

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
April 19, 2018**

The West Orange Zoning Board of Adjustment held a regular meeting on April 19, 2018 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 the Star Ledger and posted on the Township Bulletin Board in accordance with the "Senator Byron M. Baer Open Public Meetings Act."

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

PRESENT: B. Buechler, D. Gabry, P. Neuer, B. Quentzel,
I. Schwarzbaum, M. Straker, M. Sussman, A. Weiss

ABSENT: D. Nash, F. Sanders, W. Steinhart

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

ANNOUNCEMENTS

Future Meetings: May 17, 2018 (regular meeting)
June 19, 2018 (regular meeting)
July 19, 2018 (regular meeting)

*Application ZB-17-08/470 Eagle Rock Holdings that was scheduled to be heard at this meeting, has requested to be carried over and adjourned to the Zoning Board meeting scheduled for May 17, 2018 at 8:00 pm and no further notice will be required

MINUTES

February 15, 2018 (regular meeting)

Chairman Buechler stated that the draft minutes from the February 15, 2018 regular meeting were circulated to all of the Board Members.

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

Vice Chairman Neuer made a motion to approve the minutes of the February 15, 2018 regular meeting; Mr. Sussman seconded the motion and all were in favor.

It was noted for the record that Ms. Gabry, Mr. Schwarzbaum, Dr. Straker and Ms. Weiss were present but did not vote on these minutes because they were not in attendance at the February 25, 2018 meeting.

SWEARING IN

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

APPLICATIONS

1. ZB-18-01/Deutsche Bank Trust Co. c/o the Durkin Firm

Block: 154; Lot: 131; Zone: R-5

112 Conforti Avenue

Seeking two (2) "c" variances for front and side yard setbacks to install two (2) wheelchair access ramps.

EXHIBITS

A-1 – Construction plan sheet A-100 dated 3/16/18.

Elizabeth Durkin, attorney for the applicant, approached the podium.

Ms. Durkin stated that she would like to amend the application because the property has recently been purchased since the application was submitted; Chairman Buechler accepted Ms. Durkin's request to amend the application.

Ms. Durkin stated that Deutsche Bank is the trustee of this property for Ethan Roman who is a fifteen (15) year old male with cerebral palsy. Ms. Durkin stated that Ethan is confined to a

wheel chair, he is not verbal and has a feeding tube. She said that Ethan goes to a special school for children with cerebral palsy.

Ms. Durkin stated that Ethan also has two younger brothers living in this house and that it was chosen for this family because of the close proximity to the schools that all of the children will be attending.

Ms. Durkin stated that the property is required to be handicap accessible due to Ethan being confined to a wheelchair. They are seeking two (2) "c" variances for front and side yard setbacks because they are required to have two (2) means of egress so this is why they are proposing handicap ramps from the front and side door. Ms. Durkin stated that what is being proposed is the only alternative that they can come up with that is the least intrusive.

Ms. Durkin stated that the architect who designed the ramps will testify at this meeting and explain why the ramps were designed as such.

Chairman Buechler stated that Mr. Schwarzbaum sits on the West Orange Board of Education and asked Ms. Beirne if he should be recused from hearing this application; Ms. Beirne stated that none of the schools are within 200' of the property so Mr. Schwarzbaum does not have to recuse himself.

Ms. Durkin stated that Ethan and his mother were going to attend the meeting this evening but unfortunately Ethan had pneumonia last week and his mother was concerned about bringing Ethan out in this weather.

Ms. Durkin called her first witness.

Kevin Pellon, architect for the applicant, approached the podium and was sworn under oath. He stated that DSB Plus is his architectural firm and that he is a licensed architect in the State of New Jersey. Mr. Pellon stated that he designed the two wheelchair ramps being proposed.

Chairman Buechler accepted Mr. Pellon as an expert in architecture.

Chairman Buechler asked Mr. Pellon if there have been any modifications to the plans that were submitted to the Board; he replied no.

Mr. Pellon presented Sheet A-100 of the construction plan dated 3/16/18 that was marked as Exhibit A-1 for identification.

Mr. Pellon referred to Exhibit A-1 and detailed the dimensions and placement of the wheelchair ramps being proposed in the front and side yard of the house and why they were designed as such. He said that the side yard ramp was designed to match the existing deck in the rear of the house.

Mr. Neuer asked Mr. Pellon if he was consulted by the bank before the property was purchased; he replied no.

Mr. Schwarzbaum asked Mr. Pellon when he was retained by the applicant; he said that he believes it was November 2016.

Mr. Schwarzbaum asked when the house was purchased; Ms. Durkin replied and stated that she doesn't know because she was not involved with the purchase of the house.

Vice Chairman Neuer stated that he thinks that his property was not the perfect house for the family due to the configuration of the handicap ramps.

Mr. Schwarzbaum stated that he feels that there could possibly be a better home fitted for his family; a property that does not have so many grades.

Vice Chairman Neuer stated that the survey of the property shows two large trees on the left side of the house where the landing is being proposed and asked Mr. Pellon if they will be removing the trees; he did not know.

Chairman Buechler asked Mr. Pellon if anything has to be removed in the rear of the property in order to build the ramp; he said no. Mr. Pellon stated that the footprint will remain the same.

Chairman Buechler asked Mr. Pellon if the ramp will be the same width of the sidewalk; he said yes.

Chairman Buechler asked Mr. Pellon if any landscaping is being proposed in the front of the house; he said no not at this time.

Vice Chairman Neuer asked Mr. Pellon if any landscaping or buffering is being proposed in the side yard; he said no not at this time.

Mr. Quentzel asked Mr. Pellon if there is any way to elevate the driveway so that access to the house is easier; he said that originally a wheelchair lift was proposed to take Ethan to the driveway level but that did not work. Mr. Pellon said that they need 72 linear feet of ramp.

Mr. Schwarzbaum asked Mr. Pellon if they could install a hydraulic lift in the front of the house; he said no because the driveway is too steep. Mr. Pellon said that the wheelchair can be pushed up the driveway but the driveway is too steep for ADA compliance.

Ms. Gabry asked Mr. Pellon what kind of materials they are proposing for the ramp; he said pressure treated wood but they could also use Trex®.

Ms. Gabry asked Mr. Pellon how the ramp to the rear deck is going to be transitioned; he said with an aluminum connector.

Vice Chairman Neuer asked Mr. Pellon how far off of the ground the deck is; he said approximately 33 ½".

There was lengthy discussion regarding the placement of the ramps and alternative designs.

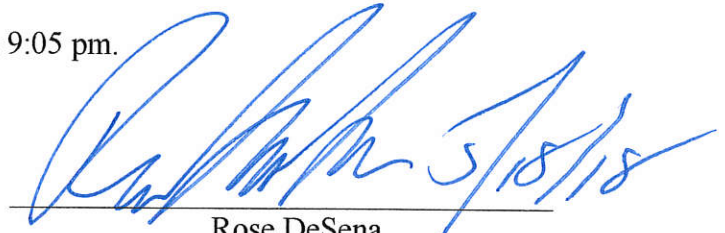
Vice Chairman Neuer suggested that that the architect meet with the neighbors and see what they suggest.

Chairman Buechler suggested to Ms. Durkin that the applicant adjourn this evening and discuss alternate designs with the neighbors; Ms. Durkin consented to adjourn to the next meeting on May 17, 2018.

Chairman Buecher stated that all revised plans must be submitted at least ten (10) days before the meeting and that no further notice will be required.

The meeting was adjourned by Chairman Bucher at 9:05 pm.

Adopted: May 17, 2018



Rose DeSena
Zoning Board Secretary