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MINUTES OF THE BOARD OF ADJUSTMENT December 20, 2017

ORDER: The meeting was called to order at 7:35 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. Allen, Mr. LaVail, Mr. McCullough, Ms. Daye, Mr. Sullivan and Mr. Petto. Mr. Reynolds arrived at 7:45pm. Mr. Moore and Ms. Chowaneic were excused.

APPROVAL OF MINUTES:

The minutes of the November 8, 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. Allen and Ms. Daye abstaining.

2018 PROFESSIONAL SERVICES – ATTORNEY & ENGINEER

Mr. Harrison introduced the proposals for professional services and resolutions to the Board.

A motion was made by Mr. LaVail, seconded by Mr. Fleischer to accept the proposals and approve the resolution. The motion was approved unanimously.

RESOLUTIONS:

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

The resolution was introduced and discussed by the Board. Mr. Harrison 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. Allen and Ms. Daye abstaining.

REQUEST FOR EXTENSION:

[App. 2102 – 210 Highland Avenue](#)

Mr. Harrison introduced the extension request to the Board. Present on behalf of the applicant was attorney Alan Trembulak. Mr. Trembulak summarized the request for the Board. He noted that the current request for extension comes from his clients, the recent purchasers of the subject property. He noted the property was purchased in October 2017. He stated that they do intend to construct the dwelling as approved by

the Board and subsequently reside in the dwelling. He noted that the subject property was granted variance relief in 2005 and 2009. Mr. Trembulak noted that an extension was granted in June 2017 and expired November 30, 2017.

The Board discussed the requested extension.

Mr. Fleischer stated that he would agree to an extension to the spring to allow for the start of construction.

Mr. Harrison asked for clarification. He noted that the proposed development will require extensive site preparation given its situation on the hillside. Mr. Trembulak noted that construction would take some time. Mr. Harrison stated that he would agree to an extension to June 30, 2018.

Ms. Baggs asked for clarification if any previous extensions were granted. Mr. Harrison noted that previously the approval was extended due to the State Permit Extension Act. He noted that the Board has not yet granted an extension of the variance approval.

A motion was made by Mr. Fleischer, seconded by Mr. Allen to approve the extension request through June 30, 2018. The motion passed unanimously with Mr. Reynolds abstaining.

SPECIAL MEETING DATE

The Board discussed scheduling a special meeting on January 3, 2018 to consider additional applications. The Board agreed to schedule the meeting and directed Mr. Petto to publish notice of the meeting.

NEW BUSINESS - RESIDENTIAL:

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. Mr. Trembulak summarized the application for the Board. He noted that the plans have been revised in response to the Board's previous comments.

Mr. Trembulak introduced Paul Sionas, architect for the applicant to review the plans. Mr. Sionas introduced Exhibit A-4, a PowerPoint presentation dated December 20, 2017 to review the changes to the plans.

Mr. Sionas reviewed the PowerPoint. He noted modifications to the configuration of the building on the site and the intent to avoid pedestrian conflicts with the proposed driveways.

Questions from the Board were then accepted.

Mr. Fleischer noted that the plans were an improvement. He stated that concern about the proposed front yard parking along Grove Street and that this could not be supported.

Mr. Steven Plofker, applicant, addressed Mr. Fleischer's comments. He noted that there is no street parking in this area of Grove Street which impacts first floor retail tenants that need parking out front of the entrance. Mr. Fleischer noted that there is parking to the rear in other commercial areas in the Township, including just north along Grove Street.

Mr. Fleischer stated he would not be in favor of the front yard parking.

Mr. Allen asked about the driveway entrance to the parking area from Grove Street. Mr. Sionas reviewed the driveway location on Grove Street.

Ms. Daye asked about bike parking available at the site. Mr. Sionas reviewed the location of proposed bike parking.

Mr. Trembulak then introduced Mr. Craig Peregoy, parking and traffic expert for the applicant.

Mr. Peregoy introduced Exhibit A-5, a parking and traffic report for the proposed site development.

Mr. Peregoy reviewed the report in detail for the Board. He noted that one driveway entrance is proposed for each street to the subject property and that the driveways are located as far as possible from the intersection of Walnut and Grove Streets.

Mr. Peregoy also noted that the development represents an improvement in traffic and parking as the current auto-oriented uses will be removed. He also noted that the proposed office and retail uses are more complimentary to the nearby community over the existing auto-uses.

Mr. Peregoy stated that based on his analysis, peak parking demand will be for 43 vehicles where 50 parking spaces are provided on the submitted plans.

Questions from the Board were then accepted.

Ms. Baggs asked about the existing trip generation numbers for the listed car rental. Mr. Peregoy noted that the figures used were for car rental locations off-airport.

Ms. Baggs asked how many spaces are currently used for the existing car rental at the property. Mr. Plofker stated that between 30 and 50 cars turn over at the car rental location. He stated that an off-site lot is currently used for storage of the cars.

Ms. Baggs noted that the proposed parking lot is larger in size than the existing and how that would impact traffic. Mr. Peregoy stated that the proposed office uses has less trip generation which results in less traffic.

Mr. Reynolds asked if the car rental would remain on site. Mr. Plofker stated that the issues related to the car rental is around the storage of the cars and that it would be difficult to remain at the site.

Mr. Reynolds noted concern about existing the site by making a left turn onto Grove Street with traffic volume and the adjacent rail tracks. He stated that it should be a right turn only.

Mr. Fleischer asked about internal traffic movement and noted the small dead-end of parking in the front yard area along Grove Street. He noted there is no turn around

space for vehicles needing to exit this area if all spaces are occupied. Mr. Peregoy stated that this could be reconfigured but may result in the loss of a parking space.

Mr. Trembulak then introduced George Williams, professional planner for the applicant.

Mr. Williams provided an overview of the application for the Board. He noted that the application is bifurcated and will return for site plan review. He also reviewed the requested variances of the applicant.

Mr. Williams introduced Exhibit A-6, an aerial photo of the site with zoning and location information and Exhibit A-7, a photo survey of the area.

Mr. Williams reviewed the submitted exhibits for the Board.

Mr. Williams summarized the variances sought by the applicant and the impact of the variance relief.

Questions from the Board were then accepted.

Ms. Baggs asked about the proposed use of Lot 11. She noted that the entire lot would be asphalt pavement to serve as the parking lot. She asked how this could be considered a benefit. Mr. Williams stated that overall, the proposed site development is consistent with the adjacent development pattern across Walnut Street, which has a commercial development and parking area.

Mr. Plofker stated that there are many existing uses along Walnut Street that are not consistent with the R-2 zone in this area. He noted that the car wash location has existed here since the 1950s in addition to the other adjacent auto uses.

Mr. Trembulak informed the Board that no other witnesses would testify on the application.

Mr. Trembulak provided to the Board Exhibit A-8 a reciprocal parking agreement with DeCamp bus and Exhibit A-9 a reciprocal parking agreement with 9 Willard Place.

Comments from the public were then accepted.

Mr. Bob Silver, 105 Grove Street, Suite 5, stated that he is the adjacent owner of property next to the subject site. He stated that he has been a developer in the area for 10 years. He noted that he is familiar with the traffic issues in the area. He stated that the proposed design of the development is good for the neighborhood. He stated that the design is a significant improvement over the existing site. He stated that the right turn only onto Grove Street is a good suggestion due to traffic in the area. He stated that there has been an increase in pedestrian activity in the area. Mr. Silver stated he supported the project.

Mr. Trembulak then summarized the application for the Board. He stated that the proposed development will eliminate the non-conforming car wash and auto uses in the R-2 zone and that the new building will bring mixed use to the area. He also noted that the lack of on-street parking on Grove Street necessitated the parking configuration.

Final comments from the Board were then accepted.

Ms. Daye stated that she appreciated the updated design and found no concerns with the proposed development. She stated support for the application.

Mr. McCullough stated that he also supported the updated design of the building. He stated that the parking provided would be good and that the screening of the lot would be an improvement over the current site. He did not concern about pedestrian safety at the intersection of Grove and Walnut Streets.

Mr. LaVail stated that he was generally in favor of the use variances sought by the applicant. He stated that there would be more comments during the site plan review of the development. He stated appreciation for the changes made by the applicant.

Ms. Baggs stated that it is important to maintain a strong boundary between commercial uses and the R-2 zone further down Walnut Street to the east. Ms. Baggs also noted that there are overall improvements to the site by reducing the impact of the parking lot in the area and incorporating additional greenery. She stated that she would be in favor of the "d" variance for the use of the R-2 lot for accessory parking but not in favor of the "d" variance for the first-floor office space. She stated that additional proof would be needed as to why the first-floor office space variance would be needed.

Mr. Reynolds stated that he would be in favor of the application. He stated that there would be additional comments during the site plan review of the development.

Mr. Allen stated that the parking lot in front of the building allows visitors to see available parking. He also noted that there is first floor office space along Grove Street, north of Walnut Street. He stated he would be in favor of the application.

Mr. Fleischer stated that the redesigned building is a significant improvement. He stated that the configuration of the building with parking to front along Grove Street. He stated this lot is too small and a problem for the site. He stated that he would be in favor of the use variances and the parking variance and would address other concerns during the site plan review.

Mr. Sullivan summarized the conditions for the Board:

1. The applicants shall obtain site plan approval which shall include a sign limiting the egress drive on Grove Street to right turn only.
2. The applicants shall be bound by representations made on its behalf by its attorney and professionals during the public hearings.
3. The applicants 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.

A motion was made by Mr. Reynolds, seconded by Mr. Allen to approve the "d" variance for accessory parking in the R-2 zone district. The variance was approved unanimously.

A motion was made by Mr. Reynolds, seconded by Mr. Allen to approve the "d" variance for office use on the first floor in the NC zone district. The variance was denied with Mr. Fleischer, Ms. Baggs and Mr. LaVail voting against and Mr. Reynolds, Mr. Allen, Mr. McCullough and Ms. Daye voting in favor.

A motion was made by Mr. Reynolds, seconded by Mr. Allen to approved the "c" variance for number of parking spaces less than required. The variance was approved unanimously.

Following the application, the Board took a 10-minute break. The meeting resumed at 10:35pm.

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 and Mr. Allen recused themselves from consideration of the application.

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

Mr. Trembulak reviewed previous testimony on the application for the Board.

Mr. Trembulak then introduced Richard Thomas, Board member of the First Congregational Church.

Mr. Thomas stated that the church has very limited capital funds to maintain the building. He stated that the church is under financial pressure to make repairs to the building. He reviewed previous applications by the Church to subdivide the property along The Crescent. He stated that the church hopes to maintain the building. Mr. Thomas also noted that the church supports many non-profit organizations which have offices in the building. He stated that funds from the development will be used to maintain and upgrade the church building.

Questions from members of the Board were then accepted.

Mr. Fleischer asked if the two-way driveway proposed to The Crescent along the playground area would have an impact on the playground. Mr. Thomas replied no.

Ms. Baggs asked if the beech tree would be retained. Mr. Thomas replied yes that the tree remains under both alternatives of the plan.

Questions from the public were then accepted.

Chris Cavallaro, 12 Plymouth Street, asked if the church would have to sell additional property in the future to fund maintenance costs. Mr. Thomas stated that there are no long-range plans and that the proceeds from this sale would fund immediate needs of the building. He said that it could be possible in the future that the church may need additional funds to cover needs.

Mr. Cavallaro asked if the church had considered locating the four units on The Crescent and relocating the playground. Mr. Thomas stated that moving the playground would require the children to walk a greater distance further from the nursery school. He stated that it was also an attempt to ensure the children do not have to cross a driveway.

Mr. Trembulak then introduced Mr. George Williams, professional planner for the applicant.

Mr. Williams reviewed the proposal for the Board. He noted the situation of the property and adjacent uses in the area, which span a broad range of uses. He stated that the church is an historic landmark and the subdivision would help to ensure maintenance of

the landmark. Mr. Williams reviewed the positive and negative criteria for the requested use variance.

Questions from the Board were then accepted.

Mr. Fleischer stated that Plymouth Street had been discussed for rezoning when the Master Plan was reviewed and that the area was retained as an R-1 zone. He stated that while the area in nearby other varied uses, the R-1 zone remains in place for the proposed subdivided lot. He asked why the subdivided lot could not be developed with two single-family dwellings, which would conform to the R-1 zone.

Mr. Fleischer continued that the proposed units are very large at about 3,000 sq. ft. He stated that 4 large townhomes would change the character of the street where two single-family houses could be built.

Mr. Williams stated that while single family homes would be more consistent, he stated that developing 4 units will provide the church with more funds to conduct maintenance and upkeep of the historic building. He stated that if the church was not able to continue occupancy of the building, a vacant church would be very difficult for the community.

Mr. Fleischer stated that the proposed size of the townhomes is much larger than other homes on the street. He stated that alternative solutions do exist.

Questions from the public were then accepted.

Chris Cavallaro, 12 Plymouth Street, asked if the development would be a real estate transaction or developed in partnership with the church. Mr. Williams stated that it was a real estate deal and that houses of worship o look for unique deals with understanding partners to structure creative deals. He stated that the deal will help church to rehabilitate.

Mr. Cavallaro asked if the design of the townhomes has changed. Mr. Williams stated that the design team held a charrette of the design and presented the plans to the Historic Preservation Commission.

Mr. Cavallaro asked about the size of the house on the lot. Mr. Williams stated that the proposed dwellings are larger on the proposed lots, but that they serve as a transition from the church use to the adjacent single-family dwellings.

Mr. Trembulak then introduced Michael Koep, development partner of the applicant.

Mr. Koep noted that he has recently completed a subdivision development at the intersection of Grove Street and Claremont Avenue. He stated that the development there was of three two-family dwellings on smaller lots and that they have been well received.

Mr. Koep stated that the proposed units here would be of high quality and would share a driveway. He noted that two single-family dwellings would need two driveways. He stated that the presented plan is the best plan for the site.

Questions from the Board were then accepted.

Mr. Fleischer asked what zone the development at Claremont Avenue and Grove Street was located within. Mr. Koep stated that it was the R-2 Two-Family zone.

Questions from the public were then accepted.

Roseanne Spendley, 12 Plymouth Street, asked if the four units would be individually sold. Mr. Koep stated that they would be part of a condominium association and sold.

Chris Cavallaro, 12 Plymouth Street, asked if there was a driveway at the Claremont/Grove development. Mr. Koep replied yes. Mr. Cavallaro stated in this case that the driveway goes down into the ground.

Mr. Cavallaro asked if two single-family houses with driveways and trees could work in this area. Mr. Koep replied yes, stating its possible.

Comments from the public were then accepted on the application.

Joan Senerchia, 14 The Crescent, stated concerns about an in/out driveway onto The Crescent. She noted that the driveway would be adjacent to the playground at the church and her property. She noted that The Crescent has only two means of egress from the street, onto Trinity Street and South Fullerton Avenue. She stated that any driveway to The Crescent should be one-way egress, with a driveway ingress from Plymouth Street. Ms. Senerchia stated that the nursery school is very busy with drop-off and pick-up twice per day. She also noted concern about trucks using the driveway to remove garbage and the impact on her property.

Roseanne Spendley, 12 Plymouth Street, stated that the proposed development is overbuilding at 4 units on an R-1 one family lot. She stated that she does love the church and that two single-family dwellings would be better for the area.

Curt Cozart, 26 The Crescent, expressed concern that on-street parking spaces would be lost due to the driveway location on The Crescent. He noted that there are 3 businesses located on The Crescent that rely on on-street parking. He recommended that a one-way driveway be installed to limit loss of on-street parking on The Crescent. Mr. Cozart also expressed concern about traffic in the area with the pending Seymour Street Redevelopment in addition to this project.

Chris Cavallaro, 12 Plymouth Street, stated that the proposed development is overbuilding. He stated that the applicant has not considered other alternatives, such as three units in one building. He stated that this first development will not solve the church's long-term financial need. He also stated that this opens the door to future development of the church. Mr. Cavallaro also stated concerns about traffic and parking in the area.

Levee Brooks, 18 Plymouth Street, stated that over time the block will change. He stated that the plan is reasonable and that an effort should be made to minimize driveways as the area is very walkable. Mr. Brooks stated that he does not want to see the church lost and supports this plan.

Following public comments, Mr. Trembulak advised the Board that the applicant would like to continue discussion of the application to January 24, 2018. The Board agreed to the request and announced that the application would be carried with no further notice.

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

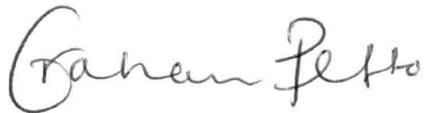
Mr. Trembulak, attorney for the applicant, stated that the applicant requested that the application be carried to the January 3, 2018 meeting of the Board. He stated that the applicant would consent to an extension of time to act.

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,

A handwritten signature in cursive script that reads "Graham Petto".

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