and discussed by the Board. A motion to approve the resolution, as amended was offered by Mr. Fleischer, seconded by Ms. Baggs. The resolution was approved unanimously with Mr. Moore and Mr. McCullough abstaining.

**REQUEST FOR EXTENSION:**

[App. 2468: 12 Frink Street. Yatin Patel.](#) *Approved December 21, 2016*

Mr. LaVail recused himself from discussion of the extension request.

The request for a 150-day extension of the variance approval was introduced and discussed by the Board. A motion was made by Mr. Fleischer, seconded by Ms. Baggs to grant the requested extension. The extension was approved unanimously.

**NEW BUSINESS - RESIDENTIAL:**

[App. 2534: 20 Clinton Avenue. John & Elizabeth Thomas.](#) *Bulk variance of front yard setback for front porch addition.*

Mr. LaVail returned to the meeting.

Mr. Harrison introduced the application for the Board. Present for the applicant were John & Elizabeth Thomas and their architect Susan Chandler.

Ms. Chandler reviewed the proposed porch addition and submitted plans for the Board.

Following Ms. Chandler's review, questions from the Board were then accepted.

Ms. Baggs asked if the trim around the door would be modified as requested by the Historic Preservation Commission in their memo to the Board. Ms. Chandler replied yes.

Final comments from the Board were then accepted.

Mr. LaVail stated that he would be in favor of the application. He stated that there would be no detriment to the ordinance and that the plan was very detailed and well thoughtout.

Mr. Moore stated he would be in favor and that the addition would be beneficial to the property. He stated agreement with the comments of the Historic Preservation Commission.

Ms. Baggs stated that she would be in favor and also noted support for the HPC's comment regarding trim around the entry door. She also noted that a condition that the porch not be enclosed be added as well.

Mr. Fleischer stated that he would be in favor and agreed to the previous conditions, as stated.

Mr. McCullough stated that he would be in favor, noting agreement with the HPC's request regarding the trim. He commended the design for its sensitivity to the adjacent properties.

Mr. Harrison stated that he would be in favor of the application. He noted that the proposed porch addition aligns with the front yard setback of the adjoining properties and noted many of them have front porches. He stated that there would be no detriment to the zone plan.

Mr. Harrison summarized the proposed conditions of approval:

1. Based on the recommendation of the Historic Preservation Commission, the proposed trim around the entry door and transom window is to be modified to be simpler and more consistent with the style of the dwelling.
2. The porch is to remain open and cannot be enclosed in the future.

A motion as made by Mr. Fleischer, seconded by Mr. McCullough to approve the application, with the conditions as stated. The application was approved unanimously.

**OLD BUSINESS – NON-RESIDENTIAL:**

**App. 2513: 111 & 113 Grove Street & 63 Walnut Street. Willow Grove Partners and Greenwood Partners.** *Use variances for commercial use in the R-2 zone and first floor office use in the N-C zone. Continued from October 11 Board meeting. (Materials previously distributed)*

Mr. Harrison recused himself from the application.

Mr. Fleischer introduced the application to the Board. Present for the applicant was attorney Alan Trembulak and applicant Steven Plofker.

Mr. Trembulak summarized the previous proceedings on the application for the Board. He noted that the plans have been revised and that Paul Sionas, architect for the applicant would review the revised plans for the Board.

Mr. Sionas introduced Exhibit A-2, a PowerPoint presentation summarizing the changes to the proposal. Mr. Sionas reviewed the presentation in detail for the Board, noting alternative configurations of the building on the site to address previous comments by the Board. Three slides, number 17, 18 and 19, in Mr. Sionas' presentation, were not included in materials distributed to the Board and subsequently were marked as Exhibit A-3.

Following Mr. Sionas' presentation, questions from the Board were accepted.

Mr. McCullough asked about the proposed parking area and how it would be used during the day. Mr. Plofker stated that there would be a parking expert to provide testimony on parking. He also noted that the parking provided is like other previous developments that his team has completed in the Township. He stated that many employees are commuting to Montclair by train. He also noted that off-site parking arrangements can be made.

Mr. McCullough asked about snow removal. Mr. Plofker stated that snow would be removed from the site as there was no place to store it on-site. Mr. McCullough recommended heated sidewalks be used to reduce need for snow removal.

Mr. McCullough asked about the metal roofing and if there would be any noise issues. Mr. Plofker stated that the aesthetic of the metal roof was good and that it complemented the brick exterior. He stated that there have been no other complaints about metal roofing at his other properties.

Mr. McCullough asked about the proposed corner pedestrian plaza and if it would be owned by the developer or the Township. Mr. Plofker stated that he could retain ownership of the corner space.

Mr. LaVail stated appreciation for the proposed pedestrian gestures of the site. However, he stated that the parking lot is not welcoming in front of the building. He stated that the two other developed corners at this intersection all have buildings to the street.

Mr. Plofker stated that reconfiguring the building to be adjacent to the street would result in a large parking area behind the building. He stated that this portion of Grove Street is not a pedestrian area. He stated that it would be better for retail tenants to have parking directly in front of the storefronts.

Ms. Baggs asked for clarification of the area of the building. She noted different discrepancies between the application and the submitted plans regarding the size of the building. Mr. Sionas clarified, noting that the building as proposed in the plans is 18,880 sq. ft. in size and the application for notes 20,000 sq. ft. in size.

Ms. Baggs asked about the need for the use variance and asked if the site could be developed by combining the properties along Grove Street in the C-2 and N-C zones, without developing the property on Walnut Street which is in the R-2 zone. Mr. Plofker stated that the planner would testify on these issues. He stated that the Walnut Street property is completely paved presently and has served as the exit lane for the previous car wash in the area. He stated that the currently development of that property does not conform to the R-2 zone.

Ms. Baggs stated that a review of the context of the property in relation to adjacent buildings would be needed. Mr. Sionas reviewed the adjacent properties in the immediate area of the subject property. He noted there are many non-conforming auto uses in the R-2 zone adjacent to the subject property.

Mr. Fleischer stated that the exit driveway onto Grove Street should be a right turn only as Grove Street is very busy. He also noted that much of the proposed office use on the first floor is too close to the street frontage along Walnut Street, and that the amount of first floor office space should be reduced.

Mr. Fleischer stated concern about the proposed building located so far from the street with a parking area along the street. He stated that the adjacent commercial buildings to the north along Grove Street are oriented to the street with parking in the rear. He stated that the proposed development should be similar to these adjacent buildings.

Mr. Fleischer stated that there is an option to connect the building to the corner and that there are design techniques to connect the front of the building along the street to a rear parking area with hallways or passageways.

Mr. Plofker stated that the lack of on-street parking along Grove Street at the subject properties hurts any proposed retail space as there is no quick on-street parking available in this block. Mr. Plofker also noted that the sidewalks further north along Grove Street are wider than the sidewalk on Grove Street along the subject properties.

Mr. Fleischer stated that the proposed building should be oriented towards the corner and also stated that the proposed buildings could be setback to allow for wider sidewalks along Grove Street.

Questions from the audience were then accepted.

Carmel Loughman, 26 Walnut Street, asked if notice was provided to residential and business tenants in the area. Mr. Sullivan clarified that the notice requirements of the NJ Municipal Land Use Law require notice be served to property owners only.

Ms. Loughman asked about lighting at the site. Mr. Sionas replied that lighting would be part of the subsequent site plan submission for the Board under the bifurcated application. He stated that now the applicant is only seeking variance relief for the proposed uses and on-site parking requirement.

Ms. Loughman asked when the proposed tenants of the retail spaces would be open. Mr. Plofker stated that the commercial uses at the site would be a mix of retail and restaurants; and would be open potentially during the day and evening.

Ms. Loughman stated that this corner is a quiet residential area and that the proposed development will bring more noise and traffic. She also noted that the site requires 82 parking spaces and only 50 are being provided which will make matters worse.

Mr. Plofker stated that he has reached out to neighbors and businesses in the area to discuss the proposed site development.

Lucy Fitzgerald, 5 Roosevelt Place, asked about signage for the proposed building. Mr. Sionas reviewed the proposed signage shown on the submitted plans for Ms. Fitzgerald.

Ms. Fitzgerald also asked about access to the retail spaces through an interior walkway or exterior. Mr. Sionas noted that an exterior sidewalk is proposed along the retail spaces to access the shops.

Frank Rubacky, 398 Upper Mountain Avenue, asked about the southern elevation of the proposed building and if there would be any windows. Mr. Sionas stated that this façade would be adjacent to the auto use on Grove Street. He also stated that building codes do not permit windows to be installed at the property line, where the façade wall is located.

Mr. Rubacky noted that the orientation of the building is most welcoming to the north and west. However, he noted that the site does not have good pedestrian access. Mr. Plofker stated that pedestrian access will be provided and noted that additional access to the site for pedestrians should be provided closer to the corner of Walnut and Grove Streets.

Mr. Rubacky asked about circulation on the site, noting that the proposed site is very car-oriented. He stated that the site is not walkable as every pedestrian path requires passing through the path of a vehicle. He stated that the requested parking variance contradicts the proposed design, as the applicant states many people will walk to work on-site from train but parking and driving are encouraged with a large front parking area.

Mr. Rubacky asked if the applicant had considered parking under the structure. Mr. Plofker replied yes.

The Board took a break at 9:45pm.

The Board resumed from the break at 9:55pm.

Following the break, Mr. Trembulak stated that prior to proceeding with additional testimony, that the applicant would revise the plans based upon the Board's comments and feedback.

A motion was offered by Ms. Baggs to carry the application to the December 20 meeting of the Board with no further notice, seconded by Mr. LaVail. The motion was approved unanimously.

**NEW BUSINESS – NON-RESIDENTIAL:**

**App. 2522: 40 South Fullerton Avenue. Willow Street Partners.** *Use variance application for townhome development in the R-1 zone district. (Materials previously distributed)*

Mr. Harrison recused himself from the application.

Mr. Fleischer introduced the application to the Board. Present for the application was attorney for the applicant Alan Trembulak and Steven Plofker, applicant.

Mr. Trembulak reviewed the application pending before the Board for subdivision and use variances for construction of townhomes and intensification of the church use. He stated that the applicant has bifurcated the application and will return to the Board for final site plan approval.

Mr. Plofker stated that there is a contract pending to purchase the portion of the church property. He stated that the plan is to construct 4 townhomes. He stated that there is a need for this type of development in the Township.

Mr. Trembulak then introduced Paul Sionas, architect for the applicant.

Mr. Sionas introduced Exhibit A-1, a PowerPoint presentation, detailing the proposed development.

Mr. Sionas reviewed the history of development proposals at the site, to support the church.

Mr. Sionas noted that the applicant will provide 10 on-site parking spaces, which meets the required on-site parking for the proposed 4 townhomes. He also noted that there would be no change to the parking for the Church.

Questions from the Board were then accepted.

Mr. McCullough asked if any changes were proposed on the church property or if all site improvements were confined to the lot to be subdivided. Mr. Sionas stated that improvements, outside reconfiguration of the parking lot driveway, would be confined to the subdivided lot.

Mr. McCullough asked about the previous application for subdivision and relocation of the playground. Mr. Petto clarified the previous application, which proposed to subdivide a portion of the church property along The Crescent and relocate the playground for the preschool which operates at the church.

Ms. Baggs asked about the alternative plan to allow for driveway access to the church parking lot from both The Crescent and Plymouth Street. The alternative was presented to the Board during Mr. Sionas's presentation. She asked about the reduced width of

the subject lot and if there would be sufficient space for the parking between the townhomes. Mr. Sionas stated that it would be tight, but that the configuration could work.

Mr. Fleischer stated that the original presentation with a single driveway to the church parking area from The Crescent was a better plan and allowed for more space on the proposed subdivided lot for the townhome development. He also noted that there would be additional traffic on Plymouth Street under the alternative plan, which would have driveways to both streets.

Mr. Plofker stated that the alternative plan was developed to increase the setback of the townhomes from the Church and to retain access to the parking area from Plymouth Street, which is the location of the current driveway to the parking area.

Questions from the public were then accepted.

Chris Cavallaro, 12 Plymouth Street, asked if relocating the playground was considered. Mr. Sionas replied no, stating that the intent was to avoid having children walk across the driveway or parking area to access the playground.

Mr. Cavallaro stated that the proposed development would be a huge intensification with four large units proposed on a relatively small site. He asked if the units would be high end and if they could be smaller. Mr. Plofker stated that market conditions and the proposed high quality of the units do require a certain size unit.

Mr. Cavallaro asked if the proposed lot could be further subdivided into two single family lots. Mr. Plofker stated that single family dwellings would be more family oriented and would require an additional curb cut as each lot would need a driveway. He stated that the proposed units would be for high-end homeowners looking to downsize.

Mr. Cavallaro asked about snow removal from the site. Mr. Plofker noted that there is space in front of the proposed guest parking area to store snow on-site.

Mr. Plofker also noted that the application has been sensitive to on-street parking on Plymouth Street and has diverted access to the parking area for the Church to The Crescent.

Lucy Fitzgerald, 5 Roosevelt Place, asked if there was a contract by the applicant to purchase the proposed lot. Mr. Plofker replied yes.

Ms. Fitzgerald asked if the applicant would assist the church with the new driveway. Mr. Plofker stated that the driveway has not been discussed with the church, but that all new improvements on the site would be at the applicant's expense.

Ms. Fitzgerald asked about the monetary benefit to the church of the proposed development. Mr. Plofker stated that the disclosure of the monetary benefit would have to be discussed with the church.

Mr. Cavallaro asked if there were other options for the playground on the site. Mr. Plofker stated they had not been evaluated.

Curt Cozart, 26 The Crescent, asked how many metered parking spots would be lost on the Crescent as a result of the driveway relocation. Mr. Sionas stated that one space would be lost.

Joan Senerchia, 14 The Crescent, asked if the applicant was aware of the traffic bottleneck at The Crescent and South Fullerton Avenue. She stated that there is heavy traffic in the area during drop off and pick up for the nursery school at the church. Mr. Sionas stated that the reason for reconfiguring the driveway to the church parking lot was also to include a drop off and pick up area at the rear of the church on the church property, rather than on the street as currently exists.

Ms. Senerchia asked if there was an aesthetic difference between the driveway alternatives presented by the applicant. Mr. Sionas stated that under the original application, the proposal is a two-way driveway and the alternative represents a one-way driveway through the site.

Ms. Senerchia stated that diesel fumes from the driveway would impact adjacent properties.

Ms. Senerchia asked why the applicant had not considered one single family dwelling for the new lot. Mr. Plofker stated that the church is 60 feet tall and that the proposed townhomes represent a better transition from the church to adjacent residential uses.

Ms. Senerchia asked if the large copper beech tree would be removed as a result of the proposed development. Mr. Sionas replied no, indicating the tree would be retained.

A motion was offered by Ms. Baggs, seconded by Mr. LaVail to continue the application to the December 20, 2017 Board meeting. The motion was approved unanimously.

[App. 2523: 25 Valley Road. JU LLC.](#) *Use variance for retail & service use in the OR-4 zone district.*

Mr. Petto announced that the applicant has requested that the application be carried to the December 20, 2017 meeting of the Board.

The Board announced that the application would be carried with no further notice.

#### **ADJOURNMENT**

A motion to adjourn was offered by Ms. Baggs, seconded by Mr. LaVail. The meeting was adjourned at 11:20pm.

Respectfully submitted,



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