

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
MEETING
November 17, 2011**

The West Orange Zoning Board of Adjustment held a regular meeting on November 17, 2011 at 8:00 PM at 66 Main Street, West Orange, NJ in Council Chambers.

Chairman Philip Neuer called the meeting to order at approximately 8:07 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 December 17, 2010 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: Bruce Buechler, Deborah Gabry, Philip Neuer, Bart Quentzel, William Steinhart, Mark Sussman, Alice Weiss

ABSENT: Gregory Bullock (excused absence)

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

ANNOUNCEMENTS

Future Meetings: December 8, 2011 (Regular Meeting) – 8:00 P.M.

January 19, 2012 (Regular Meeting) – 8:00 P.M.

ZB-11-15/GigaBeam – Applicant has requested to be carried to 1/19/12 meeting.

Chairman Neuer announced that the Mayor has appointed a new Zoning Board member and wanted to welcome Dr. Sack's to the Board. Ms. Borg explained that the Town Council will make it official after the Council meeting on Tuesday November 22nd.

MINUTES

Adopt Minutes: October 27, 2011 regular meeting

Ms. Gabry made a motion to adopt. Mr. Steinhart seconded.

All were in favor.

Adopt Minutes: November 10, 2011 Golda Och special meeting

Mr. Sussman made a motion to adopt. Mr. Steinhart seconded.

All were in favor.

SWEARING IN

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

DISCUSSION

Cambria Suites

Mr. Steinhart recused himself.

Thomas Trautner, Esq. approached the podium and stated that he was there on behalf of Cambria Suites. He said that there are still issues regarding the land swap and they are requesting an additional three month extension. Mr. Trautner said the reason for this is because RX Realty informed them that the individuals who were handling the refinance for the lender no longer worked there and they were in the process of bringing the new people up to speed. RX Realty also told them that they anticipated closing on the refinancing at the end of the year. Mr. Trautner said that they are optimistic but if they anticipate a problem, the Board is aware of their backup plan.

Ms. Gabry asked Mr. Trautner if there was a commitment issue and he replied that he is not aware of one but he will find out and relay that information back to the Board.

Mr. Trautner stated that the lenders are targeting the end of the year but his client just wanted to be safe and they feel that three months is an appropriate request.

Ms. Beirne noted the language in the resolution. She said that they were granted a 90 day extension after which time, if additional time is requested, a formal application for additional time is required. Ms. Beirne also stated that the resolution date is August 18, 2011 and the 90 day extension is up tomorrow. Chairman Neuer asked Mr. Trautner if he wanted to amend the application and Mr. Trautner said yes. Ms. Beirne informed Chairman Neuer that he has the power, as Chairman, to grant the extension. She stated that the Board would have to amend the prior resolution to amend the application for another 90 day extension.

Ms. Weiss stated that the applicant has been on time with all of their monthly reports.

Mr. Quentzel asked for a motion to amend the resolution. Ms. Gabry made a motion to amend the resolution and Mr. Sussman seconded.

Vote was as follows:

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

They will extend to February 17, 2012. Chairman Neuer stated that the Zoning Board of Adjustment meeting is February 16, 2012 and the Board will require a 30 day notice if they encounter a problem. The Chairman also stated that they must continue submitting their monthly report to the Board letting them know where they are at. The Board wants to know when confirmation of a mortgage commitment is in place.

APPLICATIONS

- 1. ZB-11-10/Golda Och Academy** **CARRIED FROM 11/10/11**
Block: 79; Lot: 21; Zone: R-4
122 Gregory Avenue
Proposed building addition, redesigned parking and traffic patterns with “D” and “C” variance

EXHIBITS

- A-9 Lighting Plan (Drawing 6A, revised 11/14/11)
A-10 Hamal Assoc. Report dated 4/25/11
A-11 Hamal Assoc. Report dated 9/9/11
A-12 Hamal Assoc. Report dated 10/13/11

DISCUSSION

Joseph Vena, Esq., attorney for the applicant, approached the podium and stated that Golda Och’s traffic expert will be testifying this evening. He also said that Anthony Guzzo, architect for the applicant, will explain the revised lighting plan that was submitted to the Board on Monday.

Anthony Guzzo, architect for the applicant, approached the podium. Chairman Neuer stated that Mr. Guzzo had been previously sworn under oath at the last meeting and asked if he wanted to continue under oath. Mr. Guzzo replied he would. Chairman Neuer asked Mr. Guzzo if his architect license has been suspended since the last time he testified and Mr. Guzzo replied no.

Mr. Vena stated that Mr. Guzzo’s testimony will relate to the lighting plan furnished to the town on Monday, November 14th. He said that changes were made after Mr. Keller reviewed it and made his recommendations on November 17th. Mr. Vena stated that the lighting plan was then re-submitted to Mr. Keller earlier today. Chairman asked to have the lighting plan marked for Exhibit.

Chairman Neuer stated that the ten day rule was waved for re-submitting the plans in order to get this issue behind us. He said to mark the lighting plan as Exhibit A-9 for identification.

Mr. Vena asked Mr. Guzzo to address the points on Mr. Keller’s last letter. Chairman Neuer asked Mr. Guzzo if this plan supersedes Exhibit A-6. Mr. Guzzo said no that this is the lighting plan that was submitted by Kevin Page to Mr. Keller.

Mr. Keller said to ignore the technical review letter #3 that he prepared for the plan that they sent him on Monday, November 14th. He said that his technical review letter #3A is for the plan that they submitted today, November 17th.

Chairman Neuer asked Mr. Guzzo to address item numbers 1-10 on Mr. Keller's technical review letter #3A.

Mr. Guzzo addressed item #1 regarding the light fixture pole mounted at the north east corner. He said that if they were to move or relocate the fixture it would create a worse situation. Mr. Guzzo said that they will adjust and reduce the light levels and spillage. Mr. Keller was satisfied with Mr. Guzzo's comment. Chairman Neuer stated that one of the conditions will be in response to item #1 of Mr. Keller's technical review #3A in which they will have to put outside shields on the light fixture so it doesn't spill on other properties.

Mr. Guzzo addressed item #2 regarding light on the stairs for safety concerns. He said that the low light levels on the stairs are sufficient and not that low. Mr. Guzzo stated that they could add recessed step lighting or low lighting in the side walls to illuminate the stairs. Chairman Neuer stated it will be one of the conditions.

Mr. Guzzo addressed item #3 regarding the lighting that will remain on from dawn to dusk. He said that they will coordinate that with the police department. Chairman Neuer stated that this will be a condition. Mr. Keller was satisfied.

Mr. Guzzo addressed item #4 regarding the floodlights at the roof line. He stated that they will install wall sconces no higher than 16' and pointed downward. Chairman Neuer stated that this will be a condition.

Mr. Guzzo addressed item #5 regarding lower wattage. He stated that Mr. Keller wants to see foot candles. Mr. Guzzo stated that, subject to Mr. Keller's approval, all wall mounted sconces wattage and bulbs reduces from 150 to 100 watts.

Mr. Guzzo addressed item #6 regarding Mr. Keller not seeing a light over the door to the lower level of the building located on the Northfield Avenue side. Mr. Guzzo stated that there is a portion of the building that jets out and there are lights in there. Mr. Keller was satisfied.

Mr. Guzzo addressed item #7 regarding the wattage of the bollards and clarification of the height. He stated that the bulbs will be 34 watt and they will be 36" high. Mr. Keller was satisfied and it was made a condition.

Mr. Guzzo addressed item #8 regarding removing all of the existing floodlights on the building. He stated that they are agreeing to remove them and the final plans, which will be submitted for signature, will reflect that they have been removed.

Mr. Guzzo addressed item #9 regarding the type, location and wattage of any lighting on the proposed monument sign and details of the fixture. He stated that it will be 28 watts, as stated on the plans. Mr. Guzzo also stated that the light fixture will be an up-light that will shine up at the

sign. Mr. Keller stated the 28 watts will adequately illuminate the sign and not spill out to the neighborhood. Chairman Neuer stated that it will be set as a condition.

Mr. Guzzo addressed item #10 regarding additional lights for the signs on the south and north elevations. He stated that they will add more lights there. Mr. Keller stated that they will need four more which will be a total of six on the south elevation. He stated that they must revise the plans and it will be made a condition.

Mr. Guzzo was finished with his testimony.

There were no questions for Mr. Guzzo from the Board.

Chairman Neuer asked if there were any members of the public that had questions for Mr. Guzzo.

Shreeram Devre approached the podium and stated he lived at 119 Gregory Avenue. He asked Mr. Guzzo what type of pole mounted light they were proposing. Mr. Guzzo stated that they will be LED lights with a much warmer tone.

Mario Portilla approached the podium and stated that he lived at 3 Ardmore Road. He asked Mr. Guzzo how high the retaining wall on the west slope was going to be. Mr. Guzzo replied it would be 16' above the ground. Mr. Portilla stated that his concern was that his view of New York would be blocked by the new structure. Chairman Neuer told Mr. Portilla that if he had a question regarding his view that he should speak to Mr. Guzzo after the meeting. He told Mr. Portilla that his questions should be limited to only what Mr. Guzzo was testifying to this evening.

There were no more questions for Mr. Guzzo.

Mr. Vena called his next witness. Harold K. Maltz approached the podium and was sworn under oath. Mr. Maltz listed his credentials as a professional engineer licensed in the States of New Jersey, New York, Connecticut and Pennsylvania. He also stated that he is specialized in traffic engineering. Chairman Neuer asked Mr. Maltz if he has worked on projects concerning similar scopes and has he ever testified before this Board before. Mr. Maltz replied yes to both. Chairman Neuer accepted his credentials as an expert in the field of traffic engineering.

Chairman Neuer asked Mr. Maltz if he had prepared any other traffic reports other than the April 25 and September 9th, 2011 that were submitted to the Board. Mr. Maltz stated that he also submitted a report dated October 13th. Chairman Neuer asked that Mr. Maltz's reports marked as Exhibits A-10, A-11 and A-12.

Mr. Vena asked Mr. Maltz if he had reviewed the application regarding the traffic circulation and parking. Mr. Maltz replied that he did and stated that he was also the engineer of the previous application that was approved. He said that this application reduces the expansion and proposes a new traffic circulation pattern.

Mr. Maltz stated what he observed, the day he was at the site, and detailed different scenarios at different times during that day that were included in his reports. He explained how many cars he saw queuing up on Gregory Avenue and noted that the afternoon pick-up seemed to be more of an issue than the morning drop-off.

Mr. Maltz continued by detailing the new proposed traffic circulation pattern. He explained that, even with the potential increase of student population, there will not be any serious effect on the queuing of cars and went on to detail the new numbers. Mr. Maltz stated that this pattern will also eliminate the spilling over of the cars onto Gregory Avenue.

Mr. Maltz explained that the widening of Gregory Avenue and the driveway on Gregory Avenue will accommodate the buses entering into that driveway now. He said that the straight drive thru pattern for them, where they enter on Gregory and exit on Northfield Avenue, is much more efficient.

Chairman Neuer asked Mr. Maltz if, in his opinion, the plan provides a safe and efficient egress and ingress and Mr. Maltz replied yes. Chairman Neuer also asked Mr. Maltz if, in his opinion, the plan is safer for pedestrians and Mr. Maltz replied yes.

Mr. Quentzel questioned if emergency vehicles would have a problem getting in and out and Mr. Maltz replied no because they are widening the driveway area.

Ms. Weiss stated that she has seen cars queued to the end of the driveway on many occasions.

Mr. Keller questioned if they would be placing a left turn prohibited sign when exiting the Northfield Avenue driveway and Mr. Maltz stated that the sign is already there.

There was also discussion about placing a sign, on site, noting the New Jersey State statute Title 39 regarding buses idling no more than three minutes.

Mr. Grossman asked Mr. Maltz if they did a traffic count on Gregory and Northfield Avenues. Mr. Maltz replied they only did a traffic count at the Gregory Avenue driveway. Mr. Grossman asked if Mr. Maltz thought the ingress and egress should be supervised during student pick-up and drop-off on the County Roads. Mr. Maltz stated that, if he is talking about the intersection of Northfield and Gregory Avenue's, there are police crossing guards and human supervision at that location. He said that only buses enter the Northfield Avenue driveway and there is no need for supervision there. Mr. Maltz stated that during the afternoon a school staff member supervises the traffic at the Gregory driveway. He said that this person helps regulate the flow of traffic in and out of the driveway. Mr. Grossman asked Mr. Maltz if that was in place now and if he thought that it should continue. Mr. Maltz replied yes to both.

Chairman Neuer asked if they would accept a condition of traffic supervision and Mr. Vena replied yes.

Chairman Neuer asked if any member of the public had a question for Mr. Maltz.

Mario Portilla approached the podium and stated again that he resided at 3 Ardmore Road. He asked Mr. Maltz if he noted the cars, going south bound on Gregory Avenue, turning left into the school driveway and asked if there were one or two lanes at that point. Mr. Maltz said that there is one lane until you get to the traffic signal at Northfield Avenue. Mr. Portilla asked if he thought cars had enough room to go around the car turning into the Gregory Avenue driveway. Mr. Maltz said that it seems to be right in the area where the road widens. He said that if a car was stopped to make a left turn they probably would have room to get by. Mr. Portilla stated that he has seen cars having to stop and wait and Mr. Maltz said that was probably not an unusual occurrence.

Ifthikar Rehman approached the podium and stated that he lived at 1 Ardmore Road. He asked Mr. Maltz if he did a count of the cars on Ardmore Road in the morning. Mr. Maltz stated that he did not. Mr. Rehman stated that cars park in front of his house every morning. Chairman Neuer told Mr. Rehman that this is not the time for comments and he can comment at the end.

Getachew Lemma approached the podium and stated that he lived at 6 Ardmore Road. He asked Mr. Maltz what they will be doing about the road behind the school going out to Northfield Avenue. Mr. Maltz stated that it is not a road; it is a driveway. He said the only difference is that the buses will not enter that driveway and have to make a k-turn to exit but they will enter the Gregory Avenue driveway and make a u-turn to exit on Northfield.

Mr. Lemma asked Mr. Maltz if they are taking a portion of the playground area out. Mr. Maltz stated that the playground area will be paved for the buses to exit. Chairman Neuer stated that Mr. Maltz did not testify to that.

Prathamesh Devre approached the podium and stated that he lives at 19 Gregory Avenue. He asked Mr. Maltz if his statistics were based on a one day study. Mr. Maltz replied yes. Mr. Devre asked Mr. Maltz if he thought one day was statistically enough time to base his decisions in his report. Mr. Maltz replied he did think it was enough time and said that he has been there many days; not just one day. Mr. Devre asked how many more cars does he think there will be with 325 students. Mr. Maltz replied up to thirteen.

Chairman Neuer recessed at 9:36 pm and stated that when the Board returns that they will go to the other two smaller applications.

The meeting resumed at 9:46 pm

Chairman Neuer stated that they will hear the next application.

ZB-11-20/Niehenke

Block: 167.03; Lot: 36; Zone: R-3

11 Efstis Court

Seeking a "C" variance to build a deck

DISCUSSION

Anna and Michael Niehenke approached the podium and were sworn under oath. Chairman Neuer asked them to describe, for the record, what they were proposing. Ms. Niehenke stated that they want to extend their existing deck and replace it with a new deck. Mr. Buechler asked how far the stairs will be from the fence. Mr. Niehenke stated approximately 15-16'. Ms. Borg stated that she was up at the house and there is plenty of room for the deck.

There were no questions for the applicants.

Ms. Gabry made a motion to approve; Mr. Buechler seconded.

Vote was as follows:

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

ZB-11-19/Mau

Block: 41; Lot: 176.07; Zone: R-6

24 Oxford Terrace

Seeking two "C" variances for side and rear set-backs to rebuild a garage

DISCUSSION

Gary Mau approached the podium and was sworn under oath. Chairman Neuer addressed Mr. Mau and asked him if he was correct in understanding that his garage was destroyed in a storm and because of the narrow plot of land it does not meet the setbacks. He also stated that since the original time the garage was built the regulations changed. Mr. Mau said that was correct.

Mr. Buechler asked if there was any difference between the garage they are proposing and the existing one. Mr. Mau stated that the garage they are proposing will have a different style of roof. He said that instead of a roof that slants back it will be pitched to the side.

Chairman Neuer asked if there would be any flood lights on the building and Mr. Mau said no because there was no electrical power in the garage.

Mr. Sussman asked Mr. Mau if he was building on the same footprint. Mr. Mau replied yes but they are laying a new foundation because they want it done the right way.

There were no questions for Mr. Mau

Chairman Neuer made a motion to approve; Mr. Sussman seconded.

Vote was as follows:

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

Chairman Neuer stated that they will continue with the Golda Och application.

Mr. Vena approached the podium and stated that there are no further witnesses.

Chairman Neuer stated that he was concerned about Exhibit A-6, the revised lighting plan. He stated that he didn't know if they really needed it. Chairman Neuer stated that A1-5 and A7-12 entered as Exhibits and then made a motion to enter A6 as evidence.

Chairman Neuer asked if any member of the public had any comments.

Mario Portilla approached the podium and was sworn under oath. He stated that his concerns were for the safety of the children who live in his neighborhood. Mr. Portilla said that the neighborhood children walk to take the school bus in the morning and he observes cars speeding in an attempt to get a parking spot. He stated that many times he has had to direct traffic, especially when the school has an activity going on. Mr. Portilla stated that in an attempt to attend these events people are driving recklessly.

There was discussion regarding how many days the school has special events during the year.

Ms. Weiss stated that the school could have someone monitor the traffic on a day they were having a specific event. She said that the Board's goal was to keep all of the children safe in the neighborhood.

Mr. Portilla also stated that he does not understand how the traffic issues on Gregory Avenue will improve if they increase enrollment, especially where the school's driveway is located.

Ifthikar Rehman approached the podium and was sworn under oath. He stated that he lives at One Ardmore Road which is right at the corner. Mr. Rehman stated that there have been many times he has observed parents bringing their children to school late and they park in front of his house. He said they leave their cars running and run up Northfield Avenue with their children. Ms. Borg asked Mr. Rehman if there is legal parking on both sides there. Mr. Rehman replied yes. Chairman Neuer stated that leaving a car motor running is not parking.

Ms. Weiss asked Mr. Rehman if someone parked and shut their motor off to walk their children into school, would he consider that normal. She asked him if the problem he is talking about is the fact that they leave their motors running. Mr. Rehman said that he is just trying to say that

parents are rushing when they are late in the mornings. Ms. Weiss said that when you live near a school, cars will usually park in front of your house. She asked Mr. Rehman if he was concerned with them parking in front of his house or leaving their cars running. Mr. Rehman stated that they are rushing to get their children into the school, because they are late, and it's easier to park in front of his house than to drive into the school to drop them off.

Chairman Neuer said that if parking is legal on Ardmore then you should go to the Town Council and ask them to change it to no parking to alleviate the problem. He told Mr. Rehman that the Board understands his problem but does not have the jurisdiction to get the ordinance changed and fix it for him.

Mr. Sussman and Ms. Weiss both stated that the new plan will alleviate this problem. Ms. Weiss also stated that she doesn't believe that they will have 300 students in these economic times. She told Mr. Rehman that the new traffic pattern will be a big improvement and parents will be less inclined to park offsite to get to the school faster and only time will tell.

Mr. Rehman stated that he's not sure that it will get better with increased student population. Chairman Neuer stated that he doesn't know if things will get better either and the people that live there will be the one's effected. The Chairman said that he always looks out for the residents and this Board balances the needs of the neighbors.

Ms. Gabry asked if the school could advise the parents not to park on Ardmore and utilize the new driveway.

Mr. Rehman asked if he could invite the members of the Board to physically see what is happening in the morning. Ms. Weiss said that she did go to the school and observed the long lines on Gregory Avenue. She said that she didn't look on Ardmore but she said that she believes what Mr. Rehman is saying.

Getachew Lemma approached the podium and was sworn under oath. He stated that he lives at 6 Ardmore Road which is right behind the school. Mr. Lemma said that his problem is the noise that the children make when they are outside playing. He said that when they play with a ball, there are times the ball comes on to his property. Mr. Lemma wanted to know if there was any way the school could change the wire fence to a solid fence. He felt that this could also eliminate some of the noise.

Mr. Lemma said that he is also affected by the pollution from the buses. Ms. Borg asked Mr. Lemma if the buses have stopped idling in the morning since the last meeting. Mr. Lemma said no and that there has not been any improvement.

Shreeram Devre approached the podium and was sworn under oath. He stated that every morning and afternoon there are 20-40 cars parked in front of his house on Gregory Avenue and he has a problem getting out of his driveway. Mr. Devre also stated that people get out of their cars and stand on Gregory Avenue and talk to each other with their car doors open and this is very dangerous. He stated that the cars make a left hand turn onto Gregory Avenue, when exiting the driveway of the school, even though it's not allowed.

Ms. Weiss asked Mr. Devre how long he has lived there and he replied twelve years. Mr. Devre stated that in those twelve years he has not noticed any difference at 8am or 2:30pm. He stated that there is always a traffic jam in front of his house at those times.

Mr. Devre also stated that it is his opinion that the new traffic plan, that allows buses to enter on Gregory Avenue, will make the traffic worse and not better.

Prathamesh Devre approached the podium and was sworn under oath. He stated that his concern is the traffic on Ardmore Road and Linden Avenue due to people parking there. Mr. Devre said that this may alleviate the traffic on Gregory Avenue but not those streets and in the end it will be the same. He also stated that in ten years, if they do have 300 students, there will be a much bigger problem than there is today. Mr. Devre stated that he thinks that Mr. Maltz did not do a thorough traffic study. He said that he can take pictures of the traffic lined up along Gregory Avenue, at the driveway entrance, all the way to Northfield Avenue every day. Mr. Devre stated that Mr. Maltz's statistics are way off and there are 20-25 cars lined up in front of his house every day.

Mr. Grossman stated that the flow of traffic is the concern of the neighbors and it is essential for this Board to make it a condition that there is supervision during pickup and drop-off of students. He also stated that he recommends that this application is approved.

Mr. Vena approached and made his statement as to why the Board should approve this application. He stated that the variances they requested have been satisfied within the requirements of the Land Use Act and there is no detriment. Mr. Vena stated that the neighbor's biggest concern is the traffic and that they should consider the plan presented today is a much better way to operate pickup and drop-off of students.

Mr. Vena stated that there has always been a school at this location and that anyone who moved there knew that and knew what comes along with a school being there. He stated that the noise on Ardmore Road will be reduced because the playground will not be there and the buses will not be backing up to make a k-turn to exit from that driveway. Mr. Vena stated that if the bus drivers do not follow the no idling law that they will get ticketed. He said that his project will enhance the life situation of the people who live in the neighborhood. Mr. Vena said that the applicant will agree to every condition that the Board imposes.

Ms. Weiss stated that this application, with its new plan, is a better situation and she is favor of it. She stated that it is important to have two parking directors during drop off and dismissal to make sure the children in the neighborhood are safe. Chairman Neuer commented by saying that school staff members do not have jurisdiction if they are offsite. Ms. Weiss clarified by saying that they need two parking directors onsite. She also said that the school should let the parents of the students know exactly what the neighbor's problems and concerns were.

Mr. Steinhart stated that the function of this Board is a balancing act. He said that the Board members are also members of society and the community and a school is part of that also. Mr. Steinhart said that he understands the neighbor's concerns because he also lives near a school and he avoids driving near it during pick up and drop off times. He advised the neighbors to

report it to the police, if they hear buses idling or doing something illegal, because the only way to teach is to apply what is applicable under the law. Mr. Steinhart said that this expansion is a good solution and an improvement to an existing situation. He stated that he urges the Board to approve.

Mr. Quentzel said that he suggests the school do something about having a place for the cars to park during special events to appease the neighbors. He stated that he is satisfied and approves this application.

Ms. Gabry stated that she is also concerned about the parking situation on special event days and the school should make parking arrangements somewhere. She said that this application is an improvement and she much rather see the buses enter on Gregory Avenue. Ms. Gabry said she approves.

Mr. Sussman said that he agrees with the other Board members. He stated that the new driveway pattern to improve this situation is admirable. Mr. Sussman stated that he is concerned about the parking problem and the people parking on Ardmore Road and running up to the school. He said that the new circulation plan will improve that and people will use the driveway and not have to do that anymore. Mr. Sussman said that this is a good application and an improvement and he will recommend approving it.

Chairman Neuer stated that, as Chair, his role is to bring things together and summarize. He said that he will recommend approval but will recount what he heard and observed.

Chairman Neuer stated that this reminded him of the Green Hill application when the streets that people lived on conflicted with opinions. He said that some people on Ardmore were concerned about noise and people on Gregory were concerned about traffic. Chairman Neuer said the Board's role is to decide on how to accommodate both sets of needs.

Chairman Neuer urged the school to remind the students to tell their parents that this is their neighborhood and to respect "the neighborhood". He advised the school to take proactive steps to make the noise complaints and the idling of buses go away.

Chairman Neuer said that Mr. Page's testimony provided ample reasons to grant the "C" variances. He said that the bio filtration basins that they are installing is a wonderful way to deal with drainage issues and will also help with the drainage in the area. Chairman Neuer stated that He was satisfied with the safety factors for the signage. He said that the school agreeing to turn off the lights two hours after closing and removing the flood lights is proof that they are trying to be a good neighbor.

Chairman Neuer stated that their Forester had a great tree removal and tree maintenance program plan.

Chairman Neuer stated that their planner, Peter Steck, knows the law and the concepts of planning and that his report proved more than they had to prove. He stated that the benefits outweigh the detriments. Chairman Neuer also stated that the Board finds this an inherently

beneficial use and Mr. Steck’s report has proven the positive and negative criteria. He said that Mr. Steck went through each variance and gave his analysis.

Chairman Neuer stated that the Municipal Land Use Act law tells the Board what to do and that’s how the Board acts. He said that they will take the neighbor’s concerns into consideration and help alleviate them with the conditions they will set.

Chairman Neuer commended the residents for their behavior.

Chairman Neuer made a motion to approve; Ms. Gabry seconded

Vote was as follows:

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

CONDITIONS

1. Approval subject to County Planning Board approval
2. Replace sidewalks on Gregory Avenue
3. Widening of Gregory Avenue subject to County Planning Board approval
4. Plans will reflect that there is no amphitheater
5. Comply with all Omland Reports & Eric Keller’s observations (Keller will fax his observations to Alice Beirne to incorporate into the resolution)
6. Flood lights removed from the building
7. No lighting will exceed 16’ and will point downward
8. Lighting turned off two hours after school operations cease
9. Safety lights on from dusk to dawn subject to police approval
10. Recommendations on Sue Borg’s report excluding number’s 5 and 9
11. No Garbage trucks or deliveries when school buses are on site
12. Adding an additional tree on Northfield Avenue where recommended
13. Developing a tree maintenance program subject to Eric Keller’s review
14. Amending the application to reflect what percentage the Board allowed the slopes
15. Trailer to be removed within 60 days after the temporary/permanent C.O. is issued
16. Repair the fencing along Northfield Avenue to the satisfaction of Susan Borg prior to the C.O. being issued
17. Monument sign colors subject to Susan Borg’s approval
18. At least two staff people on duty, when students are being dropped off/picked up, to supervise the traffic entering and leaving the site on Gregory Avenue
19. Post the ordinance statute regarding buses idling more than three minutes on site
20. Maximum number of students enrolled shall not exceed 325.

ADJOURNMENT

The meeting was adjourned by Chairman Neuer at 10:27pm

November 17, 2011

Rose DeSena
Zoning Board Secretary