

MINUTES OF THE BOARD OF ADJUSTMENT
April 5, 2000

PRESENT: Chair Harrison, Vice Chair Church, Mr. Chapman, Mr. Fleischer, Ms. Freundlich, Ms. O'Connell, Mr. Tobin; also, Michael Sullivan, Esq., Karen Kadus, Secretary and Donald Sammet, Assistant Secretary.

ABSENT: Mr. Williams, Mr. Spivey

Ms. Kadus called the roll and announced the special meeting of the Montclair Board of Adjustment. Notice had been given in accordance with the Open Public Meeting Act.

On motion by Vice Chair Church seconded by Ms. Freundlich, the **Minutes of the February 23, 2000** regular meeting were adopted, Ms. O'Connell and Mr. Chapman abstaining.

On motion by Mr. Fleischer seconded by Vice Chair Church, the **Minutes of the March 15, 2000** regular meeting were adopted as modified.

Chair Harrison called for a continuation of the application of **Over the Rainbow, 32 Pleasant Avenue**. Grant Gille, Esq. appeared as attorney for the applicant, and Nancy Lottinville, Esq. appeared as attorney for certain objectors.

Marked into evidence was:

A-14 Traffic Impact Study prepared by Calisto J. Bertin, P.E. dated October 12, 1999.

Mr. Gille called Mr. Theodore Ehrlich, Traffic Engineer from Bertin Engineering, who was sworn. Mr. Ehrlich stated his professional qualifications and familiarity with the application. Mr. Ehrlich continued by stating the contents of the Traffic Impact Study completed by Bertin Engineering Associates, Inc. including traffic counts and roadway and intersection descriptions. Mr. Ehrlich stated that traffic in the neighborhood is quite light right now, operating at level of service A, and projected that after the day care center was in operation, intersections would still operate at level of service A. Mr. Ehrlich stated that he looked at sight lines at driveways and stated that they are sufficient.

The Board questioned Mr. Ehrlich.

Ms. Lottinville, Esq. cross-examined Mr. Ehrlich.

Ms. Gloria Clark of 13 Amelia Street, Montclair asked if Mr. Ehrlich was aware of any detours in the area.

Mr. Robert Taylor of 7 Orchard Court, Montclair asked Mr. Ehrlich if he knew that two-way traffic was difficult with parking on both sides of Cedar Street.

Mr. Kevin Jenkins of 119 High Street, Montclair asked Mr. Ehrlich if any potential air quality impacts from auto trips generated by the site were studied.

Ms. Tanya Carter of 5 Orchard Court, Montclair asked Mr. Ehrlich if he was aware of any traffic congestion problems in the neighborhood.

Ms. Mary Jones of 10 Pleasant Avenue, Montclair asked Mr. Ehrlich if he knew why High Street was closed at certain times.

Ms. Judith Rue of 7 Jefferson Place, Montclair asked if Mr. Ehrlich was aware of different arrival times of students at the Nishuane School as compared with the Over the Rainbow proposal.

Mr. Gille conducted a redirect Mr. Ehrlich.

The Board took a short recess.

Ms. Lottinville called Mr. Joseph Staigar, Traffic Engineer from Atlantic Engineering who was sworn. Mr. Staigar stated his professional qualifications. Mr. Staigar stated that he agrees with many of the conclusions made in the Traffic Impact Study prepared by Bertin Engineering Associates, Inc.. However, Mr. Staigar continued by stating that there would be an impact on traffic character in the neighborhood if a day care center was established. Mr. Staigar described how the neighborhood is quiet in nature regarding traffic flow and that any increase in traffic, even without affecting the level of service on the roadway, would impact neighborhood character.

Mr. Staigar described potential problems with the parking lot including that the number of parking spaces proposed does not meet Institute of Transportation Engineer standards, how there is no indication of where garbage was to be stored and how sanitation trucks would access that storage area, how emergency response vehicles may have trouble accessing the site and how he does not believe that the parking lot could handle parking demands.

The Board questioned the applicant.

Mr. Gille cross-examined Mr. Staigar.

Ms. Rhonda Reed asked Mr. Staigar if an emergency response vehicle could maneuver into the parking lot if cars were parked on both sides of Pleasant Avenue.

Ms. Gloria Clark of 13 Amelia Street, Montclair asked if Mr. Staigar know that the Township of Montclair purchased a new pumper truck for the fire department.

Ms. Lottinville, Esq. conducted a redirect Mr. Staigar.

Chair Harrison noted the late hour and asked if Ms. Lottinville or Mr. Gille, would object to carrying the hearing to the regular meeting of the Board of Adjustment on April 12, 2000. They did not object.

Chair Harrison announced that the application would be continued at the April 12, 2000 meeting and that no further notice would be given.

The meeting was adjourned at 10:52 p.m.