

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
September 15, 2016**

The West Orange Zoning Board of Adjustment held a regular meeting on September 15, 2016 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairman Neuer 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 the Star Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

Chairman Neuer announced that a digital tape recording system is being utilized to record the proceedings of the meeting and instructed the general public on how the audio of the proceedings may be reviewed or obtained.

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

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

PRESENT: B. Buechler, C. Darconte, D. Nash, P. Neuer,
B. Quentzel, W. Steinhart, M. Sussman, A. Weiss

ABSENT: D. Gabry (excused absence)
I. Schwarzbaum (excused absence)

ALSO PRESENT: Paul Grygiel, Acting Planner Director for the Township
Eric Keller, Consulting Engineer
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary
Harvey Grossman, Esq., Public Advocate

ANNOUNCEMENTS

Future Meetings: October 20, 2016 (regular meeting)
November 17, 2016 (regular meeting)
December 15, 2016 (regular meeting)

Chairman Neuer announced that due to a jurisdictional issue, applications ZB-16-06/Zamora and ZB-16-09/Birnboim that were scheduled to be heard at this meeting, have been carried over to the October 20, 2016 regular meeting of the Board.

Chairman Neuer announced that regarding application ZB-16-04/Piacenza that was scheduled to be heard at this meeting, the applicant has requested that this matter be carried over to the October 20, 2016 regular meeting of the Board.

For the above applications, no further notice will be given.

MINUTES

Adopt Minutes: August 18, 2016 (regular meeting)

Chairman Neuer stated that he submitted his comments to the Board Secretary for the minutes of the August 18, 2016 regular meeting and asked the Board Members if they had any additional comments; there were none.

Chairman Neuer asked for a motion to approve the minutes of the August 18, 2016 regular meeting.

Mr. Steinhart made a motion to approve the minutes of the August 18, 2016; Mr. Sussman seconded the motion and all were in favor.

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

SWEARING IN

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

RESOLUTIONS

- | | |
|--|----------------------------|
| 1. ZB-16-08/Lando
43 Carteret Street
Block: 154; Lot: 4; Zone: R-5
“c” variance for front yard setback for an addition to the front of an existing single family dwelling. | Approved on 8/16/16 |
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Chairman Neuer stated for the record that, as Chairperson, he is removing that resolution from the agenda. He said that there are some questions that arose and the Board will consider this resolution at the next Zoning Board of Adjustment meeting.

APPLICATIONS

- 1. ZB-16-07/The Ice Man of New Jersey, LLC** **Carried from 7/21/16**
Block: 117; Lot: 26; Zone: R-T
40 Columbia Street
Seeking “d” and “c” variances and minor subdivision approval to create two lots where there are two existing principal uses on one lot.

EXHIBITS

- A-1 - Certificate of Continued Occupancy #2015670 dated 7/30/15
A-2 - Colored rendering of the minor subdivision map –sheet 1 of 3 dated 3/10/16.
A-3 - Photo Board
A-4 - Aerial Photo with Tax and Zoning Maps – Sheet SP-3
A-5 - Parking and Loading Plan – Sheet SP-2

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

Mr. Williams detailed the application stating that the applicant is seeking minor subdivision approval to create separate lots for a site that has two existing separate uses on it; a two-family home and a business. He said that subdividing the lot would bring the property further into compliance with the Township ordinance.

Mr. Williams stated that Columbia Street, the street the site is located on, currently has several uses on it. He said that the two uses on the site have been there for many years and by subdividing the lot it allows the applicant to keep the business and sell the house. Mr. Williams stated that the applicant has also had difficulties insuring the property because of the two uses.

Mr. Williams called his first witness.

J. Michael Petry approached the podium and was sworn under oath. Mr. Petry stated that he will be testifying as the applicant’s Engineer and Planner.

Mr. Petry detailed his educational and professional background as a Professional Engineer and a Professional Planner licensed in the State of New Jersey.

Chairman Neuer asked Mr. Petry if he is a member of any Planners Associations; he said that he is a member of the American Planners Association.

Chairman Neuer asked Mr. Petry if he takes any of their educational courses; he said that he generally takes courses that overlap the multiple licenses he has as a Professional Engineer, Professional Planner and an Architect.

Chairman Neuer accepted Mr. Petry as an expert in Professional Engineering and Professional

Planning.

Mr. Petry presented sheet one (1) of three (3) of a colored rendering of the subdivision that was pre-marked as Exhibit A-2 for identification.

Mr. Petry referred to Exhibit A-2 and delineated the two-family home and the one story masonry building on the site.

Chairman Neuer asked Mr. Petry if he prepared Exhibit A-2; he said that it was prepared in his office.

Mr. Petry delineated the property lines on the site and detailed what occurs in the commercial building; he said that they produce and distribute ice.

Mr. Petry said that the business is seasonal and that the busy season has just ended. He said the business operates from 7:30 am to 5:30 pm and that the staff consists of four (4) people.

Mr. Petry detailed the parking spaces on site and said that the house does not utilize the parking spaces.

Mr. Petry stated that ice is made on the premises and that is the only function of the business. He said that there are three delivery trucks which perform morning and afternoon runs and that deliveries are primarily outgoing.

Mr. Petry stated that refuse is stored inside of the building and is taken to the curb on designated garbage days.

Mr. Petry presented a photo board that was pre-marked as Exhibit A-3 for identification. He said that the photos were taken under his supervision on July 16, 2016.

Mr. Petry referred to Exhibit A-3 and detailed the photos and noted that none of the parking spaces are striped in the parking lot.

Mr. Petry stated that the applicant is requesting to make a subdivision line on the lot dividing the residential use from the commercial use.

Vice Chairman Buechler asked Mr. Petry if overnight parking is allowed on Columbia Street; he said he does not know if the Municipality allows it.

Vice Chairman Buechler asked Mr. Petry where the people who live in the house on the site park their vehicles; he said he does not know.

Vice Chairman Buechler asked Mr. Petry if the applicant is proposing to take one non-conforming lot and subdivide it into two non-conforming lots; he replied yes.

Vice Chairman Buechler asked Mr. Petry if the existing buildings on the site pre-date the zoning ordinance; he replied yes.

Mr. Williams presented the Board with a copy of a continued certificate of occupancy issued by the Township's Building Department which was pre-marked as Exhibit A-1 for identification.

Mr. Williams stated that the existing buildings on the site were "grandfathered."

Mr. Petry stated that prior to this meeting, the applicant chose to make several changes to the plan based on Mr. Keller's letter dated June 29, 2016. He said that those changes were not reflected on the plans that the Board Members received and that he will clarify the issues in his testimony.

Chairman Neuer asked Mr. Petry if a subdivision plat was made yet; he replied no. Mr. Petry said that he did not revise the plans yet.

Mr. Petry stated that he will be amending the data chart as per item #3 in Mr. Keller's letter.

Mr. Petry presented sheet SP-2 of the Parking and Loading Plan that was pre-marked as Exhibit A-5 for identification.

Mr. Petry referred to Exhibit A-5 and detailed the parking designations. He stated that the plans submitted to the Board Members showed that the residential unit will have two on-site parking spaces but the client will use all of the parking spaces on the site for the commercial use. Mr. Petry said the residence will not use any of the parking spaces on the site.

Chairman Neuer asked Mr. Petry if he is a Traffic Engineer; he replied no. Mr. Petry stated that he owns half of a traffic engineering company and that he designs ingress and egress plans.

Chairman Neuer asked Mr. Keller if he discussed any of these amendments with Mr. Petry before the meeting; he replied no.

Chairman Neuer stated for the record that he is disgruntled that the Board and its' professionals did not receive a revised plan that showed all of the revisions that are the subjects of Mr. Petry's impending testimony.

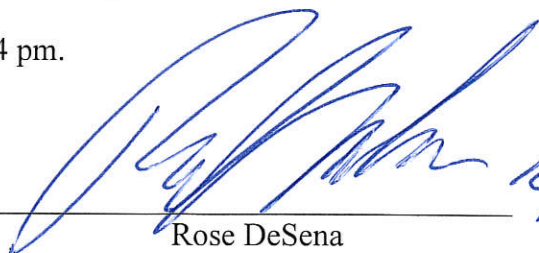
Chairman Neuer stated that changes are being made "on the fly" and said that he would like to recommend to the other Board Members that they adjourn until revised plans are submitted to them so that they can review the plans.

The record will reflect that all of the Board Members voted to carry this application until the next Zoning Board Meeting held on October 20, 2016 and that no further notice will be necessary.

Chairman Neuer stated that revised plans must be submitted directly to Mr. Grygiel, Mr. Keller and the Board Secretary at least ten (10) days before the hearing.

The meeting was adjourned by Chairman Neuer at 8:44 pm.

Adopted: October 20, 2016

 10/21/16

Rose DeSena
Zoning Board Secretary