

MINUTES OF THE BOARD OF ADJUSTMENT – OCTOBER 18, 2000

PRESENT: Chair Harrison, Vice Chair Church, Mr. Chapman, Mr. Williams, Mr. Gallardo, Mrs. Freundlich, also, Michael Sullivan, Esq., and Karen Kadus, Secretary.

ABSENT: Ms. Rock-Bailey, Mr. Fleischer, and Donald Sammet, Assistant Secretary.

Ms. Kadus called the roll and announced the special meeting of the Montclair Board of Adjustment for which notice had been given in accordance with the Open Public Meetings Act.

Chair Harrison called for the continuation of the variance application of **Metricom, 56 Walnut Street**. Jason Sweet, Esq., appeared as attorney for the applicant and described the revisions to their original application. He indicated that his experts had re-visited the subject site and will testify as to several observations they have made relating to the building configuration.

Mr. Sullivan noted that there were only 5 Board members present who were eligible to vote. Mr. Sweet agreed to complete his presentation and proceed to a vote with the 5 members present.

Stanley Moreyno, Radio Frequency Engineer, Wireless Facilities, was sworn. He described the specific details of the roof of the building which dictate where the antennas can best be located.

Marked into evidence was:

A-12 Photographs of the subject site (11)

He described the request to place a total of 8 antennas (not the original 16) on the roof top in four quadrants. Quadrant 1 would include 2 antennas mounted on the larger penthouse facing north. Quadrant 2 would include 2 antennas on the larger penthouse east side, and Quadrant 3 would include 2 antennas on the larger penthouse south side. These 6 antennas would not exceed the height of the penthouse. Quadrant 4 would include 2 antennas on the smaller penthouse west side, projecting up above it. A variance would be required for the Quadrant 4 antennas.

A-13 Modified roof plan, dated October 18, 2000

Mr. Moreyno said that the Quadrant 4 antennas would extend 3 feet above the penthouse.

Peter Tolischeus, professional planner, was sworn. He described the building and the area around it, showing several photographic simulations depicting the original 16 antennas as well as the proposed 8 antennas.

Marked into evidence was:

A-14 Photo simulation on board

Mr. Tolischeus noted that the revised plan would not negatively impact the neighborhood because the antennas, for the most part, would not be visible. He said that the variance is justified because the positive and negative criteria would be met by this revised plan.

Mr. Sweet summarized the application.

The Board discussed the application. On motion by Vice Chair Church, seconded by Mr. Chapman, Mr. Gallardo abstaining, it was unanimously resolved to approve the variance, subject to the following conditions:

1. The antennae in Quadrants 1, 2 and 3 shall be face mounted on the larger penthouse and shall not exceed the height of said structure.
2. The antennae proposed on the smaller penthouse in Quadrant 4 shall not exceed two in number and shall not extend more than three feet above the top of said structure.
3. The antennae shall not exceed five feet in height.
4. The antennae shall be painted to match the color of the penthouse to which they are affixed.

A resolution memorializing this action will be adopted at a future meeting.

Chair Harrison called for a continuation of the hearing on **Kramer Communities, 61 North Mountain Avenue**. Randall Chiocca, Esq. appeared as attorney for the applicant and Cal Trevenen, Esq. appeared as attorney for certain objectors.

Mr. Chiocca stated that revised plans had been submitted showing a different configuration of units and other modifications.

Marked into evidence were:

- A-31 Proof of publication
- A-32 Affidavit of Service
- A-33 Partial landscaping plan, prepared by PPE, dated October 4, 2000
- A-34 Conceptual Site Plan, prepared by PPE, dated October 4, 2000

Peter Meyer, Engineer, was sworn. He described the new site plan and indicated that the plan conformed to the R3 Garden Group Zone regulations as well as the Residential Site Improvement Standards of NJ. He noted that the unit count has been reduced from 22 to 17, the unit types have changed, the driveway access has been reduced to one point on the southerly side of the property, the landscaping has increased, and the setbacks have been increased. There are 7 townhouse units and 10 flats. The impervious surface coverage has decreased. He stated that the buildings would conform to the height restrictions.

Mr. Trevenen cross-examined Mr. Meyer.

Alison Barnett, Van Vleck House & Gardens, questioned the witness about the landscaping proposal.

Marked into evidence was:

A-35 Memo from P. Meyer to K. Kadus, dated October 4, 2000 with photographs of landscaping.

Noah Franzblau, North Mountain Avenue, asked about architectural details.

Sean Coglin, 91 North Mountain Avenue, asked about density.

Daniel Warshovski, 79 North Mountain Avenue, asked about impervious surface coverage.

Steven Lomazo, 99 North Mountain Avenue, asked about the configuration of the site.

Taran Shelton, 79 North Mountain Avenue, asked for more architectural details.

Marked into evidence was:

A-36 Master Plan excerpt, 1999, page 3.

The Board took a short recess.

Upon reconvening, and after some discussion, Mr. Chiocca indicated that the applicant would return to the Board with more site plan and architectural details. It was decided to carry the matter to November 15 and December 7. New drawings must be submitted to the Planning Department no later than 10 days before the November 15 hearing. Mr. Chiocca consented to an extension of time through December 7.

The meeting was adjourned at 10:20 p.m.