

**MINUTES OF THE BOARD OF ADJUSTMENT**  
**January 31, 2007**

PRESENT: Chair Harrison, Ms. English, Mr. Haizel, Ms. Holloway, Mr. Rubenstein, and Mr. Susswein; also, Mr. Sullivan, Esq., and Mr. Charreun, Assistant Secretary

ABSENT: Ms. Cockey, Vice Chair Fleischer, Mr. Whipple and Mr. Franco, Secretary

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.

Chair Harrison announced 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. Chair Harrison stated that there are only 5 eligible members present and that the application could be continued at the February 21, 2007 regular meeting for the Board's discussion and vote. Mr. Friedland recalled Matthew Jarmel, Architect, who was still under oath. Mr. Jarmel stated he is prepared to discuss the additional floor area and interior space information that the Board was inquiring about at the previous meeting.

Marked into evidence was:

A-15 Space Analysis and Floor Area Calculation table, on a board

Mr. Jarmel described Exhibit A-15 and stated that it tabulates every area of the existing building and the proposed addition, including classrooms, office space, circulation space, bathrooms, miscellaneous space, and also accounts for wall thickness. The Board questioned Mr. Jarmel. Mr. Jarmel stated that the total gross area of the building with the proposed addition included is 69,711 square feet as measured from the exterior walls inward. He proceeded to give a detailed breakdown of the net change in the different types of areas within the building, including classrooms and office spaces, as well as other types of spaces, and stated that the building addition represents a total net increase of 14,838 square feet.

Chair Harrison called for questions from the public.

William Milczarski, 11 Cloverhill Place, asked whether Exhibit A-15 should have been submitted 10 days before the hearing. Mr. Sullivan responded and stated that the information provided with the Exhibit is not required to be on file 10 days before the hearing because it is not the plan that requires the variances, and that the Exhibit is supplemental information.

Dawn Candy, 38 Christopher Street, inquired about the information on Exhibit A-15 and the floor plans and asked for clarifications. Mr. Jarmel responded and referred to Sheet A-9 of plans that were last revised on November 9, 2006. Assistant Secretary Charreun stated that the plans Mr. Jarmel is referring to were submitted on November 15, 2006 and were discussed at the November 30, 2006 meeting.

Mr. Friedland recalled Richard Keller, Professional Planner, who was still under oath. Mr. Keller addressed comments from the Board regarding the zoning ordinance and the parking requirements and stated that the 61 parking spaces proposed adequately serve the applicant's needs, particularly since the students don't drive and the on-site parking would only serve the staff and the few visitors they get. He also reviewed certain conditional use requirements, gave his opinion on the intent of those requirements, and how the proposed plan is in keeping with the intent of those requirements. He stated that placing a condition that would limit the enrollment beyond what was previously approved in 1990 would be unreasonable. He also stated that since the number of faculty can fluctuate depending on a particular student's needs, a condition that limits the number of faculty would also be unreasonable and would limit the applicant's ability to service the student population.

Mr. Keller stated that the number of vehicles that would illegally cut through the proposed parking lot is very small, and that the site design shouldn't be compromised by considering that factor too heavily. He stated that the school use is a conditional use in the OR-3 zone, and that the site continues to be appropriate for the use as proposed notwithstanding the deviations from the conditional use requirements that have been cited. He also stated that the impact of the deviations specifically from the conditional use requirements does not adversely impact the neighborhood and that the plan advances certain purposes of planning.

The Board questioned Mr. Keller. Mr. Keller addressed the height issues and variances concerning the flat roof of the addition, the parapet on the roof of the addition, and the ornamental gable feature. He stated that routing vehicles from lot to the signalized intersection at Grove Street and Walnut Street to make left turns at that intersection rather than making left turns out of the existing parking lot represents an improvement from a planning perspective.

Chair Harrison called for questions from the public.

William Milczarski, 11 Cloverhill Place, asked numerous questions, including whether the front yard parking variance has been addressed. Mr. Keller reiterated the points he stated at the last meeting concerning front yard parking. Mr. Keller stated that the number of parking spaces on the Oxford Street side would be increased from what presently exists in that front yard.

Fred Halper, 45 Christopher Street, asked questions regarding traffic conditions and the nearby railroad crossing on Walnut Street and Mr. Keller's statements on the

impact of the proposal. Mr. Keller stated that in making his statements regarding the beneficial impact on traffic issues associated with the plan, he is relying on the testimony of the expert witness that presented the traffic study information.

Mr. Friedland stated that he had no further witnesses.

Chair Harrison called for public comment.

Una Delaney, 50 Label Street, was sworn and stated her opposition to the plan. She voiced concerns over the removal of mature trees, the incompatibility of the exterior of the addition in relation to the existing building, and the potential increase in the intensity of the school use. She stated that the area already contains many intensive uses.

William Milczarski, 11 Cloverhill Place, was sworn and stated his opposition to the plan. He gave his educational and professional background as a Planner and stated that he is presently an Associate Professor of Urban Planning at Hunter College in New York.

Marked into evidence were:

- O-1 Map of Neighborhood with the subject property highlighted in blue
- O-2 Letter from Mr. Milczarski to the Board addressing traffic issues and traffic study

Mr. Friedland objected to Exhibit O-2; his objection was overruled. Mr. Milczarski stated that the proposed addition will allow the student population to increase which will have a detrimental impact on the busy neighborhood. He stated that the traffic study does not provide enough information for the Board to approve the application and proceeded with a lengthy commentary on the traffic study and the testimony of the expert witness on traffic and cited errors and missing information. He stated that the westerly side of the lot acts as a buffer for residents, which will be ruined by the proposal.

The Board questioned Mr. Milczarski. Mr. Milczarski acknowledged that a previous approval allows an enrollment of up to 187 students without any required improvements to the building or the parking area.

Dawn Candy, 38 Christopher Street, was sworn and stated her opposition to the plan. She stated that the tree removal and site disturbance that would occur as a result of the plan is too disruptive to the neighborhood. She stated that the neighborhood is already congested with busy commercial uses and that the plan would only exacerbate this condition.

The Board questioned Ms. Candy. Ms. Candy stated that even if trees were saved, she would be against any addition to the building and that the building should be a historic landmark.

Fred Halper, 45 Christopher Street, was sworn and stated his opposition. He stated that the Montclair Connection has affected traffic issues in the neighborhood considerably since the applicant received their 1990 approval with the maximum of 187 students, and that the Board should consider that factor.

John Michalchik, 48 Label Street, was sworn and stated that his opposition to the plan.

Mr. Friedland stated that he would like to give his summation at the next meeting. He stated that he will not call any further witness this evening and that he may recall the traffic engineer at the next meeting. On motion by Ms. English, seconded by Mr. Susswein, it was agreed that the application would be continued at the regular meeting of the Board on Wednesday, February 21, 2007. Chair Harrison announced the date and stated no further notice would be given. Mr. Friedland granted the Board an extension of time. On motion by Ms. English, seconded by Mr. Haizel the meeting was adjourned.