

**ROBERT C. WILLIAMS
COUNSELLOR AT LAW
622 EAGLE ROCK AVENUE
WEST ORANGE, NEW JERSEY 07052**

(973)736-4100
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MEMBER N.J. AND N.Y. BARS

RCWESQLAW@ATTYABC.COM

November 16, 2021

Diana L. Chandler-Zimmermann, Secretary
West Orange Zoning Board
66 Main Street
West Orange, NJ 07052

RE: Sai Hira Ram Trust, Inc./Amended Site Plan and C2 Variance Application
23 Laurel Avenue, West Orange, NJ; Lot 15.01; Block 177.02

Dear Ms. Chandler-Zimmermann:

In connection with the above captioned matter are the following:

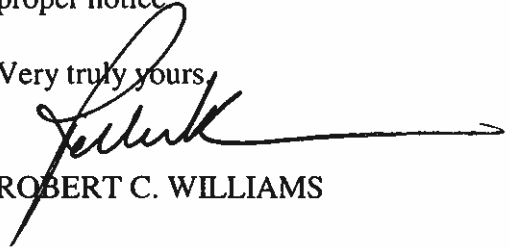
1. Original and four (4) copies of Application of the West Orange Zoning Board of Adjustment including:
 - A. Copies of all prior Resolutions;
 - B. Five (5) copies of Engineering Plans prepared by Michael J. Petry, PE, PP, RA dated October 5, 2021;
2. W-9;
3. Property Owners Lists (West Orange and Essex Fells);
4. Verification of Taxes and Sewer Charges Paid from Tax Collector;
5. Check in the amount of \$300.00 representing the Application Fee;
6. Check in the amount of \$500.00 representing the Escrow Fee;
7. Check in the amount of \$500.00 to cover the Digitizing Fee.

This application is for a "C2" Variance if required by the Board, Amended Site Plan and request to remove conditions 3 and 4 of prior approval. The Applicant is proposing to replace a prior approved concrete wall at the rear of the premises with a Black chain link fence with slats, relocation of the gazebo from one side of the building to the other, and removal of conditions 3 and 4 of prior approval limiting the hours of worship.

Applicant requests a waiver of the required Environmental Impact Statement as there will be no additional impact to the site.

Please place this matter on the agenda for the next available meeting date and advise when deemed complete so that we can make proper notice

Very truly yours,



ROBERT C. WILLIAMS

HAND DELIVERED

RCW:sv

Cc: J. Michael Petry, PE, PP, RA (via email)

Final

TOWNSHIP OF WEST ORANGE APPLICATION FORM FOR THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT

A. APPLICANT INFORMATION

Full Legal Name: Sai Hara Ram Trust, Inc.

Mailing Address: 23 Laurel Avenue West Orange NJ 07052

Telephone Number: (973) 979-4706 Email: anitathani2054@gmail.com

Is the Applicant an: ☐ Individual, ☒ Corporation, ☐ Partnership, ☐ Other _____

If the Applicant is a corporation or partnership, a list of the names and addresses of persons having a 10% interest or more in the corporation or partnership must be attached.

Relationship of the applicant to the property: ☐ Owner, ☒ Tenant or Lessee, ☐ Purchaser under contract
(with consent of owner, ☐ Other (please specify) _____)

If the applicant is not the owner of the property in question, the applicant must submit an affidavit with the owner(s) authorization to proceed with this process.

B. PROPERTY OWNER INFORMATION

☐ Check here if same as applicant. If the owner is not the applicant, please complete the following:

Owner's Name: Sun King Private Limited, a corporation of the British Virgin Islands

Address: 23 Laurel Avenue, West Orange, NJ 07052

Telephone Number: (973) 979-4706 Email: anitathani2054@gmail.com

C. PROPERTY INFORMATION

Street Address: 23-27 Laurel Avenue, West Orange, NJ 07052

Block Number(s): 177.02; Lot Number(s): 15.01;

Tax Plate: _____; Zone of Property: R-4

The location of the property is approximately 200 feet from the intersection of Laurel Avenue
and Eagle Rock Avenue (closest intersection.)

Has there been any previous Zoning Board of Adjustment or Planning Board hearings involving this property?

☒ Yes, Date(s): See attached resolutions; ☐ No

If yes, please attach copies of the written decisions adopted by the Board to each application.

Please attach a list of all contiguous or adjacent property owned by the applicant or owner. ☒ None

Is this property listed in "The Historic Sites Survey" prepared by Robert Guter 7/9/1992 ☐ Yes ☒ No

D. TYPE OF APPLICATION

Indicate the type of application being submitted, check all boxes that apply. Note that more than one variance may be necessary, please indicate the number of each type needed:

- 1) ☐ Interpretation of ordinance or map.
- 2) ☐ Appeal of action of Zoning Officer.
- 3) ☐ Variance "C1" Reason: ☐ shape of property; ☐ physical features; ☐ exceptional situation.
- 4) ☒ Variance "C2".
- 5) ☐ Variance "D".
- 6) ☐ Subdivision without variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 7) ☐ Subdivision with variances: ☐ major; ☐ minor; ☐ preliminary; ☐ final; ☐ preliminary and final.
- 8) ☐ Site Plan: ☐ preliminary; ☐ final; ☐ preliminary and final; ☐ with variances; ☐ without variances.
- 9) ☒ Amended Site Plan.
- 10) ☐ Conditional Use.
- 11) ☐ Conceptual.
- 12) ☐ Home Professional Office.
- 13) ☐ Home Occupation.
- 14) ☐ Soil Removal Permit. (15) Other-Remove conditions of Prior Approval

Please list the specific Sections of the Ordinance for which a variance is sought. If additional space is required, please attach a list.

Section: _____; Proposed: _____; Description: SEE ATTACHED VARIANCE REQUEST
Section: _____; Proposed: _____; Description: _____
Section: _____; Proposed: _____; Description: _____
Section: _____; Proposed: _____; Description: _____

E. DESCRIPTION OF PROPERTY

Existing Use of the Property

Briefly describe the major elements of your proposal: (a more detailed description is required in Section G.)
See attached Section G

The property is 91,012 (square feet); 2.0892 (acres)

Impervious Surface Coverage: Present: Approved 41.01%; Proposed: 36.89%

Building Coverage: Present: Approved 9.49%; Proposed: 9.83%

Is the property located:

- | | | |
|--|---|--|
| Within 200 feet of another municipality? | ☐ Yes | ☐ No |
| Adjacent to an existing or proposed county road? | ☒ Yes | ☐ No |
| Adjacent to other county land? | ☐ Yes | ☐ No |
| Adjacent to a state highway? | ☐ Yes | ☒ No |

F. EXPERTS

The following information is respectfully requested to enable the Board to facilitate the processing of this application:

APPLICANT'S ATTORNEY: Robert C. Williams, Esq.

Telephone Number: (973) 736-4100 Email: rcwesqlaw@attyabc.com

Address: 622 Eagle Rock Avenue, West Orange, NJ 07052

APPLICANT'S ENGINEER: Petry Engineering, LLC/J. Michael Petry, PE, PP, Ra

Telephone Number: (973) 227-7004 Email: mikepetry@petryengineering.com

Address: 155 Passaic Avenue, Fairfield, NJ 07004

APPLICANT'S ARCHITECT: _____

Telephone Number: (973) _____ Email: _____

Address: _____

APPLICANT'S PLANNER: _____

Telephone Number: (973) _____ Email: _____

Address: _____

OTHER EXPERT(S): _____

Telephone Number: (973) _____ Email: _____

Address: _____

If necessary, please list any additional experts below, including address, telephone number and email address.

G. REQUIREMENTS FOR VARIANCES

- 4A) Please attach a written statement labeled **"PROPOSAL"**, describe the major elements of your proposal, and describe in detail the physical and use changes proposed.
- 4B) Please attach a written statement labeled **"REASONS FOR RELIEF"**, which fully answers 4C-1, 4C-2 or 4D (Special Reasons) AND part 4E (Negative Criteria).
- 4C-1) (*For C1 variances only*) The strict application of the provisions of the Zoning Ordinance would result in the peculiar and exceptional practical difficulties or exceptional undue hardship under *N.J.S.A. 40:55D-70c(1)*. List in detail wherein this case conforms to this requirement, including, if applicable, reference to the exceptional narrowness, shallowness, or shape of the property, or the exceptional topographical conditions affecting the property which applicant contends warrants the granting of the variance.
- 4C-2) (*For C2 variances only*) State how the purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment according to *N.J.S.A 40:55D-70c(2)*. Please list all benefits of the deviation to the Township and any adverse effects. State how the benefits of the deviation would substantially outweigh any detriment to the Township.
- 4D) (*For D variances only*) State the special reasons under *N.J.S.A 40:55D-70d* affecting this property.
- 4E) The granting of this variance will not be substantially detrimental to the public good and will not substantially impair the intent of the zone plan and zoning ordinance. List in detail the reasons, among others, why the variance can be granted without being materially detrimental to the welfare of the community or injurious to the property or improvements of others in the neighborhood and zone.

H. PLAT SUBMISSION

- 4F) Please list all maps and other exhibits accompanying this application. Attach an additional sheet if necessary.

ITEM	SIGNED BY	DATE/REVISION
Amended Preliminary and Final Site Plan	J. Michael Petry - PE, PP, RA	6/25/21
SP-1 and SP-2		

I. NOTICE

Applicant is responsible to publish and serve notice of this application in accordance with Zoning Board of Adjustment/Planning Board requirements; however, notice may not be served until this application is certified as complete and the administrative officer has assigned the applicant a public hearing date.

SECTION G. REQUIREMENTS FOR PROPOSAL/RELIEF SOUGHT

The Applicant is proposing to replace a prior approved concrete wall at the rear of the premises with a black chain link fence with slats. Additionally, the applicant requests to relocate the gazebo from one side of the building to the other as indicated on SP 2 of Minor Amendments to approved Site Plan submitted by J. Michael Petry, PE, PP, AIA.

The Applicant has provided "as built" measurements in its Site Data Chart indicating there are very minor changes to the previously approved setbacks. The Applicant requests that the Board consider the variations de minimis and/or grant a Variance pursuant to N.J.S.A. 40:55D-70d(3).

The Applicant shall also request removal of condition three and four of Resolution 2B-14-08 which limits the hours of worship.

Applicant submits that the House of Worship and its accessory components are inherently beneficial uses, and that the relief can be granted without substantial detriment to the public good and without substantially impairing intent and purpose of the West Orange Zone Plan.

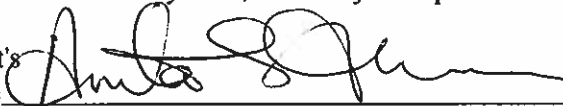
TOWNSHIP OF WEST ORANGE
APPLICATION FORM FOR THE PLANNING BOARD OR ZONING BOARD

J. VERIFICATION AND AUTHORIZATION

APPLICANT'S VERIFICATION

I hereby certify that the above statements made by me and the information contained in the papers submitted in connection with this application are true. I am aware that, if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Applicant's
Signature



SAI HIRA TRUST INC. BY ANITA S. THANI, Trustee

11/15/21
Date

CONTINUANCE

Should the Planning Board/Zoning Board of Adjustment have a full and heavy agenda, or discussion and meeting regarding this application requiring carrying the matter past the statute time limit, the applicant grants permission for such an extension.

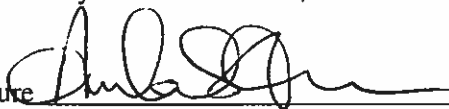
Applicant's
Signature

Date

OWNER'S AUTHORIZATION

I hereby certify that I am an officer of Sun King Private Limited having offices at 4 Driftway, Roseland, in the County of Essex and the State of New Jersey; and that Sun King Private Limited is the owner of all that certain lot, piece or parcel of land known as Block(s)177.02; Lot(s) 15.01 and 16 on the Tax Map of the Township of West Orange which property is the subject of the above application, and that the application is hereby authorized by me. Furthermore, I authorize inspection of the site which is the subject of this application.

Owner's Signature



SUN KING PRIVATE LIMITED BY ANITA S. THANI

11/15/21
Date

THIS APPLICATION DOES NOT RELIEVE THE APPLICANT FROM COMPLYING WITH OTHER TOWNSHIP ORDINANCES SUCH AS THE TREE REMOVAL ORDINANCE AND OBTAINING THE NECESSARY APPROVALS AND PERMITS UNDER SUCH ORDINANCES.

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**AMENDMENT TO RESOLUTION
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF WEST ORANGE
ZB-14-08 (Sai Hira Ram Trust, Inc.)**

WHEREAS, the West Orange Zoning Board of Adjustment passed Resolution No. ZB-14-08 (Sai Hira Ram Trust, Inc.) on October 15, 2015, memorializing its vote on the Application which took place on September 17, 2015; and

WHEREAS, it has subsequently come to the attention that Resolution No. ZB-14-08 contained two typographical errors, one as to date and one as to the number of members who voted for approval of the Resolution; and

WHEREAS, the Board desires to correct said typographical errors.

NOW THEREFORE, BE IT RESOLVED, that the Zoning Board of Adjustment of the Township of West Orange, based upon the Laws established in the State of New Jersey, hereby amends its Resolution No. ZB-14-08 as follows:

1. The date of the reports of Paul Grygiel were July 7, 2014, revised November 11, 2014 and May 19, 2015.
2. The vote of board on September 17, 2015 was 7-0. The Certification of Zoning Board Secretary Rose DeSena is hereby amended to reflect that the vote was 7 in favor, 0 against and 0 abstentions.

Moved: Chairman Buechler

Seconded: Ms. Gabry

Those in Favor: 3

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 19, 2015.

Adopted: November 19, 2015

 11/20/15

Rose DeSena
Zoning Board Secretary

**RESOLUTION
ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF WEST ORANGE
ZB-14-08 (Sai Hira Ram Trust, Inc.)**

WHEREAS, Sai Hira Ram Trust, Inc., a Non-Profit Corporation (the "Applicant"), with an address at 23 Laurel Avenue, West Orange, New Jersey, with the consent of the owner of the property, Sun King Private Limited, a corporation of the British Virgin Islands, with an address at 23 Laurel Avenue, West Orange, New Jersey, also known as Block 177.02, Lots 15.01 & 16, on the Tax Map of the Township of West Orange and located in the R-4 zone, filed an application with the Zoning Board of Adjustment of the Township of West Orange (the "Board") for preliminary and final site plan approval, a "D-3" conditional use variance for not meeting minimum rear yard and side yard setbacks of 125 feet (Applicant proposes setbacks of 70.7 feet (rear), 63.63 feet (east side) and 123.99 feet (west side)); minimum parking setback of 75 feet (Applicant proposes 41 foot setback from the front and 20.83 feet from the east and 22.24 feet from the west); minimum accessory use setback of 75 feet (Applicant proposes 40.07 feet to the front and 38.65 feet to the west); and minimum buffer strip of 50 feet (Applicant proposes 41 feet to parking lot (front), 20.83 feet to the east and 22.24 feet to the west; a "C" variance for impervious coverage of 41.22% when 40% is the maximum allowed; a "C" variance for 25 foot high accessory structure (the caretaker's house) when 15 feet is the maximum accessory structure height in a residential zone; a "C" variance

for a free standing pillar sign, which is not permitted in a residential zone; a "C" variance for two signs (one wall mounted, one pillar) when only one sign is permitted in the zone, a "C" variance for a seven square foot sign when one square foot is the maximum allowed area of a building mounted sign in the zone; a "C" variance from the requirement of preservation of at least 30% of the trees on the lot, a parking variance for 48 spaces instead of the required 86 spaces; as a tree removal permit, a soil removal permit and waivers from the need for an Environmental Impact Study and a full traffic study all to construct a House of Worship, as defined by the West Orange zoning code, on the property. ("the Application"); and

WHEREAS, the Applicant presented proof that adequate notice of the hearing on the 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 all others required to receive notice; and

WHEREAS, the Application was heard at a public meetings of the Board held on January 15, 2015, February 15, 2015, May 21, 2015, June 18, 2015, July 16, 2015, with the Board announcing its decision on September 17, 2015; and

WHEREAS, the Applicant was represented by attorney Robert C. Williams, Esq.; and

WHEREAS, for reasons placed on the record the current Vice Chairman Philip Neuer was recused from hearing this matter; and

WHEREAS, the applicant presented the testimony of J. Michael Petry, a licensed professional civil engineer in the State of New Jersey, who was recognized by the Board as such, Mr. Petry presented the initial site plan, explained that the house near Laurel Avenue will remain and be the caretaker's house, and prayer room, with limited hours, the main temple building will hold formal services on Thursdays from 11:00 a.m. to 12:00 p.m. and other holy days, that he believes that the parking requirement should be 48 spaces but the ordinance requires 86 spaces, taking into account the possibility of all possible uses of the premises at the same time; Mr Petry further outlined the drainage plan, and reviewed the review letter of Omland Engineering, consulting engineers to the Board; and

WHEREAS, the Applicant presented the testimony of Drazin Cackovic, a licensed professional architect in the State of New Jersey, who was recognized by the Board as such, Mr. Cackovic testified about the architectural plans for the temple structure and the renovation plans for the existing house at the front of the property, including adding a garage; and

WHEREAS, after two public meetings, the Applicant met with members of the community and presented a revised plan through Mr. Petry and Mr. Cackovic, the new plans eliminated the garage, increased the back setback to 70 feet and moved the prayer chapel into the main building, eliminated the surface basin along the Laurel Avenue right of way, increased the landscaping buffers and screening for neighboring properties, decreased impervious coverage, increased the front area detention system, reduced the

size of the temple building, reduced size of the lower level, reduced the size of the caretaker cottage, and eliminated the apartment in the temple building; and

WHEREAS, the Applicant offered the testimony of Joseph Staiger, a licensed professional engineer in the State of New Jersey with a specialization in traffic engineering, who was recognized by the Board as such, Mr. Staiger testified that that level of service for exiting the driveway is "A" which is the highest level, that the proposed improvements will not have any negative impact on traffic conditions on Laurel Avenue, the site triangles out of the proposed driveways are sufficient for safe ingress and egress out of the property, and that there is sufficient turning radius for box-size delivery trucks; and

WHEREAS, the Applicant presented the testimony of Peter Steck P.P., a licensed professional planner of the State of New Jersey, who was accepted by the Board as such, Mr. Steck testified about applicable zoning requirements for the site, that the current conditions include an abandoned building that is just 2.03 feet from the property line of the neighbors on Alsop Court, that in his opinion the use is a light one for the size of the property, that the use as a house of worship is a permitted conditional use, but the Applicant does meet all of the conditional use standards, necessitating the "D-3" variance, that the other variances include one for impervious coverage (which would have been met, but for the reduction in overall areas due to the steep slope area on the property), a building set back of 66.63 feet instead of 125 feet, a parking set back at the front

of the property, an existing set back of the caretaker's house of 40.07 instead of 75 feet, a height of the caretaker's house of 25 feet instead of the 15 feet permitted because it is considered an accessory use; he further testified the proposed use is an inherently beneficial one, that there is no statutory requirement to show particular suitability of the use to the site, just that the site is appropriate for the use, that the parking variance can be granted because it is not contemplated that all the activities will be going on at the same time, that he believes there is parking for 138 people (at a standard of one vehicle for every seat in the main temple); that the site is suited for a house of worship, that the additionally generated traffic will be de minimus compared to a developed residential site, that the benefits of the Application outweigh any detriments, and that the variances can be granted without substantial detriment to the West Orange Zoning Plan, Master Plan or public good; and

WHEREAS, the Applicant offered the following Exhibits:

- A-1 Boundary and Topographic survey;
- A-2 Layout sheet page 2 of 9;
- A-3 Drainage plan, sheet 3 of 9;
- A-4 Landscaping Plan, sheet 5 of 9;
- A-5 Lighting Plan, sheet 4 of 9;
- A-6 Sample schedule of house of worship;
- A-7 Photograph of similar roof;
- A-8 Floor plan of temple;
- A-9 Mediation center floor plans;
- A-10 Elevations of temple building;

- A-11 Rendered elevation;
- A-12 Elevations;
- A-13 Photographs of residential house near Laurel Road;
- A-14 building material samples;
- A-15 Sample of green roofing material;
- A-16 Amended architectural plan, Sheet A-100;
- A-17 Artist's rendering;
- A-18 Caretaker's Cottage floor plans and elevations;
- A-19 Caretaker's house artist's rendering;
- A-20 Materials Board
- A-21 Gazebo samples
- A-22 New site plan, layout sheet dated 4/30/15;
- A-23 New drainage plan, page SP-5;
- A-24 Modified lighting plan, page SP-4;
- A-25 Page SP-5 for presentation;
- A-26 Summary of relief requested;

WHEREAS, members of the Board questioned the Applicant's attorney and its witnesses; and

WHEREAS, the West Orange Public Advocate Harvey Grossman questioned the witnesses and offered comment on the Application; and

WHEREAS, the following members of the public questioned the witnesses:

Thomas Trautner, Esq. representing Tal Benzvi and Travis McManigal of 5 Allsop Court;

Michael Kasher, 11 Barton Drive, who asked how the hours of operation will be monitored and whether there will be any larger events held at the property, and asked about the exit driveway;

Vincent Vitiello, 6 Barton Drive, who questioned why an Environmental Impact Study was not done;

Chen Kasher, 11 Barton Drive, who relayed her house had basement flooding, questioned the traffic study and questioned the planner about possible growth of the congregation;

Kat Della Cruz, 3 Barton Drive, who asked about drainage and lawn parking;

Katarzyna Adamczyk, 8 Alsop Court;

Travis McManingal, 5 Alsop Court, who indicated he was no longer represented by counsel, asked about the gazebo;

Tal Benzvi, 5 Alsop Court, who indicated he was no longer represented by counsel, he asked about the parking, and questioned facts in the traffic expert's report and questioned the planner about operations of the congregation; and

WHEREAS, the following persons made comments about the Application:

Deepu Sebastian, 4 Alsop Court, who complained about the existing structure and indicated that the nearby Greek Church brings heavy traffic on Sundays;

Katarzyna Adamczyk, 8 Alsop Court, who hopes the abandoned house at the rear of the property is torn down soon;

Tal Benzvi, 5 Alsop Court, who presented two pictures, marked O-1 and O-2 which were photographs of the abandoned house at the rear of the property;

Zeev Benzi, owner of 5 Alsop Court, who noted the congregation has been using the existing house in the front of the property for a house of worship without the proper approvals, his concern about overflow parking crowding local streets, his concern about the setback variances and that the temple should be smaller so that the neighborhood does not become noisy and crowded;

Travis McManigal, 5 Alsop Court, who indicated that the experts were inconsistent, they avoided questions about the building and its uses, that the Applicant should not need 12 variances if it is such a small group, and that he did not believe the Applicant met its burden of proof for the requested variances;

Michael Molieer, 2 Ahern, expressed concerns about the Application and urged denial;

Pei Liu, owner of 3 Barton Drive, who is sad to see the property turned into a parking lot, that she would like to see the property remain undeveloped and that she is concerned about the possibility of more drainage water that will flow toward the houses on her street, and that the Application will bring cars and dangerous conditions to her neighborhood;

Judith Watts, 4 Ahern Way, testified that her concern is traffic and the overflow parking that may go to Barton Drive or Ahern Way, she expressed concerns for children playing on her street and increased traffic on Laurel Avenue;

Kat Delacruz, 3 Barton Drive, expressed opposition to the Application, citing loss of tax revenues, fear of greater

occupancy than stated, an increase in vehicles in her neighborhood, overflow parking concerns, noise, light and air pollution, flooding, decrease in quality of life, and development of the property in a commercial manner, and that the two lots should not be merged; and

WHEREAS, the Board considered the testimony and reports of Paul Grygiel dated July 7, 2014, revised November 11, 2014 and May 19, 2014; and

WHEREAS, the Board considered the testimony of its engineer, Eric Keller of Omland Engineering and his reports dated September 12 2014 and November 17, 2014 and;

WHEREAS, all the facts and data contained in the testimony at the hearing and the deliberations and findings made by the Members of the Board as stated in the record are incorporated herein as Findings of Fact of this Board as if set forth herein at length.

NOW THEREFORE, the Board hereby makes the following Findings of Fact and Conclusions of Law:

1. The applicant is the owner of the property located at 23-27 Laurel Avenue, West Orange, New Jersey, also known as Block 177.02, Lot 15.01 & 16, on the Tax Map of the Township of West Orange and located in the R-4 zone.
2. The Applicant requires preliminary and final site plan approval "D-3" conditional use for minimum rear yard and side yard setbacks of 125' (Applicant proposing setbacks of 70.7 feet(rear), 63.63 feet

(east side) and 123.99 feet (west side); minimum parking setback of 75 feet (Applicant proposes 41 foot setback from the front and 20.83 feet from the east and 22.24 feet from the west); minimum accessory use setback of 75 feet (Applicant proposes 40.07 feet to the front and 38.65 feet to the west); and minimum buffer strip of 50 feet (Applicant proposes 41 feet to parking lot (front), 20.83 feet to the east and 22.24 feet to the west; a "C" variance for impervious coverage of 41.22% when 40% is the maximum allowed; a "C" variance for 25 foot high accessory structure (the caretaker's house) when 15 feet is the maximum accessory structure height in a residential zone; a "C" variance for a free standing pillar sign, which is not permitted in a residential zone; a "C" variance for two signs (one wall mounted, one pillar) when only one sign is permitted in the zone, a "C" variance for a seven square foot sign when one square foot is the maximum allowed area of a building mounted sign in the zone; a "C" variance from the requirement of preservation of at least 30% of the trees on the lot; and a "C" parking variance for 48 cars instead of the required 86 cars, as well as a tree removal permit, a soil removal permit and waivers from the need for an Environmental Impact Study all to construct a House of Worship on the property.

3. The Applicant has adequately demonstrated both the positive and negative criteria for the grant of the conditional use variance, particularly due to the fact that the use is inherently beneficial and that the applicant has satisfied the criteria for the parking and setback variances.
4. The Applicant has effectively redesigned the project during the approval process to address the initial concerns of the Board and objectors regarding the proximity of the main building to the property line and re-designed the building to make it fit better within the residential neighborhood.
5. The demolition of the existing structure, which appears to be structurally unsound and has attracted unauthorized occupants, is a positive aspect of this Application.
6. All of the variances can be granted without substantial detriment to the public good, the West Orange Zoning Code and the West Orange Master Plan, and that the purposes of the Municipal Land Use Law will be advanced by the granting of this variance application.

A motion to grant the Applicant's request for a "D" "3" conditional use variance and accompanying "C" variances, as set forth above and for preliminary and final site plan, waiver of the requirement to file an Environmental Impact Statement, and for soil removal permit and a tree removal

permit was made by Chairman Buechler and seconded by Ms. Gabry and voted upon as follows:

	Ayes	Nays	Abstentions
Bullock	Yes		
Gabry	Yes		
Quentzel	Yes		
Schwartzbaum	Yes		
Steinhart	Yes		
Weiss	Yes		
Buechler	Yes		

NOW THEREFORE, BE IT RESOLVED, the Zoning Board of Adjustment of the Township of West Orange, based upon the findings and conclusions aforesaid, and upon the Laws established in the State of New Jersey, hereby grants the applicant the following variances and approvals:

1. A "D" "3" conditional use variance for construction of a house of worship including the following:
 - a. Minimum rear yard setbacks of 70.7 feet instead of the required 125 feet.
 - b. Minimum side yard setback east side of 63.63 feet instead of the 125 feet required.
 - c. Minimum side yard setback west side of 123.99 feet instead of the 125 feet required.
 - d. Minimum parking setback of 41 foot setback from the front instead of the 75 feet required.

- e. Minimum parking setback of 20.83 feet from the eastside property line instead of the 75 feet required.
 - f. Minimum parking setback of 22.24 feet from the Westside property line instead of the 75 feet required.
 - g. Minimum accessory use setback of 40.07 feet in the front instead of the 75 feet required.
 - h. Minimum accessory use setback of 38.65 feet to the west side property line instead of the 75 feet required.
 - i. Minimum buffer strip from parking lot of 41 feet in the front instead of 50 feet required.
 - j. Minimum buffer strip from the parking lot of 20.83 feet to the east from the parking lot instead of the 50 feet required.
 - k. Minimum buffer strip from the parking lot of 22.24 feet to the west instead of the 50 feet required.
- 2. A "C" variance for impervious coverage of 41.22% when 40% is the maximum allowed.
 - 3. A "C" variance for 25 foot high accessory structure (the caretaker's house) when 15 feet is the maximum accessory structure height in a residential zone.
 - 4. A "C" variance for a seven square foot sign when one square foot is the maximum allowed area of a building mounted sign in the zone.
 - 5. A "C" variance for a free standing pillar sign, which is not permitted in a residential zone.
 - 6. A "C" variance for two signs (one wall mounted, one pillar) when only one sign is permitted in the zone.

7. "C" variance from the requirement of preservation of at least 30% of the trees on the lot
8. A "C" parking variance for 48 spaces instead of the 86 spaces required by ordinance.
9. Approval from this Board to seek a tree removal permit.
10. Approval from this Board to seek a soil removal permit.
11. Waiver of the requirement to file an Environmental Impact Statement.

BE IT FURTHER RESOLVED that the grant of said variances and preliminary and final site plan approval shall be conditioned upon the Applicant's full and complete satisfaction of the following conditions:

1. The basement of the main temple building shall not be completely finished.
2. Trees shall be planted in accordance with the recommendation of Omland Engineering consultant Frank Russo, or his designee.
3. The hours of use for daily prayer shall be limited to 8:00 a.m. to 12 noon and 4:00 p.m. to 8:00 p.m., seven days a week.
4. The use of the main temple for full services will be limited to every Thursday from 11:00 a.m. to 2:00 p.m., the date of the new moon and full moon each month, and the Lunar New Year, Thanksgiving Day and March 18.

5. The applicant will file as-built drawings, including location of utilities and drainage systems before the issuance of a Certificate of Occupancy.
6. The fire hydrant shall be moved from the driveway and relocated to the satisfaction of the West Orange Fire Department, in accordance with the Omland Engineering letter November 17, 2014.
7. Three to four new trees will be added to Lot 22.05, to the reasonable satisfaction of the Township Planner.
8. The Applicant will mulch the landscape area to make it higher than the lawn area, to the satisfaction of the Township's consulting engineer.
9. The Pipe inlet to Laurel Avenue shall be slotted.
10. The Applicant shall be required to pull a demolition permit and accomplish demolition of the existing structure to the rear of the property, and to remove of all associated debris within 90 days of the date of this resolution or this resolution shall be null and void.
11. The roof leaders will be 12 inch roof leaders, not 15 inch.

12. The Applicant shall provide, for approval by the Board attorney and the Township attorney, within 90 days of the date of this Resolution, an easement, in favor of the Township of West Orange and in favor of the properties known as Lots 18 and 21 in Block 177.02, for the connection of the Township sewer line, through the Applicant's property to Lots 18 and 21 in Block 177.02. Upon review and comment by the Board Attorney and the Township Attorney and return of said easement to the Applicant's attorney, said easement shall be recorded with the Essex County Register of Deeds within 10 days thereafter.
13. The Applicant shall provide, for approval by the Board Attorney and the Township Attorney, a letter notice to the owners of Lot 18 and 21 in Block 177.02, informing them of the proposed construction, and their opportunity to connect into the Township sewer line, at their expense, before construction of a parking lot and other improvements are built, and explaining the lot owners' rights thereafter. Said notice shall be provided to said lot owners, via regular and certified mail, within 10 days after it approval as to

form by the Board attorney and Township Attorney and returned to the Applicant's attorney.

14. The storm drain depicted in the plans over or near the sewer line easement shall be moved to accommodate the sewer line easement.
15. The walkways between the caretaker's building and the house shall be lighted with bollard lighting fixtures.
16. The Applicant shall submit annually, storm water management reports to the Township Engineer, on April 1, or whatever date designated by the Township Engineer.
17. The exterior lighting fixtures will be LED type.
18. The Applicant shall obtain Health Department approval for closure of the well on the property.
19. This approval is subject to all necessary County of Essex approvals.
20. During construction, the Applicant will submit a Certification by its engineer of the wall height to the Township engineer.
21. The Applicant will provide an engineer's estimate for the appropriate engineering escrow before the start of construction.

22. The Applicant must obtain approval for the project from the County Soil Conservation Board.
23. Deliveries to the property can occur during daytime hours except for Thursdays, between 10:00 a.m. and 2:00 p.m., which is the time services will be taking place in the main sanctuary. Deliveries shall only be via box truck or smaller vehicle; no tractor trailers will be permitted.
24. The kitchen in the main building shall not be a commercial kitchen.
25. No persons may sleep overnight in the temple building.
26. Parking shall only be in approved, marked spots. There shall be no parking on the grass.
27. Any lease or sale of the property to any other person or entity, whether connected to the Applicant or not, will require application for a Certificate of Continued Occupancy.
28. The Applicant shall file a deed merging lots 15.01 and 16 within 90 days of this resolutions approval.
29. The Applicant shall identify on revised plans the following: identify water service

- diameter, and retrofit the B inlets along the frontage with water quality heads.
30. The parking lot lights shall be on a timer, and shall be lit from dusk to dawn.
 31. The Applicant shall participate in a pre-construction meeting with the Township Engineer.
 32. The Applicants shall be bound by all Exhibits introduced, all representations made and all testimony given before the Board at its public hearing.
 33. No permits shall issue until the Board's attorney receives from the Applicant or its attorney, satisfactory proof that the person who signed the Application granting the owner's consent for the Application has authority to do so from the owner of the property.

Moved: Buechler

Seconded: Gabry

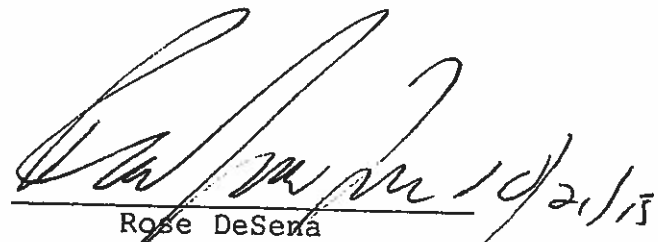
Those in Favor: 5

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 October 15, 2015 and that said Resolution memorializes the action of the Board taken at its meeting held on September 17, 2015 granting the application by a vote of 6 in favor, 0 against and 0 abstentions.

Adopted: October 15, 2015


Rose DeSena
Zoning Board Secretary