

RESOLUTION
PLANNING BOARD
TOWNSHIP OF MONTCLAIR



MONTCLAIR KIMBERLEY ACADEMY
12-36 Lloyd Road
Block 302, Lot 16

February 10, 2014
MPB APPL. # 2363

WHEREAS, MONTCLAIR KIMBERLEY ACADEMY, as owner and applicant (the "Applicant"), with respect to real property located at 12-36 Lloyd Road (Block 302, Lot 16), in the Township of Montclair, New Jersey (the "Property"), made application to the Montclair Township Planning Board (the "Board"), for preliminary and final minor site plan approval in order to construct a 3,788 square foot addition to the Applicant's library to complement the Board's previous Resolution adopted on February 9, 2004; and

WHEREAS, the Board received, reviewed and marked into evidence the following materials:

- A-1: Application dated 12/11/13, filed on 12/12/13;
- A-2: Affidavit of current taxes paid;
- A-3: Proof of publication;
- A-4: Affidavit of service;
- A-5: Plan set dated and last revised on December 2, 2013, prepared with the cooperation of the following: Nadaskay Kopelson Architects, 95 Washington Street, Morristown, New Jersey 07960 and Petry Engineering, LLC, 155 Passaic Avenue, Fairfield, New Jersey 07004;

- SP-1: Title Sheet
- SP-2: Overall Plan
- SP-3: Existing Conditions Plan
- SP-4: Alternate Layout Plan
- SP-5: Alternate Grading and Drainage Plan

- SP-6: Lighting & Landscaping Plan
- SP-7: Alternate Soil Erosion & Sediment Control Plan
- SP-8: Construction Details

The following plan set, prepared solely by Nadaskay Kopelson Architects, dated October 19, 2013, last revised December 2, 2013:

- T-1: General Information
- A-1: Existing and Proposed Floor Plan
- A-2: Roof Plan
- A-3: Exterior Elevations
- A-2-ALT: Roof Plan-Alternate
- A-3-ALT: Exterior Elevations-Alternate

A-6: Planning memorandum of Janice Talley, PP, AICP, dated January 2, 2014, also deeming the application complete;

A-7: Engineering review letter of W. Thomas Watkinson, P.E., P.P., dated January 2, 2014;

WHEREAS, the Applicant was represented by Richard J. Angowski, of the firm Schwartz, Simon, Edelstein & Celso, LLC, with offices located at 100 S. Jefferson Road, Suite 200, Whippany, New Jersey 07981; and

WHEREAS, the application was heard at a meeting of the Board held on January 13, 2014, at which time it was established that notice was properly published and served upon property owners within 200 feet of the Property; and

WHEREAS, the Applicant introduced the testimony of Walter J. Kneis, of the firm Nadaskay Kopelson Architects, whose credentials as an expert in architecture were accepted by the Board; Mr. Kneis described the Property as 11 acres with 6-1/2 acres west of Lloyd Road and 4-1/2 acres, i.e., an athletic field and adjacent property (to the south), east of Lloyd Road; the present application results from the construction following the Board's 2004 approval of the arts

wing addition¹ and this development seeks to bring modernity and needed amenities to the library as well as provide sustainability elements; the exterior walls of the new addition will align with the current library and the building materials to be used will be similar to those of the older construction; and this witness introduced the following presentation boards:

A-8: Rendered floor plan (i.e., colored and magnified drawing of A-1 contained within Exhibit A-5)²;

A-9: Photographs showing an exterior rendering and two interior views of the library structures; and

WHEREAS, Mr. Kneis described the changes that the new development would engender, such as increased stacks, internal areas for students to congregate and, externally, a circular patio area to the west of the library addition, as well as the creation of additional paths (i.e., concrete walkways including handicap accessible ramps) and other related external improvements (e.g., installation of 4' high retaining walls to the east of the proposed addition); and the witness introduced

A-10: One page, two sided, exterior architectural wall panel description prepared by its manufacturer, Petrarch; and

WHEREAS, the Applicant introduced the testimony of J. Michael Petry, P.E., of Petry Engineering, LLC, whose credentials as an expert in the field of professional engineering were accepted by the Board; the witness described how the eastern side of the addition would be configured ("saw toothed" as described by the Applicant's architect) so as to ensure no further

¹ The Board's February 9, 2004 Resolution is incorporated herein by reference and made part of the record of this application.

² At the hearing, the witness provided the Board with a reduced (in size) plan set, non-colored, consisting of the following drawings: T-1, A-1, A-2, A-3, A-2-ALT and A-3-ALT.

encroachment to the Lloyd Road setback (and thus not increase the previous nonconformity); the addition will configure well with the existing library and also with the arts wing; the current driveway to the east of the location of the proposed addition will be extended further to the south on Lloyd Road and graded in order to avoid the “bottoming out” that had been experienced by vehicles in the current driveway because of the current grade; the witness described that a 36” drainage pipe will be installed under the patio area and the current pipe will be redirected to the south of the proposed addition, then heading to meet the existing original manhole; the current Lighting & Landscaping Plan [SP-6 of ExhibitA-5] does not reflect the correct height of the proposed pole lighting (@ 15’) and this plan will be revised for it; the Applicant intends to remove certain trees (shown on the plan) but will replace them with approximately twice as many; the Applicant will use English ivy on the retaining walls to the east of the addition which will grow both up and over the wall as well as down across its face; the Applicant agrees that the red maple to be planted will be no less than 3” caliper; and

WHEREAS, on behalf of the Applicant, its engineer agreed that it will comply with all 6 items reflected in the Board Engineer’s January 2, 2014 review letter [Exhibit A-7]; and

WHEREAS, the Applicant introduced the testimony Richard M. Sunshine who serves as the Assistant Headmaster and Chief Financial Officer of the Applicant; this witness testified that the Applicant is intent on advancing a sustainability curriculum; this application is not intended to expand the school population or increase staff such that the need for additional parking would be triggered; the witness confirmed that the outdoor circular space adjacent to the addition (to its west) is intended to and will be used primarily for congregation by students and will not be used as a performance space; and

WHEREAS, all three of the Applicant's witnesses testified that the Applicant had presented to the Board various alternate configurations for certain aspects of the proposed project [delineated on the plans with the "ALT" designation]; for reasons of sustainability and aesthetics, the Applicant presented the alternate plans to the Board in an effort to have both forms approved, indicating that a final determination as to which of the plans would be built would be made at the time it received and analyzed proposals for construction; and

WHEREAS, the Board carefully considered the testimony, reviewed the Exhibits (A-1 through A-10), and considered the questions and comments presented at the public hearing by members of the Board and members of the public, if any, and based thereon, determined the following findings of fact and conclusions of law:

1. The "WHEREAS" recitals set forth above are incorporated, as if set forth at length, as part of the Board's findings.
2. The Applicant's application to the Board and all materials submitted in support of and in connection with it, including all plans, surveys and exhibits, and the documents introduced, marked for identification at the Board's hearing, and documents incorporated herein by reference, together with the Applicant's testimony and stipulations on the record, if any, as well as the testimony of the witnesses introduced by the Applicant and otherwise heard by the Board, are part of the record of this application.
3. The larger portion of the Property on which the academic buildings are located, is situated to the south of Parkhurst Place where it intersects with Lloyd Road and Bloomfield Avenue. To the west is Afterglow Way. The smaller portion of the Property, at about 4-1/2 acres, is an athletic field (Van Brunt Field) located to the west of Bloomfield Avenue, east of Lloyd Road, and with Walden Place to the east.

4. The Property is in the R-O Mountainside Zone. A private school (under conditions specified in Montclair Zone Ordinance § 347-12) is a permitted conditional use in this Zone.

5. The Applicant intends to construct an addition to a building structure that conforms with the setback requirements that were previously approved by the Board through its Resolution dated February 9, 2004. The present application seeks to add more modern amenities to the library and increase the utilization by students of a more spacious building, as well as improve pathways and exterior areas for congregation used by students.

6. The application requires no variances.

7. The library addition would include areas for a circulation desk, offices, a technology office, storage and additional bathrooms.

8. The Applicant has submitted drawings which describe two alternatives for the roof. In the traditional roof scenario, the four current skylights would be replaced and supplemented with four additional matching skylights, a new roof membrane and a chimney for the fireplace would be installed. In the alternate roof plan, those items would also be found but the mechanicals would be located in the center of the addition and extensive green roof materials would be placed throughout the roof structure; barrier free access paths would permit and accommodate pedestrian access to it. Each of the green roof segments would be surrounded by a guard rail for safety purposes. As contemplated by the Applicant, the roof area could be used for teaching purposes and obviously has sustainability elements.

9. The Board finds that the testimony of the Applicant's witnesses was credible. Further, the Board determines that both alternate plans submitted by the Applicant have strong merits and would be approved independent of each other. For this reason, the Board finds and

determines that the application is best served by the approval of both alternative developments, leaving the final development choice to the Applicant.

10. The Applicant has complied with the Township's Site Plan Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Township of Montclair, that the application of MONTCLAIR KIMBERLEY ACADEMY, for preliminary and final minor site plan approval be and is hereby approved and granted, subject to the following conditions:

1. All "WHEREAS" recitals, findings of fact and conclusions of law set forth above are incorporated herein by reference.

2. The Applicant's application to the Board and all materials submitted in support of and in connection with it, including all notices, plans, surveys and exhibits, and the documents introduced and marked for identification at the Board's hearings as well as those incorporated herein by reference, together with the Applicant's testimony and stipulations on the record, if any, as well as the testimony of the witnesses introduced by the Applicant and persons otherwise heard by the Board, are made part of the record of this matter.

3. The site shall be developed strictly in accordance with the drawings presented to the Board, including any revised plans to be submitted and approved (see below), the testimony of the Applicant's witness, and the stipulations made on the record regardless of whether the same appear herein as such and except as may have otherwise been modified by the Board.

4. This approval contemplates the approval of the traditional and alternate roof plans.

5. The Applicant shall comply with the 6 comments set forth in the Board Engineer's January 2, 2014 review letter.

6. The Applicant shall promptly provide a revised lighting and landscaping plan as well as a revised grading plan.

7. The Applicant shall continue to be responsible for payment of all escrow fees incurred pursuant to Montclair Code § 202-27, as well as inspection fees, and shall do so in full no later than twenty (20) days subsequent to a written request.

8. Proof that all currently due real estate taxes have been paid and escrow deposits posted, if any, shall be provided prior to the issuance of any building permit.

9. The Applicant shall comply with all applicable statutes, regulations, codes, and ordinances of the State of New Jersey, County of Essex, and Township of Montclair.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Applicant, the Township Manager, the Township Council and the Township Clerk, Engineer, Construction Code Official and Assessor, and that notice of approval of this Resolution be published as provided by law.

The foregoing Resolution was duly adopted by the Planning Board of the Township of Montclair at a public meeting held on February 10, 2013.

John Wynn, Chairperson

Janice E. Talley, P.P., AICP, Secretary

RESOLUTION

MONTCLAIR PLANNING BOARD

Montclair Kimberley Academy Foundation
6 Lloyd Road

February 9, 2004

WHEREAS, Montclair Kimberley Academy Foundation, owner of property located 6 Lloyd Road, filed an application with the Planning Board of the Township of Montclair for preliminary and final site plan approval to construct an addition onto an existing school building; and

WHEREAS, the applicant also applied for variances from Montclair Code Section 347-33B(2) to permit front yard setbacks of 44.45 feet and 55.15 feet which do not comply with the minimum setback requirements of the ordinance; and

WHEREAS, the applicant also applied for a variance from Montclair Code Section 347-102C to permit a driveway gradient of 15% whereas a maximum 10% gradient is permitted by the ordinance; and

WHEREAS, the applicant submitted a site plan and details prepared by RCC Design, Inc., dated October 23, 2003, a Drainage Report prepared by RCC Design, Inc., dated October 17, 2003, and floor plans and elevation drawings prepared by Nadaskay Kopelson, Architects, dated October 17, 2003; and

WHEREAS, the Planning Board conducted a public hearing on this application at its regular meeting on January 12, 2004, at which time it was established that notice of this application had been published and that property owners within 200 feet of the subject property had been served with notice; and

WHEREAS, the Planning Board carefully reviewed and considered the applicant's plans and the testimony and other evidence presented by the applicant, and made the following findings of fact:

1. The subject property is located in the R-0 Mountainside Zone at the intersection of Lloyd Road and Parkhurst Place. The property contains an existing private secondary school with accessory parking areas.

2. The applicant proposes to construct a 6,500 square foot addition onto the front of the existing school building adjacent to Parkhurst Place. The addition will be used as an "arts wing" for the school, consisting of a painting and sculpture studio, instrumental band room, practice rooms, a digital lab and vestibule.

3. The proposed addition will be set back a distance of 55.15 feet from Lloyd Road and 44.45 feet from Parkhurst Place. Accordingly, variances are required from Montclair Code Section 347-33B(2) which requires a minimum setback of 50 feet or a setback

consistent with the average front yard setback of adjacent buildings.

4. With respect to the Lloyd Road frontage, the setback requirement is 79 feet based on the average setback of existing buildings on adjoining properties. However, a portion of the existing building is setback only 34.68 feet from the street and, therefore, the 55.15 foot setback for the proposed addition is less intrusive than the existing setback. Moreover, given the fact that the addition will be located across the street from the applicant's athletic field, the approval of a setback variance will have no detrimental impact upon any adjoining properties.

5. With respect to the Parkhurst Place frontage, the required setback is 50 feet and the proposed addition will be setback only 44.4 feet from the street. However, the building structure actually complies with the 50-foot setback requirement and the need for a variance is triggered by the unique "fin" roof structure which overhangs the building and intrudes into the required setback area. As such, the addition substantially complies with the setback requirement and the approval of a variance for this minor deviation may be granted without any substantial detriment to adjacent properties on Parkhurst Place.

6. The Board also finds that the requested variance for the driveway gradient may be granted because the slope of the

existing driveway is approximately 20% and, therefore, the proposed 15% gradient represents an improvement over the current condition. In addition, the redesigned driveway will provide safer and more efficient access and circulation for the property and will not cause flooding or other negative impacts to neighboring properties.

WHEREAS, based on the aforementioned findings, the Board concluded that the applicant proved peculiar and exceptional practical difficulties and exceptional and undue hardship, and that the requested variances can be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(1); and

WHEREAS, based on the aforementioned findings, the Board also concluded that the applicant proved that the purposes of the Municipal Land Use Law will be advanced by the requested deviations from the zoning ordinance and that the benefits of such deviations will substantially outweigh any detriments, and will not cause substantial detriment to the public good or substantially impair the intent and purpose of the zone plan and zoning ordinance pursuant to N.J.S.A. 40:55D-70c(2).

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Montclair that the within application of Montclair

Kimberley Academy Foundation for preliminary and final site plan approval and variances be and is hereby granted in strict accordance with the site plan and details prepared by RCC Design, Inc., dated October 23, 2003, and the floor plans and elevation drawings prepared by Nadaskay Kopelson, Architects, dated October 17, 2003, subject to the following conditions:

1. The applicant shall submit a revised drainage plan providing for installation of an oversized pipe which shall be subject to review and approval by the Planning Board Engineer.

2. The applicant shall comply with the comments and recommendations contained in Paragraph 3 of the letter from the Planning Board Engineer, dated December 1, 2003.

3. The applicant shall obtain approval of the Essex County Planning Board and comply with all terms and conditions of said approval.

4. The applicant shall pay all required development fees to the Montclair Housing Trust Fund in accordance with Montclair Code Section 202-39 et seq.

5. The applicant shall be responsible for all inspection fees in accordance with Montclair Code Section 202-27.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the applicant, the Township Manager, the Township

Council, the Township Clerk, the Township Engineer, Township Tax Assessor and the Construction Code Official.

12-36 Lloyd Road - 1961-12-21

MONTCLAIR ACADEMY FOUNDATION, a non-profit organization organized under the laws of New Jersey, owners of property designated on the 1961 Tax Maps of the Town of Montclair as Map 36, Block C, Lots 52, 55, 57, 59 and Map 36, Block D, Lots 32, 33, 35, 37 and 39, applicant being the owner of all except Lot 37, Block D, which is under contract to purchase, and all of the lots under "D" being in the R-0 (Mountainside) single-family zone, and Lots 55, 57 and 59 in Block C being situated in the R-3 (garden apartment) zone and Lot 52 in Block C being partly in the R-0 and partly in the R-3 zone, having filed an application with the Inspector of Buildings for permission to construct a single building with six inter-connecting units on Lots 32, 33, 35, 37 and 39, Block D, Map 36 and proposes the demolition of all existing buildings except for a garage on Lot 52 Block C and the assistant headmaster's house on Lot 59, Block C of Map 36. The Inspector of Buildings of the Town of Montclair denied applicant a permit for the above for the following reasons: 1) That Section 6 of the Zoning Ordinance prohibits schools other than those operated by the Town of Montclair in the R-0 zone; 2) Section 31 of the Zoning Ordinance prohibits the enlargement or the extension of an existing non-conforming use.

The applicant thereafter, on the 28th day of September, 1961 filed an application with the Board of Adjustment, petitioning from said denial by the Inspector of Buildings, and the said appeal after due and lawful notice to the parties in interest having come on to be heard before the Board of Adjustment of the Town of Montclair, County of Essex and State of New Jersey on October 25, 1961, November 16, 1961, December 13, 1961, December 16, 1961, and the applicant having been represented by its attorney, Dickinson Debevoise, Esq., and an objector, Mr. Benjamin T. Burton having been represented by his attorney, George K. Meier, Jr., Esq., and the said Board having heard and considered all the testimony and evidence presented at the public hearings,

It is, on this 21st day of December, 1961

DECIDED and DETERMINED:

1. That the Montclair Academy Foundation is a non-profit corporation organized under the Laws of New Jersey and conducts a private non-profit school for boys from the seventh grade through high school.
2. That Montclair Academy was founded in 1887 by a group of Montclair citizens to provide a specialized type of education under the supervision of a proprietor. The school remained under proprietorship control until 1948 when a group of alumni formed the Montclair Academy Foundation and purchased the school, and have operated it ever since on a non-profit basis.
3. That the school has been in continuous operation at its present site since its establishment in 1887 and has maintained an outstanding scholastic record and reputation.
4. That the existing buildings on that portion of the subject property situated east of Lloyd Road are of frame construction and were erected between 1888 and 1909. The south end of what is known as the academic building (the present classroom building) was erected in 1888, the center portion in 1901, and the north end of the building completed in 1909. The gymnasium was constructed in 1890 and in 1904 a considerable addition was made to the Walden House for dining and dormitory facilities.
5. That the existing buildings which constitute the school plant are old, obsolete, functionally outmoded and totally inadequate to serve the present and future educational needs of a modern secondary day school, and that the inadequacies of the school plant cannot be overcome by maintenance, in fact a survey prepared for the Academy revealed that without rehabilitation so extensive as to constitute rebuilding, the existing buildings can be used only an additional two to five years after which they must be abandoned, and even if the existing

buildings were restored they would be completely inadequate to provide a plant for a good secondary school. The inadequacies of the school plant, among others, consist of the following: small classrooms, too few classrooms, unventilated classrooms, inadequate lighting, one obsolete laboratory of insufficient size which must be used for chemistry, physics and biology for all grades, a library extending through three connected rooms, no conference rooms for faculty, students or directors' meetings, no student activities rooms, only one wash room and coat room for student body and faculty, an inadequate dining room, outmoded kitchen, no auditorium, no stage for dramatic presentations, inadequate locker facilities, one toilet for gymnasium, and an abandoned indoor swimming pool. The top floor of the academic building and the top floor of Walden House were closed off some years ago for safety reasons, thus the student capacity of the plant was substantially curtailed. The entire physical plant of the school is inadequate and lacking as is the athletic area for the operation of a suburban day school.

6. That the annual student enrollment of the school since its establishment has ranged between 204 and 382 students, the present enrollment being 204.
7. That the school is non-sectarian, and that applications for admission have increased markedly during the past years, and for the year 1961 two applications were processed for every one admitted.
8. That the five properties on the west side of Lloyd Road (all a part of the application) are directly across the street from the Academy property on the east side of the street and that the third property south of Parkhurst Place on the west side of Lloyd Road was at one time the site of a dormitory of the school which was erected in 1894 and demolished in 1956.
9. That there was no proof that the existence of the Academy over these many years has had a deteriorating effect on residential properties that adjoin it to the south or to the west.
10. That a substantial portion of the Academy property fronts on Bloomfield Avenue, which has a daily average volume of 30,000 vehicles and is one of the most heavily traveled highways in Essex County.
11. That the proposed Academy project provides for a campus type design with new inter-connecting building units having a low building height and architecturally designed to fit the topographical conditions of the westerly portion of the site; the retention of the substantial open green space of the athletic field adjoining Bloomfield Avenue, provides an effective and desirable transitional use which constitutes a buffer area between Bloomfield Avenue and the residential properties that border to the south and west of the subject property.
12. That there are presently some 30 cars parked on adjoining streets of the school site by students and faculty members and that the traffic safety will be better served by the development of an off-street parking area, as hereinafter set forth, and that safety to students, faculty and adjoining properties is provided by the elimination of frame buildings and erection of new fireproof buildings.
13. That the proposed use of the premises is compatible with the residential character of the area and in furtherance of the general welfare of the community.

14. That the Academy has in the past and is presently serving a definite need in providing a superior academic program for students of Montclair and nearby communities, through formal academic work; through an athletic program in which every boy participates and through the emphasis of moral and spiritual values. The need to provide a new and modern school plant adequate in design and size to permit the education of a reasonably larger number of students in such a school plant as proposed and as hereinafter limited can be granted and such enlarged plant would be in furtherance of the general welfare and public good of the community.
15. The Board finds that adequate school plant facilities meeting the standards as proposed by this application including among others, classrooms, gymnasium, auditorium, lecture halls, dining and kitchen facilities, library, athletic fields, parking of faculty and student cars and housing accommodations for certain members of the faculty could not be constructed on the present Academy site (east of Lloyd Road) even if the student enrollment of the school were to remain at its present number of approximately 204.
16. That the continuous educational use of the present school for the past 73 years should not be endangered nor should the school be restricted in its efforts to provide a safe and adequate educational plant of fireproof buildings and of excellence in educational facilities of a campus type setting when such can be achieved without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone plan and Zoning Ordinance of the Town of Montclair, and that the educational and cultural use of the Montclair Academy premises is in furtherance of the welfare of the community.
17. That the application can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone plan and Zoning Ordinance of the Town of Montclair.

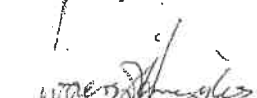
THEREFORE, BE IT RESOLVED: that the Board of Adjustment of the Town of Montclair, in the County of Essex and State of New Jersey, recommends to the Board of Commissioners of the Town of Montclair that the application of Montclair Academy Foundation be granted, and it be permitted to erect, maintain and operate the new school buildings and athletic fields in compliance with its filed plans as hereafter limited, and that the existing buildings on that portion of the property east of Lloyd Road, except for the assistant headmaster's house on Lot 59, Block C, and a garage on Lot 52, Block C, be demolished and with the height of the buildings not to exceed that shown on said plans and with the outside dimensions and lot coverage not in excess of those shown by the plans filed with the Board of Adjustment, as hereinafter limited and the setbacks from the streets and contiguous properties shall not be less than that as shown on the plans filed with the Board as hereafter limited, and such recommendation, however, to be conditioned upon the following:


1. That there be no parking area on properties west of Lloyd Road and no access drive to the property from Parkhurst Place.
2. That the Academy erect and maintain a fence of not less than 5 feet high along the westerly boundary of the site and plant and maintain a hedge of evergreens parallel to the fence and that vines be planted to grow on the fence for the purpose of providing screening and an accoustical barrier.

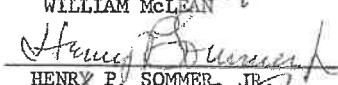
3. That no building be erected nearer to the westerly property line than 60 feet.
4. That a service drive to the new building be provided from Lloyd Road thence running approximately parallel to Parkhurst Place and approximately 50 feet from the southerly curb of Parkhurst Place, as shown by Exhibit A 24 dated December 13, 1961 Drawing #829 Epple & Seaman, architects.
5. That a parking lot on school property on the east side of Lloyd Road be provided to accommodate not less than 44 cars at a location and as shown by Exhibit A 24, dated December 13, 1961, Drawing #829 of Epple & Seaman.
6. That the enrollment of the school for any one semester be limited to 350 students and that the headmaster or the person in charge of the school file with the Inspector of Buildings of the Town of Montclair the enrollment count on or about October 15th of each school year.
7. That the buildings and development of the site be in compliance with the plans filed except that the parking area and service drive to the new buildings shall be as shown by Exhibit A 24, dated December 13, 1961 Drawing #829 of Epple & Seaman.
8. That no permanent, portable, or temporary loud speaker, public address system, powered megaphones or power loud hailer system or systems be used at any time or under any conditions in connection with outdoor activities on the school properties.
9. That no spectator stands be erected on the athletic field or premises.
10. That work be commenced on the construction of the new buildings within one year (365) days from the approval date of the application by the Board of Commissioners of the Town of Montclair provided such approval is granted.

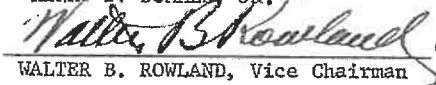
BOARD OF ADJUSTMENT OF THE TOWN OF
MONTCLAIR, IN THE COUNTY OF ESSEX


ROBERT F. EDWARDS, Secretary


WALTER J. HUNZIKER (Presiding) (Aye)


WILLIAM McLEAN (Aye)


HENRY P. SOMMER, JR. (Aye)


WALTER B. ROWLAND, Vice Chairman (Aye)

FILED and PUBLISHED this 28 day of December, 1961

January 2, 1962

To the Honorable Board of Commissioners
Town of Montclair
Municipal Building
Montclair, New Jersey

Re: Application of Montclair Academy
Foundation

Gentlemen:

Montclair Academy Foundation, a non-profit organization organized under the Laws of New Jersey, owners of property designated on the 1961 Tax Maps of the Town of Montclair as Map 36, Block C, Lots 52, 55, 57, 59 and Map 36, Block D, Lots 32, 33, 35, 37 and 39, applicant being the owner of all except Lot 37, Block D, which is under contract to purchase, and all of the lots under "D" being in the R-0 (Mountainside) single-family zone, and Lots 55, 57 and 59 in Block C being situated in the R-3 (garden apartment) zone and Lot 52 in Block C being partly in the R-0 and partly in the R-3 zone, having filed an application with the Inspector of Buildings for permission to construct a single building with six inter-connecting units on Lots 32, 33, 35, 37 and 39, Block D, Map 36 and proposes the demolition of all existing buildings except for a garage on Lot 52, Block C and the assistant headmaster's house on Lot 59, Block C of Map 36. The Inspector of Buildings of the Town of Montclair denied applicant a permit for the above for the following reasons: 1) That Section 6 of the Zoning Ordinance prohibits schools other than those operated by the Town of Montclair in the R-0 zone; 2) Section 31 of the Zoning Ordinance prohibits the enlargement or the extension of an existing non-conforming use.

The applicant thereafter, on the 28th day of September, 1961 filed an application with the Board of Adjustment, petitioning from said denial by the Inspector of Buildings, and the said appeal after due and lawful notice to the parties in interest having come on to be heard before the Board of Adjustment of the Town of Montclair, County of Essex and State of New Jersey on October 25, 1961, November 16, 1961, December 13, 1961, December 16, 1961, and the applicant having been represented by its attorney, Dickinson Debevoise, Esq., and an objector, Benjamin T. Burton, having been represented by his attorney, George K. Meier, Jr., Esq., and the said Board having heard and considered all the testimony and evidence presented at the public hearings, does recommend the granting of said application to the Board of Commissioners, giving the following reasons therefor:

1. That the Montclair Academy Foundation is a non-profit corporation organized under the Laws of New Jersey and conducts a private non-profit school for boys from the seventh grade through high school.

2. That Montclair Academy was founded in 1887 by a group of Montclair citizens to provide a specialized type of education under the supervision of a proprietor. The school remained under proprietorship control until 1948 when a group of alumni formed the Montclair Academy Foundation and purchased the school, and have operated it ever since on a non-profit basis.
3. That the school has been in continuous operation at its present site since its establishment in 1887 and has maintained an outstanding scholastic record and reputation.
4. That the existing buildings on that portion of the subject property situated east of Lloyd Road are of frame construction and were erected between 1888 and 1909. The south end of what is known as the academic building (the present classroom building) was erected in 1888, the center portion in 1901, and the north end of the building completed in 1909. The gymnasium was constructed in 1890 and in 1904 a considerable addition was made to the Walden House for dining and dormitory facilities.
5. That the existing buildings which constitute the school plant are old, obsolete, functionally outmoded and totally inadequate to serve the present and future educational needs of a modern secondary day school, and that the inadequacies of the school plant cannot be overcome by maintenance, in fact a survey prepared for the Academy revealed that without rehabilitation so extensive as to constitute rebuilding, the existing buildings can be used only an additional two to five years after which they must be abandoned, and even if the existing buildings were restored they would be completely inadequate to provide a plant for a good secondary school. The inadequacies of the school plant, among others, consist of the following: small classrooms, too few classrooms, unventilated classrooms, inadequate lighting, one obsolete laboratory of insufficient size which must be used for chemistry, physics and biology for all grades, a library extending through three connected rooms, no conference rooms for faculty, students or directors' meetings, no student activities rooms, only one wash room and coat room for student body and faculty, an inadequate dining room, outmoded kitchen, no auditorium, no stage for dramatic presentations, inadequate locker facilities, one toilet for gymnasium, and an abandoned indoor swimming pool. The top floor of the academic building and the top floor of Walden House were closed off some years ago for safety reasons, thus the student capacity of the plant was substantially curtailed. The entire physical plant of the school is inadequate and lacking as is the athletic area for the operation of a suburban day school.

6. That the annual student enrollment of the school since its establishment has ranged between 45 and 382 students, the present enrollment being 204.
7. That the school is non-sectarian, and that applications for admission have increased markedly during the past years, and for the year 1961 two applications were processed for every one admitted.
8. That the five properties on the west side of Lloyd Road (all a part of the application) are directly across the street from the Academy property on the east side of the street and that the third property south of Parkhurst Place on the west side of Lloyd Road was at one time the site of a dormitory of the school which was erected in 1894 and demolished in 1956.
9. That there was no proof that the existence of the Academy over these many years has had a deteriorating effect on residential properties that adjoin it to the south or to the west.
10. That a substantial portion of the Academy property fronts on Bloomfield Avenue, which has a daily average volume of 30,000 vehicles and is one of the most heavily traveled highways in Essex County.
11. That the proposed Academy project provides for a campus type design with new inter-connecting building units having a low building height and architecturally designed to fit the topographical conditions of the westerly portion of the site; the retention of the substantial open green space of the athletic field adjoining Bloomfield Avenue, provides an effective and desirable transitional use which constitutes a buffer area between Bloomfield Avenue and the residential properties that border to the south and west of the subject property.
12. That there are presently some 30 cars parked on adjoining streets of the school site by students and faculty members and that the traffic safety will be better served by the development of an offstreet parking area, as hereinafter set forth, and that safety to students, faculty and adjoining properties is provided by the elimination of frame buildings and erection of new fire-proof buildings.
13. That the proposed use of the premises is compatible with the residential character of the area and in furtherance of the general welfare of the community.
14. That the Academy has in the past and is presently serving a definite need in providing a superior academic program for students of Montclair and nearby communities, through formal academic work; through an athletic program in which every boy participates and through the emphasis of moral and spiritual

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values. The need to provide a new and modern school plant adequate in design and size to permit the education of a reasonably larger number of students in such a school plant as proposed and as hereinafter limited can be granted and such enlarged plant would be in furtherance of the general welfare and public good of the community.

15. The Board finds that adequate school plant facilities meeting the standards as proposed by this application including among others, classrooms, gymnasium, auditorium, lecture halls, dining and kitchen facilities, library, athletic fields, parking of faculty and student cars and housing accommodations for certain members of the faculty could not be constructed on the present Academy site (east of Lloyd Road) even if the student enrollment of the school were to remain at its present number of approximately 204.
16. That the continuous educational use of the present school for the past 73 years should not be endangered nor should the school be restricted in its efforts to provide a safe and adequate educational plant of fireproof buildings and of excellence in educational facilities of a campus type setting when such can be achieved without substantial detriment to the public good and without ~~without~~ substantially impairing the intent and purpose of the Zone plan and Zoning Ordinance of the Town of Montclair, and that the educational and cultural use of the Montclair Academy premises is in furtherance of the welfare of the community.
17. That the application can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone plan and Zoning Ordinance of the Town of Montclair.

On motion made and duly seconded, the following resolution was unanimously adopted:

THEREFORE, BE IT RESOLVED: that the Board of Adjustment of the Town of Montclair, in the County of Essex and State of New Jersey, recommends to the Board of Commissioners of the Town of Montclair that the application of Montclair Academy Foundation be granted, and it be permitted to erect, maintain and operate the new school buildings and athletic fields in compliance with its filed plans as hereafter limited, and that the existing buildings on that portion of the property east of Lloyd Road, except for the assistant headmaster's house on Lot 59, Block C, and a garage on Lot 52, Block C, be demolished and with the height of the buildings not to exceed that shown on said plans and with the outside dimensions and lot coverage not in excess of those shown by the plans filed with the Board of Adjustment, as hereinafter limited and the setbacks from the streets and contiguous properties shall not be less than that as shown on the plans filed with the Board as hereafter limited, and such recommendation, however, to be conditioned upon the following:

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1. That there be no parking area on properties west of Lloyd Road and no access drive to the property from Parkhurst Place.
2. That the Academy erect and maintain a fence of not less than 5 feet high along the westerly boundary of the site and plant and maintain a hedge of evergreens parallel to the fence and that vines be planted to grow on the fence for the purpose of providing screening and an accoustical barrier.
3. That no building be erected nearer to the westerly property line than 60 feet.
4. That a service drive to the new building be provided from Lloyd Road thence running approximately parallel to Parkhurst Place and approximately 50 feet from the southerly curb of Parkhurst Place, as shown by Exhibit A 24 dated December 13, 1961 Drawing #829 Epple & Seaman, architects.
5. That a parking lot on school property on the east side of Lloyd Road be provided to accommodate not less than 44 cars at a location and as shown by Exhibit A 24, dated December 13, 1961, Drawing #829 of Epple & Seaman.
6. That the enrollment of the school for any one semester be limited to 350 students and that the headmaster or the person in charge of the school file with the Inspector of Buildings of the Town of Montclair the enrollment count on or about October 15th of each school year.
7. That the buildings and development of the site be in compliance with the plans filed except that the parking area and service drive to the new buildings shall be as shown by Exhibit A 24, dated December 13, 1961 Drawing #829 of Epple & Seaman.
8. That no permanent, portable, or temporary loud speaker, public address system, powered megaphones or power loud hailer system or systems be used at any time or under any conditions in connection with outdoor activities on the school properties.
9. That no spectator stands be erected on the athletic field or premises.
10. That work be commenced on the construction of the new buildings within one year (365) days from the approval date of the application by the Board of Commissioners of the Town of Montclair provided such approval is granted.

Very truly yours,

Robert F. Edwards
Secretary

MAYOR OSBORNE

November 27, 1962

WHEREAS, by resolution adopted January 9, 1962, the Board of Commissioners did approve the recommendation of the Montclair Board of Adjustment and did grant to Montclair Academy Foundation permission to construct, operate and maintain a private school on premises known and designated as Map 36, Block C, Lots 52, 55, 57 and 59, and Map 36, Block D, Lots 32, 33, 35, 37 and 39, including school buildings, athletic fields and other buildings incidental to the operation of a private school, the grant of which permission was subject to the condition, among others, that work be commenced on the construction of the new buildings within one year from the date of said resolution of January 9, 1962; and

WHEREAS, by reason of the fact that an appeal was thereafter taken to the Superior Court of New Jersey to review said action of the Board of Commissioners, which said appeal is still pending and has not been finally determined, the said Montclair Academy Foundation has been and will be unable to commence the construction of the new buildings until the final determination of said appeal; and

WHEREAS, the said Montclair Academy Foundation has

requested that the time for the commencement of the work on the construction of the new buildings be extended until one year from and after the final determination of said appeal, now therefore

BE IT RESOLVED by the Board of Commissioners of the Town of Montclair, in the County of Essex, that in the light of the foregoing the time within which the said Montclair Academy Foundation shall commence work on the construction of the new buildings under the variance granted to it by resolution adopted January 9, 1962, be and the same hereby is extended until one year from and after the final determination of the pending appeal of this matter, and

BE IT FURTHER RESOLVED that all other terms, provisions and conditions of said resolution of January 9, 1962 are to remain unchanged.

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the Board of Commissioners of the Town of Montclair, in the County of Essex, at its meeting held
November 27, 1962

Rouss E. Jue
Clerk of the Town of Montclair, N. J.