

The meeting was opened by **John Slazyk**, Vice Chairman,

**Mr. Slazyk** read a statement of compliance with the New Jersey Open Public Meetings Law as follows:

*This is a regular meeting of the Zoning Board of Adjustment of the Borough of Tinton Falls and is being held in compliance with the New Jersey Open Public Meetings Law. Adequate notice of this meeting has been given by posting on the bulletin board of the Municipal Building and by publishing in the Asbury Park Press and The Coaster.*

**Mr. Slazyk** then led the meeting in a salute to the flag.

Present: Messrs. Slazyk, Lomangino, Moafi, Battista, Rickert, Porzio & Roche

Absent: Mr. Palmieri

Also present: Mr. Rauch, Board Engineer  
Mr. Tolischus, Acting Planner  
Mr. Christopher, Acting Board Attorney  
Mr. Gotfredsen, Board Secretary

**Mr. Slazyk** read a statement of procedural guidelines.

GLENN & GERARDINA WORTON 16 COLONIAL DRIVE SIX FOOT FENCE IN FRONT YARD	BA 2008 – 06 BLOCK 124.03 LOT 1
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**Mr. & Mrs. Worton** came forward.

**Mr. Christopher** advised that the applicants' proof of service to their neighbors and other entities doing business in the Borough was acceptable but the affidavit of service was deficient in that it left off the last paragraph in the applicants' notice. Mr. Christopher advised the applicants that they would have to re-advertise in the Asbury Park Press.

**Mr. Christopher** asked if there were any people in the audience that were there for this application.

**George McBride**, 17 Colonial Drive, stepped forward and advised he had been noticed by the applicants.

**Mr. Christopher** advised him again of the deficiency in the affidavit of publication and said that the Board was going to set a new date for the Worton's hearing and that he should return on that new date.

**It was announced that the Worton application was carried to May 1, 2008.**

MONMOUTH MEMORIAL PARK CEMETARY 4201 STATE HIGHWAY 33 REQUEST FOR 3 YEAR EXTENSION OF PRIOR APPROVALS	BA 2005 – 12 BLOCK 147 LOT 4
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**Kevin Nerwinski**, Esq., attorney for the applicant, came forward on behalf of his client.

**Mr. Christopher** advised he had reviewed the proof of service and affidavit of publication and found them to be in order as to form.

A motion to accept service in the Monmouth Memorial Cemetary matter was offered by Mr. Roche and seconded by Mr. Rickert. A voice vote in favor was unanimous
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**Mr. Nerwinski** called forward Robert Lee Hefter, President of the cemetery.

**Mr. Christopher** swore in Mr. Hefter.

**Mr. Hefter** advised that the reason for the delay from the 2004 approval was a combination of factors, first of all financial. I got some preliminary cost estimates from the engineering firm and it was going to be about a \$12,000 a month payment. We weren't in the position to make that kind of a note at the time. Also, the truth be told...the original set of plans was maybe overkill. I had the plans redone. I think we're in a better position as far as the design and I think now we're in a position to do it.

**Mr. Nerwinski** stated he had no further questions.

**Mr. Christopher** advised this kind of extension is up to the discretion of the Board. If you feel that the reasons are adequate and there's no other issues, then the Board can grant it.

**Mr. Nerwinski** said the only other thing I would add is that Mr. Hefter did take substantial steps in getting everything together to make the application for preliminary and final site plan. At the time of the hearing, I think some of you were there at that time, there were no objectors and this is a scenario where it's going to benefit the community. They are a non-profit company so we'd ask for the extension.

**Mr. Christopher** asked how much time would you need.

**Mr. Nerwinski** replied we're seeking a three year extension but I think if we were to get an affirmative response from you that we're...

**Mr. Christopher** as we discussed earlier, you're asking for three years but you're only going to get two years because it's retroactive back to the date of the approval. So within that two years...

**Mr. Nerwinski** replied yes, we fully understand. We will aggressively pursue...

**Mr. Slazyk** said in all honesty, if you come in front of us again for an extension, there probably will not be an extension.

**Mr. Nerwinski** said we understand. I have spoken to Mr. Hefter and we wanted to take this avenue first because we know that from this date forward we can see into our short future...

**Mr. Slazyk** stated so you're ready then.

**Mr. Nerwinski** replied yes.

**Mr. Lomangino** asked John, were you here in 2004.

**Mr. Slazyk** replied yes.

**Mr. Lomangino** asked so you understand and agree with it.

**Mr. Slazyk** replied yes.

**Mr. Slazyk** opened the floor to the public for questions and/or comments.

There was no response.

A motion to close the public portion of the Monmouth Memorial Park Cemetary matter was offered by Mr. Battista and seconded by Mr. Roche. A voice vote in favor was unanimous.

A motion to approve the three year extension was offered by Mr. Rickert and seconded by Mr. Battista.

**ROLL CALL**

Yes: Messrs. Rickert, Battista, Slazyk, Lomangino, Moafi, Porzio & Roche

No; None

Abstain: None

WINDING BROOK SCHOOL  
1044 SYCAMORE AVENUE

BA 2008 – 01  
BLOCK 51 LOT 1

USE VARIANCE & AMENDED SITE PLAN

**Mr. Christopher** advised he reviewed the affidavit of publication and proof of service and found them to be in order as to form.

A motion to accept service in the Winding Brook School matter was offered by Mr. Rickert and seconded by Mr. Moafi. A voice vote in favor was unanimous.

**Ralph Polcari**, attorney for the applicant, came forward on behalf of his client.

**Mr. Polcari** stated just a couple quick comments if I might. I know when you introduced our application, you stated it's an amended site plan approval and the expansion of a non-conforming use. Just so everyone understands, in our application we are proposing no expansion to our existing building nor are we proposing to do any site work. Our proposal and our application deals with a renovation and remodeling of the Winding Brook School. We're not seeking an increase in the number of students which were permitted. That number has been established by several past resolutions. We were here several years ago and the Board was good enough to approve a new building, if you would. The owners of the school spent considerable monies in architectural plans and engineering plans and the contractor who they were dealing with went bankrupt shortly before they were going to finalize their contract. I don't want to cast aspersions but the contractor was kind of stringing them along, if you would, and the actual cost of the project when they actually went out and look at contractors was coming in at almost twice the amount of what the previous estimates had been. So they were forced to abandon that plan to construct a new building. We're here now to ask for approval to renovate the interior of the building. I'm not quite sure we need use variances to do that since we're not intensifying the use or expanding the building but we're here nevertheless to try and comply with the town's wishes.

If it's okay with you gentlemen, I'd like to go through the Engineer's letter and the Planner's letter. We can consent to almost everything that's in here and I'll have Ms. Lori Learn give some testimony.

**Mr. Slazyk** asked don't you normally want to go through the testimony first.

**Mr. Christopher** replied that's okay. I've discussed this with Mr. Hirsch...because he was involved with the prior resolutions and depending on what the testimony is regarding the enrollment and the time and so on as it relates to the past resolution, a use variance may not be necessary.

**Mr. Polcari** said and I believe that would be the case. Maybe I'll put Ms. Learn on first.

**Mr. Christopher** stated at least for that testimony. Then you can interject whatever. At least we'll have a record as to what she's going to do there.

**Mr. Polcari** replied okay.

**Ms. Lori Learn**, 16 Reeds Road, came forward and was sworn in by Mr. Christopher.

**Ms. Learn** advised she was the owner/director of the Winding Brook School.

**Mr. Polcari** asked do you recall that several years back you were here and a resolution was passed allowing the construction of a new building.

**Ms. Learn** advised yes.

**Mr. Polcari** stated back then the resolution provided that there would be a maximum number of students at any one time of 100. Can you tell us what the number of students is now.

**Ms. Learn** advised we would have anywhere between 88 and 92 students on the premises at any one time.

**Mr. Polcari** asked and why would there be 88 one day perhaps and 92 another day.

**Ms. Learn** replied mostly because a lot of times children are sick and out from school, especially small children when they're first exposed to this sort of environment.

**Mr. Polcari** asked so if everyone was present on a particular day, there would be 92.

**Ms. Learn** answered yes.

**Mr. Polcari** asked has the school ever had more than 100 students.

**Ms. Learn** replied not since the Board put forth the conditions that capped it at 100.

**Ms. Polcari** asked are there any plans to expand the number of students, if your application is granted and you eventually construct the renovations, the remodeling, that you want to do.

**Ms. Learn** replied no, we don't have any plans now and do not have any plans in the future to request an increase in enrollment or staff.

**Mr. Polcari** asked now are you aware that the number of teachers/administrators is also capped.

**Ms. Learn** answered at 12, yes.

**Mr. Polcari** asked and presently how many do you have on any one day.

**Ms. Learn** replied 12.

**Mr. Polcari** asked have you had more than 12 since that limitation has been imposed.

**Ms. Learn** replied no.

**Ms. Polcari** asked and do you plan to have anymore than 12.

**Ms. Learn** replied no.

**Mr. Polcari** stated certain other conditions were required that dealt with parking. Do you recall those.

**Ms. Learn** replied yes.

**Mr. Polcari** asked and have all those been complied with.

**Ms. Learn** answered yes.

**Mr. Polcari** said there were conditions that related to the procedure, if you would, for the dropping off and picking up of children at the school. Is that right.

**Ms. Learn** replied yes.

**Mr. Polcari** asked do you recall what they were.

**Ms. Learn** replied children were not to be walked from the street. We have a system of drop-off where the parents don't park and walk the children in, primarily for safety reasons, but also to keep the flow of traffic going. Our families pull up to the front of the building and we have staff members that actually escort the children into the school. We find that this is safer because we don't have parents backing in and out of parking spots or children walking where there's traffic.

**Mr. Polcari** stated there were also limitations imposed on the number of bus trips that could be allowed during any one year and that number was 8. Do you recall that.

**Ms. Learn** answered yes.

**Mr. Polcari** asked have you complied with that requirement.

**Ms. Learn** replied yes.

**Mr. Polcari** asked are there any plans for more than 8 bus trips.

**Ms. Learn** replied no.

**Mr. Polcari** said in connection with that, there was a condition placed on your approval that anytime there is a bus trip, that the loading and unloading of the busses take place onsite, if you would.

**Ms. Learn** replied that's right.

**Mr. Polcari** asked has that been complied with.

**Ms. Learn** replied yes, The busses pull into our parking lot and the children load and unload in the parking lot.

**Mr. Polcari** said okay. Now, finally, with respect to the hours of operation, can you tell the Board what the hours of operation are.

**Ms. Learn** replied we open at 7:30 and close at 6. The majority of the children are there between 8:30 and 12 and then we have a full-day kindergarten that releases at 2:30 and then there's some children that stay for the full day for extended care. Most children are picked up by 5 but we have a few stragglers usually until 6.

**Mr. Slazyk** asked so the full day kindergarten exits when.

**Ms. Learn** replied 2:30.

**Mr. Slazyk** asked and they start at 7:30 as well.

**Ms. Learn** replied 8:30. We're open between 7:30 and 8:30 for early morning care but their day starts at 8:30.

**Mr. Slazyk** asked how many students do you have enrolled in the full-day kindergarten.

**Ms. Learn** replied we have 18.

**Mr. Slazyk** and then after 2:30, from 2:30 to 5:30 you said.

**Ms. Learn** replied yeah. Well, 6 o'clock. We close at 6.

**Mr. Slazyk** replied okay. Thank you.

**Mr. Polcari** said Counsel, unless you'd like to cover some other grounds with respect to the use variance.

**Mr. Christopher** stated one of the issues in the resolution was...there was some discussion about you'd only have full capacity, the 100, or now I guess it's 93, three days a week. Is that still the case.

**Ms. Learn** replied yeah because sometimes we have in our pre-school some children that only come Monday, Wednesday, Friday...so there are times when there are less children than that.

**Mr. Christopher** stated so basically you're still in compliance with that...even though if you note the resolution, Mr. Polcari...I don't think it puts it specifically as a condition but it was one of the discussions right above the approval language. The three days a week. So that's basically where you are now.

**Ms. Learn** replied right. The program still remains the same as it has been.

**Mr. Christopher** asked and what are you going to do with the interior of the building.

**Ms. Learn** replied I just want to impress upon the Board, if I may speak freely, that our main purpose here is to provide a safe, well-maintained and wholesome environment for the children and families that we serve and while we had high hopes of knocking the building down and starting from scratch...like Ralph explained, it just wasn't financially within our means after all and we did spend a lot of money and time putting that all together and it was disappointing to say the least, but we're determined that we can renovate our existing facility to meet our needs. One of the reasons why we were going to do the modular was because of the time factor, where it would take place in one summer and now we have to close the school for two summers which, again, is financially a strain for us but we believe that, in the end, it will be worthwhile. Being that our building is so old, there's been repair and maintenance issues that have come up consistently over the years and putting band-aids on those maintenance issues have, we think, have given the school the appearance of being rather shabby or rundown and, especially when you're talking about first impressions when someone comes into the school, it's not that appealing. We just felt it was time to peel away the layers, sort of start from scratch, and while we're doing the renovations, we're also requesting to use the upstairs...and just to explain why we were requesting to use previously unused space, while we're not asking to ask to serve additional children, there's a few reasons why. Number 1 is with computers being more of a part of the daily life of young children, we want to be able to provide access and exposure to the computers for children within the classrooms. Number 2 is we have a lot of large office equipment like two copying machines and a laminating machine and die cut machine and these big resources that the teachers use on a daily basis, it was not really a good home for them, as well as books and library materials for the teachers. And then also we don't have adequate closet space in the classrooms for the teachers to store snacks and cleaning materials and paper and art supplies. That would be easily accessible to them. And, then, lastly but probably most importantly, we really do believe that a small child can never have too much space to move around, especially in the winter when outside play is limited. More space for the children to have inside increases the opportunity for them to have large motor activities which is obviously very beneficial to their physical and even social and emotional development. Tinton Falls is a thriving community and we just want to live up to the standards and expectations of our community. We're very thankful to have established such a wonderful reputation over the past 40 years and we do know that part of the reason why people are attracted to our school is because it's small, is because it's family owned, and because it's in a residential setting. I mean those are things that we would never want to compromise.

**Mr. Christopher** asked so you're creating additional classroom space from storage space.

**Ms. Learn** replied well, we're just using the second floor which was previously only used for storage space.

**Mr. Polcari** asked how many classrooms are there now.

**Ms. Learn** replied there are 6 classrooms in that building.

**Mr. Polcari** asked and after the renovations are completed, how many will there be.

**Mr. Learn** replied there'll still be 6 but they're be kind of re-configured. We're just trying to maximize the space as best we can to meet our needs.

**Mr. Slazyk** asked what about restrooms.

**Ms. Learn** replied there's one restroom existing on the second floor and then we have on the first floor, there's one bathroom that is remaining the same and then the second bathroom we want to make larger. Right now, it's a bathroom that we've had. It's sort of tucked away under a stairwell and it's really pretty inconvenient and impractical for the children. So we planned to make that larger and adhere to the A.D.A. requirements.

**Mr. Slazyk** said say the last part.

**Ms. Learn** repeated adhere to the A.D.A. requirements set forth by the Board.

**Mr. Polcari** asked Mr. Slazyk, I don't know if you have in front of you, the architecturals.

**Mr. Slazyk** said I don't have the full blown, I'm looking at the...

**Mr. Polcari** asked can we mark that as A-1.

**Mr. Christopher** said let's make sure we have the right document.

A-1 Floor plan – undated
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A-2 Building Elevations - undated
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**Mr. Polcari** said if you look at A-1, on the ground floor, there is an existing toilet room just to the right of the drawing and that's going to be made A.D.A. accessible.

**Ms. Learn** stated that's existing. We're not changing that.

**Mr. Polcari** said that's going to stay.

**Mr. Slazyk** asked you're talking about the existing room.

**Mr. Polcari** replied the existing toilet room is going to stay as is. Look roughly in the middle of the drawing, it says "New A.D.A. Toilet Room". See that.

**Mr. Slazyk** replied yes. By the stairs.

**Mr. Polcari** said yes. That's downstairs and then upstairs, if you look again towards the stairway, you'll see "existing toilet room to be refurbished." That will be made A.D.A. compliant.

**Mr. Slazyk** stated so they'll all be A.D.A. compliant.

**Mr. Polcari** replied yes.

**Ms. Learn** said except the one that existed that we're not renovating.

**Mr. Polcari** stated the existing one will stay. The two to be refurbished will be A.D.A. compliant. And that's noted up on top of the other document in the notes there.

**Mr. Slazyk** said what we're going to do is we're going to go to the Engineer's report.

**Mr. Polcari** stated Counsel, just for some housekeeping here, if we don't need a use variance, I'm not sure whether the Board has jurisdiction over the site plan but we'll go forward as though you do.

**Mr. Christopher** said well, aren't we amending your old site plan.

**Mr. Polcari** replied well, I guess if you want to call it an amendment...actually that old site plan has probably been abandoned since we've done nothing with it but we'll treat it as an amendment so we can go forward at least. Hopefully there won't be any jurisdictional issues. But if I might address the Feist Engineering March 26, 2008 review letter first and I will go ahead and talk about some things and have Ms. Learn interject as we get to certain areas, if that's okay.

**Mr. Slazyk** said if you're okay with it, you don't need to read it all. All you got to do is say...

**Mr. Polcari** stated right. I'll start with Section C, the Use Variance Review, since the general comments and variances requested are really informational. Items 1 – 5 have already been discussed and they were all okay and Item #6 on the second page is okay. Number #1 under D, Engineering Review...

**Mr. Slazyk** said hang on one second. Alright, we're good.

**Mr. Polcari** stated we'll go to D. I think #1 has been taken care of. #2 – A certification from Tax Collector that no taxes are due and owing, we certainly can take care of that and I can represent that all the taxes are current. A list of all other land owned by the applicant...Ms. Learn and Mr. Learn own Block 51 Lot 2 which is immediately adjacent to the property. That's where they reside. Testimony regarding the number of employees and adequacy of existing parking...I think we've taken care of already. #5 – We will

certainly look at amending the title block. However, I would just point out and perhaps the Engineer can let us know...the document that's submitted by Van Cleef...maybe we can mark that as A-3. It does have the application number just above the title block on the right side on the first page.

A-3 Site plan done by Van Cleef dated 3/11/0
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**Mr. Rauch** said the application number is incorrect. It has 2008 – 0801. The application is actually 2008-01.

**Mr. Polcari** stated okay. So the “01” has to come out. We will certainly get that taken care of. And the plans that we submit, the amended plan, will have the signature of the owner. We'll do #7, an amended site plan. With regard to #8, a loading space...I would just like to ask Ms. Learn how you get deliveries of supplies and do you believe there's a need to have a loading space or a loading dock at the property.

**Ms. Learn** replied we've never had...we don't get large deliveries. I mean I guess it would be similar to any residential home. Occasionally a U.P.S. or Fedex man comes with a small delivery but nothing that has ever been a problem.

**Mr. Polcari** said with regard to #9 – the location of any temporary trailers.

**Mr. Slazyk** stated hang on one second – Jeff, do you have anything...

**Mr. Rauch** said I have no problem if it's just U.P.S. and Fedex, no box trucks or anything bringing supplies. We'd have no problem with that.

**Mr. Christopher** asked that's as existing.

**Mr. Rauch** replied yeah. That's as it exists.

**Mr. Polcari** said #9 – temporary trailers. There are none planned at this time. As I say, it's just going to be a renovation. We're not looking to come in and do major construction work there.

**Mr. Rauch** stated okay. That's all we needed was testimony because if there was going to a construction trailer or something, you'd have to show the location.

**Mr. Polcari** said we don't believe there will be any. I guess #10 is just a comment really, not anything that we need to address. #11, we will amend the plan to show the existing site triangles that are at the site. I think, with regard to #12, we did speak about the A.D.A. and the toilets. With regard to the parking, we can move the handicapped parking space and make it the one that is the closest to the building. If you look at the row of parking just to the left of the one-story frame building, I think there are 7 spots there. Yeah, we'll make the one closest to the building the handicapped spot...and it will be appropriately striped and designated.

**Mr. Rauch** said that's fine.

**Mr. Christopher** asked then #12 is okay.

**Mr. Polcari** confirmed #12 is okay. We'll do that. #13 – It is not our intention at this point to sprinkle the building. We don't believe it's required under the building code.

**Mr. Rauch** said okay.

**Mr. Polcari** stated #14 addresses the trash enclosure. I have learned from Mr. Learn that there's private garbage and trash pickup at this school that they pay for and I believe we spoke about this the last time...the trash is always picked up prior to 7 o'clock in the morning.

**Mr. Rauch** asked before anybody arrives at the school.

**Mr. Polcari** replied yes, before anybody arrives at the site.

**Mr. Rauch** asked is the same thing for when you pickup recyclables...7 o'clock.

**Ms. Learn** replied we bring that to the curb.

**Mr. Polcari** said the town picks those up. The recyclable bin is kept in the trash enclosure..

**Mr. Slazyk** stated excuse me. Can we just back up one second. I have something here from the Fire Marshal and it says "The fire lane shall be installed 18 feet wide as per previous reviews of this site. Site plan not provided." It wasn't provided to the Fire Marshal. Do you have anything to say about that, Jeff.

**Mr. Rauch** said I have not seen that letter.

**Mr. Polcari** stated I haven't either.

**Mr. Rauch**, after reading the Fire Marshal's letter, said what they're looking for is at least an 18 foot clear lane that's marked "no parking" so fire trucks and vehicles can get through there with no problem.

**Ms. Learn** said I think that has been brought up before with previous applications. We have fire trucks and school busses that come up our driveway. We also have...I think they wanted it to go through Reeds Road through the playground. I think that requirement was waived because it's been brought up before.

**Mr. Rauch** stated what it is is the Fire Marshal is talking about in the areas where you have the driveways, where you have the entrances and the exits where it's about 12 feet

wide and I guess there's concern from the Fire Official, Cary Costa, whether a fire truck can safely get in there and exit out of there because of the lane being only 12 feet wide.

**Ms. Learn** said we have fire trucks that come to the school to do demonstrations for the children and they've always been able...I feel like they did a demonstration in years past with the previous application, they came to the school, the trucks came through, and the Board, at the time, actually watched a demonstration of a fire truck being able to maneuver through the site and that was waived. I don't remember it being brought up at the last hearing either.

**Mr. Slazyk** stated it would normally have been put into the resolution. That's what we're looking for.

**Mr. Polcari** said I don't see it in the last resolution.

**Mr. Slazyk** stated well, that's something else that's got to be dealt with.

**Mr. Rauch** asked under the previous application that was approved when you were going to build a new building were you...I'm not sure because I don't have those plans, was the driveway going to be widened.

**Ms. Learn** replied no, not at all.

**Mr. Polcari** said no, the driveway was basically going to stay the same.

**Mr. Lomangino** asked the driveway runs along Reeds Road.

**Ms. Learn** replied the driveway is perpendicular to Reeds Road.

**Mr. Lomangino** asked is there room on either side of that to expand it.

**Mr. Moafi** asked how wide is the driveway.

**Ms. Learn** said 12 feet is what they say. I'm not sure.

**Mr. Polcari** stated you pull in, come up to the school, complete the circle and go out a different drive.

**Mr. Battista** said they did a bus test in '98 to show the busses but I still don't find anything for fire trucks.

**Mr. Slazyk** stated I don't remember it. I wasn't here for that application. No. That's why it doesn't ring a bell to me. I don't see anything in here from '98.

**Ms. Learn** said I mean the Fire Department has been kind enough to come during Fire Prevention Week and do little presentations for the children and they've brought the trucks up into our parking lot.

**Mr. Slazyk** asked let me ask you...is that a State requirement.

**Mr. Rauch** replied what we do is when we do a site review...if they can show or demonstrate that a fire truck can navigate through there with the turning radiuses, you know, that's what we're concerned with...being able to maneuver it there. If their engineer can lay out on the plan a turning radius to actually show that the fire truck can actually enter the site and exit the site as it is, I have no problems with that.

**Mr. Moafi** stated but it has to be shown on the site plan.

**Mr. Rauch** said yes, it has to be shown on the site plan...the radius, the turning room.

**Mr. Polcari** stated I found the Fire Official's note from the 2006 meeting and it says "Fire access roadway will be required from Reeds Road to new building.

**Mr. Slazyk** said yeah, we saw that.

**Mr. Polcari** stated there's no new building now. It's kind of irrelevant, I think. But certainly we'll bring it to the attention of our engineer.

**Mr. Rauch** said I can't speak for the Fire Marshal but if your engineer can actually demonstrate by showing the turning radiuses and the movements in and out of the site by a fire truck...that it can do it safely without any interference from a parked car or anything, then I won't have any problem with it.

**Mr. Polcari** stated we can sure make it subject to, if you approve it.

**Mr. Christopher** said I was just going over a 1992 resolution and it makes reference to "School shall provide proof that all required permits, certificates, and licenses from other governmental agencies have been received concerning the health and safety features of all the school building's design and construction. All approvals concerning certification of curriculum and staff and any other permits'...that's kind of a catch-all and I assume this is typical language of the resolutions and I would think Mr. Hirsch's resolution is that all other conditions of prior resolutions shall remain in full force and effect. Now it doesn't specifically say fire lane but it's safety, so I have no problem if the engineers can work it out administratively.

**Mr. Polcari** stated yeah, as I say, we were not aware of it until tonight. We will certainly address that.

**Mr. Slazyk** said that's fine.

**Mr. Polcari** stated moving onto #15...I'm not sure exactly but I think we've covered this with the trash enclosure.

**Mr. Rauch** said yeah. The Borough has an ordinance of signs that have to be posted dealing with the recycling area and refuse area. So that is basically saying bring up the signage for the trash enclosure area in accordance with 40-63 E of the Ordinance.

**Mr. Polcari** stated okay, we'll take care of that. #16, again, I think is just informational. We did provide a letter of exemption for wetlands. #17, are there any new signs proposed. The answer is no. #18 talks about the fee of 1 percent of the equalized value of...this says "new buildings and site improvements". I presume it will just be the cost of the renovations.

**Mr. Rauch** replied yes.

**Mr. Polcari** stated and I think that's all the issues with the Engineer's letter.

**Mr. Christopher** said the Engineer's letter does go on to talk about outside approvals including the Fire Department.

**Mr. Polcari** stated right and certainly I understand that we're subject to all those.

**Mr. Slazyk** said there's also...just to make you aware of this...there's a letter...and I don't know if you received this one from Mr. Robert Corby regarding room measurements not on plans. Rooms being renovated must meet the barrier-free requirements.

**Ms. Learn** stated we resubmitted with the proper measurements.

**Mr. Polcari** stated the new document has all the measurements on there. I'd like next to turn to the Planner's letter. Let's go through those items and again, the subsections up to "Zoning" are just informational. Under Zoning where it talks about 40-77 D "All facilities" (and it refers to childcare centers of course)... "All facilities shall be licensed by the New Jersey Department of Human Services and adhere to the applicable regulations" and I'd just like to ask Ms. Learn whether or not the school does have a license from the Department of Human Services.

**Ms. Learn** replied absolutely.

**Mr. Polcari** asked are you now, at least to the best of your knowledge or beliefs, in compliance with all the applicable regulations that the Department imposes upon the school.

**Ms. Learn** answered we were re-licensed in 2006 and met all the requirements.

**Mr. Polcari** asked how often does that re-licensing procedure.

**Ms. Learn** replied there's relicensing every 3 years but there's generally an annual inspection.

**Mr. Polcari** said okay and you passed all the inspections.

**Ms. Learn** replied yes.

**Mr. Polcari** said again, I think if we go over to Page #3, there is a comment about minimizing the character of the residential neighborhood. Again, it discusses the limitation of students and I believe we've spoken about that several times. We understand we're limited to 100 students at any one time and not more than 12 teachers/administrators. The Planner discusses some of the variances that are required. In fact, he discusses all of them. There are variances required lot area. We don't have 1.5 acres. We have 1.351. Minimum front yard is 45 feet is required. We have 23.1.

**Mr. Christopher** asked Mr. Polcari, all of these are pre-existing.

**Mr. Polcari** replied they're all pre-existing and they're not going to be enlarged or exacerbated at all by the project. There's one comment about outdoor recreation areas shall be fenced and no closer to any lot line than 20 feet. With regard to that, again it is a pre-existing condition and I would just point out two things. #1 – the property that this would affect is the Learn's property because that's where the pool is back there in that back corner. Also with regard to the visibility of the swimming pool, it's actually something that's desired by the school for purposes of safety and communication. Although there are certified lifeguards at the pool when the children are there, the feeling is that it would be much, much better to be able to see into that area, God forbid, there should be some kind of event that needs immediate attention rather than have the visibility blocked by a row of hedges or trees.

We talked again about Item #3 on Page 7 about no walking of children to the street. Ms. Learn testified that that does not happen. I think all of the comments under "Parking and Circulation" have already been addressed, again, with the issue of the fire truck accessibility, ingress and egress being something that we're going to deal with. Again, there are no proposed changes to this site. With regard to signage, there's a recommendation of Page #9 that the applicant provide adequate way finding signage, especially in the parking lots. We certainly will take care of that. We'll stripe the pavement. There are one or two one-way signs there now. They are getting a bit old so they'll be re-painted if they can be painted or they'll be replaced so that they're much more readily visible. I think that covers everything.

**Mr. Tolischus** stated the only thing is I was there this afternoon looking at the site and with regard to the signage, I think maybe even at the entrance...the only thing I happened to catch with my eyes is the "In" arrow on the pavement. Had I missed that, I might have gone in the other way so maybe a sign there would be helpful. And then maybe more clearly marked "exit only" where it says No. 5 or 7 parking spaces on the other side. Maybe a new parent coming in knows he can't go back out the same way.

**Ms. Learn** replied okay.

**Mr. Tolischus** said okay. That was it. Thank you, Mr. Chairman.

**Mr. Slazyk** stated I don't know if you addressed this or not, on Page #7, #4, Item #8 "Given on Page 10 of the resolution, it states that the applicant be required to submit a landscaping plan to demonstrate the buffer along the parking areas and along the frontage of the building."

**Mr. Polcari** replied well, that was when the buildings were going to be modified or torn down. The landscaping was going to change completely.

**Mr. Christopher** said that's a mute issue then.

**Mr. Slazyk** replied okay. Thank you.

**Mr. Tolischus** said I would just add as I looked at it this afternoon, there's quite a mature hedge along the entire front of Reeds Road.

**Mr. Slazyk** replied okay.

**Mr. Polcari** stated I think unless the Board has questions, I'm finished.

**Mr. Tolischus** said I think, if I may, Mr. Chairman, one other thing that is always very important, maybe the Engineer can comment too, is the lighting satisfactory on this site. You know in the wintertime, after 4 o'clock, it's dark.

**Ms. Learn** stated mainly it's fine because like I said, there's only sporadic children that are there so there might be one car pulling in at a time close to the building...so it's not a problem.

**Mr. Tolischus** asked the front where the children would walk out even with their teachers.

**Ms. Learn** replied absolutely. The walkways are fine.

**Mr. Tolischus** said okay. Thank you.

**Mr. Rauch** stated if I remember right, under the previous application, there wasn't an expansion of the parking area and I know the lighting had come up...and I'm not positive but I thought Van Cleef was going to analyze the existing lighting to make sure that there wasn't any dark spots within the parking area.

**Mr. Polcari** said I'm pretty sure that was done. There are three lights now. I think there are three. I think it was deemed that that was sufficient.

**Ms. Learn** stated I'm sure I can get a copy from Joe.

**Mr. Rauch** said Mr. Lalka can submit to us that. Just for a verification but if I remember right, the testimony given by Mr. Lalka at the previous approval was when they analyzed the lighting, that there was sufficient lighting...but if he can submit that as verification.

**Ms. Learn** replied okay.

**Mr. Christopher** said Mr. Polcari, the Chairman has pointed out to me the 1998 resolution, Paragraph #8 talks about this landscape plan. Is that what you're referring to.

**Mr. Slazyk** stated that's what Mr. Gleitz is referring to in his letter.

**Mr. Polcari** said the '98 resolution. No, I was referring to the 2006 one when the landscaping plan had been submitted.

**Mr. Slazyk** stated Item #4 is actually talking about the 1998 resolution.

**Mr. Polcari** asked when you say #4, are you talking about the Planner's letter.

**Mr. Slazyk** replied #4, Page 7.

**Mr. Polcari** said I'm sorry. I thought the Planner said he was out there today and there's a hedgerow along the front.

**Mr. Tolischus** stated well, in more detail, it's under Page 9, #14, Landscaping. Apparently the '97 application which then resulted in the '98 resolution required that a landscaping plan be submitted but I heard you state that the subsequent application submitted a landscaping plan.

**Mr. Christopher** said Mr. Planner, you were out there. Now it says the applicant shall submit a landscape plan but it says "to demonstrate buffering along the parking area and along the frontage of the building. You were out there. You said something.

**Mr. Tolischus** stated the entire length of Reeds Road from the front of the building to the entrance has a pretty good hedge on it and also it slopes slightly upward and then there is also landscaping in front of the parking spaces labeled 1 – 5 by the trash enclosure. The landscaping is there. The question is was a formal landscaping plan ever submitted with that or the subsequent application in 2006.

**Mr. Polcari** said I'm fairly certain it was in 2006 but again it would be meaningless today to look at that because it would show shrubs and what not around the new building.

**Mr. Slazyk** stated there is one.

**Mr. Polcari** said the submission shows the trees. It shows everything that is existing out there.

**Mr. Slazyk** stated one second. Give us a minute.

**Mr. Christopher** said Mr. Polcari, you see our dilemma here. You see, we have a landscape plan. The '98 resolution didn't concern itself with the new building. Okay. The plan that we have submitted...we don't know if there was a prior plan. This was a plan of 2005 which was contemplating a new building. It shows landscaping along the one side and we're trying to determine...probably it should have been done prior to this one but was it complied with or not, or is it mute now.

**Mr. Rauch** stated because they're not doing this here now with the new building, it's kind of like mute. We have to go back to the '98 approval.

**Mr. Slazyk** said right but this is the '98 approval and they could get a '98 approval saying "the applicant must submit a landscaping plan to demonstrate it. Now here's his plan but this is mute. It doesn't mean anything. Right.

**Mr. Rauch** stated what's there now is that what was approved and put in back in '98.

**Mr. Christopher** said alright. Have we demonstrated buffering along the parking area. Have we demonstrated buffering along the front of the building.

**Mr. Gotfredsen** located the signed site plan for the '98 site plan approval.

**Mr. Tolischus** came forward and identified and confirmed the landscaping was as shown on the 6-1-98 signed final site plan.

**Mr. Rauch** said this is a final site plan, not a landscaping plan. This shows all the existing stuff and there's nothing proposed on it. The question is whether there was a landscape plan submitted and approved at this time. This is a final site plan just shows existing. Now it may turn out that the landscape consultant had said what you have there is enough. We don't know.

**Mr. Christopher** stated in any event, these are the Board's resolution and the Board can amend any resolution and waive that requirement if it's a mute issue. As long as the record's clear going forward.

**Mr. Polcari** said I point out that if you look at the plan we submitted, Site Plan, Sheet 2 of 2, it shows all these landscaping we just talked about that's shown back on that 1998 site plan and there's been additional plantings put in at the site.

**Mr. Rauch** said the only thing I can think of is that the final site that we have there...even though it just shows existing landscaping and not proposed, that is probably what was approved because they couldn't have gotten their building permit without

resolution compliance of all the conditions so being that they got their building permit to build it, I would say that they probably had complied with that.

**Mr. Tolischus** stated that what's shown on A-3 is very, very close to the '98 plan.

**Mr. Christopher** said and the '98 plan is the actual site plan...not a separate landscaping plan. However, I would concur with the Engineer that in the event there was no compliance, they would not have gotten the approval or permits.

**Mr. Slazyk** stated okay, we're done with the Planner's and the Engineer's.

**Mr. Polcari** said I don't think you want to hear me yap for any more. I will waive my summation.

**Mr. Slazyk** asked can you clarify what we're...is it a use variance or just a site plan.

**Mr. Christopher** replied let's see if the public has anything.

**Mr. Slazyk** noted the only members of the public were there for the applicant. Do you want to clarify what we're doing before we actually close the public portion.

**Mr. Christopher** stated let's deal with the use variance first. Okay. Since the applicant has stated clearly that they're not going to exceed the 100 students that was previously approved. Even the Monday, Wednesday and Friday requirement has not been changed and they're within that requirement. They're re-configuring the upstairs, the inside of the building, to include classrooms upstairs but the total number of classrooms are not going to be increased. Under other conditions, if you increase the area of a structure wherein the actual use is being conducted, then it could be an expansion. In this case, under all these circumstances, it would be my opinion that there's no expansion of the use. As we know, it's a conditionally permitted use requiring variances along the way and resolutions of approval of those variances along the way. So, I would say at this time a use variance is not required and the amendment to the site plan...basically all of the conditions that have been requested are complied with or have been complied with along the way so there's very little change and there's very little additional requirements...mostly existing.

**Mr. Rauch** said there's just a couple of requirements...with the handicapped spot and the signage that are required.

**Mr. Slazyk** stated that and the fire lane.

**Mr. Rauch** said demonstrating the turning radiuses on the plan...that the fire truck can get in and out of the site.

**Mr. Christopher** stated that can be handled administratively with the Board retaining jurisdiction until it's resolved administratively.

**Mr. Tolischus** said and a review of the lighting plan...or just the lighting...the applicant's engineer and Mr. Feist's office.

**Mr. Slazyk** asked so it's just an amended site plan.

**Mr. Christopher** replied the resolution will cite that a use variance is not required.

A motion to close the public portion of the Winding Brook School hearing was offered by Mr. Lomangino and seconded by Mr. Battista. A voice vote in favor was unanimous.

A motion stating that a use variance is not required in the matter of Winding Brook School and granting approval to an amended site plan subject to certain conditions was offered by Mr. Lomangino and seconded by Mr. Rickert.

**ROLL CALL**

Yes: Messrs. Lomangino, Rickert, Slazyk, Moafi, Battista, Porzio, and Roche

No: None

Abstain: None

A motion to adopt the resolution in the matter of 3230 Shafto Road Associates, LLC (CIMS Gas Products) was offered by Mr. Lomangino and seconded by Mr. Porzio.

**ROLL CALL**

Yes: Messrs. Lomangino, Porzio, Battista, & Roche

Not eligible: Messrs. Slazyk, Moafi & Rickert

No: None

Abstain: None

**A motion to adjourn the meeting was offered by Mr. Lomangino and seconded unanimously.**

Respectfully submitted,

Doug Gotfredsen  
Board Secretary