

The applicants, Helen and Juan Castillo, were sworn in. The Board was furnished with proof of service, publication and taxes paid. The Chairman read the denial letter from the Zoning Officer. The applicants explained that they wished to build an addition to the back of their house. The pre-existing side yard setback on both sides of the house is too small for the Code. The addition will be one story and will contain a family room. It will not encroach on the rear yard setback

and will not further encroach on the side yard setbacks, as it will be in line with the existing house. The case was opened to the public. No one appeared.

The Board went into work session to consider Case 1368 and returned with the following decision:

**Case # 1368 – Castillo**

Mr. Vorhees, seconded by Mr. DellaFave, made a motion to approve the application. The resolution was read into the record. A copy of the resolution is attached.

Roll Call:	Mr. Cathcart – Yes	Mr. McCormack – Yes
	Mr. Vorhees – Yes	Mr. DellaFave – Yes
	Ms. Perrotta – Yes	Mr. Spontak – Yes

**Case # 1369 – OCM Grace Church – Block 80/Lot 21 – 90 Mount Vernon Street**

An application for a use variance/ interpretation of the Zoning Ordinance, to convert the church hall at 90 Mount Vernon Street, Block 80, Lot 21, into classrooms .

The applicant was represented by attorney Darryl Siss of Teschon, Riccobene and Siss, PA. The Board was furnished with proof of service and publication. The Tax Collector provided a letter indicating that the property owner is a Church and, therefore, is tax-exempt. The Chairman read the denial letter from the Zoning Officer. The Chairman questioned why the applicant had to come before the board for a variance. The Board attorney suggested that the applicant's attorney be given the opportunity to first present his case as to why his client does not need a variance. If the Board is of the opinion that they do need a variance, the applicant's attorney can then seek to have the variance granted.

The OCM Grace Church wishes to make classrooms out of the existing fellowship hall in the lower level of the church, which is currently one big, open space. Rather than movable partitions, they wish to put up permanent walls to divide the space. Mr. Siss stated the conducting of Sunday School classes is the continuation of a pre-existing non-conforming use.

Mr. James Loy- parishioner of OCM Grace Church and member of the Parish Building Committee – was sworn in. He testified that the Lutheran Church, which had previously owned the property, had held Sunday school classes in this area and had used partitions. OCM Grace Church expects to have 20 junior-senior high age children and 60 younger (pre-school to junior high). They would also like to build a small office in the area.

There was some confusion in orienting the plans. It was confirmed that the area for the proposed construction is in the hall under the Church proper. A set of plans was marked Exhibit A-1.

The Chairman confirmed with the applicant that the space would not be rented out, but would be used strictly for the parishioners of OCM Grace Church. The Chairman questioned the members whether they felt a use variance was required. The Zoning Ordinance provides for churches to have accessory uses, such as Sunday school classes.

After deliberation, the Board determined that the Church did not need a use variance to convert the church hall to classrooms. Mr. Vorhees, seconded by Mr. DellaFave, made a motion to override the Zoning Officer's decision; all in favor. The Board attorney indicated that he would prepare a resolution to be read into the record at next month's meeting.

**Case # 1366 – OCM Grace Church – Block 80/Lot 23 – 78 Mount Vernon Street**

An application for a use variance to have an office and to hold Sunday School classes at 78 Mount Vernon Street, Block 80, Lot 23.

The applicant was represented by attorney Darryl Siss of Teschon, Riccobene and Siss, PA. The Board was furnished with proof of service, publication and taxes paid. The Chairman read the denial letter from the Zoning Officer.

Attorney Darryl Siss stated that this application was begun at the June meeting. However, there were errors in the floor plans submitted at that time. Revised plans were provided. The first and second floor plan and site plan was marked Exhibit A-1. Exhibit A-2 was a copy of the lease between OCM Grace Church and the landlord of 78 Mount Vernon Street dated July 26, 2005. It was noted that the copies received prior to the meeting by the Board members were undated. The Board attorney determined that there were no differences in the body of the lease.

The remaining leases were marked as follows:

A-3: lease between Jason Yu and Thomas Blumenthal, & an amendment

A-4: lease between Douglas Paul and Little Stars Day Care

A-5: lease between Jason Yu and First Computer & an amendment

A-6: lease between Jason Yu and Korean Bergen News, & an amendment

A-7: lease between Jason Yu and Jung Hae Lee, & an amendment

Attorney Darryl Siss stated that the lease between OCM and Mr. Yu has been revised. They are seeking to use the space full-time: during the week for office space; on Sunday for Sunday school classes and bible study programs. They wish to lease Suite 103 on the first floor and Suite 204 on the second floor. The attorney feels this is a beneficial use and during the week, it is not intense use of the space. The board questioned why they are seeking classrooms here, too, since they just received approval to renovation the church hall into classrooms.

Mr. James Loy was sworn in – parishioner of OCM Grace Church and member of Parish Building Committee to plan for the ministry. He testified that they are currently renting space at Fairleigh Dickinson University. They hold two services on Sundays: one English and one Chinese. At the English service, they generally get 60 people; at the Chinese service – 90-100 people. For the children's ministry, they need different rooms to separate the children by age. Exhibit A-8 is marked: the floor plan of the Church at 90 Mount Vernon Street.

The lease grants OCM use of the entire parking lot on Sundays. The Board attorney asked Mr. Loy, if this use variance application is denied, would the Church still be allowed to use the parking lot on Sunday? Mr. Loy said no, they would not be able to use it. Mr. Loy confirmed they are not holding services at the church yet, they are still at Fairleigh Dickinson. If granted they would use the space at 78 Mount Vernon Street to have two groups of high school aged children in the second floor room (204) for a total of 20 kids; the first floor room would have 30 children from grades 1 to 6. The pre-k and toddler groups would be in the Church classrooms (30-40 kids) for a total of 80 to 90 children present at the same time, in the two spaces.

Mr. Jason Yu – owner of 78 Mount Vernon Street – was sworn in. He testified as to the location of the tenants and parking spaces assigned. Jung Hae Lee – Room 102 – has three parking spaces on the side of the building, not in lot across the street. Korean Bergen News – Room 201 – has two spaces. Little Stars – Suite 100 – operates Mon-Fri only. Lease assumed by Yu. Douglas Paul is previous owner of building. Thomas Blumenthal – Suite 205 – has 6 spaces, has signed lease amendment prohibiting parking in lot on Sundays. Mr. Yu testified that next week he planned to designate specific spots in the lot for specific tenants. He was advised to seek legal

counsel regarding the wording of the signs. First Line Computer – Suite 202 – 1 parking space. Room 200 – office of Jason Yu – 2 spaces. Suite 101 – unoccupied.

Jonathan White – of Cassino Engineering and Planning – was sworn in. p\Professional engineer, testifying regarding the site plan submitted by his company. Exhibit A-9 was marked – site plan of parking lot across the street from 78 Mount Vernon Street. Mr. White testified that there are 25 spaces. 1 handicapped space (#1); School bus for Little Stars in space #2. For spaces 24 & 25, lines on macadam are very faint. Exhibit # 10 was marked – an aerial view of the property in question.

The case was opened to the public.

Those within 200' in favor – no one appeared.

Those within 200' opposed to the application – William Betesh, Esq., representing Centennial House – 71 Mount Vernon Street was sworn in. A representative of this firm had appeared at the June meeting to object to the application. They feel the application will greatly intensify the usage of the building. The August 16<sup>th</sup> letter of the objector was marked O-1. They feel Sunday School is incompatible with the primary use of the property as an office building, and that the parking lot is undersized. The building is 10,000 sq. feet and should have 33 spaces. The applicant has circumvented this by requiring the existing tenants to agree to give up spaces on Sundays, spaces which have previously been promised to them in leases they had signed.

There was concern among the Board members regarding the usage of building designed for offices as a school. The Board attorney advised the members that they had the option of carrying the case to the next meeting to request input from the Fire Department, Construction Official, etc., before deciding the case.

The applicant's attorney testified that the use being sought would be beneficial to the surroundings, as off-street parking would be available. There is none now. The Board questioned whether more available space would let the congregation grow quickly, leading to more problems in the future.

Those outside 200' in favor of the application –

Jay Kim – 66 Summit Street – was sworn in; testified that he was in favor of the application. Did not feel the Sunday School would be bad.

Those outside 200' against the application – no one appeared.

The Board went into worksession at 10:20 pm.

The Board members expressed concern regarding safety issues, number of children in a building not designed as a school. The Church knew the size of the church building at 90 Mount Vernon when they purchased it. Should not be allowed to expand into the building next door. The Board came out of worksession at 10:30 pm with the following decision:

Mr. Vorhees, seconded by Mr. McCormack, made a motion to deny the application.

Roll Call:	Mr. Cathcart – Yes	Mr. McCormack – Yes
	Mr. Vorhees – Yes	Mr. DellaFave – Yes
	Ms. Perrotta – Yes	Mr. Spontak – Yes

The Board attorney will prepare a resolution to be read into the record at the next meeting.

The meeting was adjourned at 10:35 pm.

Respectfully submitted,

TAPE # 439

Linda Quinn  
Secretary