

**MINUTES OF THE BOARD OF ADJUSTMENT SPECIAL MEETING
FEBRUARY 3, 2000**

PRESENT: Chair Harrison, Vice Chair Church, Mr. Tobin, Mr. Fleischer, Ms. Freundlich, Mr. Chapman, also, Michael Sullivan, Esq. and Karen Kadus, Assistant Secretary.

ABSENT: Mr. Williams, Ms. O'Connell, Mr. Spivey

Ms. Kadus called the meeting to order and announced that the meeting had been properly advertised in accordance with the Open Public Meeting Act.

Chair Harrison called for a continuation of the hearing on the **Montclair Art Museum, Bloomfield Avenue/South Mountain Avenue/St. Luke's Place**. Grant Gille, Esq., appeared as attorney for the applicant.

Marked into evidence were:

- A-21 Revised plans, dated January 28, 2000
- A-22 Soil Erosion plan on board
- A-23 Drainage plan on board
- A-24 Lighting plan on board
- A-25 Proposed watershed areas on board
- A-26 Amended Drainage Report, January 28, 2000
- A-27 Letter from Langan Engineering, dated January 24, 2000
- A-28 Letter from Langan Engineering, dated January 28, 2000
- A-29 Letter from W. Thomas Watkinson, dated February 2, 2000
- A-30 Parking space count summary, February 3, 2000

George Kelley, engineer, was sworn. He described the drainage on the site and said that no additional stormwater runoff was anticipated after the new addition was completed. He noted that there would be a detention system in the southeasterly corner of the property which would temporarily store the water and then release it at a slower rate. He noted that the Sampsons, adjacent owners, pointed out a water problem on their property, and that the Museum would remedy the situation if its property caused the problem.

He then described the lighting plan which includes 12 foot high poles with 175 watt decorative lamps. The height was similar to that of existing pole lights. The lighting would be shielded from adjoining properties.

Richard Blinder, architect, previously sworn, added that the lights could be shut off in segments when not needed. He noted that building mounted lights on South Mountain Avenue would remain. Also, the proposed banners along the Bloomfield Avenue façade would be illuminated.

The Board had several questions of Mr. Kelley. Mr. Fleischer asked for an explanation of why the unloading area had to be located on the Bloomfield Avenue front of the building. He noted that a tractor trailer would project into the street given the narrow setback. He asked that the applicant reconsider this loading area and perhaps relocate it to another part of the site.

Miriam Sampson, 16 St. Luke's Place, asked several questions about the drainage system, existing water problems on her property and in the street, the soil erosion plan and the general impact of the plan on her property.

Ralph Von Brause, 38 St. Luke's Place, asked about tenants securing parking on the Museum property.

Richard Schroeder, 29 South Mountain Avenue, asked for a clarification of the site lighting along South Mountain Avenue.

The Board took a short recess.

Grant Gille returned and marked into evidence the following:

- A-31 Memo from K. Mathews, February 3, 2000
- A-32 Color photo of proposed fence
- A-33 Proposed Landscape Plan, K. Mathews, dated February 2, 2000
- A-34 Revised signage plan, dated February 3, 2000

Mr. Gille noted that the fence shown in the photo would be placed along the common property line shared with Ms. Sampson and would be installed at a height of 4 ½ feet with a small section in the rear of 6 feet.

Elizabeth McKenzie, planner, was sworn. She described the Museum's current site and a history of the property. She then noted that there was no large public gathering space within the existing museum which was a hindrance to their operation. She said that the addition is less than 50% increase in the existing footprint. She noted that the signs have been reduced in size to 75 square feet and 17.5 square feet which are more appropriate and in scale with the building. She reviewed all of the requested variances.

She noted that the fence enclosing the trash storage area at the loading dock on Bloomfield Avenue will be wood, not wrought iron, as noted on the plan.

She reviewed the court cases dealing with nonconforming uses and their expansion. She noted that in her opinion, museums are inherently beneficial uses, although this has not been determined by the courts. She then demonstrated that the bulk variances were justified and no substantial detriment to the public good would result from a granting of these variances.

The public questioned the witness.

Miriam Sampson, 16 St. Luke's Place, asked a number of questions concerning the impact on her property.

Rich Previte, Chestnut Street, asked questions about the inherently beneficial use argument.

Adrienne Shelby, Museum boardmember, was sworn. She described the process that the Museum followed in formulating the expansion plan. She said that an expanded museum would be an asset to the community and to the region.

Miriam Sampson, 16 St. Luke's Place, was sworn. She introduced the following exhibits:

O-1a,b,c	3 photos
O-2	Photos on board

She stated that she was a licensed realtor since 1987 and now works as a realtor and sales manager for custom single-family homes. She expressed her concerns about the impacts of the museum's expansion on her property.

Some of her requests of the museum include a 25 foot wide landscaped and fenced buffer along her side property line, a higher fence near her rear yard, restrictions on the number of restaurant customers' cars which can park on the museum property, and gates to keep out cars after hours.

Martin Sampson, MD, was sworn. He marked the following exhibits:

O-3	Statement
O-4a,b	2 photos

Mr. Sampson read his prepared statement into the record. He expressed his concern about the impact of this expansion on his property.

Due to the lateness of the hour, it was agreed to carry the matter to a special meeting on February 23. The applicant may then return with a revised unloading area as requested by Mr. Fleischer. The Board would then discuss and vote on the application.

The meeting was adjourned at 12:23 a.m.