

BERGENFIELD ZONING BOARD OF ADJUSTMENT  
MINUTES - REGULAR MEETING  
MAY 2, 2016

Meeting opened at 8:10 p.m. by S. Stein, chair, with pledge of allegiance and in accordance with sunshine law.

Resolution to approve absence of following members approved: B. Deauna.

Roll call:

Shimmy Stein – present

Richard Morf - present

Steve Madsen – present

Buddy Deauna – present

Richard Daly – absent

Sara Berger – absent (e)

Amnon Wenger – 1<sup>st</sup> alternate – present

Rafael Marte, 2<sup>nd</sup> alternate- present

Ronald Mondello, Esq. – present

Remington Vernick & Arango Engineers:

David Gleassey - present

Charles Steinel, Council liaison – absent

\_\_\_\_\_, Planning liaison - absent

**MINUTES** – Minutes of April 4, 2016 were approved on motion.

**COMMUNICATIONS** – None

**PUBLIC COMMENT** - None

**RESOLUTIONS** –

**Baer, Mali, 89 New Bridge Road** - On motion by S. Stein and seconded by R. Marte, the Resolution was approved as submitted.

**Feldman, Vitali, 61 Harriet Avenue** – On motion by R. Morf and seconded by R. Marte, the Resolution was approved as submitted.

**.Mosley, Leen, 46 Greenwich Drive** – On motion by R. Marte and seconded by A. Wenger, the Resolution was approved as submitted.

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**OLD BUSINESS**

**Love and Truth Church, 169 North Washington Avenue** – Dean Stamos, Esq. representing church was advised there were just 5 voting members present and application requires a minimum of 5. It was agreed to continue the hearing. He advised that Jae Lee and architect testified last month and a planner, Walter DeNisi was obtained to testify tonight.

W. DeNisi submitted 4 pictures (marked as Exhibit A-3) – 3 he took last week and 1 google picture and said they reflect the current status. He described the site, area, building, parking area and drop-off and pickup plan. The proposed use of the lower level for a school was described as being for maximum of 30 students in a 2000 s.f. area. Currently there are 23 students. Regular and religious study is provided. Time of classes scheduled to not conflict with other school traffic. There are 5 teachers with 5-8 employees at any one time parking on property. Between 8:30 and 8:50 15 cars arrive to drop-off and it is reversed in the afternoon. He stated that now the drop-off and pickup would enter on east of building next to church and exit on the west side on to East Central Avenue. A stack of 4 cars can be done on each side providing for a stack of 8 cars. Very slim chance for all 15 cars at once. On questioning by Board, Mr. DeNisi said the

school is inheritantly beneficial as religious school per statutes. DeNisi reviewed variances: (1) Required 15,000 s.f. Existing conditions – small school, 30 students, no change lot overage, student activities separate from church activities with no impact. (2) Setback – existing and no increase. (3) Parking – 11 spaces in lot and off street parking. School does not meet when church is meeting. Church not required to have more. Site can accommodate parking and pickup and drop off of students.

School works with church but not at the same time. Criteria, positive – religious base inheritantly beneficial as determined under federal and state law. (1B) Nothing will change. 1B still must meet balance. Negative criteria Traffic and parking only negative impact. Staff will be required to park in parking lot.

Board questions - No control on circulation. Alternate times pickup and drop-off to minimize impact on Washington Avenue. No parking for parents who need it. 8 parking spaces used at most. Leaves 8 more so no street parking. Maximum students limited to 30. Even if religious aspect removed, school still beneficial and there is no objection b a governing body. All schools are 1B.

Mark Everett, planner with Remington Vernick & Arango Engineers, representing the Board, was sworn in. Listened to public and impact on them part of 1B. Capacity of 30 state mandated and regulated. (R. Mondello advised not from state but CEMS accredited who limited it to 30 students by classes and seats available.) Can any other part of church be used for classes in the future? How are special events for school done? Mr. Lee said the school goes elsewhere. Only classes in church. Church has no activities during school time.

Floor opened to property owners within and outside 200 feet and were answered thus. This variance is only for M-F during school time. Plowing done and snow pushed in back. Fence will be installed in back by Hickory Avenue property owners even though this is not from school children. School children not outside during school hours. Mr. Lee is outside after school. This is church time. There is no Saturday school. Cannot change federal and state laws. Will not allow children to play in parking lot across Central from church. Supervision will be provided whenever children are outside. Members will be told to not make u-turns in neighbors' driveways and to not double park. Floor closed.

Board requested church arrange for parking in Staples during school hours and provide a written agreement for June meeting.

Mark Everett stated positive criteria because it's a beneficial use per state law. Traffic a compelling reason to deny. Pickup and drop-off is used by all schools. 30 students is a low number but can it increase to 50 or 100 later. (R. Mondello advised they would have to come back to Board for anything over 30.) Small parking lot a negative. On questioning, if denied probably appealed to Superior Court who will approve.

Matter adjourned to June meeting with the following: Staples parking, professionals will not have to return, comply with request for full plans.

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**NEW BUSINESS** –

**Maureen Galligan** – Application deemed complete and marked as Exhibit A-1. Dennis Galligan, father of applicant, and applicant sworn in. D. Galligan advised his daughter moved in a year ago into a 2-family home with one driveway. Applicant wants to add a driveway so two cars can park next to each other. Upon questioning by the Board, applicant was willing to remove concrete walkway and install pavers for driveway and walkway. Floor opened and closed to property owners within and outside 200 feet with no response. On motion by A. Wenger, seconded by R. Marte application with amendments was approved.

Meeting adjourned at 11:00 pm.

Respectfully submitted,  
Joan Compton, Clerk

**Next meeting June 6, 2016.**