

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
December 17, 2020**

The West Orange Zoning Board of Adjustment held a meeting on December 17, 2020 commencing 8:00 PM utilizing the virtual Zoom platform.

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 asked everyone to stand for the Pledge of Allegiance.

PRESENT: J. Eben, D. Gabry, P. Neuer, B. Quentzel, J. Redwine,
I. Schwarzbaum, M. Straker, M. Sussman

ABSENT: W. Steinhart (excused)
A. Weiss (excused)

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

ANNOUNCEMENTS

Future Meetings: January 21, 2021 (regular)
February 18, 2021 (regular)
March 18, 2021 (regular)

Chairman Neuer announced that **ZB-19-10/ 955 Pleasant Valley Way** that was scheduled to be heard at this meeting, has been carried over and adjourned to the Zoning Board regular meeting scheduled for January 21, 2021 and no further notice will be required.

Chairman Neuer also announced that **ZB -20-04/Valley Hill Properties, LLC** that was scheduled to be heard at this meeting will be not be heard and a hearing date will be determined at a later date.

Chairman Neuer stated that at the January Zoning Board meetings, the Board re-elect their Chair and Vice Chair. He said that he has agreed to serve as Chairman again and that Ms. Gabry and Mr. Schwarzbaum have agreed to serve as Vice Chair.

Chairman Neuer said the vote will be taken at the January 21, 2021 meeting.

MINUTES November 19, 2020 (regular meeting

Chairman Neuer stated that the draft minutes from the November 19, 2020 regular meeting were circulated to all of the Board Members.

Chairman Neuer asked if any Board Member had any comments; there were no comments except for Mr. Eben who stated that there were comments he made regarding the storage unit application that were left out.

Chairman Neuer stated that he should have emailed his comments to the Board Secretary, Himself and the other Board Members prior to this meeting as he normally does.

Mr. Eben stated that he feels the comments that were not included in the minutes were substantial.

Chairman Neuer said that he is postponing the adoption of these minutes and removing them from the agenda and they will be placed on the January 21, 2021 meeting agenda to be adopted.

Chairman Neuer advised Mr. Eben to email his comments to the Board Secretary so that she can distribute them to the other Board Members to review before the next meeting.

SWEARING IN

Paul Grygiel, acting Planning Director for the Township, and John Hess, consulting Engineer for the Township, were sworn under oath.

APPLICATIONS

1. ZB-20-05/Keith and Mary Beth Russell

Carried from 10/15/2020

Block: 164.08; Lot: 18; Zone: R-4

20 Oak Crest Road

Seeking "b" interpretations and "c" variance approval for a residential property

EXHIBITS

A-1 – Photo of the property showing the front of the house from the street that shows the existing driveway taken by the applicant on 10/15/2020.

A-2 - Photo of the front of the house taken by the applicant on 10/15/2020.

A-3 - Photo of the rear yard of the property taken by the applicant on 10/15/2020.

A-4 - Photo taken by the applicant on 10/15/2020 depicting the Japanese knotweed growing in the rear yard.

A-5 – Photo taken by the applicant on 10/15/2020 depicting the two (2) foot barrier wall.

A-6 – Survey of the property showing lot coverage calculations

Steve Tombalakian, attorney for the applicant, appeared and detailed the application. He stated that the last time he was here before this Board was on October 15, 2020 and the y were asked to come up with a drawing to provide the Board with the calculations to deal with the coverage issue.

Keith and Mary Beth Russell, applicants, were sworn under oath.

Mr. Tombalakian asked Mr. Russell what the status is of the vehicles that were parked on the property; he said that the vehicles were moved to another property that he purchased and they will not return those vehicles to the West Orange property. Mr. Russell said that if the military vehicle that he owns was to be used in a parade then he will park it on the property for a day or two.

Mr. Tombalakian asked Mr. Russell how many vehicles will be parked on the property; he said five (5) to six (6). Mr. Russell said those are the vehicles for all of the family members living in the house.

Mr. Tombalakian presented a copy of the marked up property survey that was marked as Exhibit A-6 for identification.

Mr. Russell referred to Exhibit A-6 delineating the rear of the property and stated that he will install a barrier wall at that location so that vehicles cannot enter the property. He said that no motor vehicles will be parked beyond that wall.

Mr. Russell also delineated on the Exhibit where the parking spaces will be located on the site and said that six (6) motor vehicles can be parked to the left of the proposed barrier wall.

Mr. Tombalakian asked the Board to allow the Russell's to modify their property in order to limit how many vehicles can be parked on the site.

Chairman Neuer asked Mr. Tombalakian if Exhibit A-6 shows compliance with the thirty (30) percent coverage; he said they believe that they are within the thirty (30) percent because they are eliminating rear yard parking. Mr. Tombalakian said that they might be in exceedance of the side yard property.

Chairman Neuer asked Mr. Tombalakian if he would like to amend the application to add a variance request for exceeding thirty (30) percent coverage for the side and front yard parking; he said yes.

Chairman Neuer asked Mr. Russell how he came up with the calculations on the plan; he said he performed the measurements with a tape measure and that they are approximations.

Chairman Neuer asked Mr. Russell how he will construct the barrier wall; he said the wall will be constructed of two-sided concrete blocks that will match the existing walls on his property.

Chairman Neuer stated that the Board will need to see details on how the wall will be constructed.

Chairman Neuer asked Mr. Russell if all three (3) of his daughter live in the house; he said yes.

Chairman Neuer asked Mr. Russell the ages of his daughters living in the house; he said seventeen (17), eighteen (18) and nineteen (19).

Mr. Redwine asked Mr. Russell if the measurements he provided on the Exhibit are inclusive of the designated parking spaces; he said yes.

Mr. Eben asked Mr. Russell why he is not parking any of the cars in the garage; he said the vehicles are all SUV's and are higher than 6 feet and will not fit in the garage.

Mr. Eben asked Mr. Russell what is currently in the garage; he said storage racks and refrigerators.

Mr. Schwarzbaum asked Mr. Russell what the height of the barrier wall will be; he said 24x12" wide and eight (8) to ten (10) inches high. Mr. Russell said each block will be stacked and glued and one (1) block will be at grade and three (3) blocks will be above grade.

Chairman Neuer advised Mr. Tombalakian that there is no way the Board can approve this application based on this Exhibit; he said that they will need the proper calculations and a sketch of the barrier wall.

Chairman Neuer said that this application will be carried over to the January 21, 2021 regular meeting and that no further notice will be required.

2. ZB-20-12/J.O.Y. Church of God, Inc.

Block: 160; Lot: 11; Zone: R-4

446 Northfield Avenue

Proposing to utilize portions of an existing mixed commercial use building as a place of worship with "d" and "c" variances".

Rick Schkolnick, attorney for the applicant, appeared and stated that the applicant is proposing to utilize portions of their existing mixed commercial use building as a place of worship.

Mr. Schkolnick stated that the House of Worship is a conditional use and they are also seeking a use variance for more than one principal use on the lot.

Mr. Schkolnick said that there are also bulk variances that are being requested for this application and he detailed them.

Chairman Neuer stated that Mike Petry signed the plans that were submitted to the Board and asked Mr. Schkolnick why he was not present to testify; Mr. Schkolnick said that Mr. Petry had a conflict and there is someone else from his office here to testify.

Pastor Douglas Adams, applicant, appeared and was sworn under oath.

Pastor Adams detailed the background of the House of Worship and said that it has been located in town for many years.

Pastor Adams stated that there was an existing tenant located in the basement of the building when he purchased the property and that the tenant will remain there.

Pastor Adams said that during services, children between the ages of four (4) and eleven (11) will utilize the second floor with adult supervision as a learning space; he said there will be approximately thirteen (13) to fourteen (14) individuals there during that time.

Pastor Adams said that approximately eighteen (18) to twenty two (22) adults will attend services on the first floor; he said that currently they have live stream service due to COVID. Pastor Adams said the typical attendance would be thirty five (35) to forty (40) which includes the children. He said that he will add a second service on Sunday if need be.

Pastor Adams said that there will not be any full time presence in the building during the week; only the tenant located in the basement will be in the building when he has his appointments. He said the tenant is a psychologist.

Pastor Adams said that on Saturday's, non-COVID, there may be a small life group service of about five (5) or six (6) people at a time in the building for no more than an hour.

Pastor Adams said that services are on Sunday at 11:30 am and last an hour or an hour and a half. He said that if they do have the need for a second service that it would start at 9:00 am to 10:30 am.

Pastor Adams said that they will utilize stackable chairs and that there will not be any pews; He said that there will also not be facilities to prepare any food on the site.

Pastor Adams said that most of the families carpool so it limits the number of cars that will be parked on the property. He said they also have a sixteen (16) passenger van to pick up people to minimize parking.

Pastor Adams said that one of the elders of the congregation will be assigned to oversee the parking.

Mr. Schwarzbaum asked Pastor Adams if any of the individuals who attend services are handicapped; he said only his daughter. Pastor Adams said that no other member of the congregation has disabilities.

Chairman Neuer stated that the parking must be ADA compliant and that one of the parking spaces must be a handicap space. He said that should have been included on the drawings that were submitted.

Chairman Neuer asked Pastor Adams if he asked any of the commercial properties near the site if they could park overflow parking on their property; he said no not yet.

Chairman Neuer stated that his primary concern about this application is the parking because there is no street parking.

Mr. Grygiel asked Pastor Adams if the shed in the parking lot will remain; he said that the shed will be moved on to the grass line.

Chairman Neuer stated that the lease for the basement space expires in 2019; Pastor Adams said that the lease will be extended to 2022.

Pastor Adams said that the psychologist will come to his office after services are over on a Sunday to do office work only; he will not have clients on Sunday and that will be in writing.

There were no further questions for Pastor Adams from any Members of the Board, the Board Professionals or members of the public.

Mr. Schkolnick called his next witness.

Michael Shubeck, architect for the applicant, was sworn under oath.

Mr. Shubeck detailed his professional and educational background as an architect licensed in the State of New Jersey.

Chairman Neuer accepted Mr. Shubeck as an expert in architecture.

Mr. Shubeck stated that he worked as a team with Mr. Petry on the plans that were submitted and he worked on a major component of the plan.

Chairman Neuer asked Mr. Shubeck how many times he visited the site; he said four (4) or (5) times.

Mr. Shubeck presented drawing SP1 of the site plan and detailed the surrounding area and what is currently existing on the site. He said there are thirteen (13) existing parking spaces on the site, he detailed the existing signage and the truck turning plan,

Mr. Shubeck presented the basement, first and second floor plans of the existing house stating that it that was converted to office space years ago.

Mr. Shubeck said that the first floor will be utilized as the worship space and that the second floor will be utilized as a meeting space and light education for children.

Mr. Shubeck stated that there are no cooking areas in the building.

Mr. Eben asked Mr. Shubeck if there are any exit lights in the building; he said yes, in the basement and the first floor. Mr. Shubeck said that the building will not be sprinklered.

Mr. Eben asked Mr. Shubeck if there was a fire in the building, would someone on the second floor have to go out a window and down a straight ladder to get out of the building if the stairs were not accessible; he said yes.

Mr. Eben expressed his concern about a child under the age of three having to climb down the ladder from the second floor because the building is not sprinklered.

Mr. Eben asked Mr. Shubeck when the last time he visited the site; he said about two (2) or three (3) weeks ago.

Mr. Eben stated that the shed on the site is taking over two (2) parking spaces; Mr. Shubeck said that Pastor Adams said they are going to move the shed.

Mr. Eben said that there is no plan as to where the shed will be moved to and does not show new striping on the site for the parking spaces.

Chairman Neuer stated that the Board needs to see where the shed will be moved to and if it will affect the impervious coverage.

Mr. Eben stated that he is concerned about the incomplete plans that are currently before the Board and Chairman Neuer agreed.

Mr. Eben said that the truck turning diagrams is wrong and that vehicles can only make a right hand turn out of the driveway; Mr. Shubeck stated that Northfield Avenue is divided in that location.

Mr. Eben stated that the ladder for the fire escape must be relocated because the condenser is located under it; he said if someone falls off of the ladder they land on the condenser.

Chairman Neuer stated that the Board is concerned about the safety of the children; he advised Mr. Shubeck to revise the plan so that a child does not have to climb down a ladder in the event of a fire.

Mr. Eben stated that a church does not have a requirement for handicap entrances or for a bathroom; he asked Mr. Shubeck to make some suggestions to alleviate that. Mr. Shubeck said that he will look at that issue.

Mr. Eben stated that he was at the site on a Sunday and that the parking lot was filled around 12:00 pm.

Chairman Neuer asked Pastor Adams why the parking lot was filled; he said that they were there but he did not recall that the parking lot was full. Pastor Adams said that the psychologist was there but they were not at full capacity at the building.

Chairman Neuer asked Pastor Adams if there was a service there on Sunday; he said people came for a streaming service.

Chairman Neuer asked Pastor Adams how many people were there on Sunday; he said possibly twelve (12) people.

Mr. Eben asked Pastor Adams how they could be in the building without a CCO or Board approval; he said that they have a CCO which they were required to get at the time of the purchase.

Chairman Neuer said that the sign was put up without a sign permit and that the CCO was for the office and not to conduct the service.

Pastor Adams said that there will not be a car in the parking lot associated with the J.O.Y. church now.

Chairman Neuer asked Mr. Grygiel if he reviewed the revised plans and if he submitted a review memo; he said that the plans that were re-submitted had no changes on them so that there was nothing new to review.

Chairman Neuer stated that the Board expects to get a drawing that depicts striping of the parking spaces on the site along with the handicap parking space and also shows the shed.

Chairman Neuer advised Mr. Schkolnick that he needs to get a permit to change the sign; Mr. Schkolnick said he did not know that.

Chairman Neuer asked Mr. Shubeck if he reviewed Mr. Hess's review memo dated 12/8/2020; he said yes.

Mr. Hess stated for the record that if there will be some night meetings on the site; they must demonstrate that there will be sufficient lighting.

Mr. Hess said that the parking spaces must be dimensioned and that they also want to see that on the plans.

Mr. Hess stated that there is a center left turn lane on Northfield Avenue between the median so that they can make a left turn out of the site on to Northfield Avenue.

Mr. Hess said that the parking lot is in poor condition and that it must be made safe and re-paved.

Mr. Schkolnick said that they will accept all reasonable conditions.

There were no further questions for Mr. Schkolnick from any of the Board Members, Board Professionals or members of the public.

Mr. Schkolnick stated that he would like to end at this point.

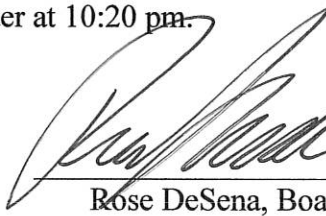
Chairman Neuer advised Mr. Schkolnick that the approved plans will not be signed if they do not have all of the conditions listed on them.

Chairman Neuer stated that he is also concerned about the safety aspect of the fireplace located in the middle of a church service on the first floor and asked Mr. Shubeck what they are going to do with it; he said it is not a working fireplace and they will have a professional look at it to say it is not functional.

Chairman Neuer stated that this application will be carried over to the second half of the regular meeting held on February 18, 2021 and that no further notice will be required.

The meeting was adjourned by Chairman Neuer at 10:20 pm.

Adopted: January 21, 2021

 1/21/2021
Rose DeSena, Board Secretary