

**Borough of Caldwell
Zoning Board of Adjustment**

**May 7, 2008
Meeting**

The Zoning Board of Adjustment was called to order by Mr. Kinslow at 7:00 PM in the Municipal Building, second floor Council Chambers.

Roll Call: Present: Mr. Colaizzo, Ms. Wasserman, Mr. Stieve, Mr. Cole,
Mr. Sauer, Mr. Kinslow.

Absent: Mr. Lombardi

Statement of Compliance: The statement of compliance with the Open Public Meetings Act was read.

Pledge of Allegiance:

Approval of Minutes: A motion was made by Mr. Colaizzo and seconded by Mr. Stieve to approve the minutes of the April 2, 2008 meeting. The minutes were approved.

Approval of Invoice: A motion was made by Ms. Wasserman and seconded by Mr. Stieve to approve the invoice from Marucci Engineering in the amount of \$180 for Application Z 08001. The invoice was approved.

Old Business: **Application Z 08001**
34 Francis Place
Block 32 Lot 1.02
Variance to alter existing building for an addition of a bathroom
Memorialization of Resolution

A motion was made by Mr. Stieve and seconded by Mr. Kinslow to approve the resolution granting an addition of a bathroom. A roll call vote was taken:

Mr. Colaizzo	Yes
Ms. Wasserman	Yes
Mr. Stieve	Yes
Mr. Cole	Yes
Mr. Kinslow	Yes
	(5)

The resolution was approved.

Application Z07006

Caldwell College
7 Hawthorne Road
Block 60 Lot 1.02

Single family residential to use for the staff of the development office

Jim Bruno, Esq. represented the College. He stated that they would start from the beginning with this new application. There were two fact witnesses and one expert. Kathleen Martin, Esq. represented opposing citizens.

Ms. Durkin swore in all the witnesses for the College, Jack Reiney, Joseph Savage and J. Michael Petry.

Mr. Petry has been qualified as an engineer and planner before this Board and he was accepted as an expert witness. Mr. Petry marked exhibit A1 – a colored variance application map, and A2 – layout plan of the entire campus.

Mr. Bruno stated that their application tonight is to use 7 Hawthorne Road for college offices. This building will be used by the Development office whose main function is fund raising. Mr. Bruno stated that although he did not concur with the ruling of the Board Attorney that the prior notification was insufficient in that notice should have been sent to the 200 foot radius of the entire campus, not just 7 Hawthorne Road, they did, in fact notice as requested.

Mr. Jack Reiney is the Vice President for Finance and Administration for the College. He testified that when construction of the dorms was completed, they decided a different use for the “Hawthorne House”, other than housing for students, would better serve the College. The development office is currently in Rosary Hall. The proximity of the Student Center and Hawthorne House is beneficial to the development office. The College would be willing to grant a water easement. Board members asked Mr. Reiney various questions regarding square footage, parking, setting up offices, hours of operation, etc. which he answered.

The following citizens asked Mr. Reiney questions:

Ms. Kathleen Martin, Esq.
Mr. Lynch – 5 Seymour Street
Ms. Potenzano – 30 Oak Grove Road
Mr. Malon – 11 Hawthorne Road
Mr. Garafolo – Westley Road, Essex Fells
Mr. Cofrancesco – 7 Grove Street
Mr. Panzano – 7 Seymour Street
Resident – 89 Old Chester Road

Mr. Joseph Savage is the Vice President of Institutional Events. He gave testimony to the Board and answered their questions.

The following citizens asked Mr. Savage questions:

Frank Mileto – Planner for the Board
Ms. Kathleen Martin, Esq.

After a brief adjournment, Mr. Petry gave testimony to the Board, explained exhibits A1 and A2, and answered their questions.

The following citizen asked Mr. Petry questions:

Bob Lynch – 5 Seymour Street

Mr. Frank D. Mileto was sworn as an expert witness for the Board as a planner. He gave testimony as to how the activity of having an office in a residential zone has a negative impact on that zone. He also gave testimony that the applicant did not provide enough information in the way of having preliminary plans showing the offices, handicapped accessibility, etc. Mr. Mileto stated that he didn't think the applicant addressed the negative potentials that he characterized as a commercial use. He stated that office use is a commercial use. They are not teaching any students there.

Mr. Bruno, attorney for the applicant, asked Mr. Mileto questions regarding his credentials, intensity of the use in terms of traffic, the impact of a church, nursing home, or other conditional uses on the community.

After Mr. Bruno's questioning, the Board Attorney and members asked Mr. Mileto additional questions regarding the site.

The following citizen asked Mr. Mileto questions:

Kathleen Martin, Esq.

The meeting was open to the public for their comments. The following citizens offered their comments:

Diana Stein – 1 Fells Manor Road
Robert Mallon – 11 Hawthorne Road
Robert Lynch – 5 Seymour Street
Alex Panzano – 7 Seymour Street
Barbara Veffer – 9 Hawthorne Road
Sue Panzano – 7 Seymour Street
Bill Sullivan – 17 Hawthorne Road, Essex Fells
Martin Maxim – 66 Old Chester Road, Essex Fells
Ms. Potenzano – 30 Oak Grove Road
Ms. Davis – 12 Hawthorne Road, Essex Fells
Kathleen Martin, Esq. – stated the case for the objectors
Resident – 10 Hawthorne Road

After the public gave their comments, Mr. Bruno gave his summary. After discussion of this application by the Board, a motion was made by Mr. Stieve and seconded by Mr. Colaizzo to deny the variances requested in this application. A roll vote was taken. A yes vote means the application is denied:

Mr. Colaizo	Yes
Ms. Wasserman	Yes
Mr. Stieve	Yes
Mr. Cole	Yes
Mr. Sauer	Yes
Mr. Kinslow	Yes
	(6)

The application was denied.

The meeting was adjourned at 11:05PM.

Respectfully submitted:

Marsha Cheff
Technical Assistant

