

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
June 15, 2017**

The West Orange Zoning Board of Adjustment held a regular meeting on June 15, 2017 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, D. Nash, P. Neuer, B. Quentzel,
F. Sanders, I. Schwarzbaum, W. Steinhart,
M. Sussman, A. Weiss

ABSENT: D. Gabry (excused absence)
M. Straker (excused absence)

ALSO PRESENT: Paul Grygiel, Acting Planning Director for the Township
Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary

ANNOUNCEMENTS

Future Meetings: July 20, 2017 (regular meeting)
 August 17, 2017 (regular meeting)
 September 14, 2017 (regular meeting)

Chairman Neuer announced that application ZB-16-17/New Cingular Wireless PCS, LLC (AT&T), that was scheduled to be heard at this meeting, has, at the request of the applicant, been carried over to the next Zoning Board meeting to be held on July 20, 2017 and no further notice will be required.

MINUTES

May 18, 2017 (regular meeting)

Chairman Neuer stated that the draft minutes from the May 18, 2017 were circulated to all of the Board Members.

Chairman Neuer said that he submitted his comments for these minutes and asked if any Board Member had any additional comments; there were none.

Vice Chairman Buechler made a motion to approve the minutes of the May 18, 2017 meeting; Mr. Sussman seconded the motion and all were in favor.

It was noted for the record that Mr. Steinhart was present at this meeting but did not vote on these minutes.

June 1, 2017 (special meeting)

Chairman Neuer summarized the minutes; he stated that the applicant, **ZB-17-01/Redwood, LLC**, who had requested this special Zoning Board meeting advised the Board Secretary that the applicant would not proceed at that time.

Chairman Neuer stated that he called the June 1, 2017 special meeting to order.

Chairman Neuer stated that besides himself, Alice Beirne, Rose DeSena and Robert Williams, attorney for the applicant, were present.

Chairman Neuer stated that there was no quorum so that no formal business could be transacted and he performed the ministerial task of accepting the adjournment request with no definitive date for another hearing. Chairman Neuer further stated that convening the meeting was done to afford any interested parties a proper notification of this adjournment.

Chairman Neuer moved to approve the minutes of the June 1, 2017 special meeting and he also seconded the motion. Chairman Neuer then voted to approve those minutes.

SWEARING IN

Paul Grygiel, acting Planning Director for the township was sworn under oath.

APPLICATIONS

1. ZB-16-11/Facey

Carried from 5/18/17

Block: 85.03; Lot: 8; Zone: R-5

233 Mt. Pleasant Avenue

Applicant re-purposed an existing garage to be used as a den

Devon Facey, applicant, approached the podium.

Chairman Neuer stated for the record that Mr. Facey is present without an attorney and he is not required to have one.

Chairman Neuer asked Mr. Facey who he brought with him to testify as an expert witness; he said that he brought the person from whom they purchased the house. Chairman Neuer stated that the prior owner of the house is not an expert witness and advised Mr. Facey that if his application is denied, he cannot submit an identical application in the future.

Mr. Facey asked if he could adjourn until he could hire an expert to bring to the meeting to testify.

Jeffrey Kantowitz, attorney for objector Linda Stiles, approached the podium. He said that he will check with his client to see if she will agree to the postponement.

Mr. Facey stated that when he purchased the house he was not aware that the former garage had been turned into a den.

Mr. Kantowitz stated that they will agree to one last opportunity to come back before the Board; he said if he does not come back and proceed, then the Board would have to make adjudication with prejudice.

Mr. Kantowitz stated that he has a conflict on July 20, 2017 but he can be present at the August 17, 2017 meeting.

Chairman Neuer thanked Mr. Kantowitz and his client for this with the admonition that the Board was not bound by Mr. Kantowitz's statements regarding any action the Board may elect to take at the next hearing date.

Chairman Neuer stated for the record that Mr. Facey's attorney withdrew as his counsel on May 18, 2017 and that Mr. Facey is present at this meeting without counsel.

Chairman Neuer stated that the Board will grant Mr. Facey the continuance for the August 17, 2017 meeting and he can retain a new attorney.

Chairman Neuer addressed Mr. Facey and said that he will need an attorney and if he does not have an attorney present at the August 17, 2017 meeting the Board will have to go forward with the application.

Chairman Neuer also told Mr. Facey that he may also want to hire a professional planner or another expert witness.

Chairman Neuer stated that this application will be carried to the August 17, 2017 meeting and that no further notice will be necessary. He said this will be the first application on the agenda to be heard that evening.

2. ZB-17-05/Wang

Block: 161; Lot: 30; Zone: R-5

7 Oak Avenue

Requesting an extension of approval – ZB-14-00

Peter Wang, applicant, approached the podium and was sworn under oath. He stated that he lives at 112 Donaldson Avenue and is requesting an extension of time for a previous approval granted in 2014.

Chairman Neuer stated for the record that Mr. Wang's fence and driveway were encroaching into the South Mountain Reservation and one of the conditions of approval in Resolution ZB-14-00 was for him to obtain permission from Essex County to allow the encroachment. He said Mr. Wang hired an attorney to obtain permission from the County and was informed that they will not allow the driveway to encroach because it is not permitted by the Green Acres Program guidelines.

Mr. Wang stated that he took the fence down and removed the portion of the driveway that was encroaching. He said that the Township's Zoning Official, Ms. Adams, inspected the property and she can verify that both are removed. Mr. Wang stated that Ms. Adams told him that he can now apply for the

permits.

Mr. Wang stated that the reason he needs an extension is because it took over two years for the County to get back to him regarding the encroachment.

Chairman Neuer stated that the extension of time is for obtaining the permits; he said that Mr. Wang does not have to build immediately.

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

Chairman Neuer asked for a motion.

Vice Chairman Buechler recommended a condition of approval that, prior to any building permits being issued, Ms. Adams provide a letter stating that the fence and driveway were removed.

Ms. Weiss made a motion to approve the two year extension for a prior approval with said condition and Mr. Sussman Seconded the motion.

The vote was as follows:

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

4. ZB-17-04/Cameron

Block: 155.01; Lot: 47; Zone: R-5

27 Wedgewood Drive

Seeking a "c" variance for a rear yard setback to construct a deck in the rear of the property.

Angela Cameron, applicant, approached the podium and was sworn under oath.

Ms. Cameron stated that she would like to build a deck in her back yard and to do this requires a variance for the rear yard setback.

Ms. Cameron stated that her back yard slopes down slightly and gets muddy when it rains and a deck would allow them to enjoy their back yard.

Chairman Neuer asked Mr. Grygiel if he has any concerns regarding this; he said no. Mr. Grygiel said that it is a corner lot and the proposed deck would not be intrusive.

Vice Chairman Buechler asked Ms. Cameron if she received any comment from her neighbors; she said yes all positive.

Mr. Quentzel asked Ms. Cameron how high the deck will be; she said eight (8) feet.

Mr. Quentzel stated that the deck is being proposed without stairs and his concern is if there is an emergency.

Chairman Neuer stated that if a stairway is required from the township's building department, then the applicant will have to build one.

Chairman Neuer noted for the record that there were no members of the public present.

Chairman Neuer asked for a motion.

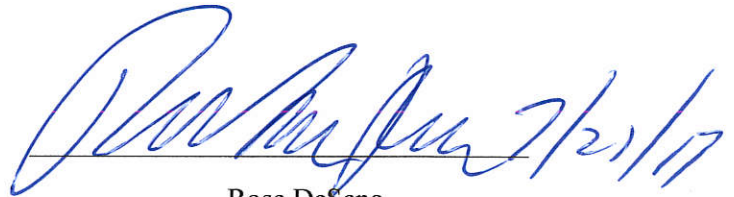
Vice Chairman Buechler made a motion to approve the application and Mr. Steinhart seconded the motion.

The vote was as follows:

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

The meeting was adjourned by Chairman Neuer at 8:47 pm.

Adopted: July 20, 2017



Rose DeSena

Zoning Board Secretary