

MINUTES OF THE BOARD OF ADJUSTMENT
June 15, 2000

PRESENT: Chair Harrison, Vice Chair Church, Mr. Chapman, Mr. Fleischer, Ms. Freundlich, Mr. Gallardo, Ms. Rock-Bailey, Mr. Williams; also, Alan Trembulak, Esq., Karen Kadus, Secretary and Donald Sammet, Assistant Secretary.

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.

Chair Harrison announced the continuance of the variance application of **Kramer Communities LLC, 61-63 North Mountain Avenue**. Stephen Aspero, Esq., appeared as attorney for the applicant. Calvin Trevenen, Esq., appeared as attorney for Ms. Karen Weaver, 75 North Mountain Avenue, objector, and Mr. Cherry, Esq. appeared as attorney for Larry's Auto, 142 Valley Road, objector.

Mr. Aspero stated that erroneous comments were printed in a Montclair Times article written about the application. Mr. Trevenen objected. Chair Harrison stated that newspaper articles are not evidence before the Board and will not be considered by the Board.

Mr. Aspero called Mark M. Braithwaite, Registered Architect, he was sworn.

Marked into evidence was:

- A-11 Drainage Report prepared by Professional Planning and Engineering Corporation, dated December 22, 1999.
- A-12 Photographs of neighborhood properties taken by Stephen M. Aspero, dated June 14, 2000.
- A-13 Recapitulation of data taken from property record card in the Township of Montclair Tax Assessor's Office for Tudor Style dwelling located at 21 Van Vleck Street.
- A-14 Recapitulation of data taken from property record card in the Township of Montclair Tax Assessor's Office for second dwelling located towards the rear of 21 Van Vleck Street.
- A-15 Curriculum Vitae of Mark M. Braithwaite, Registered Architect.

Mr. Braithwaite described his qualifications. Mr. Braithwaite stated that he is familiar with the site and that preservation of the existing structures on the property was considered.

Marked into evidence was:

A-16 Front elevation of proposed dwelling units on board.

A-17 Side elevation of proposed dwelling units on board.

A-18 Side elevation of proposed dwelling units on board.

A-19 Side elevation of proposed dwelling units on board.

A-20 Rendered elevation of proposed dwelling units on board.

Mr. Braithwaite described photographs taken of the existing home on 61-63 North Mountain Avenue. Mr. Braithwaite stated that at least three additions were constructed on the building and that those additions were not well conceived or built. Mr. Braithwaite described the architectural style of the proposed project.

Mr. Williams joined the meeting.

Mr. Braithwaite described the proposed site design including the placement of buildings on site, how the natural topography slopes downward from North Mountain Avenue, how existing driveways on site will be utilized and how garages will not be visible from North Mountain Avenue.

Marked into evidence was:

A-21 Floor plans for the foundation and first floor on board.

A-22 Floor plans for the upper floors on board.

Mr. Braithwaite described the floor plans of the proposed dwelling units. Mr. Braithwaite continued by describing the proposed landscaping on site and how a central common green has been created as part of the proposed site design. Mr. Braithwaite stated that the architectural style of the neighborhood is eclectic and that the proposed project would not have an adverse affect on the neighborhood.

The Board questioned Mr. Braithwaite.

Mr. Cherry cross-examined Mr. Braithwaite.

Mr. Trevenen cross-examined Mr. Braithwaite.

Mr. Braithwaite stated that the parking allocation would be changed to allow one interior parking space per townhouse and one interior parking space per apartment.

Chair Harrison opened the meeting to questions from the public for Mr. Braithwaite.

Ms. Alison Barnett of 105 Union Street and Executive Director of the Van Vleck House and Gardens asked which types of trees would be planted on site and at what locations, if the heights of other buildings in the neighborhood were measured and what material would be used for the siding on the proposed structures.

Mr. Sean Coglin of 91 North Mountain Avenue asked if Mr. Braithwaite was hired to restore the property or if he was ever asked to restore the property.

Mr. Noah Franzblou of 157 North Mountain Avenue asked what the size of the proposed building footprint would be and if any homes along North Mountain Avenue had a similarly sized footprint.

Mr. Alan Moshwin of 243 North Mountain Avenue asked if it is possible to recreate the past.

Mr. Aspero conducted a re-direct of Mr. Braithwaite.

Mr. Trevenen conducted a re-cross of Mr. Braithwaite.

The Board took a short recess.

Upon reconvening, Mr. Aspero requested that Peter E. Meyer, PE, PP, Professional Planning & Engineering Corporation (PPE) be brought back to the hearings to provide additional testimony.

Mr. Aspero called Hal Simoff, PE, PP, Simoff Associates, Inc., Consulting Engineers, he was sworn.

Marked into evidence was:

A-23 Curriculum Vitae of Hal Simoff, PE, PP.

Mr. Simoff described his qualifications. Mr. Simoff continued by stating that his traffic studies focused on three key intersections around the site. Mr. Simoff stated that turning movement counts were done and that levels of service were determined at the intersections. Mr. Simoff described the projected trip generation from the site and stated that the quality of traffic flow in the neighborhood would not be adversely affected by the proposed project.

The Board questioned Mr. Simoff.

Mr. Trevenen cross-examined Mr. Simoff.

Marked into evidence was:

O-1 Township of Montclair Police Department Traffic Report List

Mr. Cherry cross-examined Mr. Simoff.

Ms. Taryn Shelton of 79 North Mountain Avenue asked if a school bus route would impact the level of service along the roadways which comprise its route.

Mr. Noah Franzblou of 157 North Mountain Avenue asked how the intersection of North Mountain Avenue and Van Vleck Street could be made safer.

Mr. Daniel Warshowski of 79 North Mountain Avenue asked if cars parked on North Mountain Avenue exacerbate traffic problems at the intersection of North Mountain Avenue and Van Vleck Street.

Mr. Sean Coglin of 91 North Mountain Avenue asked if the width of North Mountain Avenue had been determined.

Ms. Debra Corbit of 105 North Mountain Avenue asked how long delays were at the intersection of North Mountain Avenue and Van Vleck Street.

Ms. Alison Barnett of 105 Union Street and Executive Director of the Van Vleck House and Gardens asked how the intersections where traffic counts took place were chosen.

Dr. Ed Latimer of 166 North Mountain Avenue asked if Mr. Simoff was ever published and if his analysis and conclusions were ever verified.

Mr. David Templeton of 143 North Mountain Avenue asked what the trip generation of the site would be and what the level of service at the intersection of North Mountain Avenue and Van Vleck Street would be.

Mr. Aspero conducted a re-direct of Mr. Simoff.

Chair Harrison stated that the next hearing would be at a special meeting of the Board of Adjustment on August 2, 2000 in the first floor of the municipal building, and no further public notice would be given.

On motion by Ms. Freundlich, seconded by Mr. Williams the meeting was adjourned at 11:58 p.m.