

Offered By: Mr. Vignola

Second: Mr. Moore

Date: June 5, 2014

Minutes of May 15, 2014 Land Use Board Meeting

Regular Meeting of the Hazlet Township Land Use Board scheduled for May 15, 2014 was called to order at 7:30PM with a Salute to the Flag followed by a moment of Silent Prayer and a Reading of the Letter of Compliance by Trish Cullen.

ROLL CALL:

Present: Mr. Bace, Mr. Vignola, Mr. Skowronski, Mr. Moore, Mr. Grossman, Mayor DiNardo, Deputy Mayor Belasco, Mr. Pobega, Chairman Tyler

Professionals- Mr. Kittner, Mr. Vella, Mrs. Keegan

Absent: Mr. Pisano, Mr. Solomeno, Mr. Lavan, Mr. Szczuplak,

Approval of Minutes of the Regular Meeting of May 1, 2014

Offered by: Mr. Bace

2nd: Mr. Vignola

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr. Pobega (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lavan (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Szczuplak (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Belasco (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mayor DiNardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Pisano (absent)	<input type="checkbox"/>	<input type="checkbox"/>

Memorial Resolution- # 14-07L- 10 Miriam Place; Angela and Christopher Boland; Block 120.05 lot 5; R-100 Zone. Applicant obtained permission to construct a 6ft by 10.6ft one story rear addition; 16ft X 25.2ft side one story addition; 4ft x 9ft covered front porch; 12.4ft x 24ft garage addition with level above.

Motion to Approve:

Offered by: Mr. Moore

2nd: Mr. Vignola

<u>ROLL CALL</u>	<u>Yes</u>	<u>No</u>
Mr.Pobega (abstain)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Bace	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Lavan (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Szczuplak (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Chairman Tyler	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Solomeno (absent)	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Vignola	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Deputy Mayor Belasco	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor DiNardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #1 Mr. Grossman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #2 Mr. Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #3 Mr. Skowronski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alt #4 Mr. Pisano (absent)	<input type="checkbox"/>	<input type="checkbox"/>

Brief discussion about the Township Committee plans for the Township of Hazlet 2014 Fence Program.

New Case # 13-13P- 311 Laurel Avenue; Baytul- Iman, Inc.; Block 36 lot 1; R-70 Zone. Applicant is seeking Amended Preliminary and Final Site Plan approval with variance relief and submission waivers to construct a storage shed, walk-in cooler, to house boarding students, extend schooling age to the 12th grade and to amend conditions previously granted approvals.

Mr. DeSarno- I am here today on behalf of the applicant Baytul- Iman Academy. I was here the first application representing them as well. I'm going to call up here Doctor Solomon Shaikh who runs this educational facility. He will explain the need for these various changes.

Swearing in Dr. Shaikh

Mr. DeSarno- Can you please explain to the board what is going on now and the requested changes?

Dr. Shaikh- I would like to give a quick over view about myself and the school. I moved to Monmouth County from New York City in 1990 and worked in Bell Labs in Holmdel. I received my Doctorate degree from Columbia. Our school was built on a mission to provide outstanding and well-rounded education to our students, focusing on high scholastic achievements. We are an awarding winning school. Our students and staff played a key role in helping the neighborhood during the Super Storm Sandy. We would like to offer a high school. At the moment we have permission from the board to up to grades 9 and 10. The problem is people do not want to go to a high school for 2 years then go somewhere else and I believe it was the board's intention that we come back and ask for the rest of the high school which is 11 and 12. We would like to offer AP courses or college courses that Hazlet Township schools are offering. We would also like to offer (inaudible) which is religious and is a very demanding program which involves 24 hour training and typically this is done with boarding. We are expecting a couple of students initially but probably go up to 8 later on.

Mr. DeSano- What I want you to repeat slowly to the board is what's going on right now as I understood your testimony is that all though we have approval to educate up to and through the 10th grade you actually have no 9th and 10th graders.

Dr. Shaikh- Yes. We did enroll a 9th grade but because we do not have a full high school they left.

Mr. DeSarno- So if you were granted tonight the ability to go through the 12th grade at your facility you probably would not have anyone in the 10, 11, or 12th grade next year right?

Dr. Shaikh- Yes our current grade 8 is only about 8 students.

Mr. DeSano- So as they get taking out to magnet schools it's sort of a decreasing number than whatever you hang on to you think in 9th grade to stay with you through graduation?

Dr. Shaikh- Yes.

Mr. DeSarno- With regard to the issue of boarding students at the school we are asking the board in our application to allow you to have students live there and that is related to a particular religious course of study, is that correct?

Dr. Shaikh- Yes that is correct. This is a demanding program with full secular education plus religious education and it involves 24 hours training. We are only expecting a couple of students in the building one being my son.

Mr. DeSarno- Ok, so we are talking about 2 students to begin with?

Dr. Shaikh- Yes.

Mr. DeSarno- You're expecting of them to have up to a total of 8?

Dr. Shaikh- This is a program in which not everybody takes. It's something for a few select people who have an interest for this and it's a very important program for our community.

Chairman Tyler- Just so we are clear you've got only 8th graders so what are the ages for these boarding students?

Dr. Shaikh- I would say it starts at grade 7.

Chairman Tyler- Ok and when would it end?

Dr. Shaikh- Typically grade 11 or 12.

Mr. Vella- So 13, 14, and through high school.

Dr. Shaikh- Yes.

Mr. Grossman- Your website indicates a chart that you have pre-k students and students in the 12th grade.

Dr. Shaikh- We have 2 locations one in Hazlet and an Old Bridge location.

Mr. Vella- How many students are presently attending the academy in Hazlet?

Dr. Shaikh- About 115.

Mr. Vella- Could you break it down if you can off the top of your head by grades?

Dr. Shaikh- I would say the higher numbers are in the lower grades so start with maybe 15 each then 10 then eventually 8.

Mr. Pobega- And the lower grade would be K?

Dr. Shaikh- Yes K.

Mr. Vignola- How many students are you expecting if you got the approval?

Dr. Shaikh- We are eventually expecting 200 in Hazlet.

Mr. DeSarno- We are talking about 2 students at the present time and those would be the ones that would need to be there longer hours than a regular student. Is that what the housing is about?

Dr. Shaikh- Yes because it's a 24 hour training program several days they will have to be boarding.

Mr. DeSarno- Is that program that is generally offered at other educational facilities like yours?

Dr. Shaikh- Yes. Many Islamic, Jewish and Christian schools which are similar in nature have boarding facilities and they have similar programs.

Mr. DeSarno- In regard to Islamic schools do virtually all of them have something like this?

Dr. Shaikh- Yes

Mr. Pobega- How often does it occur where you have these overnight boarding sessions?

Dr. Shaikh- It could be 5 days a week with the same students.

Mr. Pobega- After they do their training how often does it happen again over the course of the year? Do you do it once a semester?

Dr. Shaikh- For these special students it's pretty much all year except maybe the summer.

Mr. Vella- So a typical school year starts in September and ends in June. These maximum of 8 students will live on site every day from September to June?

Dr. Shaikh- It could be summer as well depending on how good they are doing it could be 12 months.

Mr. Pobega- Do they go home for weekends?

Dr. Shaikh- They have a choice they can.

Mr. Vella- Who is supervising these kids on site?

Dr. Shaikh- We will have an in house supervisor with them.

Mr. Pobega- What kind of qualifications does the in-house supervisor have?

Dr. Shaikh- He's like an Imam he will be the one training them for their practical training and (inaudible) training.

Mr. Pobega- Are there rules that they have to follow where they can't go out after certain hours and they need to stay on facility grounds?

Dr. Shaikh- Yes we will be having a set of rules and directions to the supervisor and students.

Chairman Tyler- So there would be one supervisor for all of the students?

Dr. Shaikh- Presently we are only expecting a couple of students so yes there will be one supervisor. If we feel the need for more we could have 2.

Chairman Tyler- That's over a 24 hour period you have 1 person for both sexes?

Dr. Shaikh- At present yes.

Mr. DeSarno- It's my understanding that at the present time this would only be 2 male students.

Dr. Shaikh- Yes.

Chairman Tyler- You have to understand that if we approve something it doesn't matter what is now.

Dr. Shaikh- We will increase the number of supervisors once we have more students.

Mr. Kittner- You talked about AP courses that provide you credits towards college, are you're courses going to have that same benefit?

Dr. Shaikh- Yes. The ideal scenario is that by the time they finish high school they will have one year of college.

Mr. Kittner- In terms of your facilities that you're proposing for 24 hour boarding, how would you say that building provides the necessary accommodations such as privacy, recreation and exercise for the students?

Dr. Shaikh- The building itself has multiple entrances. The building proposed is at one end of the building which is next to a separate set of bathrooms next to it with a separate entrance next to it. Regarding other facilities we are applying for permission to have a kitchen because we would like to start a lunch program.

Mr. Kittner- The kitchen facilities will be able to prepare breakfast and dinners as well for boarding students?

Dr. Shaikh- We anticipate some cooking but mostly warming.

Mr. Kittner- Based on the architectural plans it seems that the room is pretty open and beds were assembled in rows that essentially there was no privacy for the students. Do you have any plans to provide a different architectural or revisions so that everyone is not sleeping in the same room?

Dr. Shaikh- At present we are only expecting 2 students and it's good for them to have company. As the students arise we will look at the architectural and provide whatever is suitable.

Mr. Vella- The question is regarding space and accommodations that probably would be better addressed by the architect who will testify.

Mr. DeSarno- With regard to parking areas and children who may have the ability legally to drive themselves to school, how does your concept incorporate that?

Dr. Shaikh- We have 8 students in 8th grade who are expecting to go to other schools so we are not talking about a huge school. Furthermore we do extra parking right now and it's beyond our means. We could also have a lottery at the school.

Mr. DeSarno- As of right now you have a graduating class of 8 students or up to 15?

Dr. Shaikh- The high school right now can accommodate up to 10 students.

Mr. DeSarno- At most the graduating class will be 10 children.

Mr. Pobega- Wasn't the parking a big issue when you were limited to just K-10 back in 2009/2010?

Mr. DeSarno- Yes it was of interest to the board and we addressed it and I believe you will hear testimony from our experts that there are 15 spaces available.

Mr. Pobega- If someone doesn't get in the lottery they can just simply park on the street.

Dr. Shaikh- I'm sure we can control that once we have restriction on driving your car we will have to enforce that.

Mr. Pobega- How can you enforce that?

Dr. Shaikh- By not allowing them in the school.

Mr. Skowronski- You're saying 10 people per class?

Dr. Shaikh- That's the room size. Right now we are expecting 5 per class.

Mr. DeSarno- You'll see the upper grade classrooms are a little bit smaller than the lower grades.

Mr. Skowronski- All of these classrooms have occupant loads.

Dr. Shaikh- The lower grades are the ones with the bulk of students.

Mr. Pobega- If you had Pre-K up to 11 and 12 and had a cooking facility, how many staff would that building need?

Dr. Shaikh- At full capacity we are expecting about 25 full time and part time staff.

Mr. Pobega- Doesn't that cut into your parking spots too?

Dr. Shaikh- We already have way more than we need.

Mr. Moore- Is the kitchen going to be used for all the students or just the students that are boarding?

Dr. Shaikh- The primary purpose of the kitchen is to offer the lunch program which is offered to all students. There will be mostly warming but for the boarding students there will be some cooking as well.

Mr. Moore- Is there going to be somebody there that is a certified person that will be managing the kitchen and the food process?

Dr. Shaikh- We will follow all of the regulations required and especially by the regulations by the food and lunch program. Of course the facility would be locked and controlled.

Mr. DeSarno- I'd like to call on Brian Leff.

Mr. Pobega- One last questions before the doctor steps down, what do the students do for lunch now? Do they brown bag it?

Dr. Shaikh- Yes and they eat in their classrooms.

Swearing in Brian Leff

Mr. DeSarno- I'm offering Mr. Leff as an expert in planning.

Chairman Tyler- We accept it.

Mr. DeSarno- Could you take us through what you have done with regard to the planning for this application?

Mr. Leff- I am the project manager for this project and was the project manager for the previous application. I am very familiar with this property and the prior approvals. To prepare for this application I did review the Master Plan, the Zoning Ordinance, any prior approvals going through the resolutions, I have visited the site and are prepared to go forward with this. The site does contain frontage on all three roads. Surrounding uses contains single family residential uses to the north, east and west with commercial uses to the south. According to the 1978 Hazlet Township Master Plan the subject tract was developed as a public school called West Keansburg School in 1915. Additions were added in 1942, 1970 and 1973. The tract was then purchased by Brookdale College and used as a night school. The planning board had previously approved an application to allow for the occupancy of the building for the current use. Within that approval there were several conditions that included restricting the classes from K-10, Holly Avenue entrance was supposed to be closed during drop off and pick up hours, the school was prohibited from having a kitchen, prohibited from having student drivers attending the school, academic classes after 7pm, and prohibited from having residential occupancy. The applicant is now seeking approval to accommodate a limited amount of boarding students, seeking to expand the school from Pre-K to 12 and to add some higher education and AP courses some which may be held after 7pm. The applicant would like to utilize the Holly Avenue entrance during drop off and pick up times and would like to provide a kitchen. To accommodate the proposed expansion of the services some minor building additions and interior modifications are proposed. These include a walk in cooler that would be added to the south side of the building, an interior kitchen would be added to the floor plan, a small shed which is attached to the main building would be added to the south side and the interior space would be modified to accommodate boarding students and overnight staff. In addition the applicant is seeking to add a fence along Laurel Ave and a portion of 12th Ave primarily for security. The tract is located in an R-70 residential zoning district. Public and private schools except nursery schools are permitted use in this zone. The ordinance defines private school as any building or group of buildings the use of which meets state requirements for elementary, secondary or higher education and which used is not secure the major part of it's funding for many governmental agency. Although private schools are permitted, the Hazlet Township Zoning Officer has determined that use variances are required for the Pre-K, post grad, higher education classes and for the boarding students. In addition to the use variances being sought, the applicant is seeking the following bulk variance relief: side yard setback of 6.2ft is proposed where 20ft is requires; lot coverage of 29.8% where 20% is max; fence being proposed in the front yard which is not permitted. As higher education courses are permitted the proposed use appears to meet this definition of this permitted use to the extent of that a use variance is required for this use it's clearly

consistent with the intent of the ordinance. Permitting this use on the tract will advance the purpose of the Municipal Land Use Law by providing sufficient space. Schools are a beneficial use and as such encouraging this would advance the MLUL by encouraging municipal action to guide the appropriate use or development of all lands in the state. The second use variance that's being sought tonight is to add the Pre-K classes. Nursery schools are not identified as a permitted conditional or accessory use in any Hazlet Township zoning district. Based on the applicants experience with running this school in this location there is a demand for this service. The addition of the Pre-K class will not change the character of the site or the surrounding neighborhood. The main impact that is associated with the addition of the Pre-K class is the additional traffic. As demonstrated in the traffic report, all intersections will continue to operate at acceptable level service of A. In the 1978 Hazlet Township Master Plan notes the capacity of the West Keansburg School to be 250 students. Currently the Baytul-Iman school has 125 students enrolled. Should the curriculum be expanded to include 11th and 12th grade the anticipated maximum enrollment to be approximately 200 students. The applicant expects there to be a maximum of 20 students to be enrolled in the Pre-K program which brings the total anticipated number of students to 220.

Mr. Pobega- At no time during this school previously was there a kitchen, students sleeping at the school or going from Pre-K to 12th grade. Am I correct?

Mr. Leff- I do not know that.

Mr. Pobega- I don't know if the 250 number is relevant anymore.

Mr. Leff- I don't know the exact grades that were in the school at any one point but the occupancy of 250 students remains 250 students.

Mr. Pobega- Yes but you're adding kitchens, freezers, refrigerators and sleeping quarters. I don't know if that's a good number to be comparing it to.

Mr. Vella- I think what he was trying to say is now that you're modifying that the 250 did not include space for a kitchen, dorm rooms, showers and freezers the number in the Master Plan dealt with different interior design of the building.

Mr. Leff- Unfortunately as a non-architect I can't speak to what the capacity of the building is after the improvements just that they are expecting 200 students and possibly 20 more.

Mr. Vella- If you don't know the occupancy load how can you say that the 220 students is an appropriate amount of students for the site?

Mr. Leff- The architect can address that question.

Mr. Pobega- If my notes are correct Dr. Shaikh said that at full capacity he plans for 200 students and now you're talking about 200 plus another 20 for Pre-K.

Mr. Leff- I don't know if the 220 number included the Pre-K if it did than the maximum number that we're looking at including the Pre-K would be 200. These are the number's I was given by Dr. Shaikh when preparing for testimony and evaluating the site for its suitability for the proposed use.

Mr. Vignola- What would happen if next year he gets another 80 people bringing it to 300?

Mr. Leff- He's still going to be limited to whatever the occupancy load is.

Mr. Vignola- As a planner do you feel that this is a good idea?

Mr. Leff- I do feel it's a good idea.

Mr. DeSarno- From what I understand is that our testimony is 200 students total including the Pre-K.

Mr. Leff- In this case we are dealing with a smaller population that can fit all ages within the same building. From a planning perspective one of the reasons that's school historically divided up and continued to divide up into smaller groups is because the population is growing and the school facilities cannot accommodate the number of children that are going to those facilities.

Mr. Moore- The number of students is one thing but the amount of space that this number of students are in is the concern.

Mr. Leff- The applicant would have to comply with building and fire codes which dictates how many people can be in each room.

Mr. Kittner- So your testimony is that the applicant will comply with those regulations?

Mr. Leff- Correct.

Mr. Kittner- You gave some testimony on breaking up the grade levels in the school systems; do you think that maybe one of the reasons is that certain age groups require certain facilities that can't be provided on one site?

Mr. Leff- This school has been used for everything from elementary through college courses so the interior spaces are adequate for a wide range of students.

Mr. Vella- What about the outdoor activity area? As a planner wouldn't it be appropriate that when you're planning a facility for a Pre-k that you have an outdoor facility?

Mr. Leff- That falls back on the licensing requirement for the school where the state board of education has guide lines for the amount of recreation for these schools. As a planner if they meet these requirements I feel it's appropriate.

Mr. Kittner- When I looked at the project I know your proposed cooler area and storage area are encroaching into basically what was the play area for the kids so you're reducing that area and you're proposing a fence in the front yard for security reasons but that area could be used for children to play in.

Mr. Bace- What kind of fence are they proposing?

Mr. Leff- A 6ft vinyl coated chain link fence.

Mr. Bace- So that will block looking at the school?

Mr. Leff- Not with a chain link.

Mr. Kittner- Mr. Leff you also indicated that the adjoining wall along the front yard area are residential uses?

Mr. Leff- Correct.

Mr. Kittner- Are you concerned with the noise generation from the children in the front?

Mr. Leff- No because the children will only be there during day time hours during the week. The children that will be playing during the day are not the same as the boarding students.

Mr. Kittner- Looking at the proofs under the negative criteria you don't think that the noise generation would be a detriment to the public?

Mr. Leff- No I don't think it's any different adding the Pre-K then it would be for the elementary classes.

Mr. Kittner- You're in agreement that the use variance that you're asking for each of the uses the Pre-K, post level courses and the boarding they are all D-1 variances?

Mr. Leff- Yes.

Mr. Kittner- With the use of the front yard area for possible recreation and security do you feel that the site is suited for the use that's being proposed?

Mr. Leff- I do.

Mr. Moore- In the current school system do they have a nurse's office?

Mr. Leff- I'm not qualified to answer that.

Mr. Vella- As part of your preparation of this testimony have you reviewed the floor plans and did you find any rooms that were called a medical room or nurses room?

Mr. Leff- No I don't recall seeing those rooms.

Mr. Kittner- In our letter we do have a number of waivers and variances that are being requested that require testimony so I'm not sure if Mr. Leff is going to complete his testimony and address them or have your professional engineer do that.

Mr. DeSarno- We will have Mr. Leff continue with this testimony.

Mr. Leff- Permitting this application will eliminate the need to construct a new freestanding facility elsewhere in the community.

Mr. Vella- Do you know where these students come from? Are majority from Hazlet or elsewhere?

Mr. Leff- That I don't know.

Chairman Tyler- Is this open enrollment to any student who wishes to pay the tuition?

Mr. Leff- I think Dr. Shaikh can answer that but yes I think that's accurate.

Mr. Vella- What are the age of students in the Pre-K?

Mr. DeSarno- We will have Dr. Shaikh come back up and answer that. The Hazlet Township Land Use Ordinance provides a little bit of clarity on that where nursery schools and children care centers have a slightly different definition. I don't believe the intention is to have infants and toddlers or children below a nursery school age.

Mr. Vella- But do you know the age that is proposed for that use variance?

Mr. DeSarno- I don't know the age I know that they are calling it a nursery school and not a childcare center.

Dr. Shaikh- Pre-K in general is defined at 2 ½ and up but we would probably start at 3.

Mr. Kittner- I checked the definition of nursery school and it states 2-6 years of age.

Mr. Leff- My testimony regarding the need to develop another school relates to the state Municipal Land Use Law so providing another school doesn't mean it has to be in Hazlet Township.

Mr. Vella- You're now testifying that for these 14, 15, 2 ½ or 3 year olds that there is a need in the community for this type of facility. Have you researched Hazlet and the surrounding communities whether there is availability for providing educational services for these ages?

Mr. Leff- No I did not do that study my testimony is based on my client telling me that people have come to him and asked if this particular service is available at his facility.

Mr. Vella- So you took that position from a planner's testimony to think that there is a need for that?

Mr. Leff- No I took the request from my client to mean that he believes there's a need for this use at this facility. You're talking to a private facility that caters to a specific portion of the community. Comparing that to other public, private or nursery schools may not give you a fair comparison.

Mr. Pobega- Has your client looked around for other buildings that would be more suitable?

Mr. Leff- That I don't know. We believe that the building we are discussing today is suitable for this use.

Mr. Moore- Who would be the one to testify the amount of square footage per student?

Mr. Vella- The architect.

Mr. Leff- The next variance being requested is to have boarding students at the school. The applicant is asking for approval to board a maximum of 8 students within the existing building

where boarding schools are not permitting in the R-70 zone. Interior renovations of turning existing classrooms into dorm rooms, addition of a kitchen facility and other necessary improvements are proposed to accommodate this use. Boarding facilities are not permitted anywhere in this municipality. The most similar use to a boarding school is a private school which this is. Boarding is a form of residential occupancy it is appropriate to provide this use in a residential zone. Students will be housed within classrooms that are converted into dormitories within the existing building. Unlike new dormitory construction this will not alter the character or appearance of the neighborhood. Permitting this use at this location will advance the purpose of the MLUL by encouraging municipal action to guide the appropriate use or development of all lands within the state in a matter that will promote the public health, safety and over welfare. Although these uses are not expressly permitted by ordinance they are consistent with the Hazlet Township Master Plan. The proposed plans will not require new development, will not impact any environmental sensitive areas or require lands that will otherwise be used for public open space. Permitting the requested use at this location will advance the goal of expanding resources and opportunities within the community. Permitting the use at this location will serve to enable a 100 year old use to meet current and foreseeable future educational demands without impacting the character of the neighborhood. The inclusion of the proposed uses will not change the character of the site and will remain compatible with the surrounding uses.

Mr. Pobega- Are we not adding a shed or a freezer? Are you not looking to fence in the front yard? I disagree with your statement that you are changing the character of what's there right now.

Mr. Leff- I personally do not believe that an addition of a cooler or a shed or a fence is changing the character.

Mr. DeSarno- The issue right now is that you have a school that anyone can walk off the street and right up to the school building so there is an issue of safety.

Mr. Vella- Has there been any recorded incidents since our approval of any security problems on site?

Mr. DeSarno- Is that a requirement of my client to wait for something to happen?

Mr. Vella- No my point is has there been a problem in the past?

Mr. Bace- If it's for security do you plan to go around the whole property with this fence?

Mr. Leff- The back is already fenced.

Mr. Vella- So I guess my question is it for security reasons or is it just to do that?

Mr. Leff- I will say the fence request came to me through my client before the boarding students, 11th, 12th and Pre-K and initially very shortly after one of the major new stories at an elementary but I do believe that their primary concern was for security in response to those incidents.

Mr. Vella- Have you looked at the architectural plans?

Mr. Leff- Yes.

Mr. Vella- Have you noticed that you're proposing 4 beds in an area that is 357 square feet?

Mr. Leff- Yes I did.

Mr. Vella- Do you think that's an appropriate amount of size for 4 males/females?

Mr. Leff- I've spoken to the architect I'm told that space is appropriate for the number of students being accommodated. I'm not qualified to answer whether that space is adequate to accommodate that number.

Mr. Vella- Well you're saying that the site is particularly suited and one of the questions is if the rooms that your providing are suited because if you look at it because there's a lot of classroom we are not being proposed to place 4 beds in a room of 357 square feet, there's no closets, there is one dresser for 4 kids with the same thing on the other side. Is it really that this is such a jamming of students into 357 square room with 4 beds, one dresser and no closet. The supervisor's room is 157 square feet with no dresser, one bed and no closet. The whole point is maybe this site is not particularly suited because even in college the dorm rooms are bigger than this. My question is as a planner will you look the amount of space you're providing for 4 adult children or whatever the age is this is way too small for the amount of people we're shoving in here and that they don't even provide a kitchen facility that's completely on the other side of the building that's generally used to heat up food.

Mr. Leff- As a planner I try not to project my own personal values when reviewing a plan. I look at the codes, what's required, and I'm told from the architect that the lay out of the building including the dorms do meet codes. As a planner as long as it meet codes and is adequate I believe it is suited.

Mr. Vella- Have you looked at any other boarding facility that puts 4 beds in a 357 square feet?

Mr. Leff- I have not this one needs to stand on its own.

Mr. Vella- When you're saying that this is particularly suited for a boarding facility shouldn't you really know about boarding facilities and what type of facilities they provide?

Mr. Leff- I don't need to know the internal layout of the building that's for the architect to answer that question.

Mr. Vella- You're the planner and you're the one testifying that if this board should deviate from the ordinance and say residential boarding schools which is not permitted in this zone that is site which is a higher standard because it's a use variance and it's not inherently beneficial use that this site because it's a school that somehow because you throw 4 cots into it that this site because particularly suited to have people living there 357/356 24 hours.

Mr. Leff- If it meets all the codes yes.

Mr. Vella- Would it be appropriate for them to provide housing in a residential home rather than a school that the kitchen is at the opposite end of the school and do you know what kind of kitchen facilities are they providing to these children?

Mr. Leff- No I don't.

Chairman- I did not hear you give any testimony that provided any facts other than you read something out of bulk ordinances or the master plan. You failed to provide an analysis of your own on this other than what your client told you.

Mr. Leff- My analysis as a professional planner is intended to relate the proposed use to the Master Plan, the Land use Law and the zoning ordinance which is what I've done. I am not the architect. I am not here to testify to the adequacy of the rooms or the occupancy of the building.

Mr. Moore- So the kitchen is closed to the students and is off limits to the 4 students that are boarding over night?

Mr. Leff- That would be a question for Dr. Shaikh or the architect.

Mr. Kittner- Are there any adjoining properties or similar uses in the area that have fences in the front yard?

Mr. Leff- There are a couple of residential uses on Laurel Avenue that have fences.

Mr. Vella- How high are those fences?

Mr. Leff- I believe 4 and 6 foot.

Mr. Pobega- Looking at the site plan you have a gate off the front entrance, a gate off to the west side, one off of Twelfth Street are those gates going to be locked?

Mr. Leff- That's a question for Dr. Shaikh.

Mr. Vella- If your testimony is that the fence is necessary for security, wouldn't it be your opinion that they should be locked at all times?

Mr. Leff- For security purposes I would think they would want to be locked but if there's an emergency they might not want to so it can go both ways. We went through the use variances that we are requesting and we are seeking several bulk variances.

Mr. Vella- Mark as A-3 mounted color rendering of site plan.

Mr. Moore- Where are those compressors for the walk in cooler?

Mr. Leff- That's a question for the architect.

Mr. Vella- Isn't that important to know while you're testifying because I might have a negative impact of the adjoining property owner with the noise?

Mr. Leff- The adjoining properties are commercial.

Mr. Vella- So you're saying that since they are commercial you don't care about the noise?

Mr. Leff- No any noise coming from this building will be far less than what's generated from the highway.

Mr. Skowronski- Is there a basement in this building?

Mr. Leff- I don't believe so but that is a question for the architect

Mrs. Keegan- There is a basement.

Mr. Vella- Have you looked to see if there was space inside to put a freezer within the building rather than creating a variance?

Mr. Leff- I did not because I am not qualified to evaluate an interior space.

Chairman Tyler- As a planner wouldn't you want to avoid requiring pretty extreme variances if you know you have room within the building?

Mr. Leff- As a planner if I knew for a fact that there was room that could accommodate- I don't know if a commercial cooler can be placed inside the building. That's a question for the architect.

Mr. Pobega- Is the kitchen for the boarding students or the during the day lunch students?

Mr. Leff- As part of the lunch program they would like to offer you need a kitchen.

Mr. Vella- How do you propose they get into the walk in freezer? There is no walkway.

Mr. Leff- That's a question for the architect.

Mr. Kittner- Are there any additional uses in the building that haven't be described?

Mr. Leff- Not that I'm aware of.

Mr. Vella- Do you know what will be stored in the storage shed?

Mr. Leff- Recreational equipment.

Mr. Vella- Is the shed variance a C-1 or C-2?

Mr. Leff- C-2.

Mr. Leff explains the bulk variances that are proposed.

Mr. Pobega- If we had a fire in the walk in freezer and now you have the front yard fenced in and a shed blocking the walkway, how would firefighters get back there to fight a fire?

Mr. Leff- I believe at condition of approval the fire department would have review the plan and comment on it.

Mr. Vella- I'm going to ask Sharon to submit a copy of the plans to the fire department for their review. I want to go back to the C-2 and what are the benefits of that deviation as compared to the negative?

Mr. Leff- The benefit is it allows the existing facility to adapt to current demands. The negative impacts are very minimal because of the location. Both the shed and cooler are being place on the south side of the building which are not very visible to begin with and allowing the facility to adapt to the current regulations out weights any negative impact.

Mr. DeSarno- We will have you testify to the amendments to the prior approvals.

Mr. Leff- There are several conditions of the prior approval which we are seeking to amend. A traffic study was submitted to the board back in February for the use of Holly Ave.

Mr. Vella- There was a concern by the board and that's why they restricted the traffic down Holly Ave. What has changed on this site to get relief from that?

Mr. Leff- It will increase the intensity of the use. As it states in the report opening the Holly Avenue entrance does not create any problems that were previously thought. The applicant is looking to provide bus service on site to reduce traffic.

Mr. Vella- Mark A-4 mounted site plan computer generated circulation.

Mr. Leff- We would need a slight modification to the current plans with a wider turning radius for school buses.

Mr. Kittner- Could buses enter off of Twelfth drop off and then turn to exit out onto Twelfth and not even need Holly?

Mr. Leff- I can't say for a fact that it could accommodate it. Now that the school has been operational for a few years it apparent that providing 9th and 10th grade facilities without the 11th and 12th grade is ineffective. Applicant is proposing to have academic classes after 7pm.

Mr. Vella- What classes are you proposing for kids from Pre-K through 12 that starts at 7pm at night?

Mr. Leff- Primarily AP and post graduate courses along with the boarding students that are there.

Mr. Vella- How many classes are you proposing at night?

Mr. Leff- That would be a question for Dr. Shaikh.

Mr. Vella- Do you have a planner do you have an opinion on how long those classes should be?

Mr. Leff- Since it's in a residential zone I would put a time limit that the classes should end by 10pm.

Mr. Vella- I just want to clarify that it's K-12 during the day and then at night it's a full college?

Mr. Leff- I wouldn't say it's a full college.

Mr. Vella- I think the board wants to hear from the Doctor since the planner doesn't know what the operation proposals are.

Dr. Shaikh- These college courses are expensive so we plan on having a small high school and they would get college credits. If we could get until to 10pm that might be good for the future.

Mr. Vella- So you're proposing college classes for high school students and post grade students?

Dr. Shaikh- Yes.

Mr. Vella- You wanted to close at 10pm?

Dr. Shaikh- Yes. Our expectations are 2 classes a semester with 2 semesters a year with about 25/30 students.

Mr. Vella- Do you think it's appropriate that you're planning a building with children sleeping in a building where at night you're going to bring 25/30 people that you don't know walking through this building with 12 or 13 year olds sleeping in the building.

Dr. Shaikh- It's at a different end of the building.

Mr. Vella- What's in the basement?

Dr. Shaikh- There is a crawl space and a basement that doesn't look in good condition that could be used.

VOICE VOTE: YES

Motion to Adjourn: Sole Offer

Next Meeting: June 5, 2014

Patricia Cullen

Secretary