



BOROUGH OF EAST RUTHERFORD ZONING BOARD OF ADJUSTMENT MEETING MINUTES JANUARY 04, 2024

A meeting of the East Rutherford Zoning Board of Adjustment was held on **January 4, 2024** at 7:33 pm at the Borough Hall, located at 1 Everett Place, East Rutherford. This meeting was held in compliance with the Open Public Meeting Act, N.J.S.A. 10:4.6., and notice was published in the approved newspapers and on the Borough's website. The meeting was called to order by Acting Chairman Polifronio, followed by the Pledge of Allegiance.

ROLL CALL

- | | |
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| <input type="checkbox"/> Philip Alberta, Chairman | |
| <input type="checkbox"/> Philip Sorbera, Vice Chairman | <input checked="" type="checkbox"/> Meredith Martin, Alternate 1 |
| <input checked="" type="checkbox"/> John Martin | <input checked="" type="checkbox"/> Sergio Segalini, Alternate 2 |
| <input checked="" type="checkbox"/> Derek Sands | <input checked="" type="checkbox"/> Richard Cedzidlo, Attorney |
| <input checked="" type="checkbox"/> Carmen Polifronio | <input type="checkbox"/> Glenn Beckmeyer, Engineer |
| <input checked="" type="checkbox"/> Debra Zoller | <input checked="" type="checkbox"/> Ray Tripodi, Planner |
| <input type="checkbox"/> Carlo Cavallo | <input checked="" type="checkbox"/> Bill Justis, Secretary |

RE ORGANIZATION OF THE ZONING BOARD OF ADJUSTMENT FOR 2024

Acting Chairman Polifronio asked if there were any nominations for Chairman, Vice Chairman, Secretary, Planner, Engineer, Attorney and Official Newspapers other than the positions currently being held.

Chairman – Philip Alberta
Vice Chairman – Philip Sorbera
Secretary – William Justis
Planner – Ray Tripodi
Engineer – Glenn Beckmeyer
Attorney – Richard Cedzidlo
Official Newspapers: The Record and Herald News

There were no other nominations.

Acting Chairman Polifronio asked for a motion so the secretary can cast one ballot for that slate.

PHILIP ALBERTA - CHAIRMAN WILLIAM JUSTIS - SECRETARY GLENN BECKMEYER – ENGINEER			PHILIP SORBERA – VICE CHAIRMAN RAY TRIPODI – PLANNER JAMES NOVELLO – ATTORNEY			
OFFICIAL NEWSPAPERS - THE RECORD AND HERALD NEWS						
Member	Moved by	Second	Aye	No	Abstain	Not Present
Alberta						X
Polifronio			X			
Sands			X			
Martin, J		X	X			
Sorbera						X
Zoller			X			
Cavallo						X
Martin, M			X			
Segalini	X		X			

APPROVAL OF MINUTES

APPROVAL OF MINUTES FOR NOVEMBER 2, 2023 MEETING						
Member	Moved by	Second	Aye	No	Abstain	Not Present
Alberta						X
Polifronio			X			
Sands					X	
Martin, J		X	X			
Sorbera						X
Zoller	X		X			
Cavallo						X
Martin, M					X	
Segalini					X	

Amended minutes approved.

APPROVAL OF MINUTES FOR DECEMBER 7, 2023 MEETING						
Member	Moved by	Second	Aye	No	Abstain	Not Present
Alberta						X
Polifronio			X			
Sands					X	
Martin, J	X		X			
Sorbera						X
Zoller		X	X			
Cavallo						X
Martin, M					X	
Segalini			X			

Minutes approved.

APPLICATION:

Docket # 22-12

144 Boiling Springs East Avenue

Montessori School

Block 65, Lot 21

The applicant is requesting a minor site plan and change of use approval to convert the existing rectory into an additional building which will add supplemental program space to the existing preschool on the property. The property will be occupied by three structures for the nursery school – one principal building and two accessory buildings. The lot is located in the R-2 Zone. The existing rectory is unused.

Ken Porro, Esq. Chasan Lamparello Mallon & Cappuzzo on behalf of the applicant Priya and Grace Sumitra, Montessori Schools, Inc. 144 Boiling Springs Avenue East Rutherford.

Acting Chairman Polifronio stated, we have six board members tonight and we need five affirmative votes to pass the use variance. He asked Mr. Porro if the applicant wanted to proceed with the hearing.

Ken Porro answered yes, we would like to proceed tonight. The Montessori School was started over 30 plus years ago by Priya Sumitra's mother. The application is straight forward to convert the existing residential building into a preschool space. The application is not seeking any structural change. In the prior approval Priya's mom was allowed to live there but the building could not be rented to a third party. She passed away 8 years ago, and the apartment has been

vacant. The applicant is planning to create a music, art, and play area for the children. He brought up the fact that not one wall is being changed. The load occupancy is regulated by the state, which may be increase.

Priya Sumitra, owner, 144 Boiling Springs Avenue, East Rutherford NJ; was sworn in by Mr. Cedzidlo. She gave a brief history of her family, the school, and the property. For 8 years the residential building was empty. On a routine visit from the state inspector, he had us open up the building to do a walk-through and inquired about the wasted space not being used.

The Montessori is a method of teaching children from the age of 2 to 6. Right now, we don't have the room for a library, science room, and an area for computers, which we are hoping to use this additional space for educational areas.

Mr. Porro asked Ms. Sumitra the following questions about the building:

- There are no plans to change any walls or the expansion on the existing building.
- If the board's engineer or planner requires compliance to the building and A.D.A. codes, you would not set these as a condition to any rules.

Ms. Sumitra stated that is correct. She went over the hours of operation, which are Monday – Friday between the hours of 7:30 am - 6:30 pm. The school is licensed from birth to 6 years old, which includes Kindergarten. In 2011 we installed a drop off area, where parents drop off their children. If the parents need to spend more than five minutes, they are told to park in the municipality parking lot. In the school's handbook, which states the blocking of any residential driveway, which could result in letting your child go from the program. During drop off time, we have staff to receive the children. Drop off is between 7:30 am and 11:00 am.

We are licensed to have up to 90 students as of today, right now we have 70 students. She points out that all the children don't arrive or leave at the same time. As stated before, dropping off in the morning is between 7:30 am - 11:00 am. Pick up from school is between 2:30 pm - 3:00 pm; those students that are in the after-school program, the pickup time is from 3:00 pm – 6:00 pm.

Acting Chairman Polifronio asked how many employees you have now and if you were to reach the 90 students, then how many staff members will you need to add.

Ms. Sumitra replied all together there are 15 employees, but they don't arrive at the same time, I have one staff member who opens, works from 7:30 am – 1:00 pm and the other staff member who closes, works from 1:30 pm – 6:00 pm. If we do reach the 90 students, I would add 2 more staff members. The ratio per student varies, on average it's 10 to 1; toddlers are 8 – 1; preschool (age 3 - 4) are 12 – 1; and 5 years olds are 15 – 1.

Mr. Porro asked Ms. Sumitra how the staff arrives and where do they park.

Ms. Sumitra explained some of the staff park on the street; there are 4 staff members that live in East Rutherford and walk; a couple of them take public transportation. If there is no parking on the street they can park inside, but they are not signed parking spaces. Some will park in the Municipality Parking Lot, but they park at their own risk. She stated most of her staff have been with the school for 15 – 20 years, if they were having issues with the parking conditions they would not have stayed.

Mr. Sands asked right now you are licensed for 90 students; are there any expectations to exceed that with the addition.

Ms. Sumitra replied since Covid, we have not been able to reach 90 students, if the board grants us this application, the state comes back to evaluate the additional space, which will set the rules for the space, and based on the rules it determines the number of students allowed there at any given time. We are focusing on academics, we need the space for the STEM activities for the 4 and 5-year-olds students.

Lawrence P. Quirk, AIA 15 Union Avenue, Rutherford, NJ was sworn in by Mr. Cedzidlo. Mr. Quirk gave his qualifications as a professional architect. The Board accepted him as an expert witness. He stated that Ms. Sumitra and her sister hired him not to do any architectural work but to show the plans on the existing buildings.

Exhibit A-1 First Floor Plan (School Building No. 1)

- Originally the House of Worship (one-story building) was converted into a school.
- The building consists of an office, two open classrooms, two bathrooms and a lounge area. All are pre-existing.

Exhibit A-2 First Floor Plan and Attic Plan (School Building No. 2)

- The original Fellowship Building (a two-story building) was converted into a school.
- The first floor consists of an open classroom with a loft; lounge area with a small kitchen and three bathrooms.
- The second floor (attic) consists of an office and a bathroom.
- All floors are pre-existing.

Exhibit A-3 - A-5 (School Building No. 3)

- Building 3 is an existing residential two-story home proposing to be converted into a preschool.
- Exhibit A-3 Drawing A-5 Basement which is used for storage and has a bathroom.
- Exhibit A-4 Drawing A- 3 First Floor which consists of bedroom, kitchen, living room and a study.
- Both Exhibit A3 and A4 are the existing conditions.
- Exhibit A-5 Drawing A-4 Second Floor which consists of large room, two individual rooms, lounge with a kitchenet, and full bathroom. The attic is storage only.
- Nothing on these floors will change.

Mr. Porro stated this is all for STEM, which will consist of science, music, dance, art, computers, and a library. The rooms already exist, the only changes will be if the building codes require updates by the Building Department.

William Stimmel, P.E. & P.T.O.E. Stimmel Engineering, P.O. Box 280, Rutherford, NJ was sworn in by Mr. Cedzidlo. Mr. Stimmel gave his qualifications as a professional engineer / planner. The Board accepted him as an expert witness. He displayed the Site Plan marked as Exhibit 1 of 1 dated May 8, 2023. There is no change to the site plan, it is as existing. Basically 8 years ago, there

were two existing non-conforming uses on the site. This application will eliminate the residential from the use. Daycare is one of the uses that is a beneficial use in the Municipal Land Use Law. Daycare is not permitted in the R-2 zone, but it is an established approved use on the property. The expansion of the residential home into the daycare is a D-2 variance (expansion of a non-conforming use). Right now, on the property there are two existing uses, the application is eliminating D-1 (residential home) and replacing it with D-2 (expansion of the Daycare).

Acting Chairman Polifronio referring to Beckmeyer's Engineering letter date 12-5-23 about the variances and waivers.

Mr. Stimmel stated we are asking for waivers on the lighting, drainage, and landscaping since there will be no new construction or changes to the site. We would apply to all the building codes and the plans would be adjusted accordingly.

Mr. Tripodi suggested the P.I.A. be modified, stating the State of New Jersey will make the final determination of the number of children.

Mr. Porro stated that is acceptable.

Acting Chairman Polifronio acknowledge there is no change to the site, but can you explain to everyone what currently exists on the site today, such as the garbage location, lighting, and landscaping.

Ms. Sumitra stated there is a garbage shed towards the back of the building and twice a week the trash is brought to the curb and picked up by Borough's D.P.W. The lighting was done in 2011 when the house was renovated.

Mr. Stimmel added that there are three lights existing on the central drive, between Buildings C and A; and a street light adjacent to the driveway on the northern part of the property. The landscaping has a few trees in the middle of the property and along the southern property line. The property area that doesn't include buildings or asphalt, is landscaped with sections of grass and has foundation plantation around the buildings. The only area that is not landscape is the outside parking and the circulation of the building; which is the fenced in playground area which has AstroTurf with rubber backing.

Acting Chairman Polifronio verified there are 3 parallel parking spaces in the front of Building A. Is there room on the property to add one or two more parking spaces.

Mr. Stimmel replied to the space between Building C and the curb in front of Building B is 19.27 ft wide. You could fit two cars side by side and another one behind them. It would not be the standard parking space but considering the spaces would only be used first thing in the morning and at the end of the day.

Mr. Porro asked Mr. Stimmel to describe the parking space area for the resolution.

Mr. Stimmel stated that we would add three parking spaces to the existing paved area between the east façade of Building C and the northwest corner of Building B.

Mr. Tripodi asked the applicant to have the plans revised showing the entrance only and exit only signs for the drop-off /pick-up area.

Mr. Porro stated that is acceptable.

Chairman Polifronio asked to obtain a motion to open to the public.

Mr. Martin made a motion to open the meeting to the public. Mr. Sands seconded the motion. All present voted aye. The meeting was opened to the public.

Claudio DeMarco, 130 Boiling Springs Ave; he comments that sometimes the squirrels are getting into the plastic bags when they are on the curb for pickup. He wanted to know if anything was going to happen to the church building.

Ms. Sumitra stated nothing is happening to that building, it will remain a school. I want to thank Mr. DeMarco; he was the neighbor I mention that sometimes brings in our empty trash cans from the curb after the trash pickup.

Nashat Atalla, 150 Boiling Springs Ave; his concerns are if you increase the number of students, more people will block his driveway.

Luis Gonzalez, 135 Boiling Springs Ave; his issue is the raise of occupancies from 90 to 120 would only add to the parking issues already on Boiling Springs due to the church, library, and stores on Paterson Avenue.

Marilyn Atalla, 150 Boiling Springs Ave, her issue the increase in students will cause more parking problems on Boiling Spring Ave.

Mr. Martin made a motion to close the meeting to the public. Mr. Sands seconded the motion. All present voted aye. The meeting was closed to the public.

Ms. Sumitra stated she doesn't think it's fair to dump all the parking problems on Boiling Springs onto the school.

Mr. Tripodi stated that the conditional use for daycare requires one parking space per staff member. Please note this in Beckmeyer Engineering Letter dated 12-5-23.

Mr. Porro asked the Chairman to carry this application to next month's meeting, so the plans can be revised for the parking spaces and the trash shed. We can address the state requirements from our end and your planner's concerns on the parking requirements.

Acting Chairman Polifronio asked for a motion to carry the application to next month's meeting without any further notice.

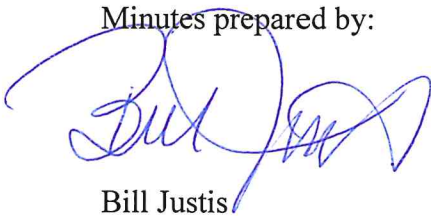
144 BOILING SPRINGS - MONTESSORI SCHOOL APPLICATION CARRIED OVER TO THE FEBUARY 1, 2024 MEETING WITH NO FURTHER NOTICE						
Member	Moved by	Second	Aye	No	Abstain	Not Present
Alberta						X
Polifronio			X			
Sands			X			
Martin, J	X		X			
Sorbera						X
Zoller		X	X			
Cavallo						X
Martin, M			X			
Segalini	X		X			

Motion approved.

OTHER BUSINESS:

With no other business before the Board, Mr. Martin made a motion to close the meeting. Ms. Zoller seconded the motion. All present voted aye. The meeting was adjourned at 9:25 PM.

Minutes prepared by:



Bill Justis
Board Secretary