



Township of Montclair

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MONTCLAIR ZONING BOARD OF ADJUSTMENT



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## MINUTES OF THE BOARD OF ADJUSTMENT September 12, 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, Ms. Harris, Mr. McCullough, Mr. Reynolds, Mr. Allen, Mr. Simon, Mr. Caulfield, Mr. Sullivan and Mr. Petto. Mr. Moore was excused.

### **APPROVAL OF MINUTES:**

#### **August 15, 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. Harris to approve the minutes as amended. The minutes were approved unanimously with Mr. McCullough, Mr. Reynolds, Mr. Allen and Mr. Simon abstaining.

### **RESOLUTIONS:**

**Resolution for [App. 2551: 167 Highland Avenue. Neena & Dinesh Shah.](#) Bulk variance of the required front yard setback in the R-O Mountainside Zone District.**

Mr. Harrison introduced the resolution to the Board. A few edits to the resolution were offered. A motion to approve the resolution as submitted was offered by Mr. Fleischer, seconded by Mr. Caulfield. The resolution was approved unanimously with Mr. McCullough, Mr. Reynolds, Mr. Allen and Mr. Simon abstaining.

**Resolution for [App. 2568: 31 Stephen Street. Mary Clark & Alexis Charnee.](#) Bulk variance of the required accessory structure setback in the R-1 One-Family Zone District.**

Mr. Harrison introduced the resolution to the Board. A few edits to the resolution were offered. A motion to approve the resolution as submitted was offered by Mr. Fleischer, seconded by Mr. Caulfield. The resolution was approved unanimously with Mr. McCullough, Mr. Reynolds, Mr. Allen and Mr. Simon abstaining.

**Resolution for [App. 2576: 26 Walnut Street. Carmel Loughman.](#) Bulk variance of the required accessory structure setback in the R-2 Two-Family Zone District.**

Mr. Harrison introduced the resolution to the Board. A few edits to the resolution were offered. A motion to approve the resolution as submitted was offered by Mr. Fleischer,

seconded by Ms. Harris. The resolution was approved unanimously with Mr. McCullough, Mr. Reynolds, Mr. Allen and Mr. Simon abstaining.

**OLD BUSINESS – RESIDENTIAL:**

**App. 2559: 35 Afterglow Way. Zachary & Lauren Zeltzer.** *Bulk variance of maximum permitted building width in R-1 One-Family Zone District.*

Mr. Petto announced that the applicant had provided a correspondence requesting that the hearing be carried to the October 17, 2018 meeting of the Board.

The Board agreed to carry the application to the October 17, 2018 meeting with no further notice.

**NEW BUSINESS – RESIDENTIAL:**

**App. 2563: 430 Upper Mountain Avenue. John Giorgi.** *Bulk variance of required front yard setback in the R-1 One-Family Zone.*

Mr. Harrison introduced the application to the Board. Mr. Petto noted that the applicant has not completed notice for this evening's hearing.

Present for the application was Mr. John Giorgi. Mr. Giorgi requested that the Board carry the application to the October 17, 2018 meeting. He stated that he has completed notice of the 200 foot list, and will publish notice in the newspaper for the October 17, 2018 meeting date.

**App. 2570: 4 Inwood Terrace. Cheryl Oberdorf.** *Bulk variance to locate off-street parking in the front yard in the R-1: One-Family Zone District*

Mr. Harrison introduced the application to the Board. Present for the application was the applicant, Cheryl Oberdorf and the architect for the applicant, Robert Algarin.

Mr. Algarin summarized the application before the Board. He submitted the following exhibits for review by the Board:

- A-1 – a rendering of the dwelling
- A-2 – photos of the existing dwelling
- A-3 – Architectural standards for garages
- A-4 – Floor plan of the second floor of the dwelling

Mr. Algarin noted that the current garage at the dwelling does not provide sufficient space for two cars of today's size. He explained that the existing garage functions as an oversized one-car garage and does not provide space for two vehicles.

Mr. Reynolds asked how many bedrooms were in the dwelling. Mr. Algarin referred to A-4 and noted that there are 4 bedrooms.

Mr. Simon asked if the garage was original to the house. Mr. Algarin replied yes and noted that cars were smaller at the time of construction.

Mr. Reynolds asked for clarification of the required parking. Mr. Petto noted that the RSIS standard for 4-bedroom dwellings is 2.5 spaces and the half-space may be disregarded as noted in the regulation.

Mr. Fleischer asked if the applicant had considered replacing the two garage doors with one large door to better access the garage by two cars. Mr. Algarin replied no and stated that the change of the door configuration would not solve the space constraints of the garage.

Mr. McCullough asked if a goal of the plan was to create useable space within the garage. Ms. Oberdorf replied yes. She stated that the existing garage door openings are not wide enough to pull a car into the garage, rendering the garage useless to use for parked vehicles. She also noted that the expansion into the garage would also create additional first floor utility space for the dwelling. She stated that there is currently no interior access to the garage from the dwelling.

Questions and comments from the public were then accepted.

Mr. Louis Kauffman, Little Falls, stated that the existing garage at the property is not useable as a garage, and is in effect a no-car garage at this time.

Final comments from the Board were then accepted.

Mr. Caulfield stated that he would be in favor of the application as the current garage does not work for the dwelling.

Ms. Harris stated that she had no objection to the requested variance for front yard parking and noted that the small size of the garage presents a hardship.

Mr. Allen stated that he agreed with previous comments.

Mr. Simon stated that he agreed with previous comments.

Mr. McCullough stated that he agreed with previous comments.

Mr. Fleischer stated that he would be in favor of the application. He noted that the rear yard is not accessible to locate any parking. He also noted that the parking requirement for the dwelling could be reduced to one vehicle.

Mr. Reynolds stated that he would be in favor of the application. He stated that the small lot size and shape as well as the size of the house make it difficult to comply in locating parking outside the front yard.

Mr. Harrison stated that he would be in favor. He stated that he understood the current garage is undersized. He stated that the existing set up of the garage is not configured for practical use. Mr. Harrison stated that any expansion of the garage to make it larger would encroach in the required side yard setback of the zone. He stated that the proposed plan for the garage is desirable and stated that the applicant has provided justification for the variance. He stated he would be in favor as presented.

A motion was made by Mr. Fleischer, seconded by Mr. Reynolds to approve as submitted. The motion was approved unanimously.

**[App. 2571: 30 Porter Place. Jeh Johnson & Susan DiMarco.](#)** *Bulk variance of the maximum permitted fence height in front of the extreme rear corners of the principal building in the R-1: One-Family Zone District*

Mr. Fleischer recused himself from consideration of the application.

Mr. Harrison introduced the application to the Board. Present for the application was the applicant, Jeh Johnson and landscape designer for the applicant Lisa Mierop.

Mr. Johnson stated that he has been a 21 year resident of Montclair and is looking forward to returning home to Montclair. He stated that the property has been undergoing renovations and is nearing completion.

Ms. Mierop reviewed the proposed gate installation. She noted that the proposed gate would span the driveway entrance to the property along Porter Place. She stated that the gate would be made of wood in a dark gray color.

Ms. Mierop stated the gate would be 13 feet 2 inches in width and affixed to stone piers on either side of the gate. She stated that gas lanterns would be installed on the stone piers.

Ms. Mierop noted that the proposed gate will be setback 17 feet from the sidewalk along Porter Place. Finally, she noted that the gate would be solid to support the automatic opening mechanisms.

Questions from the Board were then accepted.

Mr. Simon asked about the height of the gate. Ms. Mierop noted that the gate would be higher at the outer ends and would slope downward to the lowest point in the center. She noted that only a small portion of the gate at the outer edge would exceed the maximum 4.5 foot height for fences.

Mr. McCullough asked if other gates have been installed in the area similar to this one. Ms. Mierop stated that one was installed at a dwelling on Park Street. She also noted that there is a small swimming pool on the subject property, which under building code, requires a secure enclosure.

Final comments from the Board were then accepted.

Ms. Harris stated that she had no objection to the application and noted it was a nice addition to the property.

Mr. Allen stated that he had no objection.

Mr. Simon stated that he would be in favor and noted that the style of the gate will complement the neighborhood and house.

Mr. McCullough stated that he would be in favor and noted that the gate is in keeping with the historic house.

Mr. Reynolds stated that he would be in favor, noting the angle of the street with respect to the house sets the gate back from the street.

Mr. Caulfield stated he would be in favor.

Mr. Harrison stated he would be in favor, noting there is no detriment to the public and no impairment of the zone plan. He stated that 98% of the gate conforms to the requirement and there is only a minor deviation.

A motion was made by Mr. Allen to approve the application, seconded by Mr. Reynolds.

**OLD BUSINESS – NON-RESIDENTIAL:**

**App. 2564: 441 Bloomfield Avenue. 441 Bloomfield Avenue Montclair LLC.** *Use variance to locate general, business and professional office on the first floor in the C-1: Central Business Zone District.*

Mr. Fleischer returned to the Board.

Mr. Allen department the meeting.

Mr. Harrison introduced the application to the Board. Present for the applicant was attorney John Wyciskala.

Mr. Wyciskala summarized the previous testimony on the application to the Board. He noted that the applicant proposes to occupy the former bank building and use the first floor of the building for office space.

Mr. Wyciskala then introduced Richard Keller, professional planner for the applicant.

Mr. Keller introduced Exhibit A-6, a colored plan set for the application. Mr. Keller reviewed the history of the building and its use as a bank. He noted that the applicant proposes to use the first floor of the building for office space, which is not permitted in the zone district. He also noted that the first floor of the bank building with its high windows, is not configured for storefront use.

Mr. Keller stated that the applicant will remove a total of 5 previous signs and install only 2 new signs. He stated that the 2 new signs to be installed will be plaque signs mounted in the same size and location as the previous plaque signs at the building. He stated that the building does need two signs as it is large and the signs will provide balance.

Mr. Keller stated that the site is particularly suited for the office use, as the former bank has a large interior space. He stated that the applicant will be a single tenant of the building and no additional entrances will be needed.

Mr. Keller stated that expanding the windows of the building to accommodate a conforming retail use would compromise the integrity of the building.

Questions from the Board were then accepted.

Mr. Caulfield asked if the applicant would own or lease the building. Mr. Wyciskala stated that the building would be owned by the applicant and leased by a tenant.

Mr. Simon asked about the size of the proposed plaque signs. Mr. Keller stated that they would be the exact same size as the previous plaque signs at the building.

Mr. McCullough asked for clarification of the proposed window replacements. Mr. Keller stated that the lower level windows, which are partially below grade, would be replaced.

No questions nor comments from the public were provided.

Final comments from the Board were then accepted.

Mr. Simon stated that he would be in favor. He stated that his previous concern about the size of the sign has been addressed.

Mr. McCullough stated he would be in favor.

Mr. Fleischer stated he would be in favor.

Mr. Reynolds stated he would be in favor. He asked that the applicant inquire about repairing the street light adjacent to the building on Bloomfield Avenue.

Mr. Caulfield stated he would be in favor. He noted that additional employees in the downtown area would be a benefit.

Ms. Harris stated she would be in favor. She stated that the lack of windows make it difficult to lease the space for a conforming retail use.

Mr. Harrison stated that he would be in favor. He stated that the building is unique and not configured for a retail tenant as the windows are too high. He stated that the building is suited for the use. He stated that the proposed signs will match the previous signs and will help balance the façade.

Mr. Harrison review the conditions of approval:

1. The two wall-mounted plaque signs shall be the same size and location as the two existing wall-mounted plaque signs on the front of the building.
2. The lower window fenestration along Glenridge Avenue shall match the windows above.
3. The façade of the building shall be restored to match the existing building in the area where the bank drop box was removed.
4. The applicant shall be bound by all representations made on its behalf by its attorney and professionals during the course of the public hearings.
5. 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.

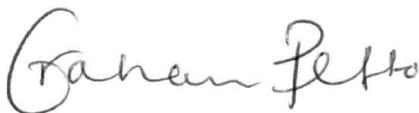
A motion was offered by Mr. Fleischer, seconded by Mr. Reynolds to approve the application with the conditions as stated by Mr. Harrison.

The application was approved unanimously.

### **ADJOURNMENT**

A motion to adjourn was offered by Ms. Harris, seconded by Mr. Caulfield. The meeting was adjourned at 9:10pm.

Respectfully submitted,



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