



Township of Montclair

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MONTCLAIR ZONING BOARD OF ADJUSTMENT



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MINUTES OF THE BOARD OF ADJUSTMENT May 16, 2018

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, Mr. Reynolds, Ms. Baggs, Mr. McCullough, Mr. Moore, Ms. Harris, Mr. Sullivan and Mr. Petto. Mr. Allen, Mr. Simon, and Mr. Caulfield were excused.

APPROVAL OF MINUTES:

April 25, 2018 Minutes

Chair Harrison introduced the minutes for review by the Board. A few edits to the minutes were offered. A motion was made by Mr. Fleischer, seconded by Ms. Baggs to approve the minutes as amended. The minutes were approved unanimously.

RESOLUTION:

Resolution for [App. 2532: 224 Orange Road. Montclair Kimberley Academy.](#)

Conditional use variance and site plan application for addition to school in R-1: One-Family Zone District.

Mr. Harrison introduced the resolution to the Board. A few edits to the resolution were offered. A motion was made by Mr. Fleischer, seconded by Mr. McCullough to approve the resolution as amended. The resolution was approved unanimously with Ms. Baggs abstaining.

Resolution for [App. 2542: 151 Forest Street. Erie Street Partners, LLC.](#) Use variance for medical office in the R-2: Two-Family zone district.

Mr. Harrison recused himself from consideration of the resolution.

Mr. Fleischer introduced the resolution to the Board. A motion was made by Ms. Baggs, seconded by Mr. McCullough to approve the resolution as presented. The resolution was approved unanimously with Mr. Harrison abstaining.

REQUEST FOR EXTENSIONS:

[App. 2494: 2 Chester Road. Mary Jane Weldon.](#) Bulk variance for front yard setback for second floor addition.

Mr. Harrison introduced the extension request to the Board. It was noted that the applicant has requested a 150 day extension of the variance approval.

A motion was made by Mr. Fleischer to approve the extension request, seconded by Ms. Baggs. The extension request was approved unanimously.

[App. 2492: 250 Upper Mountain Avenue. Alexandra Davies & Jay Fastow.](#) *Bulk variance for additions to dwelling.*

Mr. Harrison introduced the extension request to the Board. It was noted that the applicant has requested a one-year extension of the variance approval.

A motion was made by Ms. Baggs to approve the extension request, seconded by Mr. Fleischer. The extension request was approved unanimously.

NEW BUSINESS – RESIDENTIAL:

[App. 2551: 167 Highland Avenue. Neena & Dinesh Shah.](#) *Bulk variance of required front yard setback for new addition in R-O zone. [The applicant has requested to adjourn the application to the August 15, 2018 Board meeting](#)*

Mr. Petto announced that the applicant has requested to carry the application to the August 15, 2018 Board meeting. He noted that the applicant would publish notice for the August 15 meeting date and that the applicant also consents to an extension of time.

[App. 2552: 3 Eagle Rock Way. Jamie Anthony.](#) *Bulk variance of required side and rear yard setback for new addition to corner lot in R-O zone.*

Mr. Petto announced that the applicant has not completed the required notice for this evening's meeting. He stated that the applicant has requested to carry the application to the June 20, 2018 Board meeting. He also noted that the applicant would publish new notice for the June 20 meeting date.

[App. 2553: 284 Park Street. Peter J Derba III.](#) *Bulk variance of required rear yard setback for new addition in R-2 zone.*

Mr. Harrison introduced the application to the Board. Present for the application was Ms. Sarah Derba and architect Michael Sweebe.

Mr. Sweebe reviewed the proposed one-story rear addition to expand the kitchen area in the existing dwelling. He noted that the proposed expansion would be over the area of the existing bilco doors, which would be removed. He also noted that the subject lot is very shallow in depth and is angled to the rear of the dwelling.

Questions from members of the Board were then accepted.

Ms. Baggs asked if the lot creates difficulty for the dwelling. Mr. Sweebe replied yes, noting the odd shape of the lot and narrow depth.

Ms. Baggs asked if there would be another conforming location for the proposed addition. Mr. Sweebe noted that it could perhaps be built in the location of an existing deck, however it would result in the deck being removed.

Mr. Reynolds also noted that the lot is a difficult shape.

Mr. McCullough asked if there was other access to the basement in the dwelling as the bilco doors would be removed. Ms. Derba replied yes.

Mr. Fleischer noted that the proposed location of the addition would align with the existing kitchen area.

Final comments from the Board were then accepted.

Ms. Baggs stated that the subject property has an oddly shaped lot. She noted that the existing position of the house limited space for conforming additions. She noted that the proposed addition was a minor change and that she would be in favor.

Mr. Fleischer stated that he would be in favor of the application. He noted that the angled rear property line presented a hardship for the applicant.

Mr. Reynolds stated that he would be in favor.

Mr. McCullough stated that he would be in favor.

Ms. Harris stated that she would be in favor.

Mr. Moore stated that he would be in favor.

Mr. Harrison stated that he would be in favor given the configuration of the lot and the existing rear setback of the dwelling on the lot. He stated that there would be no detriment to the public and no impairment of the zone plan.

A motion was made by Mr. Reynolds to approve the application, seconded by Mr. Moore. The application was approved unanimously.

App. 2554: 12 Willowdale Court. Imbar Meidani. *Bulk variance of the side yard setback for new addition to principal dwelling and site yard setback for new accessory structure in R-1 zone.*

Mr. Harrison introduced the application to the Board. Present for the application was the applicant, Imbar Meidani. Mr. Petto noted that there are outstanding taxes owed to the Township, according to the Tax Collector.

Ms. Meidani reviewed the proposed improvements to the property including the second-floor addition above an existing single-story rear addition to the dwelling. She also noted that the application proposes to construct a new detached garage on the property.

Questions from the Board were then accepted.

Ms. Baggs asked if the proposed addition was configured to align the proposed bathroom in line with the existing plumbing on the floor below. Ms. Meidani replied yes.

Mr. Harrison asked about the proposed garage on the former garage slab. He noted that the existing slab was in poor condition and not aligned with the side property line. He stated that the new garage should be constructed parallel to the property line and be setback no less than 4.9 feet.

Final comments from the Board were then accepted.

Ms. Baggs stated that the existing lot is unusually narrow. She noted that given the position of the lot, with the side property line adjacent to rear property lines along another street, there would be minimal impact to neighboring properties. She also noted that the proposed addition is to be constructed in line with the existing one-story

extension below, including the plumbing. Ms. Baggs stated that she would be in favor of the application and also noted support for the garage setback of 4.9 feet.

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

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

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

Ms. Harris stated that she would be in favor of the application.

Mr. Moore stated that he would be in favor, noting that the addition would make the property more conforming with others in the neighborhood and would also add value.

Mr. Harrison stated that he would be in favor of the application, given the narrow width of the existing lot. He also noted that the existing driveway location justified the applicant's request for a variance of the side yard setback for the garage. Mr. Harrison stated that there would be no detriment to the public and no impairment of the zone plan.

Mr. Harrison stated that a side yard setback for the garage should be maintained at 4.9 feet.

Mr. Harrison also noted that payment of any outstanding taxes should also be a condition of approval.

A motion was made by Mr. Reynolds, seconded by Mr. Fleischer to approve the application with the conditions as stated by the Chair.

NEW BUSINESS – NON-RESIDENTIAL:

[App. 2531: 87-89 Valley Road. BG Holdings, LLC. Determination of res judicata for use variance for medical office in the R-2: Two-Family zone district. The applicant has requested to adjourn the application to the June 20, 2018 meeting of the Board](#)

Mr. Harrison recused himself from the application.

Mr. Petto announced that the applicant has requested to carry the application to the June 20, 2018 Board meeting date. He stated that the applicant has already published notice for the application and noted that there would be no further notice published.

ADJOURNMENT

Mr. Harrison acknowledged that it was Ms. Baggs last meeting with the Board and thanked her for her service.

A motion to adjourn was offered by Ms. Baggs, seconded by Mr. McCullough. The meeting was adjourned at 8:20pm.

Respectfully submitted,



Graham Petto, P.P., AICP
Assistant Secretary

Zoning Board of Adjustment