

MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT REGULAR MEETING
June 20, 2024
8:00 P.M.

The West Orange Zoning Board of Adjustment held a regular meeting on June 20, 2024, commencing at 8:00 PM utilizing the virtual Zoom platform.

Chairperson Philip D. Neuer called the meeting to order at approximately 8:00 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."

Chairperson Neuer asked everyone to stand for the Pledge of Allegiance.

Alexander Fisher, Esq., Board Attorney read the opening statement.

ROLL CALL

Present: William Michael Barbee, Michael Dannemiller,
Jerome Eben, Philip D. Neuer, Peter Ricci
Brent D. Scott, Mark Sussman,
Absent: Irv Schwarzbuaam, Alice Weiss
Also Present: George Wheatle Williams, Consulting Planner for the Township
Alexander Fisher, Esq. (proxy for Steven K. Warner, Esq.,) Board Attorney
Diana L. Chandler, Board Secretary

ANNOUNCEMENTS

- Future Meetings: July 18, 2024 (Regular Meeting)
August 15, 2024 (Regular Meeting)
September 19, 2024 (Regular Meeting)
- Chairperson Neuer announced that Application **ZB-23-12 Washington** has been adjourned at the request of the applicant to the **August 15, 2024, Regular Meeting**.
- Chairperson Neuer announced that Application **ZB-23-11 DeOliveira/ 31 Bradford** has been adjourned at the request of the applicant to the **July 18, 2024, Regular Meeting**.
- Chairperson Neuer announced that he is teaching a land use course at NYU and as one of the requirements of the course, students will be in the attendee pool as a part of the meeting.
- Chairperson Neuer recognized and reflected upon the passing of Willie Mays.

MINUTES

May 16, 2024 (Regular Meeting)

Motion to Approve: Chairperson Neuer

Second: W.M. Barbee

Barbee:	Y	Scott:	-
Dannemiller (Alt. 1)	Y	Weiss:	-
Eben:	Y	Chairperson Neuer:	Y
Ricci:	-		
Sussman (Alt. 2)	Y		
Schwarzbaum:	-		

NOTES:

May 23, 2024 (Special Meeting)

Motion to Approve: Chairperson Neuer

Second: W. M. Barbee

Barbee:	Y	Scott:	-
Dannemiller (Alt. 1)	Y	Weiss:	-
Eben:	-	Chairperson Neuer:	Y
Ricci:	-		
Sussman (Alt. 2)	Y		
Schwarzbaum:	-		

NOTES:

SWEARING IN

- Township Professionals Mr. George Wheatle Williams (Consulting Township Planner), and Ms. Zayibeth Carballo (Municipal Engineer) were sworn under oath.

RESOLUTIONS

1.) ZB-24-03/Rahaman

Block: 34; Lot: 33.01; Zone: R-6

91 Oakridge Road

Application seeking "c" variances for construction of new deck was approved with conditions at the May 16, 2024, Regular Meeting.

Motion to Approve: Chairperson Neuer

Second: W.M. Barbee

Barbee:	Y	Scott:	-
Dannemiller (Alt. 1)	Y	Weiss:	-
Eben:	Y	Chairperson Neuer:	Y
Ricci:	-		
Sussman (Alt. 2)	Y		
Schwarzbaum:	-		

2.) ZB-24-05 West Orange Police Athletic League

Block: 114; Lot: 31

Zone: R-1

28 Prospect Place

Application seeking variances for turf installation was approved with conditions at the May 23, 2024 Special Meeting.

Motion to Approve: Chairperson Neuer

Second: M. Dannemiller

Barbee:	Y	Scott:	-
Dannemiller (Alt. 1)	Y	Weiss:	-
Eben:	-	Chairperson Neuer:	Y
Ricci:	-		
Sussman (Alt. 2)	Y		
Schwarzbaum:	-		

APPLICATIONS

1.) ZB-24-02/Nwaiwu Properties LLC

(Carried from 4/18/2024)

Block: 177.08; Lot:21; Zone R-6

691 Eagle Rock Avenue

Seeking "c" variance for construction of new house.

PRESENTATION

- Mr. Fisher confirmed that the Zoning Board still has jurisdiction over this application.

- Mr. Robert Taylor Esq. provided a summary of previous testimony from the April 18, 2024 Regular Meeting. He explained that this is for the construction of a single-family residential home. He then brought up a “housekeeping issue” that Mr. Evans (Architect) could not be present. However, Mr. Evans’ assistant Mr. Carlos Rodriguez is present, but he is not an Architecture expert but could be considered a fact witness which was agreed by the Board.
- Mr. Taylor brought up the status of the trampoline on the premises and confirmed that it has been moved since it belongs to the neighbors abutting the property.
- Mr. Martin Nwaiwu, Applicant and Owner was sworn under oath and confirmed his ownership of the property.
- Mr. Nwaiwu said that he met the owner of the trampoline and the owner confirmed that they will be moving it. He owns the property at 691 Eagle Rock Avenue but not the trampoline on the premises.
- In response to this, Chairperson Neuer said that it is partially on the property and that the revised Site Plan submitted after the application concludes it needs to be off the premises.
- Mr. M. Dannemiller opined in disagreement stating that it seems unnecessary. Chairperson said that since it was on the plans, that makes it important.

BOARD QUESTIONS

- Chairperson Neuer referenced a previous question asked by Mrs. Weiss about a subdivision with the property on Shrump Place. Mr. Taylor said that there were no electronic results when he did his due diligence.

PROFESSIONALS QUESTIONS

PUBLIC QUESTIONS

PRESENTATION

- Mr. Carlos Rodriguez, Assistant to Architect Mr. Evans was sworn under oath. He was not qualified as an expert in the field of Architecture but as per Chairperson Neuer can testify as an informative witness regarding this application.

BOARD QUESTIONS

- P. Ricci asked for a summary of the submitted plans. Mr. Taylor said that the plans of the house are flipped to the other side with an existing tree there and a drainage system displayed with runoff leaders lot width and Chairperson Neuer reminded Mr. Rodriguez that he is not an expert and cannot testify but confirmed that all plans will be revised based upon comments.

PROFESSIONAL QUESTIONS

- Ms. Z. Carballo asked for information about the Steep Slope. Mr. Rodriguez said that it is a gradual slope but it has not been addressed.

- Ms. Carballo asked where on the plans are the areas of disturbance. Mr. Rodriguez said they are on sheet A2. Ms. Carballo responded that it must be included on the plans and the soil removal must be approved by the Board.
- Ms. Carballo asked how many years the stormwater testing was done for. Mr. Rodriguez said that it was for 25 years and two (2) years.
- Ms. Carballo asked about the Maintenance Manual. Mr. Rodriguez said that it has not been submitted.

Chairperson Neuer said to Mr. Rodriguez that there are too many open items in regards to this application and that Mr. Evans, Architect needs to make this application a priority and recommended that Mr. Evans and Ms. Carballo have a meeting for consideration.

P. Ricci made a recommendation that the compressor should be in two (2) zones reflected and should be reflected in the the drawings.

- Mr. Williams referenced the sealed Site Plan and has no reference of being signed and sealed. He continued further to state that the Site Plan based Survey with preparation dates must be submitted prior to the next meeting (July 18, 2024).

Mr. Taylor confirmed that there are no further witnesses in regards to ZB-24-02 this evening. He also gave consent to an extension of the statutory time on the record to July 31, 2024.

Chairperson Neuer announced that ZB-24-02 Nwaiwu (691 Eagle Rock Avenue) is being carried to the July 18, 2024 Regular Meeting with no further notice.

Chairperson Neuer adjourned the meeting at 9:03 PM.

Adopted:

July 18, 2024

Diana Lyn Chandler
Diana L. Chandler, Secretary