

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
July 16, 2015**

The West Orange Zoning Board of Adjustment held a regular meeting on July 16, 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, Diane Nash, Philip D. Neuer, Bart Quentzel,
Irv Schwarzbaum, William Steinhart, Mark Sussman, Alice Weiss

ABSENT: G. Bullock (excused)
D. Gabry (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: August 20, 2015 (regular meeting) – 8:00 pm
September 17, 2015 (regular meeting) – 8:00 pm
October 15, 2015 (regular meeting) – 8:00 pm

Chairman Buechler announced that application **ZB-15-08/Petrocelli**, that was scheduled to be heard at this meeting, has requested to be carried over to the next regular Zoning Board of Adjustment meeting held on 8/20/15. He stated for the record that no further notice will be required.

MINUTES

Adopt Minutes: June 18, 2015 (regular meeting)

Chairman Buechler asked the Board Members if they had any additional comments to the June 18, 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 June 18, 2015 regular Zoning Board of Adjustment meeting as submitted to the Board members; Mr. Steinhart seconded the motion and all were in favor.

SWEARING IN

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

DISCUSSION

- Chairman Buechler announced for the record that Laura Gavilanez, applicant for Zoning Board application ZB-13-11, filed a complaint with the Superior Court after the Zoning Board denied her application for establishing a hair salon on the first floor of her home. He said that the order was filed and the Plaintiff's complaint was dismissed.
- Chairman Buechler stated that the Zoning Board of Adjustment's Annual Report, which is required to be completed yearly by the MLUL, has been done on July 1st every year in the past. This date coincided with the term dates of the Board Members but, because the Township has changed the term dates to begin on January 1st of each year, he suggested that the reporting date for the Annual Report also begin on January 1st of each year. Chairman Buechler asked if all of the Board Members were in favor of changing the Zoning Board of Adjustment Annual Report date to January 1st of every year instead of July 1st; all were in favor and no one was opposed.

RESOLUTIONS

1. ZB-13-15/Quick Chek Corp.

Denied on 6/18/15

Block: 168; Lot: 26, 28; Zone: B-2

555 Northfield Avenue

Seeking multiple "D" and several "C" variances for site plan and subdivision approvals for developing a Quick Chek food store with fuel sales.

Chairman Buechler stated that this application was denied at the last regular Zoning Board meeting on June 18, 2015. He said that there were revisions to this resolution made by Vice Chairman Neuer and himself and Ms. Beirne stated that she accepted those revisions and incorporated them into the resolution.

Ms. Beirne also stated that there was one additional change made to this resolution and she will incorporate it into the resolution.

Chairman Buechler asked the Board Members if they had any other comments or changes for the resolution; seeing none he asked for a motion to approve the resolution with said changes.

Vice Chairman Neuer stated that Ms. Beirne did a suburb job in dealing with such a complex resolution and made a motion to adopt with said changes.

Mr. Steinhart seconded the motion.

The vote was as follows:

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

APPLICATION(S)

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

Carried from 6/18/15

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 stepped off of the dais.

Robert Williams, Esq. approached the podium. He stated that at the last meeting held on June 18, 2015 they left off with public comment.

Chairman Buechler asked if any members of the public had any comments.

Zeev Ben Zvi approached the podium and was sworn under oath. He stated that he lives at 5 Allsop Court and he does not object to the temple but he feels that they can build it without all of the variances. Mr. Ben Zvi stated that the parking will be worse than what they presented and that the overflow of cars will park illegal. He said that the people who will be coming to the temple do not live in West Orange so it will not benefit the town. Mr. Ben Zvi said that he moved to West Orange because it is a quiet town and he feels that this project will make the neighborhood noisy.

Travis McManigal approached the podium and was sworn under oath. He stated that he lives at 5 Allsop Court and said that he is opposed to this application. Mr. McManigal said there were inconsistencies from their experts, future operations were never addressed and that the applicant did not prove a true need for the variances. He said that their Planner got the facts wrong in his

report regarding the setbacks and he never defined what a small congregation is. Mr. McManigal said that their traffic engineer also had a questionable report. He said if this is a small congregation then why not build a smaller structure. Mr. McManigal said that they can build the temple without all of the variances if they really wanted to. He requested that the Board deny this application.

Mr. Williams asked Mr. McManigal if the proposed structure will be sixty feet (60') from his property instead of the two feet (2') it currently is; he replied yes.

Michael Moliere approached the podium and was sworn under oath. Mr. Moliere stated that he lives at 2 Ahern Way and he is opposed to all of the variances being requested. He said that when he purchased his home he was made aware of this project one month later. Mr. Moliere said that there were inconsistencies in their expert's testimonies, the structure is oversized and he has concerns about the site lines on Laurel Avenue. He requested that the Board deny this application.

Pei Liu approached the podium and was sworn under oath. She stated that she owns the property at 3 Barton Drive and lived there from 2006 to 2013. Ms. Liu said that if they build a house of worship on the property it will go from a quiet piece of property to a parking lot. She said that the location is not desirable and she has concerns about flooding because more water will come down her street. Ms. Liu said that traffic is also her concern and more cars will park on the street.

Chairman Buechler asked Ms. Liu if she can access the property from Barton Drive; she replied no.

Chairman Buechler asked Ms. Liu how increased traffic will affect Barton Drive; she said because there will be more traffic on Laurel Avenue.

Chairman Buechler stated that if there is a traffic jam on Laurel Avenue today cars will still have to wait and that anything is possible.

Mr. Williams asked Ms. Liu if she currently lives at 3 Barton Drive; she replied no.

Ms. Weiss asked Ms. Liu where she lives; she said Short Hills.

Judith Watts approached the podium and was sworn under oath. Ms. Watts stated that she lives at 4 Ahern Way and that her concern is traffic because this is a residential neighborhood. She said that she is also concerned about parking because if there is an overflow, they will park on Barton Drive or Ahern Way.

Kat Delacruz approached the podium and was sworn under oath. Ms. Delacruz stated that she lives at 3 Barton Drive and is in opposition to the variances on both of the lots. She said that the proposed building is a concern to all of the neighbors because of the size, the overflow of parking and traffic is a concern and that she also has concerns about the basement being built out in the future. Ms. Delacruz said that property values will decline and there is a

possibility of flooding. She said that there will be a decrease in their quality of life and that she is requesting that the Board deny this application.

Public comment was concluded.

Chairman Buechler advised Mr. Williams that there are five (5) voting Board Members present and that he has the right to push the vote off until there are six (6) voting Members present.

Mr. Williams stated that he would like to reserve that right until after the Board's discussion.

Chairman Buechler stated that the Board is not going to discuss anything until he makes his decision.

Mr. Williams stated that he would like to be carried over to the next regular Zoning Board meeting held on August 20, 2015.

Chairman Buechler stated that this will be adjourned until August 20th and that no further notice will be necessary.

Chairman Buechler stated that Mr. Williams will give his summation at this meeting and the Board Members will have their discussion.

Chairman Buechler advised Mr. Williams to order the transcripts for tonight's meeting.

Chairman Buechler asked Ms. Beirne if Mr. Schwarzbaum reads all of the transcripts from the previous meetings would he be able to vote on this application; she said that she was not sure and would find out.

Vice Chairman Neuer resumed his position on the dais.

2. ZB-15-06/Fell & Burton

Carried from 6/18/15

Block: 161.06; Lot: 34; Zone: R-4

15 Spring Hill Drive

"C" variance for a rear yard setback for an addition to the rear of the home

Philip Burton, applicant, and Joseph Primiano, architect for the applicant, approached the podium and were sworn under oath.

Mr. Primiano detailed his professional background as a licensed Architect in the State of New Jersey.

Chairman Buechler accepted Mr. Primiano as an expert in Architecture.

Mr. Burton stated that he is bringing his 92 year old mother to live with him and needs a bedroom for her so they would like to put an addition on in the rear of the home. He also said that his partner is handicapped and they will need two fully handicap accessible entrances.

Chairman Buechler asked Mr. Primiano to look at Mr. Grygiel's report and asked if he had any questions; he said no.

Mr. Primiano addressed Mr. Grygiel's report regarding the landscaping in the rear of the property and said that currently there are mature evergreen trees along there. He said that the applicant is not removing any trees and that the addition is going in the grassy area in the rear yard.

Chairman Buechler asked Mr. Burton if he would agree to additional landscaping if Mr. Grygiel recommends it; he replied yes.

Chairman Buechler asked Mr. Primiano if all of the windows, siding and materials on the addition will match the current exterior of the house; he replied yes.

Ms. Weiss asked Mr. Burton if his neighbors in the rear of the property have any objections; he said no. Mr. Burton said it is a convalescent home.

Mr. Sussman asked Mr. Primiano what the elevation of the addition will be; he said it will be lower than roof line.

Mr. Sussman asked Mr. Primiano what type of roof is it; he said a gable roof.

There were no further questions for Mr. Burton or Mr. Primiano from the Board Members or the Board Professionals.

There were no questions for Mr. Burton or Mr. Primiano from members of the public.

Chairman Buechler asked if any members of the public had any comments; seeing none the Chairman declared the meeting closed.

Chairman Buechler opened the meeting up for discussion from the Board Members.

Ms. Weiss stated that the applicant is adding basically twelve feet (12') and that the application should be approved.

Vice Chairman Neuer made a motion to approve the application; Chairman Buechler seconded the motion to approve.

The vote was as follows:

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

3. ZB-15-05/Chabad of West Orange

Carried from 6/18/15

A NJ Non-profit Corp.

Block: 176.02; Lots: 1 and 48.01; Zone: OB-1

401 Pleasant Valley Way

Preliminary and final site plan approval with "D (3)" and "C" variances to permit a house of worship

EXHIBITS

A-1 – Drawing P-1 of the floor plans of the existing building with a revision date of 3/12/15

A-2 - Site Plan Sheet SP2 dated 3/19/15

A-3 – Easement dated June 25, 1984

Chairman Buechler stated that he is recusing himself from hearing this application and turned the Chair over to Vice Chairman Neuer.

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

Mr. Williams stated that the applicant is proposing to relocate the existing House of Worship to a more accommodating building one door over.

Mr. Williams stated that he would like to call their architect as his first witness.

Seeman W. Schwartz approached the podium and was sworn under oath. Mr. Schwartz detailed his professional and educational background as a licensed architect in the State of New Jersey and stated that he has testified before this Board in the past.

Vice Chairman Neuer asked Mr. Schwartz if his license is current; he replied yes.

Vice Chairman Neuer accepted Mr. Schwartz as an expert in architecture.

Mr. Schwartz presented drawing P-1 of the floor plan of the existing building with a revision date of 3/12/15.

Vice Chairman Neuer asked to have drawing P-1 of the floor plan of the existing building with a revision date of 3/12/15 marked as Exhibit A-1 for identification.

Mr. Schwartz stated that they are proposing only one change to the existing buildings floor plans. He said that they would like to move the existing House of Worship to the building next door and referred to Exhibit A-1 detailing where they are proposing to relocate it. Mr. Schwartz stated that the House of Worship will have one hundred and ten (110) seats in the space. He said that they will also offer classes in the new location.

Vice Chairman Neuer asked Mr. Schwartz if they presently offer classes in the current location; he replied yes.

Mr. Williams asked Mr. Schwartz what was in that space prior to this application; he said it was a blood center.

Mr. Sussman asked Mr. Schwartz if there is a lower level in the building; he replied yes but only on one side of the building.

Mr. Schwartz stated that they are leaving the building intact, taking down a partition inside of the building and adding a door on the outside.

Mr. Schwarzbaum asked Mr. Schwartz if there will be adequate bathroom facilities; he replied yes.

Vice Chairman Neuer asked if the Menorah will be removed; Mr. Williams answered and said yes because a prior resolution condition states that it has to be removed.

Mr. Grygiel asked Mr. Schwartz what the square footage of the proposed space will be; he said Mr. Petry will confirm the square footage.

Mr. Keller referred to Exhibit A-1 and asked Mr. Schwartz to identify what the space in the lower right corner will be because it was not identified and asked if that space was included in their parking calculations; Mr. Schwartz said that space will be used for storage and was not included in the parking calculations.

Vice Chairman Neuer said to include that space in the final plans.

Mr. Grossman asked Mr. Schwartz if they will be having Hebrew School in that space; he said he did not know.

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

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

Mr. Williams called his next witness.

J. Michael Petry approached the podium and was sworn under oath. Mr. Petry detailed his educational and professional background as a Professional Planner, Professional Engineer and an Architect all licensed in the State of New Jersey.

Vice Chairman Neuer asked Mr. Petry what he will be testifying as; he said a Professional Planner and a Professional Engineer.

Vice Chairman Neuer accepted Mr. Petry as an expert in professional planning and professional engineering.

Mr. Petry presented a rendered version of sheet SP2 of the site plan dated 3/19/15.

Vice Chairman Neuer asked to have the rendered version of sheet SP2 of the site plan dated 3/19/15 marked as Exhibit A-2 for identification.

Mr. Petry detailed what the prior approvals for the House of Worship were, the times for worship that were approved and the number of members in the congregation. He said that Chabad is under contract to purchase 401 Pleasant Valley Way and move the existing House of Worship into that building next door with the same numbers in their congregation and the same times for worship.

Mr. Petry said they will be moving into the space that was previously occupied by a blood center which was the largest tenant in that building. He said that all of the other medical use offices will remain in their current space.

Mr. Petry stated that there is a common easement for ingress and egress and a parking easement.

Mr. Petry presented a copy of the recorded easements dated June 25, 1984.

Vice Chairman Neuer asked to have the recorded easement dated June 25, 1984 marked as Exhibit A-3 for identification.

Vice Chairman Neuer stated for the record that Mr. Williams supplied copies of the easement to the Board Members.

Mr. Petry referred to Exhibit A-2 and detailed the two exterior changes that are being proposed and said that all of the other changes being proposed are interior.

Mr. Petry stated that the parking calculations were based on the number of patrons and that there are no changes to the congregation size or the religious programs at this facility.

Mr. Petry stated that a "d" variance is required because there are two uses on the same site. He then detailed all of the "c" variances being requested.

Mr. Petry stated that a House of Worship is inherently a beneficial use and he detailed the positive and negative criteria.

Mr. Petry stated that this use will use less parking then the previous use and that the House of Worship functions without any intrusion in this neighborhood.

Vice Chairman Neuer called for a recess at 9:30 pm.

Vice Chairman Neuer resumed the meeting at 9:40 pm.

Mr. Williams referred to the Omland Engineering memo dated 4/27/15 and asked Mr. Keller if he was satisfied with Mr. Petry's responses.

Mr. Keller referred to #4 of his memo and stated that the parking calculations were incorrect; the parking requirement should be for 66 parking spaces and not 63 parking spaces; Mr. Petry said he accepts that change.

Mr. Keller referred to #5 of his memo and suggested that they provide an 8' wide access isle to conform to current ADP requirement. He said that if they do that, they will lose one regular parking space.

Vice Chairman Neuer asked Mr. Williams will the applicant agree to this; he replied yes.

Vice Chairman Neuer asked Mr. Williams if the applicant will pave where there are pot holes; he said if approval is granted they will fill in the pot holes.

Vice Chairman Neuer stated that, as a condition of approval, the pot holes must be filled and seal coated thirty (30) days after the adoption of the resolution

Mr. Keller stated that the recorded easement has a condition to make repairs to the shared driveway and seek payment from the owner.

Mr. Grygiel asked Mr. Williams if any signage is being proposed; he said not at this time.

There were no further questions for Mr. Petry from the Board Members or the Board Professionals.

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

Mr. Williams stated that he can call the Rabbi to testify if any Board Member had any questions for him.

Vice Chairman Neuer asked if any member of the Board wanted to question the Rabbi; no Board Member wanted to question the Rabbi.

Vice Chairman Neuer asked if any members of the public had any comments; there were none.

Vice Chairman Neuer closed the public hearing and asked for a motion.

Ms. Weiss made a motion to approve with the following conditions:

- Provide an 8' wide access aisle handicap space
- Repair all of the pot holes
- All conditions from prior resolution ZB-06-01 to be incorporated into the resolution
- Menorah to be removed because 395 Pleasant Valley Way is no longer used for religious purposes
- Storage area to be marked on Sheet P-1 of the final plans

Mr. Quentzel seconded the motion to approve.

The vote was as follows:

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

Mr. Williams requested that the resolution be adopted at this meeting because the applicant's current lease is up on August 1, 2015.

Vice Chairman Neuer stated that this hearing will adjourn until 10:30 pm so that the resolution can be adopted at this meeting.

Vice Chairman Neuer resumed the hearing at 10:14 pm.

The Board Members read the resolution that Mr. Williams prepared and Ms. Beirne dictated what she added to the resolution.

Ms. Beirne read the findings from the Board Members and Vice Chairman Neuer and Mr. Sussman's comments.

Vice Chairman Neuer made a motion to adopt the resolution; Mr. Quentzel seconded the motion.

The vote was as follows:

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

4. ZB-15-07/Wakeman

Block: 164.02; Lot: 36; Zone: R-4

56 Oak Crest Road

“C” variance for widening an existing driveway

Gregory and Clarissa Wakeman, applicants, approached the podium and were sworn under oath.

Mr. Wakeman stated that they have a very old driveway and they would like to widen it so that they can accommodate another vehicle. He said that they are requesting a side yard variance.

Vice Chairman Neuer stated that they are required to have a 5’ side yard setback and they currently have almost 12’. He said when the driveway is widened it will be a 3’ setback.

Mr. Sussman asked Mr. Wakeman if the driveway will have a curve; he replied no.

Vice Chairman Neuer asked Mr. Wakeman if he received a copy of Mr. Grygiel’s report; he replied yes.

Mr. Wakeman stated that there are no other paved areas on the site and they are not proposing any additional landscaping.

Vice Chairman Neuer asked Mr. Grygiel if he was satisfied with this; he said yes.

There were no further questions for Mr. and Mrs. Wakeman from the Board Members or the Board Professionals.

There were no members of the public that had any questions for Mr. or Mrs. Wakeman.

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

Vice Chairman Neuer declared the public hearing closed.

Vice Chairman Neuer asked for a motion.

Mrs. Weiss made a motion to approve the application; Mr. Steinhart seconded the motion.

The vote was as follows:

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

5. ZB-15-09/Gurunathan

8 Knollwood Drive

Block: 161.06; Lot: 23; Zone: R-4

“C” variance to construct an enclosed patio AKA a sunroom in the rear of the house.

Chenthil Gurunathan, applicant, and Dominick Wronko, a representative of Tri-State Building Specialists, approached the podium and were sworn under oath.

Vice Chairman Neuer asked Mr. Wronko if he has a license; he replied yes.

Mr. Gurunthan stated that he is proposing to construct an enclosed sun room at the rear of his home.

Vice Chairman Neuer asked Mr. Gurunthan if he received a memo from Mr. Grygiel; he replied yes.

Vice Chairman Neuer asked Mr. Grygiel if he is satisfied with the current screening in the rear of the property; he replied yes.

Mr. Grygiel asked Mr. Gurunthan if he is proposing any changes to the existing patio; he replied no.

Mrs. Weiss asked Mr. Gurunthan if his neighbors in the back yard had any objection to what he is proposing; he replied no.

Mr. Sussman stated that he lives at 18 Knollwood Drive and asked Mr. Gurunthan if the sun room will be at grade level; he said it will be lower than the roof line.

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

There were no questions for Mr. Gurunthan from members of the public.

There were no comments from members of the public.

Vice Chairman Neuer declared the public hearing closed and asked for a motion.

Mr. Sussman made a motion to approve the application.

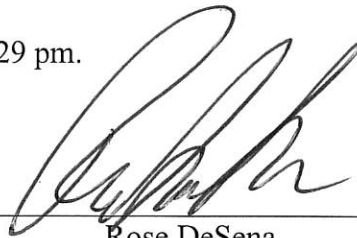
Mr. Schwartzbaum seconded the motion.

The vote was as follows:

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

The meeting was adjourned by Vice Chairman Neuer at 10:29 pm.

Adopted: August 20, 2015



Rose DeSena
Zoning Board Secretary