



Township of Montclair

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MONTCLAIR ZONING BOARD OF ADJUSTMENT



Janice E. Talley, PP/AICP
Director of Planning and Community Development
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MINUTES OF THE BOARD OF ADJUSTMENT APRIL 15, 2015

ORDER: The meeting was called to order at 7:35 p.m. by Janice Talley. Ms. Talley 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 Town website.

ROLL CALL: Ms. Talley called the roll. Present were Chair Harrison, Vice Chair Fleischer, Ms. Baggs, Mr. Reynolds, Mr. Susswein, Mr. Moore, Ms. Brinkman, Mr. Sullivan, Ms. Talley and Mr. Petto. Ms. Checca and Mr. Kenney arrived late.

MINUTES: The minutes of the March 18, 2015 meeting were offered for any suggested changes. Mr. Harrison provided minor edits. Ms. Baggs also provided edits to the minutes. A motion to approve the minutes was offered by Mr. Susswein, seconded by Mr. Reynolds and approved unanimously.

OLD BUSINESS:

Resolution for App. 2399: 491 Bloomfield Avenue, LLC. 491 Bloomfield Avenue.
Use variance to permit office on the first floor and site plan application for addition

Mr. Harrison introduced the resolution for approval. Mr. Sullivan explained that because a number of votes were held by the Board on components of the resolution, only those Board members who voted for the action taken can vote on the resolution. He explained that there would be two votes. The first vote was to be for the action taken by the Board with exception of the rear yard setback variance. Those members eligible to vote would be Mr. Reynolds, Ms. Checca and Mr. Susswein.

Prior to the vote, Mr. Harrison provided some minor edits. Mr. Susswein also provided an edit.

Mr. Susswein made a motion to adopt the resolution as modified except for the rear yard setback variance. Mr. Reynolds seconded the motion. The roll was called. Mr. Reynolds, Ms. Checca and Mr. Susswein all voted to adopt the resolution. Mr. Harrison, Mr. Fleischer, Mr. Kenney and Ms. Baggs abstained.

Mr. Sullivan then introduced the second motion to deny the rear yard setback. He indicated that those eligible to vote would be Chair Harrison, Mr. Fleischer, Mr. Kenney and Ms. Baggs. Mr. Kenney made a motion to adopt the motion, seconded by Mr. Fleischer. Mr. Harrison, Mr. Fleischer, Mr. Kenney and Ms. Baggs all voted to support the motion. Mr. Reynolds, Ms. Checca and Mr. Susswein abstained.

App. 2367: 58 James Street – 58 James Street. *Site plan application for four dwelling units. The applicant has requested to postpone this application to the May 6, 2015 meeting.*

Ms. Talley announced that the application for 58 James Street would be postponed to the May 6, 2015 meeting.

App. 2394: Davis Wellness Solutions, LLC. 314-316 Orange Road. *Variance to permit a medical office use (wellness center) on the first floor in the NC zone.*

Chair Harrison recused himself from the application. Mr. Fleischer introduced the continuation of the application.

Mr. David Owen represented the applicant. Mr. Owen reviewed modifications to the site plan as they were updated from the prior meeting. He noted that the modifications have resulted in a reduction of four variances, but an addition of one variance. He also noted that a good faith effort has been made to contact the owner of the adjacent property to discuss terms of the easement for the alleyway. However, as a contract purchaser he noted that the ability to discuss the terms in detail was limited. Mr. Owen noted that the applicant would agree to make a good faith effort to make the alleyway pedestrian only.

Mr. Owen called Mr. Paul Sionas to review the revisions to the site plan and also to provide testimony on the variances.

Mr. Owen reviewed the exhibits that Mr. Sionas would be referencing. Exhibit A-4 was introduced as the revised site plans. Exhibit A-5 was introduced as the PowerPoint presentation to be presented by Mr. Sionas.

Mr. Sionas reviewed the revised site plans. He noted the modifications were based on the comments received at the previous meeting. He reviewed the barrier free front and rear entrances to the building. Mr. Sionas also discussed the sound levels from the HVAC system to be installed on the roof and the anticipated decibel levels with the proposed louvre system. He noted that the storefront is largely open with the retail and reception areas in the front of the building.

Mr. Sionas also reviewed the variances. He noted that an additional variance would be required due to the re-configuration of the parking lot. He also noted that a few variances would no longer be required due to the modified plans, including the removal of a blade sign and reconfiguration of the parking area.

Questions from the Board were then requested.

Mr. Kenney asked about the driveway or alleyway on the northern side of the subject property. He asked if there was anything the plans that would prevent vehicular traffic from entering the alleyway. Mr. Sionas agreed that there was nothing on the plans that would prohibit vehicular traffic.

Mr. Kenney asked if a barrier could be placed on each end of the alleyway to prevent vehicular traffic. Mr. Owen noted that the placement of a barrier at each end of the alleyway would require the agreement of both owners. He also stated that the Township would need to be involved in the installation of a bollard or the removal of a curb cut.

Mr. Kenney asked if the easement restricts actions of what the Zoning Board of Adjustment can request. Mr. Owen stated that there is a concern of timing with respect to the easement. Mr. Kenney continued to ask if the Zoning Board of Adjustment would be prevented from placing a restriction on approval that stipulated a physical barrier be installed. Mr. Owen said yes. He stated that while there is an agreement in place between the applicant and the adjacent property owner, the applicant is not the current owner of the subject property.

Mr. Kenney made reference to the case of Klein vs. Bernardsville. Mr. Kenney stated that no one is presently using the easement to drive and only to park vehicles. He asked Mr. Owen to clarify how the alleyway would transition from drive-able to walkable. Mr. Owen stated that the finding in the case referenced was that only a court can compel the relocation of an easement. He further stated that there are three options presently at hand. First, the application could no longer proceed and the status quo remains, second, the case could be referred to a court or three, and there could be an agreement or deal between the property owners to address the alleyway. He stated that an agreement could not be worked out until the applicant owns the property.

Mr. Sullivan referred to Klein vs. Bernardsville and noted that the Zoning Board of Adjustment cannot compel requirements where other property owners' rights are implicated.

Mr. Kenney noted that people may drive through the alleyway, but asked if people would park there. Mr. Owen stated that this is a new business and they will have private rights to enforce no parking in the alleyway. Mr. Kenney asked if the applicant would be agreeable to a restriction to enforce no parking nor driving in the alley. Mr. Owen said the applicant could do that.

Mr. Reynolds stated that the modified plans were a significant improvement. He also supported incorporating language about a physical barrier into any resolution. Ms. Talley noted that eliminating the curb cuts would satisfy that physical barrier note.

Mr. Fleischer state that he appreciated the good effort by the applicant to revise the plans. He agreed that vehicles should be prohibited from traveling through the alleyway. He also supported the idea of a physical barrier.

Ms. Baggs referred to Slide 23 of Exhibit A-5 presented by Mr. Sionas. She asked what percentage of the floorplan was dedicated to retail space with respect to all other uses of the building. Mr. Sionas responded that the retail area comprised about 20% of the total floor area.

Ms. Baggs asked if someone on the street would be able to see into the building. Mr. Sionas replied yes. Ms. Baggs asked what percentage of the building a pedestrian would be able to see. Mr. Sionas replied about 75%.

Mr. Susswein referred to the memo prepared by the Department of Planning and Community Development. He asked if the parking variance for the size of parking spaces to be 8.5 feet was no longer required in the revised plans. Mr. Owen noted that the variance was dropped.

Mr. Moore noted that the lighting plan for the project was good. He asked if there would be security cameras on the property and if they had been considered. Mr. Sionas replied that cameras have not yet been discussed but will be considered.

Mr. Kenney asked about another planning consideration noted on the memo. He inquired if the width of the curb cut could be reduced at the rear entrance of the alleyway along the eastern side of the property and if the applicant was willing to do that. Mr. Sionas replied yes.

Mr. Sullivan noted that the other considerations presented in the memo by the Department of Planning & Community Development and asked if the applicant would be agreeable to the other items noted.

Mr. Owen stated that the applicant would agree to all of the considerations presented in the memo.

Mr. Fleishcer asked if there were any considerations on the memo that were not agreeable. In response to one item, Mr. Owen clarified the loading needs for the property are primarily provided by FedEx or UPS and those could be handled through the rear door of the building.

Ms. Checca asked about the HVAC system and wanted to clarify if the sound level was 70 decibels at the source. She asked about the impact of the aluminum enclosure and what the Township's noise ordinance said with regard to the issue.

Mr. Sionas reviewed his testimony regarding the HVAC sound levels and the mitigation provided by the aluminum enclosure. Ms. Checca noted that sound is not absorbed by aluminum, but rather deflected. She asked where the reflected sound would go, asking if it would go up above the unit. She stated that 70 dB is quite loud and that the issue should be addressed.

Ms. Checca asked if sound wraps would be appropriate for the units. Mr. Sionas replied that typically the testing period following the HVAC install will determine if sound wraps are needed.

Mr. Fleischer stated that a condition could be added to the resolution that would require sound wraps be used.

Mr. Sullivan asked if the applicant would comply with the items identified in the memo prepared by Mr. Tom Watkinson, Zoning Board Engineer.

Comments and questions from the public were then accepted.

Ms. Wendy Young, 43 Virginia Avenue, stated that lots of businesses have opened and closed in the South End. She asked what would happen to the cleaners located on the site currently.

Dr. Davis replied that he would assist the cleaners. He stated that he would help them remain in the South End. He noted that there are many available locations in the business district. He also stated that he is a customer of the cleaners and wants them to remain a viable business.

Jin Cho, owner of Choppy's Cleaners, then testified. He stated that he has four years remaining on his current lease. He would like to remain on the property. He stated that he was not aware of the plan and that he was not clear when construction would start.

Mr. Fleischer stated that it was clear from the presentation that Dr. Davis will be occupying the entire building and that work to start the project will begin soon. He asked Mr. Cho if he had inquired about relocating his business.

Mr. Cho stated that he will need permits from the Township and the State to relocate, which are difficult to obtain. He stated that relocation of a dry cleaning business is difficult due to the machinery and boiler room.

Mr. Fleischer asked if there were any tenant rights in this situation.

Mr. Sullivan stated that the Board should assume that those issues will be worked out between the current property owner/landlord and the tenant. Mr. Owen agreed and stated that would be a condition of the sale of the property.

William Scott, 32 Cedar Avenue, stated that he is a customer of both dry cleaners in the South End and that he also works with the South End Business District. He stated that the application is significant because it will bring a new look to the business district. He noted that the other dry cleaner in the business district is currently undergoing renovations and is twice the size of Choppy's Cleaners. He stated that this other dry cleaner location would be for sale soon and could be a relocation opportunity for Choppy's Cleaners.

Mr. Byron Green asked the Zoning Board members to consider impacts on Township residents as they make decisions. He asked that the Board consider the impact of whatever pending change is before them for a decision.

Dr. Renee Baskerville thanked Dr. Davis for meeting with the South End Business District to review the plans. She noted that the original safety concerns have been addressed through the plan revisions. She stated that the South End Business District is excited about the project and thanked Dr. Davis for his work.

Mr. Owen then summarized the application and the requested variances.

Statements from the Board were then offered on the application.

Mr. Susswein thanked Dr. Davis for heeding the previous comments from the Board. He stated that the new plans are a significant improvement. He noted that he is in favor of the application going forward. He stated that the Board should just be mindful of tenant dislocation. With respect to conditions, Mr. Susswein stated that he was not in favor of a condition requiring good faith effort coordination with the adjacent property owner with respect to the alley way. He noted that he is favorable of a condition that would not permit parking on the applicant's portion of the alleyway. He also favors a condition requiring the HVAC units to be sound wrapped. Mr. Susswein also was not in favor of a condition requiring a security camera.

Mr. Kenney stated that he was generally in favor of the application. He noted that the driveway/alley way does make him nervous. He noted that the Board had lots of discussion regarding safety. He stated that he wanted to hear from the other Board members with respect to the driveway/alleyway. He believed that the easement has not

been enforced historically and it should be. He stated that a condition for restriction would only be to prevent vehicular traffic from entering the alleyway. He asked if you cannot drive through the alleyway, what is the purpose of it?

Ms. Checca stated that she was generally in favor of the application. She stated that she believes it creates additional benefits for the community. She noted that the sound wraps on the HVAC units should be a condition of approval. She stated that the displacement of the current tenant is unfortunate. However, she noted that the South End Business District is a cohesive group and they can work together.

Mr. Reynolds stated that he was generally in favor of the application. He noted that the updated plans are more streamlined.

Ms. Baggs agreed with the conditions presented by Mr. Susswein. She added that with respect to the on-site uses, the creation of ADA parking spaces and better ADA access, the space is particularly suited to the proposed use. She stated that with respect to the easement, she believes the Board cannot comment, just as it cannot comment on the tenant-landlord relationship.

Ms. Brinkman stated that overall she was in favor of the application. She noted that the updated plans included good changes and that she agreed with the previous comments. She stated that she had no concern with respect to zoning.

Mr. Moore stated that he was in favor of the application. He thanked the applicant for considering the Board's previous comments in the revised plans.

Mr. Fleischer stated that he was in favor of the application. He noted that lots of work went into the plan revisions to address concerns raised previously by the Board. He stated that he appreciated the on-going discussion with the adjacent property owner with respect to the alley.

Mr. Fleischer asked Mr. Sullivan if the Board could stipulate the elimination of the curb cuts at each end of the alleyway/driveway. Mr. Sullivan stated that such a change would require Township approval. Mr. Sullivan also noted that the applicant is not the current owner and that removing vehicle access would infringe upon the neighbor's access to the alley which is part of the current easement. Mr. Sullivan stated that a condition to not allow parking on the three feet of the alleyway that is part of the subject property would be permissible.

Mr. Fleischer reviewed the conditions:

1. The applicant shall prohibit parking of vehicles on the three foot section of the right of way on the property insofar as consistent with the applicant's right to prohibit such parking under the terms of the right of way (such right of way is referenced in paragraph 2 above under findings of fact and conclusions of law).
2. The applicant shall add sound wrap to the HVAC equipment if and as necessary to comply with applicable sound emission regulations.
3. The applicant shall comply with Board Engineer W. Thomas Watkinson's letter dated April 9, 2015.
4. The applicant shall comply with Planning Considerations 1 through 5 set forth in Graham Petto's memorandum dated April 8, 2015.

5. As stipulated by the applicant, if the applicant purchases the property and proceeds with the project set forth herein, the applicant agrees to pedestrian use only and no vehicular use of the right of way (referenced above at paragraph 2 under findings of fact and conclusions of law) straddling the common side property line separating the property (Lot 7) from adjoining Lot 8 and, recognizing that such pedestrian use only is not the applicant's unilateral right to dictate but involves the agreement of the owner of adjoining Lot 8, the applicant agrees to enter into good faith discussions with both the owner of adjoining Lot 8 and the Township of Montclair and to seek a written recordable agreement (potentially in the form of an easement with specific terms thereof such as those relating to maintenance and insurance to be discussed and developed), however, it is expressly understood and agreed that the applicant will proceed in good faith to reach such an agreement but that it does not and cannot guarantee that such an agreement will be reached and it is further understood and agreed that the within variances and site plan approvals granted to the applicant are not contingent upon such an agreement which remains uncertain unless and until reached.
6. The applicant shall be bound by all representations made on its behalf by its attorney and professionals during the course of the public hearing.
7. 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. Reynolds offered a motion to approve the application with the stated conditions. The motion was seconded by Ms. Baggs. Roll was called. The application was approved unanimously.

NEW BUSINESS

App. 2397: Mt. Hebron Cemetery. 851 Valley Road. *Use variance and site plan application to build a mausoleum. **The applicant has requested to postpone this application to a later date which will be announced at the meeting.***

Ms. Talley announced that the application would be postponed to the May 20 meeting.

App. 2400: 84 Orange Road, LLC. 84 Orange Road. *Use variance and site plan application to convert church to office.*

Chair Harrison returned to the meeting. He introduced the next application. Mr. Alan Trembulak represented the applicant.

Mr. Trembulak reviewed the proposed project to convert the 3,400 square foot building from a church to an office use. Mr. Trembulak introduced Mr. Michael Potters of 50 Lincoln Place, Glen Ridge. He is the co-applicant for the project and co-owner of the firm that plans to occupy the subject property.

Mr. Trembulak asked Mr. Potters questions about the office use that would relocate to the subject property. Mr. Potters explained that the office is an executive search firm that operates primarily online and by telephone. The office has very limited office visitors. The firm is currently located at 39 South Fullerton and has been in space there for the past five years. Mr. Potters stated that the firm would occupy the entire building at 84 Orange Road.

Mr. Potters stated that all of the ten total employees live locally in surrounding communities. He stated that the office is typically open from 8:30am to 6:00pm Monday through Friday. He noted that there would be minimal deliveries to the property and that very little trash and recycling are produced by the firm.

Mr. Trembulak then introduced Ms. Kate Potters of 50 Lincoln Place, Glen Ridge. She is co-applicant for the project and co-owner of the firm that plans to occupy the subject property.

Mr. Trembulak asked Ms. Potters a series of questions about the selection process of the subject property. Ms. Potters stated that the firm has been located in Montclair for seven years. The firm enjoys proximity to downtown and transportation to New York City. She stated that the firm has been looking for some time and hopes to own a space rather than rent.

Mr. Potters stated that the firm has looked at other older homes for use as office space. However, the property at 84 Orange Road has a good layout of offices and communal space for their operation.

Mr. Trembulak asked Ms. Potters about the parking for the site. She indicated that there are nine spaces and that would be adequate for the firm. She stated that there is also parking available on both sides of Orange Road.

Questions from the Board were then offered.

Mr. Fleischer stated that the area appears to be a viable residential zone. He stated that it seems difficult to believe that there is not a more appropriate location for the firm. He stated that a variance allowing a commercial use into the R-1 zone is concerning.

Mr. Fleischer asked about the parking lot. He asked if there was so much on-street parking, why is there a need for a parking lot? Ms. Potters replied that the firm does not need the parking lot. She stated that the inclusion of the parking lot on the proposed plans was to try and meet the parking requirements.

Mr. Fleischer asked why this particular location was the only place that met all of the requirements for the firm's location. Ms. Potters stated that the firm has been looking for affordable office space for the past seven years. She stated that continuing to rent office space is a potential, but owning office space is better. She stated that rents continue to rise.

Mr. Fleischer stated that if affordability is the second reason for the firm to relocate that it would not be enough for a variance. Ms. Potters reiterated that the firm has been looking to relocate for years. She stated that the firm would be a benefit to the neighborhood and not a detriment. She stated that there is stability in owning a business in Montclair.

Mr. Fleischer asked if there were no suitable market rent properties where the firm could relocate. Ms. Potters stated that they have not found good quality office space for rent.

Ms. Brinkman asked how much space the firm currently had at their current location. Ms. Potters replied 1,650 square feet. Ms. Brinkman asked if the firm would grow into this larger space at the subject property. Mr. Potters stated that right now the firm is right-sized. He stated that expansion is not in the foreseeable future. He also stated

that the kitchen and storage areas in the subject property occupy space that would not be available for offices.

Mr. Kenney stated that the applicant appears to fit well into the building. He asked about the existing church sign on the site and if re-using it for a sign was necessary. Ms. Potters stated that the intention was to re-use the existing sign but that it was not necessary. She stated that a small sign could just be located on the door of the building. Mr. Kenney stated that perhaps removing this sign could be helpful.

Mr. Kenney asked about the previous on-site parking. Mr. Potters noted that there is a garage slab on the property. Mr. Kenney asked if they were flexible to not have any on-site parking and instead could have a driveway like the other residential properties in the area. Mr. Potters indicated that would be fine.

Mr. Susswein expressed concerns about granting an office use for this tenant and then how the property could be used by subsequent tenants. He stated that more intensive office tenants could potentially occupy the property in the future. He asked about the forthcoming development projects in the Township, such as Valley & Bloom, 491 Bloomfield, etc. which will have Class A office space. Mr. Potters stated that the firm's intention was to own office space and the control that comes with ownership. Ms. Potters stated that issues of renting have been a concern and that the firm hopes to own here in Montclair.

Ms. Checca asked if the zoning ordinance required parking for this use. Mr. Harrison confirmed that office use does requiring parking.

Mr. Harrison stated that if a condition of no parking was placed on this application, a future tenant would have to come back before the Board to incorporate additional parking.

Mr. Kenney asked the applicant if a "maximum number of employees" condition would be acceptable, at ten, the current number of employees, for example. Mr. Potters stated that it was something that could limit their ability to grow as a business and maybe a number of employees could be worked out.

Mr. Harrison asked how many employees would be located in offices and how many would be located in the open office area. Ms. Potter stated that there is no current open office area.

Questions from the public were the accepted.

Ms. Irene Hunt, 89 Orange Road, stated that the parking situation presently on Orange Road is bad. She asked the applicant if they believed there was enough parking on Orange Road. Ms. Potters replied yes.

Mr. Robert Bagley, 43 Myrtle Avenue asked if the applicant would be open to using a different material for the trash enclosure. Ms. Potters replied yes.

Mr. Trembulak then introduced Mr. Paul Sionas, a licensed architect, to review the proposed plans for the subject property.

Mr. Sionas reviewed the plans. He indicated that the property was too small in size to be required to meet ADA compliance.

Questions from members of the Board were then asked of Mr. Sionas.

Ms. Checca asked about the trash enclosure and if the dimensions presented were required by code. Mr. Sionas referred to Ms. Talley. Ms. Talley stated that the code requires a concrete base enclosed by a fence or masonry wall and a roof/top.

Ms. Checca asked why the proposed trash enclosure was located along the property line of an adjacent neighbor, right next to their garage. She asked why the trash enclosure was not located next to the building on the subject property. Mr. Sionas stated that the placement was selected to minimize visibility of the trash enclosure.

Ms. Checca asked about the proximity of the trash enclosure to the large trees on the subject property. Mr. Sionas noted that the enclosure was 6 to 8 inches from a maple tree. He stated that the 6 inch depth would be enough not to disturb the roots of the tree.

Ms. Brinkman noted that the proposed parking lot was asphalt. She asked if alternatives such as grass pavers could be used. Mr. Sionas noted that the code requires hardsurface. Ms. Talley stated that permeable pavers are acceptable under Township code.

Ms. Baggs asked how the neighbor could maintain their garage with the trash enclosure located so close to it along the property line. Mr. Sionas stated that would be a concern, although he noted that it is presently an issue.

Mr. Moore asked how rodents or odors from the trash enclosure would be addressed. Mr. Sionas stated that those things would have to be considered.

Mr. Trembulak asked Mr. Sionas if there was trash currently stored on the site. Mr. Sionas stated that presently the property receives residential trash collection.

Mr. Kenney asked about alternative uses of the property. He asked if there was any chance the property could be subdivided. He asked if the property was converted to a residential use how large could a house be on the site. Mr. Sionas noted that a new house on the property would need to be setback to conform to setbacks. He noted that they did not review the side yard of the property.

Mr. Fleischer noted that there are currently three entrances to the subject property. He asked if one of the entrances could serve as a place for the trash enclosure. He asked why three doors were needed for only ten employees. Mr. Sionas noted that there was no fire code issue with respect to the number of doors.

Mr. Harrison asked about the height of the bollard noted on the plans near the barrier free parking space. Mr. Sionas stated they are three feet in height. Mr. Harrison asked how they would impact cars parked in those spaces. Mr. Sionas stated that they would be impacted and that the bollards are placed on the striping.

Mr. Kenney asked what the trigger for ADA compliance was. Mr. Sionas replied that a building larger than 5,000 square feet or a medical use would require ADA compliance.

Mr. Moore asked if the building would be used on weekends or after normal business hours. Mr. Potters said that the building would be used very rarely during those times.

Mr. Moore asked if there was an opportunity for shared parking of the parking lot. Mr. Trembulak said that was something that could be considered by the applicant.

Ms. Checca asked about the location of a light at a height of nine feet. Mr. Sionas noted that the light is affixed to the building.

Ms. Checca also asked about the thickness of the slab beneath the trash enclosure. Mr. Sionas stated that it was four inches thick.

A brief recess was then requested by Mr. Trembulak.

Mr. Trembulak asked the board if the application could be continued to a later meeting to allow the applicant to revise the plans based on input received thus far, specifically the parking.

Mr. Harrison stated a few issues that he sees regarding the pending application. First, he wanted to see proof for the Board that the church has had difficulty selling the property for a single family use. Second, he wanted to determine at which meeting the application could be continued. Ms. Talley identified May 6 as the next potential meeting for the application.

Mr. Harrison then polled members of the public to determine who had planned to provide testimony. He then offered to open the meeting to those members of the public who could not attend on May 6.

William Marshal, 49 Plymouth Place, stated that the parking situation in the area of the subject property has never been worse. He stated that residents in the area place orange cones in their driveway because street parking often blocks driveways. He stated that if this project was approved, the parking would be there forever. He noted that other uses have popped up and struggled, but once this property is commercial it will be troubling. He stated that the current proposed use is benign, however it sets a precedent.

Robert Bagley, 43 Myrtle Avenue, stated that he moved to the area twenty years ago. He stated that the church currently only uses the subject property on Sundays. He noted that the relocation of the Board of Education to the area has made the parking situation even worse. He stated that this is a residential area and that he has concerns about the variance carrying forward.

Mr. Susswein noted that the idea of no parking lot for the property has been discussed.

Amy Dubuque, 45 Myrtle Avenue, stated that there is no room to park on Myrtle Avenue. She stated that commuters do park in the area to take the bus to New York City. She also noted that the area is a historic district.

Mr. Kenney stated that the applicant will do a parking survey. He noted that it seems like there are spaces based on earlier testimony. He asked Ms. Dubuque how the two viewpoints could be so different.

Ms. Dubuque stated that on-street parking in the area is the closest free parking to Church Street. She noted that oftentimes her guest park on her front lawn because it is so difficult to find on-street parking.

Ann Turisiani, 70 Orange Road, stated that there is never parking on the west side of Orange Road. She reiterated the concerns about parking.

Mr. Fleischer asked about the location of the Board of Education permits that are used on Orange Road. Ms. Turisiani stated that they are used on Orange Road between Hillside Avenue and Myrtle Avenue. Mr. Fleischer stated that he wanted to clarify that the subject property is located south of Myrtle Avenue.

Irene Hunt, 89 Orange Road, stated that parking is a concern. She noted that people park in the area to take the bus to New York City. She stated that there are no other restrictions on parking and that cars park all day and night along the road. She stated that it makes visibility poor in the area and trash collection difficult. She noted that there are four church services in the area on Sundays.

App. 2402: Verizon Wireless. 52-54 Fairfield Street. Variance for telecommunications facility.

Ms. Talley announced that the application for 52-54 Fairfield Street would be heard at the May 20, 2015 meeting.

Mr. Reynolds made a motion to enter executive session, seconded by Mr. Kenney.

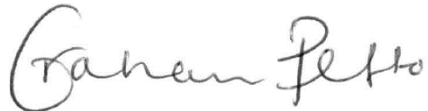
EXECUTIVE SESSION

The Board concluded the executive session.

ADJOURNMENT

The meeting was adjourned at 11:30 pm.

Respectfully submitted,



Graham Petto, AICP
Zoning Board of Adjustment Assistant Secretary