

MINUTES OF THE BOARD OF ADJUSTMENT
March 30, 2005

PRESENT: Chair Harrison, Ms. Cockey, Ms. English, Mr. Flood, Vice Chair Fleischer, Mr. Haizel, Ms. Holloway, Mr. Susswein and Mr. Whipple; also, Mr. Sullivan, Esq., Mr. Mellon, Secretary, and Mr. Charreun, Assistant Secretary

ABSENT: None

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 site plan and variance application of **The Salvation Army, 13 Trinity Place**. Grant Gille, Esq. appeared as attorney for the applicant. Mr. Gille stated that the Planning Department has prepared an addendum to the Board Memorandum regarding the proposed signage on the site which indicates that all of the proposed signage is conforming.

Mr. Gille called Brian Shortino, who was sworn and stated his qualifications as a New Jersey Licensed Professional Engineer. Mr. Shortino referred to Exhibit A-6, the Site Plan with color on a board, and described the existing conditions on the site and the proposed site plan.

Ms. Cockey joined the meeting. Chair Harrison stated that Ms. Cockey would listen to the recording of the testimony that was presented by Mr. Shortino up to this point of the hearing during the break later on in the meeting so that she would be eligible to vote on the application.

Mr. Shortino described the off-street parking proposed on the site and stated that 35 spaces are required and that a total of 58 are proposed. He stated that 1 barrier-free space is proposed on the surface parking lot and 2 barrier-free spaces are proposed in the underground garage. He also stated that the trash enclosure area is located at the northwesterly corner of the site and continued by describing the setbacks of the proposed building and the surface parking area. Mr. Shortino described the drainage plan for the site and stated that the stormwater collected from the roof of the proposed building would be routed to a series of seepage pits that would allow for slow percolation into the ground. He stated that the stormwater collected from the surface parking area would be routed to detention units and then gradually released into the municipal storm sewer system. He also stated that a trench drain is proposed at the bottom of the ramp leading to the underground garage and that stormwater collected there would be pumped into the inlet in the surface parking area. He further stated that, with the exception of the stormwater collected from the roof, all of the stormwater collected from the site would be treated prior to being released in to the storm sewer system and that the drainage plan is in compliance with all New Jersey stormwater regulations. He continued by stating that the utilities to the new building would most

likely come from Myrtle Avenue and that a copy of the plan has already been submitted to the regional Soil Conservation District.

Mr. Shortino described the proposed landscaping and lighting and stated that various plantings are proposed including shade trees, foundation plantings, and evergreen trees. He also stated that the applicant's intention is to save as many existing trees as possible. He further stated that all of the proposed site lighting would be shielded in order to prevent glare onto the adjoining properties. He referred to the comment letter from the Board Engineer and stated that the plans would comply with the requirements of that letter and continued by describing a driveway traffic count study that was recently completed for the site. He stated that a traffic report was done for the subject property in August 2003 by another engineering firm for a previous application and that he reviewed the findings of this previous report. He also stated that the peak level of activity for the subject property is on Sundays from 9 a.m. to 12 p.m., and that he made the new driveway traffic count study observations on Sunday, March 20, 2004, Palm Sunday, which included observations of the parking on the subject property and associated traffic activity. He further stated that based on his observations, the on-site parking and associated traffic activity was very similar to the findings of the previous report and that no problems with the on-site parking were observed.

Marked into evidence was:

A-8 Driveway Traffic Count, prepared by Bertin Engineering, Inc., undated

The Board questioned Mr. Shortino. Mr. Shortino stated that the existing paved parking lot contains certain spaces that are within the front yard and which are even closer to Trinity Place than the spaces within the proposed paved parking area. Mr. Higgins, Architect, who was still under oath, stated that the underground garage would have a motorized gate that would be controlled by an employee within the building. Mr. Shortino stated that the trash area is buffered from adjoining properties by an existing garage, landscaping, and fencing and is in the most suitable location on the site. Capt. Alastair Bate, who was still under oath, stated that, at the present time, a small dumpster is located in the same area as the proposed trash enclosure, and that the trash is picked up on Fridays at around 2 p.m..

Chair Harrison called for questions from the public. None were offered.

Chair Harrison called for a short recess. Mr. Sullivan stated that Ms. Cockey has listened to the recording of the testimony that was presented during the first few minutes of the hearing and is now eligible to vote.

Mr. Gille called Roger DeNiscia, who was sworn and stated his qualifications as a New Jersey Licensed Professional Planner. Mr. DeNiscia presented a zoning analysis of the application as a conditional use that does not meet all of the conditions.

Marked into evidence was:

A-9 Photo board, prepared by Roger DeNiscia. P.P., undated

Mr. DeNiscia referred to Exhibit A-9 and described the existing use of the subject property. He stated that the applicant is proposing a modern facility for the existing use and that the proposed building and site improvements are designed to allow for an improved operation of the existing use. He also stated that the various activities within the proposed building would not all occur at the same time, which allows the proposed parking area to function well and limits the intensity of the use of the site. He further stated that the existing use on the site is an inherently beneficial use and described the conditional use requirements in the ordinance. He stated that the property is required to front a street or streets with a minimum pavement width of 30 feet and that Trinity Place has a pavement width of 27.8 feet. He stated that this is a minor deviation and does not affect the ability of the site to be used as a house of worship, which it has contained for many years. He also stated that the variance for front yard parking should be approved because it will not have a negative impact visually and that any negative impact would be outweighed by the benefits of providing more on-site parking. He continued by stating that the application provides certain planning benefits and meets certain purposes of planning described in the Municipal Land Use Law and that it does not represent any detriment to the Master Plan, zoning ordinance, or the public good.

The Board questioned Mr. DeNiscia. Mr. DeNiscia stated that the fact that the easterly views of the residential apartment units located to the west of the subject property would be obscured by the new building is not sufficient reason to deny the application because it would not render those apartment units unusable.

Chair Harrison called for questions from the public. None were offered.

Mr. Gille gave his closing remarks.

On motion by Ms. English, seconded by Mr. Haizel, the application was approved, Mr. Fleischer and Mr. Flood voting in the negative, subject to the following conditions:

1. The placement of the building shall be moved forward to provide a 25 foot setback from Trinity Place measured at the southeasterly corner.
2. The proposed wood stockade fence shall be reduced in height to comply with Montclair Code Section 347-27A(2).
3. The surface parking area shall be reconfigured to comply with Montclair Code Section 347-96 so that no parking spaces are closer to Trinity Place than the northeasterly corner of the relocated building.
4. The signs and associated lighting shall conform to Montclair Code Sections 347-108A, B.

5. The applicant shall comply with comments 1, 2, 3, 4, 6 and 7 contained in the memorandum dated March 11, 2005 from W. Thomas Watkinson, III, Board Engineer.

6. During Sunday services, no other significant use of the premises shall occur.

7. The applicant shall plant a mixture of trees, 10 feet apart on center, between the building and the westerly side of the property line.

8. The applicant shall coordinate construction activities with the anticipated construction at nearby sites (e.g., Siena and Crescent Parking Deck) so as to avoid traffic problems arising from a combination of construction activities occurring at one time.

On motion by Ms. English, seconded by Ms. Cockey, the meeting was adjourned.