

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
March 19, 2015**

The West Orange Zoning Board of Adjustment held a regular meeting on March 19, 2015 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Buechler called the meeting to order at approximately 8:00 P.M. It was announced that notification of this meeting was given to the Township Clerk, the West Orange Chronicle, and posted on the Township Bulletin Board on December 11, 2014 in accordance with the "Open Public Meetings Act."

Chairman Buechler asked everyone to stand for the Pledge of Allegiance.

Alice Beirne, Esq., Board Attorney, read the Opening Statement.

PRESENT: Bruce Buechler, Deborah Gabry, Philip D. Neuer, Bart Quentzel,
Irv Schwarzbaum, William Steinhart, Mark Sussman

ABSENT: G. Bullock (excused)
A. Weiss (excused)

ALSO PRESENT: Paul Grygiel, Consulting Planner
Eric Keller, Consulting Engineer
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
H. Grossman, Esq., Public Advocate
D. Dillon, Audio-Digital Transcription Service

ANNOUNCEMENTS

Future Meetings: March 26, 2015 (Special Meeting) 8:00 pm
April 16, 2014 (Regular Meeting) – 8:00 pm
May 21, 2015 (Regular Meeting) – 8:00 pm
June 18, 2015 (Regular Meeting) – 8:00 pm

MINUTES

Adopt Minutes: February 19, 2015 (regular meeting)

Chairman Buechler asked the Board Members if they had any additional comments to the February 19, 2015 regular meeting that were submitted to them for review. Seeing none, he asked for a motion to approve said minutes.

Vice Chairman Neuer made a motion to approve the minutes of the February 19, 2015 regular Zoning Board of Adjustment meeting as submitted to the Board members; Mr. Quentzel seconded the motion and all were in favor.

It was noted for the record that Chairman Buechler and Mr. Steinhart was present but did not vote on these minutes.

Adopt Minutes: February 26, 2015 (special meeting)

Chairman Buechler asked the Board Members if they had any additional comments to the February 26, 2015 special meeting that were submitted to them for review. Seeing none, he made a motion to approve said minutes.

Ms. Gabry seconded the motion to approve and all were in favor.

It was noted for the record that Vice Chairman Neuer was present but did not vote on these minutes.

SWEARING IN

Consulting Planner for the Township, Paul Grygiel, and Consulting Engineer for the Township, Eric Keller were sworn under oath.

RESOLUTIONS

1. ZB-14-10/Franco

Denied 2/19/15

Block: 176.25; Lot: 10; Zone: R-4

24 Ferris Drive

Seeking four (4) variances for installing an above ground swimming pool

Chairman Buechler stated that Vice Chairman Neuer submitted comments to Ms. Beirne for this resolution. Ms. Beirne stated that she approved those comments and they were incorporated into the resolution.

Chairman Buechler asked if any other Board Member had any comments; seeing none Chairman Buechler asked for a motion to adopt the resolution.

Vice Chairman Neuer made a motion to adopt the resolution with said revisions; Mr. Steinhart seconded the motion to adopt.

The vote was as follows:

Bullock:	-	Steinhart:	-
Gabry:	Yes	Sussman:	Yes
Neuer:	Yes	Weiss:	-
Quentzel:	Yes	Chairman Buechler:	-

2. ZB-14-14/Carter

Approved 2/19/15

Block: 96; Lot: 3; Zone: R-1

34 Oak Bend Road

Two "C" variances for the rear yard setback and impervious coverage for the Construction of an in-ground swimming pool, patio and pergola.

Chairman Buechler stated that Vice Chairman Neuer submitted comments to Ms. Beirne for this resolution. Ms. Beirne stated that she approved those comments and they were incorporated into the resolution.

Chairman Buechler asked if any other Board Member had any comments; seeing none Chairman Buechler asked for a motion to adopt the resolution.

Mr. Sussman made a motion to adopt the resolution with said revisions; Vice Chairman Neuer seconded the motion to adopt.

The vote was as follows:

Bullock:	-	Steinhart:	-
Gabry:	Yes	Sussman:	Yes
Neuer:	Yes	Weiss:	-
Quentzel:	Yes	Chairman Buechler:	-

APPLICATION(S)

1. ZB-15-01/T-Mobile Northeast LLC and New Cingular Wireless PCS, LLC

Block: 155; Lot: 40.01; Zone: B-2

8 Rooney Circle

Seeking a six (6) month extension of time for a previous Zoning Board approval For ZB-12-18 for a temporary wireless communication facility.

Gregory Meese, Esq., attorney for the applicant, approached the podium. Mr. Meese detailed the application stating that the applicant received temporary approval from this Board in 2012 for a wireless facility and they are requesting a six month extension.

Mr. Meese stated that the antennas had to be taken off of the PSE&G towers, due to a pole replacement project that was to take approximately two years, and at that time they would be

able to re-install their equipment on the new poles. He said that it is almost two years and the carriers thought that they would be going back to PSE&G's site but determined that the current site has a better RF solution for the carriers. Mr. Meese said that they are currently in negotiations with the Marriot to make the wireless facility on their property permanent. He said that if this does happen then they will file a permanent Zoning Board approval application.

Chairman Buechler asked Mr. Meese if he had any witnesses; he replied no.

Mr. Sussman asked Mr. Meese when they anticipate resolving this matter with the Marriot; he replied within four (4) to six (6) weeks.

Ms. Gabry asked Mr. Meese if they would be installing any additional equipment on the pole; he replied no.

Vice Chairman Neuer stated that the applicant will have to be back before this Board before August of this year.

Chairman Buechler advised Mr. Meese to try not to come back before the Board for another extension.

There were no further questions for Mr. Meese from the Board Members of the Board Professionals.

There were no members of the public that had any questions for Mr. Meese.

Chairman Buechler opened the meeting up for public comment.

There were no members of the public that had any comments.

Chairman Buechler closed the hearing.

Chairman Buechler made a motion to approve the application. He said that the conditions in the prior resolution, ZB-12-18, will be carried over for the additional six (6) months and that the applicant is required to submit a new document, acceptable to the Board Attorney, which will be recorded with the Essex County Register that indicates the variances are temporary. Chairman Buechler said that the document must be recorded fifteen (15) days after the resolution is adopted.

Vice Chairman Neuer seconded the motion to approve the application.

The vote was as follows:

Bullock:	-	Steinhart:	Yes
Gabry:	Yes	Sussman:	Yes
Neuer:	Yes	Weiss:	-
Quentzel:	Yes	Chairman Buechler:	Yes
Schwarzbaum:	Yes		

2. ZB-15-03/Seton Hall Preparatory School

Block: 82.01; Lot: 1; Zone: R-1

700 Prospect Avenue

Seeking final amended site plan approval for replacing grass with artificial Turf on the varsity baseball field.

Ms. Gabry is recused from hearing this application and stepped off of the dais.

EXHIBITS

A-1 – Utility and Grading Plan dated 9/10/08

A-2 – Utility and Grading Plan dated 3/2/15

Robert Williams, Esq., attorney for the applicant, approached the podium

Mr. Williams stated that the applicant is seeking final amended site plan approval for replacing grass with artificial turf on the varsity baseball field and the practice field and modifications to the drainage plans for the fields that were previously approved by resolution ZB-08-37.

Mr. Williams called his first witness.

Charles J. Stewart approached the podium and was sworn under oath.

Mr. Stewart stated that he has testified as a Professional Engineer before this Board many times. He asked Chairman Buechler if he wanted him to detail his professional and educational background. Chairman Buechler replied no and accepted Mr. Stewart as an expert in Professional Engineering.

Mr. Stewart presented the utility and grading plan, dated 9/10/08, that was previously approved by resolution ZB-08-37.

Chairman Buechler asked to have the utility and grading plan, dated 9/10/08, marked as Exhibit A-1 for identification.

Mr. Stewart referred to Exhibit A-1 and detailed the utility and grading plan that was previously approved.

Mr. Stewart presented the proposed utility and grading plan dated 3/2/15.

Chairman Buechler asked to have the proposed utility and grading plan dated 3/2/15 marked as Exhibit A-2 for identification.

Mr. Stewart referred to Exhibit A-2 and stated that they want to convert the varsity baseball field and the practice baseball field to artificial turf instead of grass. He said that they have also

increased the size of the underground storm water detention basin and added eight (8) rows of pipe under the practice baseball field.

Chairman Buechler asked Mr. Stewart if the artificial turf is considered pervious coverage; he replied yes.

Chairman Buechler asked why they would need pipes under the field if the turf is pervious. Mr. Keller explained that there will be additional runoff generated by the artificial turf.

Mr. Stewart stated that the site has been cleared of all the trees and they would like to start construction on approximately April 1st.

Mr. Schwarzbaum referred to Exhibit A-2 and asked why they were not installing retention pipes at the lower end of the practice field closer to the properties. Mr. Stewart explained how the water will run off and said that there will be no impact on the properties. Mr. Keller stated that they did not want the retention pipes to be too close to that area because they did not want the water going out to Mountain Road.

Mr. Steinhart asked Mr. Stewart if the static pressure would be better or worse because there will be less infiltration seeping into the ground under the fields; he said there will be no effect on any neighbors because there are no neighbors in the area they are putting the artificial turf.

Chairman Buechler stated for the record that Mr. Stewart was referring to Exhibit A-2 and pointing to the artificial turf on the easterly side.

There were no further question for Mr. Stewart from the Board Members of the Board Professionals.

There were no members of the public that had any questions for Mr. Stewart.

Mr. Williams stated that Mr. Keller requested that they discuss the difference between the artificial turf and the grass and how it is installed.

Chairman Buechler asked Mr. Keller if he had any issues with this; he replied no. Chairman Buechler said then they do not need to provide testimony regarding the difference between the artificial turf and the grass or how it is installed.

Chairman Buechler asked if any members of the public had any questions for Mr. Stewart; there were none.

Chairman Buechler closed the hearing.

Vice Chairman Neuer stated that this is the most straight forward application that this Board has seen in years and he urged the other Board Members to approve.

Vice Chairman Neuer made a motion to approve the application and Mr. Quentzel seconded the motion to approve.

The vote was as follows:

Bullock:	-	Steinhart:	Yes
Gabry:	Recused	Sussman:	Yes
Neuer:	Yes	Weiss:	-
Quentzel:	Yes	Chairman Buechler:	Yes
Schwarzbaum:	Yes		

3. ZB-14-08/Sai Hira Ram Trust, Inc.

Carried over from 2/19/15

Block: 177.02; Lots: 15.01 & 16; Zone: R-4

23-27 Laurel Avenue

Seeking "D" and several "C" variances for converting two properties

To use as a house of worship and related uses

Vice Chairman Neuer is recused from hearing this application and he stepped down from the dais.

Robert Williams, Esq., attorney for the applicant approached the podium.

Chairman Buechler stated for the record that he and Mr. Steinhart, who were absent at the last meeting that was held on 2/19/15, read the transcripts from that meeting that were provided to them and signed certification to that effect.

Mr. Williams stated that the applicant met with their neighbors and as a result of that meeting, and some comments made by the Board Members at the last Zoning Board meeting, they have agreed to make some changes to the plan.

Mr. Williams requested to be carried over to the next regular Zoning Board meeting held on 4/16/15 so that they have time to re-submit the revised plans ten (10) days before that meeting.

Chairman Buechler asked if any members of the public were present for this application; there were none.

Chairman Buechler stated for the record that this application will be carried over to the next Zoning Board meeting held on 4/16/15 and that no further notice will be necessary.

The meeting was adjourned by Chairman Buechler at 8:34 pm.

Adopted: April 16, 2015



Rose DeSena
Zoning Board Secretary