

MINUTES OF THE BOARD OF ADJUSTMENT
April 22, 2009

PRESENT: Chair Harrison, Ms. Cockey, Ms. English, Mr. Kenney, Ms. Holloway, Mr. Susswein and Mr. Whipple; also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: Vice Chair Fleischer, Mr. Burr and Mr. Franco, Secretary

Assistant Secretary Charreun called the roll and announced the special meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meetings Act.

Chair Harrison called the continuation of the application of **Immaculate Conception High School, Codey Field - 267 Orange Road**. James Lott, Esq. appeared as attorney for the applicant. While the Board awaited the arrival of a seventh member, Mr. Lott had 2 witnesses, Joseph Romano, Licensed Surveyor, and George Siller, Professional Engineer, were sworn in.

Marked into evidence were:

- A-5 Aerial photographs on a board
- A-6 Photographs of the existing field house, on a set of 4 boards
- A-7 Plan view rendering of the proposed site plan
- A-8 Renderings of proposed building elevations
- A-9 Property survey, by Langan Engineering and Environmental Services revised to 9/26/08, with the floodway and floodplain lines highlighted
- A-10 Site plan sheet C-2, by BF Langan Consultants LLC revised to 2/20/09
- A-11 CD recording containing renderings of proposed field house and site plan

Mr. Lott also had 2 additional witnesses, Gary Stetz, President of the Board of Trustees for Immaculate Conception High School, and Sean Morris, Athletic Director and Coach for Immaculate Conception High School, sworn in. Mr. Kenney joined the meeting.

Marked into evidence was:

- A-12 Chart providing information on the utilization Codey Field

Mr. Stetz described the information provided on Exhibit A-12 and the use of the athletic field in detail. He stated that the athletic field is used by the athletic programs of Immaculate Conception High School as well as by certain outside groups, such as a local men's rugby group, Montclair United Youth Soccer, Glen Ridge Lacrosse, and a local boy's recreational football league. He described trash removal procedures and stated that an independent trash hauler would be utilized for trash removal from the site at least once a week during the football season, and once a month during the football off-season. Mr. Morris described the current use of the athletic field by Immaculate

Conception High School in detail. He stated that the vehicular access proposed from Sears Place would be limited to emergency vehicles, Immaculate Conception High School coaches, referees, handicapped persons, and game-day volunteer staff, and that no buses carrying players would access the proposed driveway. The Board questioned the witnesses. Mr. Morris stated that no permanent lighting is proposed and that supplemental lighting has not been used following neighborhood complaints. He also stated that based on his observations, there is street parking available for all of their activities. He stated that the field house would be used predominantly by the football team, and that the other users of the field would only use some of the storage space and the restroom facilities. Mr. Stetz stated that the food service area would only be used for the 4 to 6 home football games. Chair Harrison called for questions from the public.

Michael Manning, 16 Sears Place, asked how many Montclair residents take part in the athletic programs of Immaculate Conception High School. He also asked why visitor's facilities, such as lockerooms and showers, are proposed in the field house.

Leon Leach, 59 Madison Avenue, asked questions about the availability of street parking in the neighborhood and trash removal from the property.

Milt Horowitz, 17 Madison Avenue, asked numerous questions regarding the use of the field, emergency vehicle access, and site lighting.

Patricia Provost-Rugilio, 10 Draper Terrace, inquired about the potential demolition of the existing field house and the proposed concession area of the proposed field house.

Luther Flurry, 16 Madison Avenue, asked about the proposed changes in the maintenance of the property, pedestrian and vehicular access from Sears Place and evening usage of the property.

Audrey Hawley, 17 Grenada Place, asked what the maximum enrollment at Immaculate Conception High School could be and how that could affect the usage of the field. She also asked how the field would be used if the school closed down and how many Montclair residents are students at the school.

Jarvis Hawley, 17 Grenada Place, asked if emergency vehicle access was reviewed by the appropriate officials and how the outside groups using the field are monitored.

Renee Baskerville, 371 Orange Road, asked what kinds of activities occur on the property during the football off-season.

Jarvis Hawley, 17 Grenada Place, asked how outside groups come to know that the field is available for their usage.

Mark Janifer, 15 Madison Avenue, asked if the proposed building and parking area would have night time security lighting.

Audrey Hawley, 17 Grenada Place, asked if the usage of the field by outside groups should have been considered an expansion of a nonconforming use that required variances.

Milt Horowitz, 17 Madison Avenue, asked if the weight room in the proposed field house would be utilized year-round.

The Board questioned the witnesses again. Mr. Lott called 2 additional witnesses. Mitch Heisler, 34 Stanford Place, and Brad Van Siclen, 52 Dryden Road, volunteers and representatives of Montclair United Youth Soccer, were sworn. Mr. Heisler described the Montclair United Youth Soccer organization. He stated that they are a low cost youth soccer program available to all of the children in Montclair. He stated that they rely heavily on Codey Field in order to accommodate their soccer league. Mr. Van Siclen also described their Soccer league and stated that they use Codey field mostly in the spring months for their 3rd and 4th grade groups, which is approximately 400 children. Without the use of Codey field, they would have to cancel one third of their games. Their season is 10 weeks long and they use the field on Saturdays and some Sundays for their games. He stated that due to the attendance at their games, it can be difficult to find convenient street parking in the area. He described how they handle trash removal after they use the field.

The Board questioned the witnesses. Mr. Van Siclen stated that they notify parents to try to park on main streets like Orange Road and avoid side streets like Draper Terrace, although he has observed that people park on Draper Terrace. He also stated that they are at the field on Saturdays from 9 am to 5 pm, and on Sundays from 12 pm to 6 pm. Mr. Heisler stated that reducing the Sunday time frame would create a significant scheduling problem for the league, considering that their usage of Brookdale Park is in question due to imminent repairs to those fields. Mr. Heisler stated that having access to a field like Codey field would help to get participation in their program from residents in the vicinity of the field. Chair Harrison called for questions from the public.

Mark Janifer, 15 Madison Avenue, asked if the major benefit of the proposed plan to Montclair United Youth Soccer is better restroom facilities.

Michael Manning, 16 Sears Place, asked how Montclair United Youth Soccer would prohibit vehicular access in the proposed parking area accessed from Sears Place.

Jarvis Hawley, 17 Grenada Place, asked if Montclair United Youth Soccer is contributing to the cost of construction.

Milt Horowitz, 17 Madison Avenue, asked how long Montclair United Youth Soccer has used the field, and how much they donate to use the field.

William Scott, 23 Cedar Avenue, asked if Montclair United Youth Soccer also uses Nishuane Park.

The Board questioned the witnesses again. Mr. Lott called Ralph Von Rosendahl, who was sworn. Mr. Von Rosendahl is the president of The Montclair Rugby Club, local men's not-for-profit rugby team. He stated that The Montclair Rugby Club has been in existence since 1976 and that they play their league games at Brookdale Park. They had practiced at Brookdale Park as well, until recent years when there was less and less availability for them at Brookdale Park due to increasing youth soccer activities there. They currently practice on Tuesdays and Thursdays from 6:30 pm to 8:00 pm, as daylight permits from Spring to Fall. Approximately 20-25 men attend their practice sessions. The Board questioned the witness. Chair Harrison called for questions from the public.

Jarvis Hawley, 17 Grenada Place, asked how the timing of the practice sessions and the activities that take place at practice are affected by daylight.

Michael Manning, 16 Sears Place, asked if the rugby group ever holds games for their league at the field.

The Board took a short recess.

Mr. Lott called Joseph Romano, Licensed Surveyor, who was already sworn. Mr. Romano described the existing property in detail and the existing topography of the property. He referred to Exhibit A-9 "*Property survey, by Langan Engineering and Environmental Services revised to 9/26/08, with the floodway lines highlighted in color*" during his testimony. The Board questioned the witness. He stated that the information used to plot the floodway and floodplain lines on Exhibit A-9 was taken directly from the Flood Insurance Rating Map published by the Federal Emergency Management Agency. Mr. Lott stated that the applicant has not approached the New Jersey Department of Environmental Protection about the project or the floodway and floodplain on the subject property. Chair Harrison called for questions from the public.

Mark Janifer, 15 Madison Avenue, asked if the topography and drainage of the property or the shape of the property affect the ability of the applicant to relocate or reposition the playing field on the site to consider different alternatives for locating the new building.

Leon Leach, 59 Madison Avenue, asked for more information on how the floodway and floodplain lines on the survey were determined.

Luther Flurry, 16 Madison Avenue, asked about the site plan.

Milt Horowitz, 17 Madison Avenue, asked for the difference between lowest existing elevation and highest existing elevation on the property.

Michael Manning, 16 Sears Place, asked about the area of the subject property that abuts the Sears Place right of way.

The Board questioned the witness again. Mr. Romano provided a brief explanation of the Flood Insurance Rating Map published by the Federal Emergency Management Agency. Chair Harrison called for questions from the public.

Michael Manning asked additional questions about the area of the subject property that abuts the Sears Place right of way.

Mr. Lott called George Siller, Professional Engineer, who was already sworn.

Marked into evidence was:

A-13 Stormwater Management Report prepared by BF Langan Consultants LLC revised 10/02/08

Mr. Siller described the proposed site plans in detail. He referred to Exhibit A-10 "*Site plan sheet C-2, by BF Langan Consultants LLC revised to 2/20/09*" during his testimony. He described the limitations on the site due to existing brook on the property and the regulations of the New Jersey Department of Environmental Protection regarding construction within the floodway and floodplain of that brook. He described the floodway and floodplain lines depicted on the property survey marked as Exhibit A-9, and stated that they are taken directly from the Flood Insurance Rating Map published by the Federal Emergency Management Agency. He noted the incongruence between the topographic information on the survey and the location of the floodway and floodplain lines and stated that an extensive and costly study of the hydrology of the brook on the property called a wetland delineation would be necessary in order to more exactly plot the floodway and floodplain lines. He also described the difficulties in obtaining permits from the New Jersey Department of Environmental Protection for new structures within the floodway and floodplain. In his opinion, a study of the hydrology of the brook would not substantively change the floodway and floodplain lines depicted on the property survey. He also described the proposed drainage plan in detail.

The Board questioned the witness. Mr. Siller stated that the applicant is not considering proposing the building and access to the building within the depicted floodway and floodplain due to the difficulty in permitting with the New Jersey Department of Environmental Protection, the cost of a hydrologic study of the brook, and the cost of construction should they receive a permit from the State. He stated that he could investigate the elevations utilized by the Federal Emergency Management Agency in creating the Flood Insurance Rating Map and correlate that with the existing topographic information on the property survey in order to more exactly locate the floodway and floodplain lines on the site. A lighting plan depicting the intensity of the proposed site lighting was not done. The effort was to minimize lighting since it is in a residential zone. Chair Harrison called for questions from the public.

Michael Manning, 16 Sears Place, asked about the proposed detention basin, whether large emergency vehicles would have difficulty accessing the proposed building

through Sears Place, and if access to the proposed building could be provided from Orange Road or Draper Terrace. He also asked questions about the site plan and the proposed modifications to the Sears place right-of-way abutting the subject property.

Luther Flurry, 16 Madison Avenue, asked various questions about the site plan and the applicant's decision making process in designing the project.

Leon Leach, 59 Madison Avenue, asked if the existing goal posts on the playing field would be relocated, and where the new scoreboard would be located.

Jarvis Hawley, 17 Grenada Place, asked for a clarification on the problems associated with renovating the existing building on the property. He also asked what approvals are required for the proposed access from Sears Place and how many variances or waivers are requested. He also asked numerous questions about the site plan.

Milt Horowitz, 17 Madison Avenue, asked about the usage of the weight room in the proposed building and for more detailed information on the proposed detention basin.

Michael Manning, 16 Sears Place, asked whether a traffic study should be submitted since a new driveway is proposed on Sears Place for the subject property.

Renee Baskerville, 371 Orange Road, asked what Township approvals or permits are required for the proposed driveway from Sears Place.

Avissa Beck, 10 Sears Place, asked about the potential of renovating the existing building.

Mark Janifer, 15 Madison Avenue, asked about the proposed detention basin.

Chair Harrison announced that the application would be continued at the regular meeting on June 17, 2009 and that no further notice will be given. The Board was granted an extension of time.

On motion by Mr. Whipple, seconded by Mr. Susswein the meeting was adjourned.