

MINUTES OF THE BOARD OF ADJUSTMENT
December 7, 2006

PRESENT: Chair Harrison, Ms. English, Vice Chair Fleischer, Mr. Haizel, Ms. Holloway, Mr. Susswein, and Mr. Whipple; also, Mr. Sullivan, Esq., Mr. Franco, Assistant Planner and Mr. Charreun, Assistant Secretary

ABSENT: Ms. Cockey and Mr. Flood

Assistant Secretary Charreun 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.

On motion by Mr. Fleischer, seconded by Mr. Susswein, the **Minutes of the August 16, 2006** meeting were adopted, as modified.

Chair Harrison called the continuation of the application of **Alter Family, LLC for the Deron School (II), 130 Grove Street**. Jerry Friedland, Esq. appeared as attorney for the applicant. Assistant Secretary Charreun stated that the 7 Board members present are eligible. Mr. Susswein stated that he would have a question for Matthew Jarmel, Architect. Mr. Friedland called Joseph Staigar, who was sworn and stated his qualifications as a Professional Engineer, with expertise in traffic engineering.

Mr. Staigar stated that he conducted traffic counts at the subject property on 2 occasions: once during mid-October and a second time during mid-December. He described the existing site and stated that the property has one vehicular access point, which is the Grove Street driveway. He stated that a revised Traffic Study dated November 13, 2006 has been submitted, which goes beyond the existing enrollment of 152 and prorates traffic counts using the maximum permitted enrollment of 187 students, and has produced an increase in traffic volumes of 23 percent. He stated that traffic counts were taken on Grove Street at the existing driveway on the subject property, at the intersection of Grove Street and Oxford Street, at the intersection of Oxford Street and Christopher Street, on Christopher Street at the driveway for the train station parking lot, and at the intersection of Walnut Street and Christopher Street. He stated that school arrivals and dismissals were the peak periods, which occurred from 8 to 9 a.m. and then between 2:30 p.m. to 3:30 p.m. He also stated that his figures revealed that on Grove Street, the Level of Service was an F, which was due to the high volume of traffic on Grove Street, whereas at the all other study locations, the Level of Service were at A, which is the best condition and indicates low traffic volume. He proceeded by giving more details on his traffic study and stated that proposed plan rectifies all unsafe and substandard traffic conditions associated with the site, and that the plan does not increase traffic volume since student enrollment or staff is not increasing as part of the plan. He further stated that if enrollment were to be increased to the permitted maximum of 182 students that the Level of Service identified at the traffic count locations would not significantly change.

The Board questioned Mr. Staigar. Mr. Staigar stated that the 14 additional staff members that would be added by the potential allowable increase to 187 students would be better handled by the proposed 60-car parking lot as opposed to the existing 47-car parking lot. He stated that a "no right turn" sign can be provided to avoid vehicles turning north onto Christopher Street from the proposed egress driveway. He also stated that the egress driveway could be angled to the south to further prohibit a right turn. He stated that the intersection of Label Street and Christopher Street was not included because based on his observations, traffic conditions at that location would not change as a result of this application. He also described the sight distances for drivers exiting the site onto Christopher Street and stated that the berm does not obscure the sight line on Christopher Street. He stated that any delay caused by the railroad crossing signal on Walnut Street was not taken into account, although the Level of Service would probably drop if that delay was considered in the modeling. He also stated that he does not anticipate the parking lot to be used as a cut-through for vehicles looking to avoid the signalized intersection at Grove Street and Walnut Street since Oxford Street presently exists as a legal cut-through in very close proximity to the proposed driveway.

Marked into evidence was:

A-8 Photograph taken from the roof of The Deron School building on the looking west at Erie Park

Chair Harrison called for questions from the public.

Dawn Candy, 38 Christopher Street, inquired about the width of the school buses that park on Christopher Street and how long they idle on Christopher Street during dismissal. She also asked numerous other questions.

Regina Flimlin, 13 Montclair Avenue, asked if the number of traffic accidents that have occurred in the neighborhood was considered in the traffic study. Ms. Flimlin also asked numerous other questions.

William Milczarski, 11 Cloverhill Place, asked for an explanation of the discrepancy regarding the inclusion of field study dates of October 22, 2006 in the traffic report dated October 19, 2006. He also asked if the traffic counts were taken manually and why there is such a difference in the a.m. and p.m. peak hours. He also asked why the signalized intersection of Grove Street and Walnut Street was not studied, as well as numerous other questions.

The Board questioned Mr. Staigar. Mr. Friedland questioned Mr. Staigar on redirect. Mr. Staigar stated that the proposed plan would reduce the overall number of vehicles utilizing Grove Street, which is the busiest street in the vicinity of the subject

property, which will have a beneficial affect on traffic on Grove Street. The Board questioned Mr. Staigar.

Chair Harrison called for a short recess.

Mr. Friedland recalled Matthew Jarmel, Architect, who was still under oath. Mr. Jarmel stated that revised engineering drawings to address the Board Engineer's and County Planning Board's comments are being prepared will be submitted. He also described further revisions and information that has been added to the plans.

Marked into evidence was:

A-9 Sheet C601 Grading Section, on a board, dated December 7, 2006

Mr. Jarmel described Exhibit A-9 and stated that it illustrates the proposed grading on the westerly side of the property and explained the lowering of the grade at the berm and the building up of the grade at the proposed building addition.

The Board questioned Mr. Jarmel. Mr. Jarmel explained the usage of floor area within the existing building and the proposed addition and stated that he could further break down this information for clarification. He stated that the flat roof surface of the proposed addition is approximately 1.75 feet above the maximum permitted height of 40 feet. He also stated that the existing parapet is just below 5 feet in height, and the proposed parapet, with the exception of the large ornamental gable parapet, is the same height. He stated that the central air condensers are proposed on the roof and would have a maximum height of 8 feet including the support structure below them. He also stated that these units would be placed back far enough from the edge of roof so that they would not be visible from the ground and would be effectively screened by the parapet. He described the existing basement classrooms in the building and stated that they are not suitable for use as classrooms and would be abandoned.

Marked into evidence were:

A-10 Revised Schematic Section, Sheet A-8

A-11 Photograph of existing parapet taken from the roof of The Deron School

A-12 Photograph of existing parapet taken from the roof of The Deron School

A-13 HVAC Mechanical information

A-14 Photograph of existing classroom in basement

The Board questioned Mr. Jarmel. Mr. Jarmel reviewed the grading plan and grading section plan in detail, and discussed the impact of the proposed grading on certain trees.

Chair Harrison called for questions from the public.

William Milczarski, 11 Cloverhill Place, asked what the height limit in the zone district is.

The Board questioned Mr. Jarmel. Mr. Jarmel described the proposed gable parapet feature on the addition.

Chair Harrison called for questions from the public.

Martin Schwartz, 45 Gates Avenue, inquired about the existing and proposed exterior materials. He also asked if any cost analysis information has been provided that shows that using a natural stone exterior is cost prohibitive as opposed to the proposed cultural stone material. He also asked whether the proposed exterior should be reviewed by the Montclair Historic Preservation Commission.

The Board questioned Mr. Jarmel. Mr. Jarmel stated that the cultured stone sample that was marked as an Exhibit at a previous meeting is an example of what will be used on the exterior of the addition, and that they are continuing to search for a similar product that will more closely match the façade of the existing building.

Mr. Friedland called Richard Keller, who was sworn and stated his qualifications as a Professional Planner. Mr. Keller described the site, the existing building, the history of the site, and the proposed addition and site improvements. He also described the neighborhood and the land uses in the vicinity of the subject property. He described the existing parking on the site and stated that the proposed plan greatly improves the traffic and on-site parking conditions associated with the subject property. He stated that the proposed use is a conditional use in the zone and that the Master Plan views the school use as appropriate in the zone. He reviewed the conditional use standards contained in the zoning ordinance and stated that they do not comply or fully comply with condition 3 for deficient lot frontage width, condition 4 for deficient paved street width, condition 5 for exceeding the building height, condition 6 regarding ingress and egress driveways and for proximity of a driveway to an intersection, condition 9 for deficient off-street parking, and condition 12 for parking setback. Mr. Keller gave a detailed analysis of the compliant and noncompliant aspects of the plan with regard to the zoning requirements and the reasons to grant the variances requested. Following clarification from Mr. Sullivan and the Planning Staff, it was determined that the height proposed would require a d(6) variance.

Mr. Keller addressed the Board Engineer's comments on the drainage plan for the Oxford Street parking lot and stated that the applicant would work towards a plan

that would satisfy those concerns. He referred to Exhibit A-8 and reviewed the impact of the proposed development on the large mature trees on the site. He stated that 4 trees would be removed to accommodate the driveway to Christopher Street. He also stated that there are 2 other trees near the addition that are of concern and that the applicant would undertake certain techniques to limit damage to these and other trees on the site and to try and avoid the removal of trees. He stated that the large Oak trees that need to be removed could be replaced with medium sized Oak trees. He also stated that removal of Christopher Street driveway and pavement on the westerly side of the lot would save significant trees, but would have a negative effect on the amount of on-site parking and traffic on Grove Street.

Mr. Keller stated that a school for special needs students is an inherently beneficial use and described the standards of approval for conditional use variance applications. He stated that the site continues to be appropriate for the use notwithstanding the deviations from the zoning requirements and that the impact of deviations do not constitute a substantial negative impact on the public good, Master Plan or zoning ordinance. He stated that the application should be approved with certain conditions.

The Board questioned Mr. Keller. Mr. Friedland stated that the applicant would give the Township permission to enforce Title 39 on the subject property. Mr. Keller stated that it would be appropriate to base the parking need for the site on the full time staff required for the student enrollment, which results in a need for 50 to 55 parking spaces. He referred to A-8 and identified a total of 4 trees that would be removed. He stated that the egress driveway onto Christopher Street is within 200 feet of the intersection with Label Street. He also stated that 2 parking spaces could be removed in order to avoid impacts to particular trees. He also stated that the proposed white pine under an existing tree should be relocated or removed from the plan.

Chair Harrison stated that the application would be continued at a special meeting of the Board to be held on Wednesday, January 31, 2007 and that no further notice would be given. Chair Harrison called for questions from the public for Mr. Keller from anyone who would not attend on January 31, 2007. None were offered. Mr. Friedland granted the Board an extension of time.

On motion by Mr. Fleischer, seconded by Mr. Haizel the meeting was adjourned.