

RESOLUTION
BOARD OF ADJUSTMENT
TOWNSHIP OF WEST ORANGE
RESOLUTION ZB-04-34

WHEREAS, R&L Stables, LLC ("The Applicant"), located at 12-22 Woodland Avenue at ⁽²⁾~~54-56 Franklin Avenue~~, West Orange, New Jersey 07052, being the owner and operator of the property which is the subject of this application, being premises known and designated as 12-22 Woodland Avenue, West Orange, New Jersey and being designated on the Tax Maps of the Township of West Orange as Block 152.02, Lot 176, 179, 186, and located in the O-R and R-5 Zones, applied to the West Orange Zoning Board of Adjustment ("The Board") for "C" and "D" variances for continued use of existing equestrian stables for the above premises for lot area of 3.45 acres as it exists, instead of the required 5 acres; front yard setback of 28.72' as it exists, instead of the 100' required; rear yard setback of 10.18' as it exists, instead of the required 100'; building coverage of 24.71% as its exists, instead of the required 20%; use of the stables as they exists when no stables are permitted; 2 trailers as they exist where no trailers are permitted; and

WHEREAS, the Applicant presented proof that adequate notice of the hearings on the said application was published in the West Orange Chronicle, one of the official newspapers of the Board; and

WHEREAS, the Applicant submitted proof of notice of the hearing upon all property owners within 200 feet of the property; and

WHEREAS, the Application was heard at a public meeting of the Board held on October 21, 2004; and

WHEREAS, the application was presented by Joseph Vena, attorney for the Applicant; and

WHEREAS, the Applicant submitted a Site Plan and Floor Plans and Elevations prepared by Hector V. Munoz-Baras, AIA, dated July 15, 2004; and

WHEREAS, the Applicant [REDACTED] testified as to what they proposed to do at the premises for continued use of existing equestrian stables and to continue to park trailers on the property to store wood chips and hay. He pointed out that he will need "C" and "D" variances for continued use of existing equestrian stables for the above premises for lot area of 3.45 acres as it exists, instead of the required 5 acres; front yard setback of 28.72' as it exists, instead of the 100' required; rear yard setback of 10.18' as it exists, instead of the required 100'; building coverage of 24.71% as it exists, instead of the required 20%; use of the stables as they exists, where stables are not permitted; 2 trailers as they exists, instead where trailers are not permitted; and

WHEREAS, The Board considered the report of Susan Borg, Township Planner; and

WHEREAS, members of the Board questioned the witness; and

WHEREAS, neighbors, [REDACTED] all expressed concerns about the garbage on the property, the use of trailers and the parking of trailers; and

WHEREAS, David Egarian a professional engineer testified that a row of 85 trees will be planted to shield the residents from the trailers at the south of the property.

Be it further resolved that the grant of said variances shall be conditioned upon the Applicant's full and complete satisfaction of the following conditions:

1. There needs to be a double row of trees. An appropriate mixture of trees, not all white pines to ensure no gaps at the bottom of the trees
2. Submit plans with dumpster location shown.
3. No more than 10 times a year overnight parking of horse trailers and no more than two permanent trailers on the property.
4. Clear the property of all debris.
5. The Approvals herein granted are conditioned on the approval of the West Orange Fire Department.
6. All findings of fact and conclusions of law set forth are deemed conditions that are binding upon the applicant.
7. Applicant shall execute prior to the issuance of a Certificate of Approval or a Certificate of Occupancy an Affidavit of Compliance certifying that they have fulfilled all conditions set forth which shall be to the satisfaction of the Township Planner, Engineering Department and Building Departments of the Township of West Orange, who shall be furnished with a copy of this resolution. No Certificate of Occupancy or Certificate of Approval for the continuance shall be issued until the receipt of an Affidavit of Compliance approved and signed by the Zoning Official.

Moved By: Buechler

Seconded By: Bullock

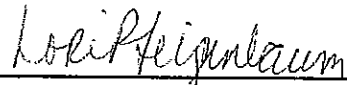
Those in Favor: 5

Those Opposed: 0

Abstentions: 0

I hereby certify that the foregoing Resolution was adopted by the Zoning Board of Adjustment of the Township of West Orange at its meeting of November 18, 2004 and that said Resolution memorializes the action of the Zoning Board taken at its meeting held on October 21, 2004, granting the application by a vote 5 in favor and 0 against.

November 18, 2004



Lori P. Feigenbaum, Board Secretary