

**MINUTES OF THE BOARD OF ADJUSTMENT
OCTOBER 1, 2003**

PRESENT: Chair Harrison, Ms. Cockey, Ms. Costello, Mr. Gallardo, Mr. Haizel, and Mr. Susswein; also, Mr. Sullivan, Esq., Mr. Sammet, Secretary, and Mr. Charreun, Assistant Secretary

ABSENT: Vice Chair Fleischer, Mr. Flood, and Ms. Rock-Bailey

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 site plan and variance application of **The Salvation Army, 159 Glenridge Avenue**. David Owen, Esq., appeared as attorney for the applicant.

Marked into evidence was:

- A-1 Copies of the cover letters and application forms submitted to the Planning Department for the application
- A-2 A copy of the signed owner's consent form
- A-3 A copy of the Affidavit of Service
- A-4 A copy of the Proof of Publication of the public notice from the Montclair Times
- A-5 Architectural drawings, prepared by Jack F. Higgins, Architect, Inc., revised through August 4, 2003
- A-6 Engineering plans, prepared by RCC Design, Inc., revised through September 16, 2003
- A-7 Drainage Report, prepared by RCC Design, Inc., revised through August 7, 2003

Mr. Owen described the history of the Salvation Army in Montclair. He stated that the Salvation Army first started its operations in Montclair in 1891 and that their first facility was built at 175 Glenridge Avenue. He also stated that the applicant moved into their current location at 13 Trinity Place in 1961 and that the space at the current facility is too small and overcrowded for their operations, which has necessitated the need for a larger facility. Mr. Owen further stated that the Salvation Army provides valuable services to the community which include worship services, recreation and social programs, and food, shelter, clothing and counseling programs for those in need. He continued by stating that the applicant's Montclair operations do not include a drug

or alcohol rehabilitation program and that the applicant does not provide a nursery school or pre-kindergarten program, with the exception of an on-site child-care service that is provided for parents while they are attending a service or other program at the facility.

Mr. Owen described the property located at 159 Glenridge Avenue and stated that the existing multi-purpose building and the site are well suited for the proposed use. He stated that the applicant proposes to refurbish the existing building, construct several additions to the building, expand the parking area, and install new landscaping. Mr. Owen described the use variance requested and stated that the property is located in the Community Area of the C-1 Central Business Zone, which does not permit churches. He continued by stating that the proposed use is broadly appropriate for the site because the Community Area of the C-1 Zone permits non-profit institutional uses, gathering places such as schools and theaters, and intensive uses such as medical offices. He further stated that a house of worship is not listed as a prohibited use in the C-1 Zone and that a house of worship can be considered appropriate for the Community Area of the C-1 Zone if it does not interrupt retail frontage, supplies adequate on-site parking, and meets the negative criteria otherwise. He also stated that the rear of the subject property is bordered by an R-2 Zone and an R-4 Zone, both of which permit churches as a conditional use, and that the application meets the criteria of the conditional use in those zones.

Mr. Owen addressed the requested use variance and stated that the application satisfies the positive criteria because the proposed church is an inherently beneficial use that promotes the general welfare of the public. He further stated that the proposed use would operate from an existing building that is particularly well suited for the proposed use and was similarly utilized by the Y.W.C.A. from 1969 to 2001. He also stated that the application meets all setback, height, and off-street parking requirements, and that the proposed use would not cause a substantial detriment to the public good, Master Plan or Zoning Ordinance, thereby satisfying the negative criteria.

Mr. Owen called Michelle Kroeze, member and Business Manager of the Salvation Army, who was sworn. Ms. Kroeze described the organization, mission, and history of the Salvation Army in Montclair and stated that the existing facility at 13 Trinity Place is too small and overcrowded for the organization to operate efficiently. She described the services and programs of the Salvation Army in Montclair and stated that worship services, recreation and art programs, clothing, food, and shelter programs are provided. She stated that a 23-bed shelter is operated on North Fullerton within a building that is leased from the Township and further stated that on Mondays, Tuesdays, and Wednesdays, from 12:00 noon to 1:00 p.m. lunch is served at the Trinity Place facility for people in need of food. She stated that the counseling and referral programs are provided at the Montclair facility and that emergency disaster services are also provided from their facility as needed. She stated that the Montclair facility does not include a school, hospital, or youth center and further stated that the Montclair facility does not provide alcohol or drug rehabilitation programs on site. She stated that individuals seeking an alcohol or drug rehabilitation program are referred to the

Salvation Army facilities in Newark or Paterson. Ms. Kroeze continued by describing the membership, volunteers, and beneficiaries of the Salvation Army in Montclair.

The Board questioned Ms. Kroeze.

Andrew Kessler, Esq., appeared as attorney for One Greenwood, LLC and Arc Properties, LLC, who are opposing the site plan and variance request. Mr. Kessler cross-examined Ms. Kroeze.

Chair Harrison called for questions from the public for Ms. Kroeze.

Dana Morgan, 25 North Willow Street, inquired about the landscaping plan and what type of landscaping is proposed at the rear of the property.

Sybil Bunnocore, owner of 161 Glenridge Avenue, inquired about the number of people that would visit the site daily.

Mr. Owen conducted a re-direct of Ms. Kroeze.

Ms. Kroeze stated that the Salvation Army investigated the possibility of relocating to the property at the corner of Hillside Avenue and Church Street that contains the Church of Christ Scientist. She also stated that they have also investigated the possibility of demolishing the existing building at 13 Trinity Place, which contains 17,000 square feet of floor area, and constructing a new building containing 26,000 square feet of floor area on that site. She stated that the Salvation Army favors the proposed relocation to 159 Glenridge Avenue because of the traffic and parking congestion caused by the number of existing churches in the Trinity Place area, whose peak hours coincide with the peak hours of the Salvation Army's worship services. She also stated that relocating to the proposed site on Glenridge Avenue would be financially beneficial for their organization.

The Board questioned Ms. Kroeze.

Mr. Kessler cross-examined Ms. Kroeze.

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

Mr. Owen called Jack Higgins, Architect, who was sworn and stated his qualifications as a Licensed Architect in the State of New Jersey. Mr. Higgins stated that he prepared the architectural drawings submitted as part of the application and that he has prepared the drawings for numerous Salvation Army projects in New Jersey. He described the interior of the existing building at 159 Glenridge Avenue.

Marked into evidence was:

- A-8 Sheets P-1 and P-2 on a board, prepared by Jack F. Higgins, Architect, Inc., dated March 9, 2003, and 5 photographs of the existing building at 159 Glenridge Avenue

Mr. Higgins described the existing condition of the building at 159 Glenridge Avenue and stated that the building is in need of repairs. He also stated that the existing building contains approximately 17,410 square feet of floor area. He continued by describing the proposed plans for the property.

Marked into evidence was:

- A-9 Sheets P-3 through P-6 with color, and P-7 uncolored, on boards, prepared by Jack F. Higgins, Architect, Inc., dated August 4, 2003

Mr. Higgins described the proposed additions to the building and stated that much of the existing building only requires minor alterations because the existing layout is suitable for the applicant's needs. He also stated that the proposed elevator would provide barrier free access to the second floor of the building. Mr. Higgins described the proposed first floor of the building and stated that the chapel would include a total of 252 seats with an additional 52 overflow seats provided in the music rehearsal room overlooking the chapel. He also stated that the proposed gymnasium would not be a regulation size basketball court and that it would be only used for recreational purposes by the membership and that no basketball leagues would use the gymnasium. He continued by describing the second floor plans.

Mr. Higgins described the proposed changes to the exterior of the building and stated that pitched roofs are proposed to replace the existing flat roofs. He also stated that a stucco product would be used to provide a uniform finish over the exterior of the building. He stated that the new roof would measure 35 feet to the peak of the roofline and that all of the existing windows would be replaced with new windows. He stated that an existing freestanding sign that does not comply with the zoning ordinance would be replaced by a new freestanding sign that meets the size and setback requirements.

Marked into evidence was:

- A-10 Drawing of proposed freestanding identification sign and sign lighting detail, on 2 pages, prepared by Jack F. Higgins, Architect, Inc., dated September 28, 2003

The Board questioned Mr. Higgins.

Mr. Kessler cross-examined Mr. Higgins.

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

Dana Morgan, 25 North Willow Street, inquired about the location of any proposed air-conditioning units on the property.

Chair Harrison called for a short recess.

Mr. Owen called Alex Palumbo, Professional Engineer, who was sworn and stated his qualifications as a Licensed Professional Engineer in the State of New Jersey. Mr. Palumbo stated that he prepared the engineering plans submitted as part of the application and described the existing conditions of the site.

Marked into evidence was:

A-11 Sheet 1, Existing Conditions, with color, on a board, prepared by RCC Design, Inc., no date

Mr. Palumbo stated that the existing site contains approximately 53,000 square feet in area and approximately 162 feet of frontage on Glenridge Avenue. He described the existing building on the site and stated that the existing parking area contains 42 striped parking spaces. He also stated that a paved area exists at the rear of the existing building that if striped could accommodate between 10 and 12 additional vehicles. He described the existing pole mounted light fixtures and landscaping on the site and stated that the existing site is relatively level and that site drainage is tributary to the adjacent culvert that runs under Glenridge Avenue.

Marked into evidence was:

A-12 Sheet SP-2, Site Plan, with color, on a board, prepared by RCC Design, Inc., revised through September 16, 2003

Mr. Palumbo stated that the proposed additions are to be constructed over areas of existing pavement and that the largest addition would contain 3,480 square feet. He described the proposed elevator addition and stated that the barrier-free parking on the site would be relocated and updated to meet code requirements. He further stated that the parking area would be extended to provide an additional 11 parking spaces at the rear of the site and that a total of 53 on-site parking spaces are proposed. He also stated that all of the new and redesigned parking spaces would meet code requirements. He continued by describing the trash enclosure area and stated that a 7-foot tall fence enclosure is proposed rather than the 8-foot fence enclosure indicated on the plan.

Marked into evidence was:

A-13 Sheet SP-3, Grading and Drainage Plan, with color, on a board, prepared by RCC Design, Inc., revised through August 6, 2003

Mr. Palumbo stated that new storm water inlets are proposed for the new parking area at the rear of the site that would direct storm water to a proposed subsurface percolation system. He stated the amount of stormwater runoff from the site as proposed compares favorably with the existing amount of stormwater runoff.

Marked into evidence was:

A-14 Sheet SP-4, Lighting and Landscaping Plan, with color, on a board, prepared by RCC Design, Inc., revised through September 16, 2003

Mr. Palumbo described the existing pole mounted light fixtures and stated that new 15-foot tall pole mounted fixtures would be installed in the new parking area at the rear of the property. He also stated that the existing light fixtures that line the pedestrian walkways on the site would be replaced by new decorative light fixtures and continued by stating that all of the pole mounted light fixtures would be shielded from adjoining properties. Mr. Palumbo described the proposed landscaping and stated that the Board Engineer's comments have been addressed. He also stated that a detail for the proposed trash enclosure has been prepared.

Marked into evidence was:

A-15 Detail Sheet depicting the proposed dumpster pad and privacy fence enclosure

The Board questioned Mr. Palumbo.

Mr. Kessler cross-examined Mr. Palumbo.

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

Mr. Owen called Michael Petry, Professional Engineer, who was sworn and stated his qualifications as a Licensed Professional Engineer in the State of New Jersey. Mr. Petry stated that the driveway leading to the new parking area at the rear of the site is 18 feet wide and that it would provide more than adequate ingress and egress from that new parking for area emergency vehicles and refuse collection vehicles. He also stated that the applicants would be utilizing a private refuse collection company for the subject property. He further stated that a new board on board fence could replace an existing fence along the westerly property line at the rear of the property be located closer to the property line to allow for a larger planting bed for additional shrubbery. Mr. Petry also verified that Toney's Brook is adjacent to the subject property on not on the subject property.

Mr. Kessler cross-examined Mr. Petry.

The Board questioned Mr. Petry.

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

Mr. Owen called Harold Maltz, Professional Engineer, who was sworn and stated his qualifications as a Licensed Professional Engineer in the State of New Jersey. Mr. Maltz stated that his area of expertise is in traffic and highway engineering and that he performed a parking and traffic survey at the existing Trinity Place facility and the proposed site. He stated that the parking surveys performed were used to identify the existing parking demand at peak times and identify the available on-street parking near the proposed site that would serve any on-street parking overflow needs. He stated that the off-street parking for existing Trinity Place facility is served by 2 on-site lots and 1 off-site lot. He described the direction of traffic flow and on-street parking on Trinity Place and stated that 4 other churches exist in the vicinity of the Trinity Place site. He also described the direction of traffic flow and on-street parking on Glenridge Avenue and surrounding streets in the vicinity of the proposed site and stated that 3 churches exist within the vicinity of the proposed site.

Mr. Maltz stated that the applicant indicated to him that its peak times of activity are during the Sunday morning services beginning at 9:30 am and Sunday school beginning at 11:00 am. He also stated that the next busiest times are the Sunday evening service, which occurs every other week from 5:30 to 6:30 pm, the Tuesday evening choir practice from 7 pm to 8 pm and band practice from 8:15 to 9:30 pm, and the lunch program, which occurs on Mondays through Wednesdays from 11:45 am to 12:30 pm. Mr. Maltz continued by stating that parking and traffic surveys were conducted on Sunday May 18, 2003 and Sunday June 8, 2003 from 8:45 am to 12 pm for the Sunday morning service and Sunday school, on Sunday June 1, 2003 from 4:15 pm to 6 pm for the Sunday evening service, and on Tuesday May 20, 2003 from 11:30 am to 12:30 pm for the lunch program and 6:45 pm to 8:15 pm for the band and choir practices. He further stated that each of the parking and traffic surveys were conducted during good weather.

Marked into evidence was:

A-16 Tax Map, on a board with color, depicting the proposed site on Glenridge Avenue and the area of the parking and traffic survey area near the proposed site

Mr. Maltz stated that on the parking survey conducted on Sunday May 18, 2003 at the Trinity Place site from 8:45 am to 12 pm indicated that a maximum total of 52 vehicles associated with the Salvation Army were parked in the on-site parking lot on the Trinity Place property. He also stated that no on-street parking associated with the applicant's Sunday morning service was observed and that a peak of 19 vehicles not associated with the applicant's Sunday morning service was observed in the applicant's lots. He stated that the total attendance observed for the applicant's Sunday morning service was 104 people and that the applicant has indicated that the typical Sunday service attendance is approximately 110 people. He also stated that by 9 am during the Sunday morning parking survey, the on-street parking in the vicinity of Trinity Place is full due to the number of attendees to the Sunday services of the other churches in the immediate area. He continued by stating that parking study conducted for the proposed site on Glenridge Avenue during the Sunday morning peak time revealed that

approximately 151 on-street parking spaces are available in the area of the site between 10 am and 10:15 am, and that by 12 pm on the same day the number of available on-street parking spaces had decreased to a low of approximately 130.

Mr. Maltz stated that the second Sunday morning survey conducted from 8:45 am to 12 pm on June 8, 2003, revealed that a maximum of 45 vehicles associated with the applicant's Sunday morning service were parked in their lots, that no on-street parking was associated with the applicant's Sunday morning service, and that 35 other vehicles were parked in the applicant's lots that were not associated with the applicant's Sunday morning service. He also stated that the total attendance for the Sunday morning service on that day was 108 people. He continued by stating that the second Sunday morning parking study conducted in the area of the proposed site on Glenridge Avenue indicated that during the June 8, 2003 Sunday morning peak hours there was a peak availability of 159 on-street parking spaces from 9:45 am to 10 am and that the availability decreased to a low of approximately 124 on-street parking spaces by 11:45 am.

Mr. Maltz stated that the Sunday afternoon survey conducted on June 1, 2003, revealed that a maximum of 29 vehicles associated with the applicant's Sunday afternoon service were parked in their lots, that no on-street parking was associated with the applicant's Sunday afternoon service, and that 23 other vehicles were parked in the applicant's lots that were not associated with the applicant's Sunday afternoon service. He also stated that the total attendance for the Sunday afternoon service on that day was 74 people. He continued by stating that the parking study conducted for the proposed site on Glenridge Avenue indicated that during the June 1, 2003 Sunday afternoon peak hours there was a peak availability of 131 on-street parking spaces from 5:45 pm to 6 pm, with a low of 113 during that period.

Mr. Maltz stated that the parking study conducted on Tuesday May 20, 2003 from 11:30 am to 12:30 pm for the lunch program revealed that only 8 vehicles associated with the Salvation Army were parked in their lot, that no on-street parking was associated with the Salvation Army, and that 56 other vehicles were parked on the applicant's property due to Christ Church and Gibbs College utilizing the applicant's lot during the week. He also stated that during this period, 35 adults including 5 staff were on the Trinity Place site for the lunch program. He further stated that 24 individuals were observed that either walked or rode bicycles to site. He continued by stating that the parking study for the proposed site at Glenridge Avenue indicated a peak on-street parking availability of 79 spaces and a low of 72 spaces between 12 pm and 12:15 pm on Tuesday May 20, 2003. Mr. Maltz stated that the parking study conducted Tuesday evening, May 20, 2003, from 6:45 pm to 8:15 pm for the band and choir practices indicated that 25 vehicles associated with the Salvation Army were parked on their site, that 1 vehicle parked on the street was associated with the Salvation Army site, and that 36 other vehicles not associated with the applicant were parked on the Trinity Place property. He also stated that 40 adults were observed arriving to the site during the Tuesday evening study. He continued by stating that during that Tuesday evening parking study, the study area of the proposed site on Glenridge Avenue exhibited a peak

vacancy of 106 on-street spaces bet 8 pm 8:15 pm, and that the lowest exhibited on-street parking vacancy was 86 spaces between 6:45 pm and 7 pm.

Mr. Maltz stated that based on these findings, the proposed use at the site on Glenridge Avenue would not have a substantial adverse effect on the traffic circulation at proposed site. He stated that the site plan is appropriately designed and provides for adequate on-site traffic circulation. He also stated that the site is located in a commercial zone, and the data taken from the parking surveys indicates that the peak times of activity for the Salvation Army occur on Sundays, which coincides with the lowest activity in the commercial zone. He further stated the existing site on Trinity place is located in an area of intense on-street parking demand during the Sunday peak hours and that the parking studies indicate that overflow on-street parking would not be necessary for the applicant because the on-site parking provided at the Glenridge Avenue site would fulfill the applicant's needs at every peak time period. He also stated that the parking studies indicate that there is an abundance of available on-street parking in the area of the site so that the proposed use would not compete with other uses for on-street parking. He continued by stating that the proposed number of on-site parking spaces meets the requirements of the zoning ordinance, and that the proposal would not result in an increase trip generation rates because the site is already developed and operated in a similar fashion in the past.

The Board questioned Mr. Maltz.

Mr. Kessler cross-examined Mr. Maltz.

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

Alphonso Cuolco, of Dante Investment Corporation, owners of 161-171 Glenridge Avenue, asked Mr. Maltz if he had consulted with the pastor of the Salvation Army regarding the dates and times of the parking survey. He also asked if future development could affect the available street parking in the area and if a parking study was conducted in other areas of the commercial zone that are more active.

Mr. Kessler cross-examined Mr. Maltz.

Chair Harrison announced that due to the late hour, the application would be continued at the November 19, 2003 regular meeting of the Board and that no further notice would be given.

Mr. Owen granted the Board an extension of time for which to vote on the application.

On motion by Mr. Gallardo seconded by Mr. Susswein, the meeting was adjourned.