

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
September 20, 2018**

The West Orange Zoning Board of Adjustment held a regular meeting on September 20, 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, J. Eben, P. Neuer, B. Quentzel, I. Schwarzbaum,
W. Steinhart, M. Straker, M. Sussman, A. Weiss

ABSENT: D. Gabry (excused)

ALSO PRESENT: Alice Beirne, Esq., Board Attorney
Rose DeSena, Board Secretary

ANNOUNCEMENTS

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

Application **ZB-18-02/Rosario**, that was scheduled to be heard at this meeting, has requested to be carried over and adjourned to the Zoning Board meeting scheduled for October 18, 2018 at 8:00 pm and no further notice will be required.

Chairman Buechler announced that he has been nominated by the Governor of New Jersey as a Superior Court Judge. He said that he is awaiting confirmation by the New Jersey State Senate which will occur in October and, once this happens, he will officially submit his resignation to the Mayor. Chairman Buechler stated that it was his pleasure serving on this Board for the past twenty plus years and wished his fellow Board Members good luck.

MINUTES

August 16, 2018 (regular meeting)

Chairman Buechler stated that the draft minutes from the August 16, 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.

Vice Chairman Neuer made a motion to adopt the minutes from the August 16, 2018 as amended; Mr. Sussman seconded the motion and all were in favor.

It was noted for the record that Mr. Eben, Mr. Schwarzbaum and Ms. Weiss were present but did not vote on these minutes because they were not in attendance at the August 16, 2018 meeting.

SWEARING IN

Jerome Eben was sworn in as a new Zoning Board Member.

RESOLUTIONS

- | | |
|---|-----------------------------|
| 1. ZB-18-04/350 Pleasant Valley Realty, LLC
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. | Carried from 8/16/18 |
|---|-----------------------------|

Chairman Buechler stated that Mr. Keller submitted his review for this resolution and that there are a few minor things that must be placed on the plans. He recommended that the Board adopt the resolution with the addition that no certificate of continued occupancy is issued to the applicant until the revised plans are approved by Mr. Keller.

Chairman Buechler made a motion to adopt the resolution with the modification and Vice Chairman Neuer seconded the motion.

The vote was as follows:

Gabry:	-	Schwarzbaum:	Yes
Vice Chairman Neuer	Yes	Steinhart:	Yes
Quentzel:	Yes	Straker:	-
Schwarzbaum:	-	Sussman:	Yes
Steinhart:		Weiss:	Yes
		Chairman Buechler:	Yes

2. ZB-18-05/Facey

Carried from 8/16/18

Block: 85.03; Lot: 8 & 10; Zone: R-5

233 Mt. Pleasant Avenue

Applicant is requesting an amendment to the resolution of approval to amend a condition related to exterior lighting at the rear of the house.

Chairman Buechler stated that the attorney for the applicant, Richard A. Brovarone, and the attorney for the objector, Jeffrey Kantowitz, are both present.

Richard A. Brovarone, attorney for the applicant, approached the podium.

Chairman Buechler asked Mr. Brovarone if he received a copy of a letter from Mr. Kantowitz dated September 20, 2018; he stated that Mr. Kantowitz just handed him a copy of the letter and he has not had a chance to read it.

Chairman Buechler asked Mr. Brovarone if he received it via email from Mr. Kantowitz; he replied no. Mr. Brovarone stated that Mr. Kantowitz just handed him the letter as he walked into the meeting.

Mr. Brovarone stated that he has been in communication with Mr. Kantowitz for the past two months trying to get this resolved and, because he just received this letter, he cannot comment on it right now.

Chairman Buechler recommended that the Board will go into executive session in connection with this resolution to discuss some of the issues raised in Mr. Kantowitz's letter dated September 20, 2018.

Chairman Buechler presented a motion to adjourn to executive session; all were in favor and the motion was carried.

Mr. Brovarone asked Chairman Buechler if litigation was threatened in Mr. Kantowitz's letter and if that was the reason the Board was going into executive session; Chairman Buechler replied yes.

Chairman Buechler stated that the meeting was in recess to conduct the executive session.

The Board returned from executive session and Chairman Buechler called the meeting back to order at 8:36 pm.

Chairman Buechler stated that as a result from the executive session, due to page four of Mr. Kantowitz's letter dated September 20, 2018 in regards to Mr. Schwarzbaum's participation as a Zoning Board Member as per the MLUL N.J.S.A. 40:55D-69 that requires him to be recused, the Board Attorney will do some research between now and the October 18, 2018 meeting because there is a question as to whether the Board of Education is under the Municipality because it is a separate body.

Chairman Buechler stated that, because the Board does not have an answer to the legal issue that Mr. Kantowitz raised, they are going to adjourn this matter until the next meeting held on October 18, 2018 and that no further notice will be required.

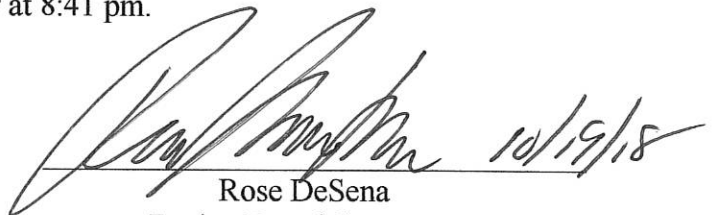
Mr. Brovarone approached and asked if the Board Attorney could write a letter to the Municipal Court stating that the Board is waiting for a determination as to whether Mr. Schwarzbaum should be recused.

Chairman Buechler advised Mr. Brovarone that if he wishes to send a letter in response to Mr. Kantowitz's letter that it has to be in the Board Secretary's office no later than October 9th with a copy to Mr. Kantowitz.

Chairman Buechler also stated that the Board Attorney could issue a letter to the Municipal Court and explain the legal issue that was raised regarding one of the Board Members.

The meeting was adjourned by Chairman Bucher at 8:41 pm.

Adopted: October 18, 2018


Rose DeSena
Zoning Board Secretary