

The Chairman called the meeting via zoom to order and stated it was being held in compliance with the “Open Public Meeting Act” and had been duly noticed and published as required by law.

ROLL CALL

Present: Mr. Cohen, Mr. Daddario, Mr. Willard, Mr. Leoncio, Mr. Cupersmith, Mr. Senges.

Absent: Mr. Weil, Mr. Pannu.

Also, present: Chris Norman, Board Solicitor, Stella R. Sytnik, Zoning Board Secretary.

MINUTES FOR APPROVAL

Mr. Senges motioned to approve the Minutes from the July 23rd Zoning Board meeting; seconded by Mr. Willard; none (0) against; Mr. Daddario and Mr. Cupersmith abstained.

RESOLUTIONS FOR APPROVAL

Mr. Cohen motioned to approve **RESOLUTON NO. 20-14** seconded by Mr. Cupersmith; none (0) against.

Ayes: Mr. Cohen, Mr. Willard, Mr. Leoncio, Mr. Senges.

Nays: None.

Abstention: Mr. Daddario, Mr. Cupersmith

NEW BUSINESS

HGE FIG G LLC

1004 Laurel Oak Road

Block 198, Lot 10.06

Mr. Norman summarized the Application stating the Applicant is seeking relief from Section 152.062 for use variance approval to revise age limit for children from 2-year old and on to 6-18 months old and on. No changes to school property, and/or other relief as required.

Mr. Senges asked the Applicant’s Attorney to testify.

Mr. Norman swore in Ms. Barbara Casey of Ballard Spahr, LLP.

Ms. Casey explained the nature of the application, noting she was in front of the Board back in 2018. Then in January 2020 the Applicant came before the Board to change children’s age restriction. Right now, the resolution states student body 2-year old and up. The Applicant had previously requested 2-year age limit reduced. However, on this evening they are only seeking to reduce children’s age from 18 months old and up. Ms. Casey noted that after a long discussion, the Applicant believes this is an appropriate cut-off age. The toddler room and layout of the building will not be changing. The number of toddler rooms will not be changing, one room only remains as it was. Number of employees will not be changing They are not to changing any of that by virtue of the students’ age change.

Mr. Senges mentioned the Board had a very similar application in the past, and it was brought up by engineer for that application that when one deals with children under 2 years of age, there are additional state requirements.

Ms. Casey introduced her expert witnesses to address the above concerns.

Mr. Norman swore in Mr. Bailey, Mr. Hennigan, and Mr. Walsh.

Mr. Aaron Bailey, Director of Licensing & Government Affairs Higher Ground Education.

Mr. Walsh, Director of Construction, appeared in front of the Board in January. Ms. Casey advised the Board that he is present as well in case public has any questions.

Mr. Erin Hennigan, Senior Director of School Success, Higher Ground Education in charge of Operation.

Mr. Norman noted for the record that Mr. Leoncio joined the meeting at that time.

Ms. Casey asked the witnesses to share their qualifications and respective roles in the school.

Mr. Bailey testified that he has been with the school since right after its founding of the company. He is responsible for regulatory compliance components and licensing, all in-school regulations, K-12 education and anything that affects childcare. In that capacity he personally licensed all 70 of these schools in 15 states. He is personally on all licenses as a representative of the applicants and is personally liable for everything. The school here in NJ does not require licensing. NJ admin code 3 (A) 52-1.3 exempts kindergarten and pre-kindergarten programs or childcare centers that are privately owned.

Mr. Hennigan testified that he has been at this facility for over 2 years and with Montessori over 15 years. He manages team of directors who in turn have managerial responsibilities for operations. He oversees newer schools like this one and makes sure school functions well from the operational perspective.

Ms. Casey asked to confirm that even though the original application talked about unlimited age group, the school operation decided to have the cut off. Mr. Hennigan acknowledged that was the case and that there will be zero changes to a number of teachers, students, schedule or curricula. Students are limited to 12 per class with overall 132 number of students.

He addressed toilet training and trash removal. They expect all toddlers to go through toilet training process, and it makes no difference whether they are 18 months or 2-year old, it is the same quick process. There will also be no difference in terms of trash generation in his opinion.

Mr. Senges asked what made the Applicant decide 18 months as opposed to unlimited age. Mr. Hennigan answered that it made more sense to them.

Ms. Casey asked if the Board members had any questions.

Mr. Senges offered a general comment stating that the original application was very limited in amount of information as to number of children, the systems and how they will care about younger children. That is why the Board had a concern about state requirements. The witnesses in the January hearing could not answer those questions. Today is entirely different application, as the Applicant is not increasing number of students, unlike in January, and age limit is 18 months plus with the same number of students which will not require additional supervision. In Mr. Senges' opinion, it is a much simpler request. The Chairman pointed out he is sure the Board members will have additional questions but that simplifies the matter dramatically.

Mr. Senges opened the floor to the Board for questions.

Mr. Cohen asked whether there will be a waiting list for parents during this time of Covid-19.

Mr. Hennigan confirmed that as soon as they fill in the program in the fall with 12 students, they will start a wait list on first come first serve basis.

Mr. Senges opened the floor to the public.

Seeing no one in the public, the Chairman closed public portion and asked the Board for comments and questions or a motion.

Mr. Norman summarized the motion stating the overall cap of 132 students, 12 per class. He noted that the Applicant will have to comply with state requirements during the pandemic with an outside agency.

Ms. Casey agreed.

Mr. Cohen motioned to approve the Application seconded by Mr. Willard.

Ayes: Mr. Cohen, Mr. Willard, Mr. Daddario, Mr. Leoncio, Mr. Cupersmith, Mr. Senges

Nays: None

Abstention: None

Seeing no further business Mr. Willard made a motion to adjourn, seconded by Mr. Cohen.

Stella R. Sytnik
Zoning Board Secretary