

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
August 16, 2018**

The West Orange Zoning Board of Adjustment held a regular meeting on August 16, 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, D. Nash, P. Neuer, B. Quentzel,
M. Straker, W. Steinhart, M. Sussman,

ABSENT: F. Sanders (excused)
I. Schwarzbaum (excused)
A. Weiss (excused)

ALSO PRESENT: Paul Grygiel, Acting Planning Director for the Township
James Giurintano, Acting Consulting Engineer for the Township
Patrick Dwyer, Esq., Acting Board Attorney
Rose DeSena, Board Secretary

ANNOUNCEMENTS

Future Meetings: September 20, 2018 (regular meeting)
October 18, 2018 (regular meeting)
November 15, 2018 (regular meeting)

Chairman Buechler announced that resolution for application ZB-18-05/Facey which is the Applicant's request for an amendment to a prior Board resolution for this property with regard to a condition related to exterior lighting at the rear of the house, will be adjourned until the September 20, 2018.

MINUTES

July 19, 2018 (regular meeting)

Chairman Buechler stated that the draft minutes from the July 19, 2018 regular meeting were circulated to all of the Board Members.

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

Chairman Buechler called for a vote to adopt the minutes from the July 19, 2018 as amended; all were in favor.

It was noted for the record that Ms. Gabry and Dr. Straker were present but did not vote on these minutes because they were not in attendance at the July 19, 2018 meeting.

REVISED ZONING BOARD RULES OF PROCEDURE ADOPTION

Chairman Buechler stated that Zoning Board Rules of Procedure were circulated to all of the Board Members with suggested revisions incorporated into them.

Chairman Buechler asked if there were any additional revisions from any of the Board Members; there were none.

Chairman Buechler asked for a motion to adopt the revised Zoning Board Rules of Procedure.

Vice Chairman Neuer made a motion to adopt the revised Zoning Board Rules of Procedure and Ms. Gabry seconded the motion.

The vote was as follows:

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

SWEARING IN

Paul Grygiel, acting Planning Director for the Township and James Giurintano, acting Consulting Engineer for the Township, were sworn under oath.

RESOLUTIONS

1. ZB-18-03/Warner

Approved on 7/19/18

Block: 161.04; Lot: 31; Zone: R-4

9 Knollwood Drive

Seeking a "c" variance for rear yard setback for a sunroom

Chairman Buechler stated that this resolution was circulated to all of the Board Members and that this version included comments from Vice Chairman Neuer and himself.

Chairman Buechler asked if any Board Member had any other comments; there were none.

Vice Chairman Neuer made a motion to adopt the resolution as submitted and Mr. Sussman seconded the motion.

The vote was as follows:

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

2. ZB-18-04/350 Pleasant Valley Realty, LLC

Approved on 7/19/18

Block: 152.22; Lot: 1428; Zone: R-5

350 Pleasant Valley Way

Seeking a "d" and "c" variances for amended site plan approval to construct Solar panels and solar canopies on site.

Chairman Buechler stated that Bowman Engineering submitted their technical review memo dated August 14, 2018 for this application and asked Mr. Giurintano if the applicant has completely complied in order for the Board to approve the resolution.

Mr. Giurintano stated that he is not prepared to give the Board an answer to that question.

Vice Chairman Neuer stated that items 1, 2 and 10 still remain open.

Chairman Buechler advised Mr. Giurintano to let the Board Secretary know if the applicant is in complete compliance and, if so, they will vote on this resolution at the next meeting held on September 20, 2018.

Chairman Buechler also advised the Board Secretary to let the applicant's attorney, Mr. Williams, know that the resolution is being carried over to the next meeting for adoption based on Bowman's determination as to whether the applicant is in complete compliance.

APPLICATIONS

1. ZB-18-02/Rosario

Block: 149.01; Lot: 30.01; Zone: R-6

10 Mountain Avenue

Seeking bulk variances for front yard setback and impervious coverage for the addition of a deck, patio and pool in the rear of the property.

Manny Rosario, applicant, approached the podium and was sworn under oath.

Chairman Buechler asked Mr. Rosario if he has counsel for his application; he replied no. Mr. Rosario stated that he has Professional Engineers present who will be testifying.

Chairman Buechler stated that there is a legal problem with this property because it is in two municipalities; West Orange and Montclair.

Chairman Buechler addressed Mr. Rosario and stated that it is his understanding that he has a letter from Montclair waiving their jurisdiction; Mr. Rosario said that is correct but he has not received the letter yet.

Chairman Buechler stated that there is an issue as to whether this Board can hear the application until Montclair properly waives their jurisdiction over the piece of property in their municipality.

Chairman Buechler stated that the Board does not have anything in writing that says that the West Orange Zoning Board can hear this matter by themselves.

Mr. Rosario asked if the Board can hear the application tonight and if Montclair does decide that they do not want to waive their jurisdiction then he would probably withdraw the West Orange application.

Vice Chairman Neuer explained to Mr. Rosario the legality of him doing that and said that the issue is that West Orange does not have the jurisdiction over the portion of his property that lies in Montclair. He also told Mr. Rosario that he believes that he is going to need an attorney to help figure all of this out.

Chairman Buechler stated that the Board does not believe that a letter from Montclair waiving jurisdiction will even be adequate; he said the Board believes that he will need a resolution from

either the Montclair Zoning Board or the Montclair Town Council stating that the West Orange Zoning Board can grant the zoning for the property that is in Montclair.

Chairman Buechler said that the Board is advising him to adjourn the matter until the next Zoning Board meeting so that he can obtain an attorney to get this resolved by either Montclair giving the West Orange Zoning Board full jurisdiction or that he ask the West Orange Zoning Board or Town Council to waive their jurisdiction.

Chairman Buechler stated that this is the issue that someone faces when their property straddles two municipalities.

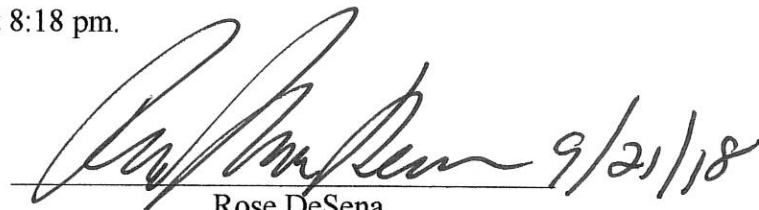
Mr. Rosario stated that he went to Montclair and they advised him that they always defer jurisdiction to the town that the taxes are paid in.

Chairman Buechler asked Mr. Rosario if he will give his consent to carry this matter over to the September 20, 2018 meeting with the understanding that once the Board gets a report from Montclair that this may or may not go forward; he said yes.

Chairman Buechler stated that this matter will be carried over to the September 20, 2018 meeting and that no further notice will be required.

The meeting was adjourned by Chairman Bucher at 8:18 pm.

Adopted: September 20, 2018


Rose DeSena
Zoning Board Secretary