

DRAFT MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT MEETING

June 17, 2021

8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on June 17, 2021 commencing 8:00PM utilizing the virtual Zoom platform.

Chairman Neuer called the meeting to order at approximately 8:02 PM. 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.

Alice Beirne, Esq., Board Attorney read the opening statement.

PRESENT:

Jerome Ebeh, Philip D. Neuer, Bart Quentzel, William Steinhart, M. Sussman,

ABSENT:

Jonathan Redwine, Irv Schwarzbaum, and Alice Weiss [all are excused absences]

ALSO PRESENT:

Paul Grygiel, Acting Planning Director for the Township

John Hess, Acting Engineer for the Township

Alice Beirne, Esq., Board Attorney

Diana L Chandler, Acting Board Secretary

ANNOUNCEMENTS

Meetings: July 15, 2021 (regular)
August 19, 2021 (regular)
September 23, 2021 (regular)

SWEARING IN

Township Professionals, *Paul Grygiel* and *John Hess* were sworn under oath by *Ms. Beirne*.

RESOLUTIONS

1. ZB -19-10/955 Pleasant Valley Way, LLC

(Approved 5/20/2021)

Block: 172.02; Lots: 8.01 & 8.03; Zone B-2

955 & 963 Pleasant Valley Way

Seeking "d" use and height variances and "c" variances and preliminary and final major site plan approval to construct a four (4) story self-storage facility.

Motion: Chairman P. Neuer

Second: Mr. W. Steinhart

ADOPTED

Eben:		Straker: (Alt. 4)
Quentzel: (Alt. 1):		Sussman: (Alt. 3) Recused
Redwine:		Weiss:
Ricci:	Y	Chairman Neuer: Y
Schwarzbaum:		
Steinhart:	Y	Yes: 3; No: 0

2. ZB 21-06 / Rawls

(Approved 5/20/2021)

Block: 176.02; Lot: 7

7 Marmon Terrace

Seeking 2 C2 Variances

Motion: Mr. W. Steinhart

Second: Mr. J. Eben

ADOPTED

Eben:	Y	Straker: (Alt. 4)
Quentzel: (Alt. 1):		Sussman: (Alt. 3) Recused
Redwine:		Weiss:
Ricci:	Y	Chairman Neuer: Y
Schwarzbaum:		
Steinhart:	Y	Yes: 4; No: 0

I. APPLICATIONS

1. ZB 21-05 / Tamay

(Carried to 8/19/2021 Meeting)

Block: 125.02; Lot: 100

60 Cherry Street

Presentation:

- *Ms. Carolina Suárez* and *Mr. Ernesto Tamay* were sworn under oath. *Ms. Suarez* was not accepted as an expert.
- Architect, *Mr. Lawrence Cirangle* had an emergency and was suddenly unavailable that evening for the meeting.

This application was then adjourned to the August 19th, 2021 regular meeting of the Board.

2. ZB -21-09/ Simeus

Block: 153.15; Lot 3; Zone R-6

4 Blackburne Terrace

Seeking C1 & C2 variances to add six (6) foot high privacy fence to rear of yard.

Presentation:

-*Ms. Glenah Simeus* and *Mr. Roldy Simeus* were sworn under oath.

- *Ms. Glenah Simeus*, the homeowner and applicant, explained that the applicant applied for and received a construction permit. The applicant was later informed that the permit was issued in error after the work had been completed.

-Although *Mr. Grygiel's* report states that fence was built without a permit, the applicant confirms that it was constructed during the time when they believed they had a permit.

Board Questions:

-*Mr. Jerry Eben* asked since strangers walk through yard as shortcut have the police ever been called? *Ms. Glenah Simeus* responded in the negative.

-*Mr. Peter Ricci* asked if there was a copy of the permit that was given in error? *Ms. Glenah Simeus* responded in the affirmative.

Professionals' Questions:

-*Mr. Eben* asked *Mr. Grygiel* about the fences on the adjacent property. *Mr. Grygiel* said that the Zoning Board previously approved fences for neighboring properties.

-*Mr. Eben* asked *Mr. Grygiel* about the ordinance for six foot high fences and if they need a variance for this height. *Mr. Grygiel* responded that there is a four foot height limitation on front yard fencing.

No Public Questions

Public Comments

-*Charles and Darlene Plaveczyk (24 Central Place)* were sworn under oath. They jointly testified that they are in favor of this application.

Public Hearing Closed

Motion to grant the variances without conditions.

Motion: Chairman P. Neuer
Second: Mr. J. Eben

Eben:	Y		Straker: (Alt. 4)
Quentzel: (Alt. 1):	Recused		Sussman: (Alt. 3)
Redwine:			Weiss:
Ricci:		Y	Chairman Neuer: Y
Schwarzbaum:			
Steinhart:			Yes: 3; No: 0

3. ZB 21-10/ LaGanke

Block: 1; Lot: 1.14; Zone:

532 Hillside Terrace

Seeking C1 & C2 variances to add six (6) foot high privacy fence to rear of yard.

Presentation:

-*Mr. Brandon LaGanke* was sworn under oath. He testified that he is replacing his existing fencing and extending it around the house for improved aesthetics, increase in property value, and for the safety of his young son due to the shards of glass that somehow come through to his yard.

Board Questions: No Questions

Professional Questions:

-*Mr. Grygiel* asked if the back of property can be considered a live street. *Mr. LaGanke* said he was unsure but it was his back road.

-*Mr. John Hess* had no questions.

Public Questions:

-Ms. *Maggie Vermial (56 Hillside Terrace)* wanted to know if this fence will be touching theirs? Mr. LaGanke responded in the negative.

Public Comment:

-Ms. *Maggie Vermial (56 Hillside Terrace)* was sworn under oath. Ms. Vermial asked if this fence would affect the access to the utility alley. Mr. LaGanke answered no.

Public Hearing Closed

Motion to grant the variances without conditions.

Motion: Chairman P. Neuer

Second: Mr. W. Steinhart

Eben: Y		Straker: (Alt. 4)
Quentzel: (Alt. 1):		Sussman: (Alt. 3)
Redwine:		Weiss:
Ricci: Y		Chairman Neuer: Y
Schwarzbaum:		
Steinhart: Y		Yes: 4; No: 0

4. ZB 21-11/ Reu

(Carried to 7/15/2021 Meeting)

Block: 1; Lot: 2; Zone:
236 South Valley Road

Seeking C1 & C2 variances to add six (6) foot high privacy fence to rear of yard.

Presentation:

-Mr. *Scott Reu* was sworn under oath.. Mr. Reu testified that there are no driveways out front so there are shared areas. His initial application for a privacy fence was declined as it was viewed as being on a front facing road. The intention is to replace chain link fence with a cedar privacy fence.

Board Questions:

-Chairman Neuer asked if the fence was there when moved in. Mr. Reu said yes.

Professional Questions:

-No questions from Mr. John Hess.

-Mr. Paul Grygiel asked if the existing fence is on the property line. Mr. Reu said yes but he will look into it further.

No Public Questions

Public Comments

-*Ms. Maggie Vermial (56 Hillside Terrace)* was sworn under oath, and testified that the utility alley ends at a pole for PSEG. Ms. Vermial does not want the fence to block the utility pole back; she has a concern about access during times where the power goes out. Restoring it could be a nightmare. *Mr. Reu* responded that on South Valley side of the fence it should not go into the utility alley, but will accommodate any access PSEG needs to get to the pole.

Board Comments

-*Mr. Peter Ricci* said that he is unclear if he can make a decision based on the information he has received due to the easement that cannot be closed off.

-*Chairman Neuer* said for *Mr. Reu* to come back 7/15 and provide two copies of the easement and most up to date survey.

This application is carried to the July 15th, 2021 regular meeting; no further notice will be given.

BREAK FROM 9:04-9:15PM

5. ZB-20-14/E&J Masonry Supply Inc.

(Carried to 8/19/2021 Meeting)

Presentation:

- *Richard Schkolnick, Esq.* entered his appearance on the record as attorney for the applicant. *Mr. Jose Gualpa* was sworn under oath. Mr. Gualpa testified that he is one of the principal owners (construction/landscaping business) and has been working with *Mr. Tamay* for over twenty years. It was explained that this application is crucial to maintaining the property and updating the features required for a viable business in the community.

Board Questions:

-*Mr. Eben* asked how can the Board approve this application other than based solely on the applicant's word? *Mr. Schkolnick* and *Mr. Gualpa* responded that it would be an enforcement issue and they are offering this to be as good of a neighbor as possible.

Professional Questions: No Questions

Public Questions:

-*Darlene Plaveccky (24 Central Place)* asked about the hours of operation.

Mr. Gualpa stated 7:30AM-4:30PM, Monday thru Saturday. Ms. *Plaveccky* then asked where the equipment is going to be placed? *Mr. Gualpa* said it will go inside the building.

-*Charles Plaveczyk (24 Central Place)* asked what kind of materials are being used? What is the largest material? *Mr. Gualpa* answered that the bins are only used for gravel. *Mr. Plaveczyk* then asked if the trucks come in and dump materials with lots of vibrations. *Mr. Gualpa* answered yes, sometimes.

Mr. Jose Gualpa's testimony is concluded

-*Mr. Daniel Reeves* was recalled as a witness and was sworn under oath. *Mr. Reeves* continues as an expert witness as a licensed professional engineer.

Presentation

Mr. Reeves testified by responding to the letter from Board Engineer, *John Hess*, dated June 2, 2021. The witness discussed landscaping where thirty new evergreens are to be installed on the North and West property lines; a bib hose to clean and wash the building will be added and the witness further stated a commitment on behalf the applicant that no deliveries will be made from trucks not owned by the applicant.

-*Chairman Neuer* asked if the bib hose will be added on the plans. *Mr. Schkolnick* responded yes.

-The witness then testified regarding the truck turning movements by demonstrating all five movements.

- It was suggested by *Mr. Hess* that the proposed revisions be sent to Board Secretary, *Ms. D. Chandler* and as long as this is all taken care of *Mr. John Hess* is satisfied.

Board Questions:

-*Mr. Eben* asked if the requirement for one tree for each ten parking spaces can be implemented. *Mr. Grygiel* said that provision of the ordinance has been rescinded.

Public Questions:

-*Charles Plaveczyk (24 Central Place)* asked if the rolling bins will be an issue. *Mr. Reeves* answered that the bins are not going to block any gates. The witness further stated that he would perform testing as to these maneuvers on site and get information to Board before the next meeting.

This application is carried to the August 19th, 2021 regular meeting of the Board; no further notice will be given.

ADJOURNMENT

The meeting was adjourned by *Chairman P. Neuer* at 10:13PM.

Adopted: 9/23/21

Diana Lyn Chandler

Diana L. Chandler

Acting Board Secretary