

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
MEETING
May 17, 2012

The West Orange Zoning Board of Adjustment held a regular meeting on May 17, 2012 at 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Neuer called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and posted on the Township Bulletin Board on November 29, 2011 in accordance with the "Open Public Meetings Act."

Chairman Neuer asked everyone to stand for the Pledge of Allegiance

Alice Beirne, Esq., Board Attorney, read the Opening Statement.

PRESENT: Gregory Bullock (8:06 pm), Deborah Gabry, Philip Neuer, Bart Quentzel (8:04 pm), William Steinhart, Mark Sussman, Alice Weiss

ABSENT: Bruce Buechler (excused), Eric Sacks (excused)

ALSO PRESENT: Susan Borg, A.I.C.P., P.P., A.I.A.
Eric Keller, Consulting Engineer
Board Attorney: Alice Beirne, Esq.
Board Secretary, Rose DeSena
Harvey Grossman, Public Advocate

ANNOUNCEMENTS

Future Meetings: May 24, 2012 (Special Meeting) – 8:00 PM

- **ZB-12-06/Communication Infrastructure Corp.**
- **ZB-12-05/Seton Hall Preparatory School**

June 14, 2012 (Regular Meeting) – 8:00 PM

July 19, 2012 (Regular Meeting) – 8:00 PM

August 16, 2012 (Regular Meeting) – 8:00 PM

September 20, 2012 (Regular Meeting) – 8:00 PM

ZB-12-06/Communication Infrastructure was carried to 5/24/12 (Special mtg.) No further notice is required.

ZB-12-02/DEKAB, LLC was carried to 6/14/12 per attorney request. No further notice is required.

DISCUSSION

Cambria Suites Hotel (request for an extension)

Note for the record that Mr. Steinhart recused himself and stepped down from the dais.

Donna Erem, attorney for the applicant, approached the podium and explained to the Board that RX Realty and the lender have closed on the loan and the land swap. She stated that after the title and other documents are reviewed, the land swap will be completed. Ms. Erem also stated that an environmental review must be done and they are requesting an extension of three months but they will accept a two month extension.

Mr. Mielbye, the authorized representative of the applicant, approached the podium and stated that the environmental testing was completed and that the land is clean. He stated that all that remains to be done is a matter of timing and having the lender on board. Mr. Mielbye said that he would prefer a three month extension.

Chairman Neuer asked if there were any comments from the Board.

Ms. Weiss stated that she appreciates that they have been submitting monthly updates and that she wants that to continue. She also stated that she suggests the Board extend for three more months and made a motion to approve until August 31, 2012, subject to continuing the requirement for submission of monthly written reports. Mr. Sussman and Ms. Gabry also suggested a three month extension and Mr. Sussman seconded.

Alice Beirne asked if the Board was approving an extension of the extension and Chairman Neuer said yes.

The vote was as follows:

Buechler:	-	Steinhart:	Recused
Bullock:	Yes	Sussman:	Yes
Gabry:	Yes	Weiss:	Yes
Quentzel:	Yes	Chairman Neuer	Yes
Sacks:	-		

MINUTES

Adopt Minutes: April 19, 2012

Chairman Neuer made a motion to have the “philtered” copy of the minutes, which he submitted to the Board, approved. He also commented on how comprehensive the minutes were. Mr. Bullock agreed and seconded it. All were in favor.

SWEARING IN

Township Professional, Planning Director Susan Borg and Consulting Engineer, Eric Keller were sworn under oath.

APPLICATION

1. ZB-11-23/World Class Wireless, LLC

Carried from 4/19/12

Block: 84.01; Lot: 22.01; Zone: B-2

12 Marcella Avenue

Seeking three (3) "D" variances for conditional use, more than one principal use and height to install two (2) wireless dish antennas on an existing tower.

EXHIBITS

A-4 Notarized letter dated 5/2/12 from Mountaintop Communication, LLC

A-5 Photo simulations dated 12/13/11

A-6 Planners Report dated 2/2/12

A-7a,b,c Enlarged photo simulations

A-8 Aerial Photograph Board (part of A5)

A-9 Aerial Photograph Board taken from Eagle Ridge

A-10 Five (5) Photographs (Board)

DISCUSSION

Eric Goldberg, attorney for the applicant, approached the podium.

Chairman Neuer noted for the record that, even though there was a court stenographer at the meeting, the only official transcript for this meeting, as with all of our meetings, is Ms. Dillon's transcript.

Chairman Neuer stated that he did not see the notarized letter, which the Board requested, from the owner of the tower stating that they would bring the tower up to code if the application was approved. Mr. Goldberg replied that he did submit the letter. After the letter was produced the Chairman asked to have it entered as Exhibit A4 in evidence.

Mr. Goldberg called his first witness for the applicant. Tsvia Adar approached the podium and was sworn under oath. Ms. Adar detailed her educational background and professional experience. She stated that she worked for Dewberry and is a certified as a Planner in the State of New Jersey. Chairman Neuer accepted Ms. Adar as a licensed Professional Planner.

Chairman Neuer asked Ms. Adar if she reviewed the submissions by the applicant. Ms. Adar said that she did and that she visited the site. She stated that the first time she went to the site she tried to get access to the Eagle Ridge Condos and was denied. Ms. Adar stated that the second time she went to Eagle Ridge, the Association Manager provided access and accompanied her to the spot where the towers were most visible. Mr. Goldberg asked Ms. Adar to describe her findings. She stated that the zone under the West Orange Zoning Ordinance where the tower is located permits microwave dishes to be placed on an existing tower. Ms. Adar stated that this is considered a second principal use on the property; it is a modification and a D2 variance is

required. She said that this is the only variance they are asking for and no other variances are required. Ms. Adar said that the applicant will comply with all of the conditions required for an additional second use. She detailed the positive criteria and said that this will promote public health safety and welfare. Ms. Adar stated that the applicant is an FCC licensee and is licensed to provide communication services to the general public and to financial institutions. She said that these dishes are capable of receiving and transmitting very large data and are better than fiber optic because the transmission is better. Ms. Adar stated that the tower is already in existence and that the dishes will be much lower than the top of the tower, approximately half of the height of the tower, and they will not change the visibility.

Ms. Adar continued by saying that the reason they chose this location is because it is in the direct path that is needed for the transmission. She said that it is very difficult to find a tower that is appropriate for this technology because of the height. Ms. Adar also stated that the reason why this location is perfect and this facility was chosen is because there is no line of sight obstruction.

Ms. Adar detailed the negative criteria stating that this installation will provide services to many institutions and will not have any adverse affects on health. She said that there will not be any noise traffic and will have minimal visible impact.

Ms. Adar presented photo boards and stated that she wants to submit these photos that she took because they were not submitted with the application. Chairman Neuer asked Ms. Adar if she took these photos herself and prepared the boards without anyone else working on them with her and whether they fairly and accurately depicted the conditions which existed on the site on the dates of the photos; Ms. Adar replied yes. Chairman Neuer asked to have the photo simulations marked as Exhibit A5, in evidence and Ms. Adar's report, dated 2/2/12, marked as Exhibit A6, in evidence.

Ms. Adar presented enlarged photo simulations on another board. The Chairman asked to have them marked as Exhibits A7 a,b,c. Ms. Adar detailed what is depicted in these photos.

Ms. Adar presented an aerial photo. The Chairman asked her if that was part of the A5 package and she replied yes. He asked to have the aerial photo marked as Exhibit A8, in evidence as part of Exhibit A5. Ms. Adar detailed what was in this photo.

Ms. Adar presented another set of photos stating that the dishes are not visible in these photos. She said that the first photo was an aerial photo taken from the Eagle Ridge development. Chairman Neuer asked to have the aerial photo marked as Exhibit A9 for identification, not in evidence.

Ms. Adar then presented five (5) photos that were taken from Eagle Ridge. Chairman asked to have the five (5) photos marked as Exhibit A10, for identification. He asked Ms. Adar if they were photo simulations. Ms. Adar said that they are straight photos; not simulations. She said that two of the photos show a dash line where the dishes would be placed but other than that one item these are straight photos and not simulations. Ms. Adar went on to describe where they were taken from and what were in the photos. Chairman Neuer asked Ms. Adar if the photos accurately depict the conditions at the time they were taken and she replied yet.

Ms. Adar summarized by stating that the use is zoned for this use and there would be no detriment to the zoning ordinance. She also said that the tower is already there and utilizing it would be better than building a new tower there.

Chairman Neuer asked Ms. Adar if she reviewed Ms. Borg's report and she replied yes. He asked Ms. Adar if she had any comments regarding the report and she replied no. Chairman Neuer said that, in Ms. Borg's report, she wanted to know why the applicant is using dishes instead of antennas. Ms. Adar said that the antennas will not work with this technology as explained in the Engineer's report.

Chairman Neuer asked if the Board had any questions for Ms. Adar. Ms. Gabry questioned photo #3 of the original set submitted, asking if the top of the trees will interfere with where the dishes are going to be located. Ms. Adar said that the dishes are not being directed towards the trees.

Gerald Gurland approached the podium stating he lived at 296 Araneo Drive. Mr. Gurland stated that he appreciates the copies of the documents that he received but wants copies of all of the new documentation that were submitted this evening also.

Yanmeng Gan approached the podium and stated that she lives at 140 Leonardo Drive. Ms. Gan asked Ms. Adar if the tower will support the new dishes. Ms. Adar stated that she did not address that in her testimony. Chairman Neuer stated that the structural integrity of the tower has State and Federal regulations defined as "G standard" and said that the owner of the tower has agreed to conform.

Ms. Gan asked Ms. Adar if she said that the dishes cannot be seen because she finds that hard to believe that there is no visual affect. Chairman Neuer asked Ms. Adar if her testimony was not that there be zero visual effect but that there is very little visual affect and Ms. Adar said yes, because of its location.

Ms. Gan asked Ms. Adar what benefit these dishes would be to the residents living in the Eagle Ridge development. Chairman Neuer said that Ms. Adar testified that the benefit was for the community at large and not specifically to the residents living in Eagle Ridge.

Harvey Grossman approached the podium and asked Ms. Adar what the sizes of the proposed antennas being placed on the tower are. Ms. Adar stated that one is 6' and one is 2'2" in diameter.

There were no more questions from the public.

Chairman Neuer asked Mr. Goldberg to sum up. Mr. Goldberg stated that Ms. Adar was his last witness. He said that the applicant satisfied all of the criteria and has agreed to bring the tower up to the G code if they were approved.

Chairman Neuer asked if any members of the public had any opinions regarding this application or wanted to offer any testimony. He reminded them that there was a five minute limit.

Gerald Gurland approached the podium and was sworn under oath. He stated he lived at 296 Araneo Drive and asked for clarification regarding the statement saying that the applicant will make changes to the tower. Chairman Neuer said that, currently, the tower meets the F code. He said that if they add to the tower then they have to upgrade to the G code.

Mr. Gurland stated that he was also concerned with the wind velocity and wanted to know if the tower could sustain winds of 100 mph. Mr. Chang, the structural engineer for the applicant, approached the podium. Chairman Neuer stated that Mr. Chang was previously sworn and continued under oath. Mr. Chang testified that, based on the new code, the tower will sustain 100 mph winds.

Yanmeng Gan approached the podium and was sworn under oath. Ms. Gan stated that all of the residents of Eagle Ridge have concerns about health and their property values.

Chairman Neuer closed the record and invited comments from the other Board members. Seeing none, he went on to say that he is not a big fan of these towers and explained why. He explained that this Board is created and governed by the Municipal Land Use Act and the Board's power to act is circumscribed within the guidelines of the Zoning Ordinance. Chairman Neuer said that he was instrumental in having the other application for microwave dishes, which came before this Board, denied but he does not think this one should be. He said that if this application is to be approved the Board must include a condition which requires the owner to upgrade the tower.

The Chairman stated that he has empathy for the residents of Eagle Ridge but reminded them that the tower was there before the development. He said that it is only two dishes they are installing, one 6' and one 2' in diameter and, although he does not like the comment that there is no visual impact, he thinks that the impact is not that harsh.

Chairman Neuer said that he is of the opinion that the applicant has established the positive and negative criteria. He also stated that he appreciated the testimony of Mr. Chang who, in his opinion, is a very honorable man and very credible.

Chairman Neuer presented a motion to approve the application with the condition that, prior to installation of the antenna, the applicant or owner of the tower will make the improvements to the tower to comply with the G standard as described in the two structural analysis reports prepared by Mr. Chang and as referenced in the reports of the Board Engineer. Mr. Steinhart seconded.

The vote was as follows:

Buechler:	-	Steinhart:	Yes
Bullock:	Yes	Sussman:	Yes
Gabry:	Yes	Weiss:	-
Quentzel:	Yes	Chairman Neuer	Yes
Sacks:	-		

DISCUSSION

AUBURN DATA SYSTEMS, LLC – Request to modify application ZB-12-02

Michael Lavigne, Esq., attorney for Auburn Data Systems, approached the podium. Chairman Neuer explained why Mr. Lavigne was at this meeting. He explained that Mr. Lavigne represents the applicant for an application that was denied by this Board. Chairman Neuer explained that the applicant has the right to appeal their decision and, rather than doing that, they want to reduce the number of antennae they were originally proposing from five to two. He said that the applicant is here to amend the original application and needs this Board to reconsider the application because they have the right to do that. The Chairman opened the floor to Mr. Lavigne only in regard to the application for reconsideration.

Ms. Weiss asked about the legal ramifications and asked if this was kind of a “re-do” and said that she thought this Board did not do that. Chairman Neuer stated that, in the rules of procedures of the Zoning Board of Adjustment section 6.03, which is entitled “Rehearing”, it justifies the applicant’s request to request a rehearing; the Chairman then read section 6.03 aloud. Chairman Neuer said that they are asking for permission to amend the application and to have the amended application be the subject of a rehearing. Ms. Beirne said that it is enough of an amendment to justify the rehearing. She said that they are asking to install two antennas instead of five.

Mr. Lavigne began by describing why he was here, reiterating what the Chairman said and detailed what happened at the last hearing. Mr. Lavigne stated that the applicant will prepare a modified application for two dish antennas and install a cabinet within an existing building on the site. He also mentioned that the Board just approved an application similar to this one.

Chairman Neuer specifically admonished Mr. Lavigne by declaring that whatever was decided in connection with the other application was not binding on this Board with regard to the Auburn application or amended application. The Chairman then asked if there were any questions from any of the Board members.

Mr. Sussman asked what the sizes of the two antennas are that are being proposed compared to the five. Mr. Lavigne said that one will be 8’ and one will be 10’.

There were no other questions from the Board.

Chairman Neuer asked if any members of the public had any questions.

Mary Ellen Morrow approached the podium and stated she lived at 178 Dezenzo Lane. She asked if there are any maintenance provisions for the tower. Chairman Neuer said that this application is not yet before this Board and the time to ask that question is when they come back. He said that the Board is just approving the request for a rehearing of a modified application.

Chairman Neuer closed the hearing and offered his comments. He said that the application the Board just heard and approved was a different set of circumstances. The Chairman stated that the

Board was provided with sworn testimony from the engineer who inspected the tower and testified that State and Federal regulations will be complied with by that tower owner. Chairman Neuer stated that this applicant must make sure that such testimony and commitments from the tower owner are also part of the Auburn revised application. Ms. Weiss said that the previous application proposed 2' and 8' dishes and not 10' and 8' dishes like this one.

Chairman Neuer said that the applicant is acting diligently and in good faith and offered a motion to approve the application for a rehearing with an amended application having to be submitted, the number of antennae not to exceed two and proper notice given as a new application. He also stated that any fees are to be submitted and subject to reviews by the Township Planner and Board Engineer. Mr. Sussman seconded.

The vote was as follows:

Buechler:	-	Steinhart:	Yes
Bullock:	Yes	Sussman:	Yes
Gabry:	Yes	Weiss:	Yes
Quentzel:	Yes	Chairman Neuer	Yes
Sacks:	-		

INTERPRETATION

ZB-12-09/56 Undercliff Terrace S.

Carried from 4/19/12

Block: 45.20; Lot: 48; Zone: R-5

Interpretation of Chapter 25-7.1 for Number of Stories and Lot size

EXHIBITS

A - Select title agency package dated 5-14-12

B - Ordinance 25-24.1 page 97 & 98

DISCUSSION

Joseph A. Vena, Esq., approached the podium and stated that he represents Mr. Jonathan Kantor and is here requesting an interpretation of the Zoning Ordinance as it applies to Mr. Kantor's property.

Mr. Vena stated that there was an issue that was raised by the Zoning Official regarding rebuilding a structure if more than 50% has been destroyed. He detailed the ordinance, Section 25.24.1(d), that he submitted in his package D.

Mr. Vena said there are two things that he wants to present to the Board that were not previously submitted; the legislative history and the ordinances. Mr. Vena stated that this case was previously before the Board. He began detailing copies of resolutions that he submitted in packages B and C stating that they will confirm what the Board previously approved. Mr. Vena said that the prior resolution holds that Mr. Kantor's property constitutes a buildable lot.

Chairman Neuer asked to have the Select Title Agency package, dated 5/14/12 marked as Exhibit A for identification and Ordinance 25-24.1 pages 97 and 98 marked as Exhibit B for identification.

Mr. Vena stated that the ordinance says if you have a home that does not conform and it was destroyed, it can be rebuilt. He said that Mr. Kantor is building a house from scratch.

Mr. Vena stated that the Ordinance in section F of his package addresses the definition of a "story". Chairman Neuer said that this is a different issue. He also told Mr. Vena that they already had this discussion, regarding a conflict with the architect, and that section G of Mr. Vena's package is not going to be admitted into evidence.. The Chairman stated that in Exhibit A, section G will not be part of the record. Mr. Vena asked the Chairman if the Board will accept the testimony from the owner then. Ms. Weiss asked what the Chairman meant about the conflict with Exhibit G. Chairman Neuer stated that Exhibit G was prepared by an architect who is a member of the Township's Planning Board and who is, therefore, not permitted to testify, directly or indirectly, before the Zoning Board of Adjustment of West Orange.

Jonathan Kantor approached the podium and was sworn under oath. Mr. Vena asked Mr. Kantor if he had plans to have a house built and if he is going to use the same plans. Chairman Neuer asked Mr. Vena to not refer to the plans.

Mr. Vena asked Mr. Kantor the height of the house he is proposing to build and Mr. Kantor said exactly 35'. Mr. Vena asked Mr. Kantor how many stories the house will be and Mr. Kantor replied two stories plus a basement. Mr. Vena attempted to define a story according to the Construction and Zoning Officials. He stated that if the plans show that it is a walk out basement, then it is considered a story. Chairman Neuer said that he goes back to what he stated originally, that the Board needs to see the plans and to be provided with expert testimony to interpret the meaning of "story" under the Ordinance.

Chairman Neuer stated that he recommends that the Board conclude that the environmental issues which confronted the property owner did constitute a disaster and that demolition was not voluntary.

Chairman Neuer told Mr. Vena that the issue relating to what he wants the Board to interpret is limited to the buildable lot question which the Board can decide; however, the Board cannot interpret the definition of a "story" because it has not been properly submitted and the Board needs to see a proposed plan. Ms. Weiss stated that this application should be in two parts. Chairman Neuer said that Mr. Kantor should have the right to build and come back with plans and if he needs a variance the Board will hear it.

Mr. Vena asked Chairman Neuer if the Board can make an interpretation of an ordinance without plans. Mr. Sussman said that the Board cannot make a determination without seeing a set of plans. Chairman Neuer stated that with respect to the buildable lot issue, no plans are required but that the definition of a "story" in these circumstances requires a plan.

Chairman Neuer told Mr. Vena that the Board is going to take its scheduled recess and he can bifurcate the application after the recess.

Chairman Neuer recessed the meeting at 9:37 pm.

The meeting resumed at 9:46 pm.

Chairman Neuer stated that Mr. Vena has bifurcated the application, so that the issue regarding the definition of “story” applied to Mr. Kantor’s property is withdrawn. Chairman Neuer moved a resolution which provides that the Kantor Property, as defined in the application, constitutes a buildable lot for the reasons previously stated in this record. Ms. Weiss seconded the motion.

The vote was as follows:

Buechler:	-	Steinhart:	Yes
Bullock:	Yes	Sussman:	Yes
Gabry:	Yes	Weiss:	Yes
Quentzel:	Yes	Chairman Neuer	Yes
Sacks:	-		

Mr. Vena asked the Chairman if this decision means that they will be able to get a permit to start building the foundation. The Chairman said yes, but that the applicant does so at risk and that no structure may be built until the issue of the definition of “story” is made unless the owner revises the plans to comport with the position taken by the Zoning Official.

DISCUSSION

Ms. Beirne asked the Chairman if they were going to have an executive session regarding the legislation that she sent to the Board members. The Chairman stated that at the next meeting on May 24, 2012 at 8:00 pm they will meet in executive session regarding confidential attorney/client privileged information.

APPLICATION

ZB-12-05/Seton Hall Preparatory School **Carried from 4/19/12**

Blocks: 58 & 59.04; Lots: 1.01&1.04; Zones: R-6 (school) R-5 (offices)

120 Northfield Avenue (school) & 170 Northfield Avenue (offices)

Preliminary and Final Site Plan approval

“D” & “C” variances for an expansion of a non-conforming use for an addition of a two (2) story wing to an existing building and acquiring property to house their administrative offices.

It was noted for the record that Ms. Gabry recused herself from hearing this application and stepped down from the dais.

EXHIBITS

A-1 Existing conditions map, drawing 2 of 6, dated 1/19/12

A-2 Layout dimensioning and signing plan, sheet 3 of 6, dated 1/19/12, revised 5/10/12

A-3 Grading plan, sheet 4 of 6, dated 1/10/12 revised 5/10/12

A-4 Existing conditions map, showing off and on site parking, dated 5/17/12

DISCUSSION

Robert C. Williams, Esq., attorney for the applicant, approached the podium and began by detailing the application. He said that the applicant is proposing to change a grass and dirt field into artificial turf. Mr. Williams said they are also proposing an expansion of the existing school building and are requesting a parking variance. He stated that the applicant is asking to have the requirement for an environmental impact study waived.

Chairman Neuer advised Mr. Williams that there was not a full board at the meeting tonight; there were three members missing. He also stated that they are not going to finish hearing this application tonight and asked Mr. Williams if he wants to continue. Mr. Williams said yes and asked ordered a transcript which can be provided to the absent Board members.

Chairman Neuer stated that he and Ms. Beirne had a discussion with Mr. Williams regarding the ingress and egress to and from Beverly Road for what is currently a house which is proposed to be converted into offices. Mr. Williams stated that he brought a copy of the easement with him and said that although it was to be it used for residential purposes that restriction expired in 1950. Chairman Neuer stated that the appropriate ingress and egress is in question regarding whether it is safe and efficient as required where a use variance is requested. He said that the Board members are not traffic experts and he recommends that the applicant provide a traffic expert report before the next appearance.

Chairman Neuer said that he is raising the question regarding the inclusion of all of the property which is part of this application. He said that the question is whether the owner, whose property is under the easement, gave their consent to the application which may be required.

Mr. Williams called his first witness.

Mr. Charles Stewart approached the podium and was sworn under oath. He detailed his education and professional background and stated he is a licensed engineer and surveyor in the State of New Jersey. Chairman Neuer accepted his credentials as an expert in civil engineering.

Mr. Stewart presented a map of the existing conditions on the site. Chairman Neuer asked to have it marked as Exhibit A1 drawing number 206, dated 1/19/12 and the revision date of 5/12/12. Mr. Stewart stated that this was submitted with the original application. He said that the school property is in an R-6 zone and fronted on Northfield Avenue; it has an exit driveway onto Rollinson Street and an ingress and egress onto and from Glen Road.

Mr. Stewart described the drainage on the property. Chairman Neuer asked him to describe the ditch that is marked on the plans and Mr. Charles detailed where the ditch runs along the property. Chairman Neuer asked Mr. Stewart if any there was any debris or maintenance issues and Mr. Stewart stated that the ditch is pretty free of any debris.

Mr. Stewart detailed the residential lot. He said the address is 170 Northfield Avenue and is in an R-5 zone. Mr. Stewart stated that the access for this property is from an easement on Beverly Road and that the egress is also from Beverly Road. He said that this easement is for three homes on Beverly Road. He said that there is a house on the corner of Beverly and Northfield Avenue that also has access from the easement on Beverly Road but has access directly from Beverly Road. Mr. Stewart stated that this portion of Beverly Road is not a private road; it is a public road.

Mr. Stewart described the parking behind the school for the staff and the administration. He said that, heading in a southerly direction, there is a paved parking lot that has 102 parking spaces; 97 regular spots, two visitor spots and three handicap spots.

Mr. Stewart presented a proposed layout dimensions and sign plan. Chairman Neuer asked to have it marked as Exhibit A2. Mr. Stewart detailed the plan stating that it shows the back portion of the existing school, the easement on Beverly Road and where the proposed two story addition is going to be. He detailed the proposed site circulation pedestrian flow and where the sidewalks and the ten handicapped parking stalls will be located.

Chairman Neuer asked Mr. Stewart how many additional parking spaces there will be in the existing parking lot after construction. Mr. Stewart stated that there will be an additional 18 spots and two bus spots which will be a total of 120 parking spots plus two spots for buses.

Ms. Weiss asked if the buses would be able to fit through the narrow driveway and Mr. Stewart said yes.

Mr. Stewart presented a grading plan and began to describe what is being proposed in the rear of the residential property. Chairman Neuer asked to have it marked as Exhibit A3. Mr. Stewart said that they are proposing to remove the swimming pool and fish pond and construct a small parking lot with nine parking spots. He said that this will allow the people who work there to come in from Beverly Road and park there. Mr. Stewart said that there will also be one handicap spot. Chairman Neuer clarified that the nine spots includes one handicap spot and two parking spots in the existing garage.

Ms. Weiss asked for clarification and asked if there are only going to be three houses affected by cars coming in to this house on Beverly Road and Mr. Stewart replied yes.

Mr. Williams asked Mr. Stewart how many current employees at the school will be using this entrance on Beverly Road. Mr. Stewart stated there are seven employees but they will have nine parking spaces. Mr. Williams asked Mr. Stewart if they all used cars and Mr. Stewart said there may be six or seven cars because one employee may walk to work. He said that the employees

enter in the morning and stay all day. Mr. Stewart stated that they walk to the school for lunch or stay in the office.

Chairman Neuer asked Mr. Stewart if there were any impediments for accessing the house from Northfield Avenue and Mr. Stewart stated that there is a slope and grading problems. Chairman Neuer asked Mr. Stewart the most logical ingress and egress is from Beverly Road and Mr. Stewart said yes.

Mr. Sussman questioned why the other houses on Northfield Avenue did not have access from Northfield Avenue and Mr. Stewart said because of the slope. He said that to have driveway access from any of those properties on Northfield Avenue would also be very dangerous and that is why they opted to come in from Beverly Road.

Mr. Williams stated that the one concern from the residents is parking. He said that the school will not be adding any additional students. Mr. Williams said that they will be providing additional offsite parking for the students in the fall and Mr. Stewart will explain what they are proposing.

Mr. Stewart presented an existing conditions map, dated 5/17/12, showing onsite and offsite parking for the students. Chairman Neuer asked to have it marked as Exhibit A-4. Mr. Stewart described what was on the plan, detailing the locations of the offsite parking. He said that the Kelly Athletic Center will provide 84 parking spots plus four bus spots. Mr. Stewart stated that there will be 40 parking spots provided for student parking at the Shillelagh Club during the week. Chairman Neuer asked Mr. Stewart if they had a lease. Mr. Williams stated that they do not need a lease that there is a voluntary commitment from them. Chairman Neuer stated that the claimed spots at the Shillelagh Club cannot be considered by the Board; they are being presented solely for "show".

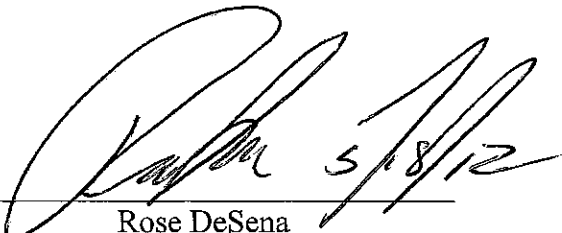
Mr. Stewart stated that 81 Northfield Avenue is another location that will provide 35 parking spaces, with a month to month lease, for student parking. Chairman Neuer stated that the claimed spots at 81 Northfield cannot be considered by the Board; they too are being presented solely for "show". Mr. Williams said that there will be a total of 199 available parking spaces for the students. He said that the school took a survey of how many students will be driving and there will be approximately 110 students driving during the first semester. Mr. Williams stated that a this number will increase to 170 students during the second semester. He also stated that the estimated enrollment for the school is 950 students. Chairman Neuer stated that the claimed available off-site spots and the quantity of spaces needed by the students cannot be considered by the Board; they are being presented as "conjecture".

Chairman Neuer stated that it is approaching 11:00 pm and explained to the members of the public that this Board adjourns at 11:00 pm. He announced that this application will be continued at a special meeting on May 24, 2012 and that no further notice of this continuance is required.

ADJOURNMENT

The meeting was adjourned by Chairman Neuer at 10:58 pm

May 17, 2012



Rose DeSena
Zoning Board Secretary