

**MINUTES OF THE BOARD OF ADJUSTMENT
JUNE 5, 2002**

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

ABSENT: Ms. Brooks, Mr. Chapman, and Mr. Haizel

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 site plan application of **Union Congregational Church, 176 Cooper Avenue**. Chair Harrison stated that the applicant is now seeking preliminary and final site plan approval for the property at 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 applicant's proposal.

Marked into evidence was:

A-36 Revised Site Plan, prepared by Sionas Architecture, P.C., dated May 17, 2002

A-37 Drainage Report, prepared by McCumsey Petry, Inc., revised to May 23, 2002

A-38 Photographs of fence styles, on a single sheet

A-39 Color rendering of Sheet SP 2-A, prepared by Sionas Architecture, P.C., dated May 17, 2002

A-40 Board-mounted color rendering of Sheet SP 2-A, prepared by Sionas Architecture, P.C., dated May 17, 2002

A-41 Board Engineer letter, dated June 4, 2002

Mr. Owen stated that the revised plans reflect the comments and modifications recommended by the Board at the prior hearing. He stated that the revised plans depict the approved 19 spaces and that the sheet entitled SP-2A depicts alternative locations for any of the 19 parking spaces that may need to be relocated on the property.

Mr. Owen called Paul Sionas, Architect, who was still under oath. Mr. Sionas described the revised site plan. He stated that 23 arborvitae, six feet tall at the time of planting, are to be planted at the southerly and easterly property lines and that these arborvitae would grow to a height of 14 feet tall. He also stated that additional paving has been removed from the northwest corner of the parking area and in the front yard area. He continued by stating that 6 of the originally proposed parking spaces, which were closest to the easterly property line, have been relocated to areas further away from the property lines.

Mr. Sionas described the renovation of the 2-car garage on the property. He stated that 2 barrier-free parking stalls are proposed for locations adjacent to the barrier-free ramps leading to the entrances of the Church building and the Vincent building. He stated that the applicants would monitor the parking areas and that a chain attached to 2 wooden posts would be utilized to control access to the parking area at the southeasterly corner of the site. He further stated that all of the parking spaces comply with the required dimensions. He also stated that a 7-foot, solid wood fence is proposed to replace the existing 6-foot board-on-board fence on the property and that the proposed fence would act as a buffer for noise. He continued by describing the proposed and existing landscaping of the site and stated that the parking spaces would be effectively screened from the public view.

The Board questioned the Mr. Sionas.

Mr. Jemas questioned Mr. Sionas.

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

John Conti, 362 Park Street, asked how far the arborvitae would be planted from the easterly property line.

Elaine Conti, 362 Park Street, asked if the applicant was willing not to install the proposed 7-foot fence.

Jane Carr, 159 Summit Avenue, asked if the proposed landscaping would screen the view of the parking area from her third floor window and how long it would take for the arborvitae to reach 23 feet in height. She also asked if the applicant considered using bamboo for screening the parking area.

Don Clark, 175 Cooper Avenue, asked if the applicant would consider placing a second berm in front of 2 parking spaces adjacent to the Church building. He also asked what landscaping would replace the removed shrubs at the front of the Vincent building.

Bob Brinly, 167 Cooper Avenue, asked if the existing garage was being enlarged or moved closer to the side property line.

Jan Hoffman, 193 Cooper Avenue, asked Mr. Sionas if he recalled the arborvitae that he had recommended for her property 9 years ago and if he was aware that, of those, the arborvitae planted in the shade did not grow at all and the arborvitae planted in the sun grew to only 15 feet.

Mary Barrington, 163 Cooper Avenue, asked if the arborvitae could be moved closer to the paved area to be located in more sunlight.

Mr. Owen called Michael Petry, Professional Engineer and Planner, who was still under oath. Mr. Petry stated his qualifications. Mr. Petry stated that the proposed site plan reflects previous comments from the Board and the Board Engineer. He stated that the subsurface percolation system proposed for the site has a capacity that is approximately four times as large as what is required by ordinance and that the drainage improvements on the site will not only mitigate any increase in stormwater runoff from the site, but will actually reduce stormwater runoff currently produced from the site. Mr. Petry further stated that comments of the Board Engineers letter, dated June 4, 2002 would be adhered to.

Mr. Petry stated that as a Professional Planner, his opinion is that the applicant's plan meets the negative criteria. He stated that the application could be granted without a substantial detriment to the public good and that the site easily accommodates the 19 parking spaces. He stated that the revised site plan indicates increased setbacks and improved buffering and screening. He also stated that the revised site plan is in strict compliance with the Board's comments and requirements and that the plan is a good balance between the needs of the Church and the residents in the area.

The Board questioned Mr. Petry.

Mr. Jemas stated that he did not have any questions for Mr. Petry.

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

Chair Harrison called for public comment.

John Conti, 362 Park Street, who was still under oath, stated that the applicant's plan is not consistent with the neighborhood or the zoning ordinance, that the nursery school has been growing consistently over the recent years, and that barrier-free parking should not be used as justification for the proposal since the applicant is only proposing 2 barrier-free stalls. He stated that the proposed fence would create a 3-foot wide gap between his fence and the proposed fence, and that he would request that the applicant not install the proposed fence if it is not totally necessary. He also stated that he would prefer Bartlett Pear Trees to be planted along the easterly property line instead of the proposed arborvitae, and that any plantings along the property lines should be planted closer to the parking area.

The Board questioned Mr. Conti.

Elaine Conti, 362 Park Street, who was still under oath, stated the hours of operation for the parking area should be posted on the property and that a curfew should be imposed. She also stated that assurances should be given that buses would not park in the lot.

Jane Carr, 159, Summit Avenue, was sworn and stated that her property is most affected by this application and that the parking lot is essentially in her backyard. She stated that better screening should be planted along the southerly property line and that any plantings along the southerly property line should be planted further away from the property line.

Jan Hoffman, 193 Cooper Avenue, who was still under oath, stated that 20 parking permits for the street would have been a better solution for the neighborhood. She also stated her concern over disruptions that would be caused by the construction of the parking area.

Don Clark, 175 Cooper Avenue, who was still under oath, stated that the applicant's proposal does not remove parking from the street and that he would like an assurance that the nursery school teachers park in the parking area and not on the street. He also stated that the landscaped screening should be done beyond an adequate level.

Barbara Gregory, 179 Cooper Avenue, who was still under oath, asked if the applicant would be allowed to apply for more parking in the future.

Mr. Owen called Paul Sionas, Architect, who was still under oath. Mr. Sionas stated that he has discussed the location of fence at 362 Park Street in relation to the applicant's proposed fence and that it has been resolved that the fence at 362 Park Street is in fact 3 feet off of the property line that separates the properties. He also stated that the American Holly is a evergreen that can grow well in the shade and could be planted along the southerly and easterly property lines. He further stated that the applicant is willing to plant bamboo along the southerly property line.

The Board questioned Mr. Sionas.

Mr. Jemas stated that he did not have any questions for Mr. Sionas.

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

Don Clark, 175 Cooper Avenue, asked if any additional screening is being proposed for the 2 parking spaces adjacent to the Church building.

Mr. Jemas stated that he did not have any closing remarks.

Mr. Owen gave his closing remarks

The Board discussed the application.

On motion by Mr. Fleischer, seconded by Ms. Rock-Bailey, the preliminary and final site plan application was approved, subject to the following conditions:

1. The parking area shall not be used after 10:00 p.m. Sunday through Thursday or after 11:00p.m. Friday and Saturday, except for overnight parking associated with the residential use of the parsonage.

2. The nursery school shall not utilize more than the 7 classrooms currently used in the Vincent Building and the applicant shall return to the Board of Adjustment for approval if it seeks to use any additional classrooms.

3. The applicant shall comply with comments 1 through 3 in the letter report from the Board Engineer, dated June 4, 2002.

4. The applicant shall submit a stormwater maintenance plan to the Board Engineer for his review and approval.

5. The applicant shall install a 7-foot high fence along the eastern property line along the entire length of the rear lot line of the property located at 362 Park Street.

6. The landscaping plan shall be revised as follows:

(a) all Arborvitae shall be replaced with American Holly;

(b) on the easterly side of the property, the American Holly shall be planted halfway between the eastern property line and the garage; and

(c) on the southerly side of the property, the American Holly shall be planted on the northerly (parking area) side of the existing trees rather than on the southerly side of the existing trees.

7. Any shrubs removed from the front of the Vincent Building shall be replaced by the applicant, taking into account existing landscaping and the Copper Beach tree.

8. The applicant shall place a sign at the entrance to the 15-space parking area indicating the closing hours for the parking area.

9. No buses or other commercial vehicles shall use the parking area.

10. The parking area shall be paved in compliance with Montclair Code Section 347-102A.

On motion by Mr. Fleischer, seconded by Ms. Rock-Bailey the meeting was adjourned.