

**MINUTES OF THE BOARD OF ADJUSTMENT  
FEBRUARY 27, 2002**

PRESENT: Chair Harrison, Mr. Chapman, Ms. Costello, Vice Chair Fleischer, Mr. Gallardo, Mr. Haizel, Ms. Rock-Bailey, Mr. Susswein; also, Alan Trembulak, Esq., Mr. Sammet, Secretary, and Mr. Charreun, Planning Technician

ABSENT: Ms. Brooks

Secretary Sammet 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 site plan and variance application of **Union Congregational Church, 169 and 176 Cooper Avenue**. David Owen, Esq., appeared as attorney for the applicant and Paul Jemas, Esq., appeared as attorney for interested parties who are objecting to the site plan and variance application.

Mr. Owen called Stephanie Weiner, Senior pastor at Union Congregational Church, who was still under oath. Ms. Weiner stated that she has compiled a list of the groups who had met at the Church in 1979 and read them into the record. Ms. Weiner stated that the Vincent building was last enlarged in 1964 and that there are 8 classrooms in the Vincent Building, 7 of which are used by the nursery school. She also stated that the nursery school began using classrooms in the Vincent Building in 1968 and that the nursery school used 4 classrooms in 1979. She further stated that the maximum number of students presently attending the nursery school at one time is 114.

Marked into evidence was:

A-7 Accreditation Certificate by the National Academy of Early Childhood Programs for Union Congregational Weekday Nursery School

Ms Weiner stated she moved into the parsonage at 176 Cooper Avenue in October 1993 and that her office is located within the Vincent Building. She stated that in 1993 she observed 6-8 cars parked on both properties during the week and 12-15 on Sundays. She also stated that in 1997 the Church was restricted to 5 vehicles parked on the driveways of each property at any one time, and that in 2000 the parking in the driveways was further limited to 4 vehicles on each driveway. Ms. Weiner stated that in March of 2001, the Church received a summons for the parking of a fifth vehicle in one of the drives and that the Church was told that the only parking related to the parsonage use was permitted on the driveways. Ms. Weiner described the 4-hour parking limit on Cooper Avenue and the negative impacts it has on the nursery school staff and Church

staff. She described the problems associated with parking vehicles on Park Street and walking to the Church property. She stated that the nursery school had conducted a parking survey of its 19 person staff on February 11, 2002 to February 15, 2002. She stated that the average nursery school staff member works 4.3 days a week, for 5.6 hours a day and that 76 times during the survey, a nursery school staff member parked for more than 4 hours on Cooper Avenue compared to 6 occurrences of parking for less than 4 hours on Cooper Avenue. Ms. Weiner stated that the Church has attempted to rent parking spaces from nearby properties, and that none is available on any regular basis. She stated that the Church would utilize the proposed 29 parking spaces on the Church properties regularly.

The Board questioned Ms. Weiner.

Ms. Weiner stated that the Church was involved in a mediated meeting with neighborhood residents proximate to the Church property regarding parking permits for Cooper Avenue. She stated that the Church has not made further attempts to obtain parking permits for the street.

Mr. Jemas cross-examined Ms. Weiner.

Marked into evidence was:

- O-1 Meeting Minutes, Cooper Avenue Neighbors and Union Congregational Church, dated September 6, 2000
- O-2 Correspondence from Stephanie Weiner to the Barrington-Lodatos, the Clarks, Linda Griffin, Doug Smith, Eleanor Funk, The Brinleys, The Gregorys, Bob Manning, Gerry Tobin, dated September 7, 2000
- O-3 Correspondence from Stephanie Weiner to the Township Council, Captain Vitarello, The Neighbors on Cooper, the Governing Board of the Church, dated September 25, 2000

Ms. Weiner described the discussions between the Church and the Cooper Avenue neighbors and subsequent discussions and correspondence between the Church and Township officials regarding on-street parking permits.

Ms. Weiner stated that the only physical change to the Vincent Building since 1993 was the addition of a fire escape. She stated that the eighth room is used as a classroom, but not in conjunction with the nursery school.

Marked into evidence was:

- O-4 2001 Annual Report, Union Congregational Church

Ms. Weiner stated that the total income of the nursery school for the fiscal year of July 1, 2000 through June 30, 2001 was \$466,105.14. She also stated that the projected nursery school income for the fiscal year of July 1, 2001 to June 30, 2002 would be within the same range.

Chair Harrison called for questions from the public for Ms. Weiner.

Al Weller, 187 Cooper Avenue, asked if the \$400,000 is the Church's revenue after expenses.

Kate McGuire, 182 Cooper Avenue, asked how the elderly Church members are impacted when the teachers are parked on the street, and if the teachers are currently parking on the street.

Don Clark, 175 Cooper Avenue, asked if the nursery school has tried a mandatory drop-off procedure, and where do parents currently park to drop off their children, and if she knew what drop-off procedures are used by other nursery schools in Montclair, and how many people attend the 10:30 a.m. Sunday services.

Karen Turner, 74 Highland Avenue, asked where the parents of the nursery school children park their vehicles when there is no parking on Cooper Avenue.

Mr. Owen conducted a re-direct of Ms. Weiner.

Ms. Weiner stated that 2.6% of the Church's total income represents the amount of space donations received in conjunction with the nursery school.

Mr. Jemas conducted a re-cross-examination of Ms. Weiner.

Mr. Owen called Chip Mandell, Union Congregational Church member, who was sworn. Mr. Mandell stated he conducted a survey of the churches located within the R-1 zone in Montclair making note of the on-site parking and the off-site parking restrictions on the immediate streets.

Marked into evidence was:

A-8 Survey of Churches in the R-1 Single Family Residential Zone

Mr. Mandell stated that Union Congregational Church has the largest land area of any church in the R-1 zone. He also stated that Union Congregational Church is the only church in the R-1 zone that has neither on-site parking nor unrestricted street parking in front of the church building. He stated that the nearest unrestricted street parking is on Park Street and that the distance from the corner of Park and Cooper to the Church door is approximately 700 feet.

The Board questioned Mr. Mandell.

Chair Harrison called for questions from the public for Mr. Mandell.

John Conti, 362 Park Street, asked if the other churches included in the survey also have nursery schools on their property.

Jan Hoffman, 193 Cooper Avenue, asked if the other churches included in the survey have evening activities.

Mr. Owen conducted a re-direct of Mr. Mandell.

Mr. Owen called Paul Sionas, Architect, who was sworn. Mr. Sionas stated his qualifications as an architect and landscape architect.

Marked into evidence was:

A-9 Color Version, Plan SP-2, prepared by Sionas Architecture, P.C., dated October 25, 2001

A-10 Color Version, Plan SP-3, prepared by Sionas Architecture, P.C., dated October 25, 2001

Mr. Sionas described the existing conditions on the church properties and the proposed parking areas and the land uses that surround the Church properties.

Marked into evidence was:

A-11 Parking Study Plan PK1 on Board, prepared by Sionas Architecture, P.C., dated August 31, 2001

Mr. Sionas described other alternative parking schemes and the problems associated with those schemes in comparison with the applicant's proposal. Mr. Sionas described the proposed plans and stated that the parking areas would be effectively screened from view by fencing, existing structures on the church properties, evergreens, shade trees, and berms. He stated that the one way clockwise direction of the drive on 176 Cooper would remain and described the barrier-free parking stalls proposed on the plan. Mr. Sionas stated that the proposed plan uses gravel because it is less intrusive visually, however, that the barrier-free stall must be paved. Mr. Sionas stated that no lighting for the parking areas. Mr. Sionas continued by describing the applicant's alternative plan using a paved parking surface rather than the proposed gravel surface.

Marked into evidence was:

A-12 Alternate Site Plan SP2A on Board, prepared by Sionas Architecture, P.C., dated February 13, 2002

The Board questioned Mr. Sionas.

Mr. Sionas described the proposed removal of shade trees and landscaping as well as the proposed planting plans.

Marked into evidence was:

A-13 Site Plan Details SP4 on Board, prepared by Sionas Architecture, P.C., dated September 14, 2002

Chair Harrison called for a short recess.

Mr. Jemas cross-examined Mr. Sionas.

Chair Harrison called for questions from the public for Mr. Sionas.

Elaine Conti, 362 Park Street, asked if the view from her second floor windows was considered and how many vehicles would park between her property and the garage on the Church property.

Marked into evidence was:

OC-1 Photograph from the second floor bedroom of Elaine Conti, 362 Park Street

John Conti, 362 Park Street, asked if a fence is proposed west of the existing fence on his property and if that would impair the security of his property.

Kate McGuire, 182 Cooper Avenue, asked if section of Cooper Avenue directly in front of the Church was considered to accommodate parking for the elderly and those with special needs.

Don Clark, 175 Cooper Avenue, asked if the parking area on 169 Cooper Avenue would be primarily used in the winter or summer months, and if Mr. Sionas lives in an R-1 zone adjacent to a parking lot, and how will the Church control the parking on their property.

Mary Barrington, 163 Cooper Avenue, asked if noise absorption was accounted for in the design of the parking areas.

Gary Smith, 20 Wellesley Road, asked what the extent of the curbing was for the alternative paved parking area.

Mr. Owen conducted a re-direct of Mr. Sionas.

Mr. Sionas stated that additional arborvitae could be planted to screen the parking areas from second floor windows.

Don Clark, 175 Cooper Avenue, asked how tall the arborvitae would be and if they would screen the view from a third floor window.

Mr. Owen called Michael Petry, Professional Engineer, who was sworn. Mr. Petry stated that he had prepared drainage reports for the applicants' proposed plans.

Marked into evidence was:

A-14 Sheet SP1 on Board, prepared by Sionas Architecture, P.C., dated October 25, 2001

Mr. Petry described the evaluation he had conducted on the drainage patterns of the existing Church properties. Mr. Petry stated that a percolation system was designed rather than a detention basin for the proposed parking areas because it is easier to maintain. He further stated that the proposed drainage system would eliminate any impact caused by the proposed site improvements in both the gravel and paved alternatives.

The Board questioned Mr. Petry.

Marked into evidence was:

A-15 Color Version, Alternate Site Plan SP2A on Board, prepared by Sionas Architecture, P.C., dated February 13, 2002

A-16 Color Version, Alternate Site Plan SP3A on Board, prepared by Sionas Architecture, P.C., dated February 13, 2002

Mr. Jemas cross-examined Mr. Petry.

Marked into evidence was:

A-17 Drainage Report for 176 Cooper Avenue, prepared by McCumsey-Petry/RCC Design, Inc., dated January 3, 2002

A-18 Drainage Report for 169 Cooper Avenue, prepared by McCumsey-Petry/RCC Design, Inc., revised to February 13, 2002

A-19 Memorandum from W. Thomas Watkinson, Zoning Board Engineer, dated February 6, 2002

Chair Harrison called for questions from the public for Mr. Petry.

Barbara Haver, 356 Park Street, asked if the gravel alternative would produce less runoff than the paved surface.

Al Weller, 187 Cooper Avenue, asked if seasonal drainage variations caused by the underground stream near the Church property were considered.

Gary Smith, 20 Wellesley Road, asked how the proposed curbing would direct the runoff to the drainage system and if all of the runoff generated by the Church property would be captured by the proposed drainage system.

The Board questioned Mr. Petry.

Chair Harrison announced that the application would be continued on March 7, 2002 and that no further notice be given.

On motion by Mr. Fleischer, seconded by Mr. Chapman, the meeting was adjourned.