

MINUTES OF THE BOARD OF ADJUSTMENT
October 25, 2006

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

ABSENT: Ms. English, Mr. Flood, and Ms. Holloway

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 called the continuation of the application of **Redeemer Church of Montclair, 105 Walnut Street**. Grant Gille appeared as attorney and stated that the applicant has decided to proceed with the Board's discussion and vote with the 6 eligible members that are present. Chair Harrison called for questions from the Board members who had listened to the recording of the October 18, 2006 hearing on the application. Mr. Lovelace, pastor, who was still under oath, responded to a question on the seating plan that was submitted as an Exhibit A-1. Mr. Gille summarized the application. The Board discussed the application. On motion by Mr. Whipple, seconded by Mr. Haizel, the application was approved, subject to the following conditions:

1. The applicant's use of the premises for worship services, religious instruction and nursery shall be limited to 7:00 a.m. to 2:00 p.m. Sundays only.
2. Use of the premises shall be limited to a maximum number of 200 persons on site at any one time.
3. The use of the Walnut Street driveway is prohibited in connection with the applicant's use.

Chair Harrison called the continuation of the application of **Paul Anderson, 34 North Willow Street**. Mr. Anderson who was still under oath, stated that he would like to proceed with the Board's discussion and vote with the 6 eligible members that are present.

Marked into evidence was:

A-2 Site plan prepared by Koestner Associates, dated October 24, 2006

Mr. Anderson described the professionally designed plan marked as Exhibit A-2 and stated that it has been sent to the Board Engineer as requested. He also stated that he would consider a bollard near the front corner of the dwelling to prevent vehicles from colliding with the dwelling. Chair Harrison called for questions from the Board

members who had listened to the recording of the October 18, 2006 hearing on the application. Mr. Anderson stated that although Exhibit A-2 depicts the driveway paved with asphalt, that he would construct the driveway with gravel if required. The Board discussed the application. On motion by Mr. Fleischer, seconded by Mr. Susswein, the application was approved, subject to the following condition:

1. The applicant shall comply with comments contained in the Board Engineer's report, dated August 19, 2006, with the exception that the driveway be required to be paved forward of the rear corner of the dwelling and that the parking area in the rear yard may be constructed using a gravel or paved surface.

Chair Harrison called the application of **Alter Family, LLC for the Deron School (II), 130 Grove Street**. Jerry Friedland, Esq. appeared as attorney for the applicant and stated that they would proceed this evening with the 6 members that are present and described the application. Mr. Friedland called Kenneth Alter, School Director, who was sworn. Mr. Alter described the background of the Deron School and stated that they have been at the subject property since 1991. He stated that the proposed addition and new parking lot are proposed to provide handicapped accessibility, to provide the additional parking they presently need, and to reduce existing space deficiencies within the building. He also stated that a minimum of 9 large trees would be removed as part of the proposed plan, and that they are willing to replace as many trees as required by the Board. He stated that they are not proposing additional students, that their current enrollment is 152 students, and that they have no plans to exceed the maximum enrollment of 187 that they were permitted in a prior application. He also stated that no increase in staff is proposed as part of building enlargement.

The Board questioned Mr. Alter. Mr. Alter stated that they have never been at maximum permitted enrollment of 187 students and that they presently have 61 professional staff, plus custodians and handymen. Mr. Friedland stated that the applicant is not willing to reduce the maximum permitted enrollment of 187 that was approved in a prior application.

Chair Harrison called for questions from the public.

William Milczarski, 11 Cloverhill Place, asked whether there is a mandate for enlarging rooms such as the speech room.

Caitlyn Reilly, 40 Christopher Street, asked whether the additional space proposed in the building would allow for more students, even if there is no intention to expand enrollment.

Dawn Candy, 38 Christopher Street, asked whether the building was handicapped accessible when it was purchased by the applicant, as well as numerous other questions.

Imelda Muench, 133 Grove Street, asked why the proposed addition and renovations were not done in some form over the past 10 years. She also asked why the exterior stairway that was replaced in the summer of 2005 was not replaced with an ADA compliant entrance.

Regina Flimlin, 13 Montclair Avenue, asked how much of their enrollment consists of students from towns other than Montclair.

Jean Barrett, 14 Oxford Street, asked what the enrollment and number of faculty was when the school first opened, as well as numerous other questions.

Paul Huard, 7 Bell Street, asked whether there are any students or employees presently at the school that are confined to a wheelchair.

Mr. Volz, 1 Cloverhill Place, asked for a description of the students at the Deron School in terms of physical disabilities.

Carol Taylor, who is in the process of purchasing 42 Christopher Street, asked whether any of the existing faculty resides in Montclair and also inquired about the classrooms in the basement and the existing library.

Christopher Larkin, 134 Grove Street, asked how many buses are used on a daily basis. He also asked about the cost of the project.

Chair Harrison called for a short recess and stated that the meeting would resume on the first floor in the Council Chamber.

Mr. Friedland called Matthew Jarmel, who was sworn and stated his qualifications as an Architect. Mr. Jarmel described the existing site and the existing building and stated that the existing building contains approximately 41,100 square feet of floor area. He stated that the property has 3 front yards and that the existing trailer would be removed from the site should the proposed addition be approved. He stated that the existing building is difficult to renovate due to its age and type of construction and described the plans for proposed addition and the changes proposed to the site. He stated that the State Department of Education has requirements geared to improve the function of the school and increase the handicapped accessibility and that the design proposed achieves those goals. He continued by describing the floor plans in detail and the elevations and exterior of the proposed addition. He also described the existing and proposed parking areas, and also reviewed the conditional use requirements of the zoning ordinance.

The Board questioned Mr. Jarmel. Mr. Jarmel stated that the existing site contains 47 striped parking spaces, although a higher number of vehicles are parking on the site by double parking. He also stated that he believes that between 50 to 55 parking spaces are needed for existing use.

Marked into evidence was:

A-1 Photograph of the existing parking lot on in the Oxford Street front yard

Mr. Jarmel described the gabled parapet feature on the roof of the proposed addition and stated that it has been designed to be in keeping with the architecture of the existing building. Assistant Secretary Charreun described the designation of the 3 front yards and the side yard on the subject property. Mr. Alter described the arrival and departure times of employees and staff. Mr. Jarmel stated that he would tabulate the proposed changes in floor area in terms of the specific room types and uses.

Chair Harrison called for questions from the public.

Dawn Candy, 38 Christopher Street, asked the Board members whether they have visited the site recently. She also asked numerous questions about the interior and exterior plans, as well as other issues.

Christopher Larkin, 134 Grove Street, asked if the new entrance to the building would replace the existing entrance and if the new driveway on Oxford Street complies with the requirements of the zoning ordinance.

William Milczarski, 11 Cloverhill Place, asked how many classrooms would be added to the building as a result of the addition, as well as numerous other questions, including questions regarding the costs associated with the project.

Mr. Alter stated that no State subsidies are being utilized to pay the costs of the proposed additions.

Hannah Jones, 72 Christopher Street, asked about the materials that would be used on the exterior of the proposed addition, as well as numerous other questions.

Dawn Candy, 38 Christopher Street, asked how many handicapped students have been turned away as a result of the school not being handicapped accessible, as well as numerous other questions.

Regine Flimlin, 13 Montclair Avenue, asked if any outdoor play areas that exist on the site would be removed to accommodate the expanded building or parking areas.

Chair Harrison stated that the application would be continued at special meetings of the Board to be held on Thursday, November 30, 2006 and Thursday, December 7, 2006, and that no further notice would be given.

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