

**MINUTES**  
**TOWNSHIP OF WEST ORANGE**  
**ZONING BOARD OF ADJUSTMENT**  
**REGULAR MEETING**  
**October 18, 2012**

The West Orange Zoning Board of Adjustment held a regular meeting on October 18, 2012 at 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

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 posted on the Township Bulletin Board on November 29, 2011 in accordance with the "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:** B. Buechler, G. Bullock, D. Gabry, P. Neuer, W. Steinhart,  
M. Sussman, A. Weiss, L. Zaolino

**ABSENT:** B. Quentzel (excused absence)

**ALSO PRESENT:** P. Grygiel, Consulting Planner/Acting Planning Director  
Board Attorney, Alice Beirne, Esq.  
Board Secretary, Rose DeSena  
Harvey Grossman, Public Advocate

**ANNOUNCEMENTS**

**Future Meetings:** November 8, 2012 (Special Meeting) – 8:00 PM  
November 15, 2012 (Regular Meeting) - 8:00 PM  
December 20, 2012 (Regular Meeting) – 8:00 PM

Chairman Neuer announced that application **ZB-12-16/Bocchino**, originally scheduled to be heard at this meeting, will be carried to the Zoning Board's regular meeting on 11/15/12 per the applicant's request and that no further notice is required.

Chairman Neuer announced that application **ZB-12-17/Blake**, originally scheduled to be heard at this meeting, will be carried to the Zoning Board's regular meeting on 11/15/12 per the applicant's request and that no further notice is required.

Chairman Neuer noted that the Board Secretary has provided the Board members with a copy of an amended Township ordinance regarding Historic Preservation. He stated that if any Board Member had any questions regarding this ordinance that they should speak to the Town Council.

## **DISCUSSION**

Chairman Neuer noted that there has been a request for a Special meeting by Robert Williams, Esq., attorney for Seton Hall Prep School. Revised plans have been submitted with respect to application ZB-08-37 that was approved last year.

Chairman Neuer noted the two requested meeting dates that Mr. Williams provided to the Board, December 6th and December 13<sup>th</sup>, and asked the Board which date was good for them; the Board agreed on December 6, 2012.

Chairman Neuer asked the Board Secretary to contact Mr. Williams, advising him that this application will be heard on December 6, 2012.

## **MINUTES**

**Adopt Minutes:** September 20, 2012 (Regular Meeting)

Chairman Neuer asked the Board if they had any comments regarding the minutes from the regular Zoning Board meeting held on 9/20/12. Seeing none, the Chairman asked for a motion to approve.

Mr. Buechler made a motion to approve the minutes; Ms. Gabry seconded the motion.

All were in favor.

## **SWEARING IN**

Consulting Planner for the Township, Paul Grygiel, was sworn under oath.

## **DISCUSSION**

Mr. Carmine Campanile, Esq., attorney for application ZB-11-14/Longo, approached the podium. Mr. Campanile stated that due to the full agenda this evening, he feels that his client will not be heard and requested to be carried to the next Zoning Board meeting on November 15, 2012.

Mr. Buechler noted that the last time Mr. Campanile was before this Board was on 10/27/11. He advised Mr. Campanile to be prepared to explain, at the next meeting, why his client took so long to come back before this Board.

Chairman Neuer stated that application ZB-11-14/Longo will be carried over to the Zoning Board regular meeting on November 15, 2012 and no further notice is necessary.

## **APPLICATION**

**1. ZB-12-03/DEKAB, LLC**

**Carried from 9/20/12**

Block: 18; Lots: 27 & 29; Zone: R-M

372 Valley Road

Seeking a "D" variance for use and three (3) "C" variances for parking, lot coverage and signage.

Joseph Vena, Esq., attorney for the Applicant, approached the podium and detailed what occurred at the last meeting on 9/20/12. He said that, at this meeting, the Applicant will be addressing the variance for the pharmacy not being allowed in that zone.

Chairman Neuer asked Mr. Vena if he also noticed for two principal uses on one lot; Ms. Beirne stated that she read the notice and the notice did include that information.

Mr. Vena called his first witness.

Samih Abbassi approached the podium and was sworn under oath. Mr. Vena stated that Dr. Abbassi is the owner and asked him why they would like to put a pharmacy in their building. Dr. Abbassi stated that this was decided at the request of the patients.

Mr. Vena asked Dr. Abbassi what kind of usage the parking lot gets and asked how many cars park there. Dr. Abbassi stated that the staff parks in the lot and that there is usually ample parking for them and their patients. Dr. Abbassi stated that they also had an agreement with the restaurant next door to utilize their parking lot.

Chairman Neuer asked Dr. Abbassi if they had a written agreement with the restaurant to park there; Dr. Abbassi said no. He said that they agreed to let the restaurant patrons use their parking lot at night but there was no written agreement between them.

Ms. Gabry asked Dr. Abbassi how many doctors are there at one time. Dr. Abbassi said that they have four physicians but only two doctors work there at one time. He said that he may be there sometimes doing paperwork, but he does not see patients during that time.

Mr. Buechler asked Dr. Abbassi if he personally observed enough parking spaces for their patients; Dr. Abbassi replied yes. He stated that there are windows in the front of the building and that he looks outside many times during the day. Dr. Abbassi stated that there are also times when an ambulance comes into the parking lot.

Chairman Neuer asked Dr. Abbassi to define what a non-ambulatory patient is because their Planner's report stated that they have patients that are non-ambulatory. Dr. Abbassi stated that non-ambulatory patients are not able to walk in so an ambulance brings them. Chairman Neuer asked Dr. Abbassi how many non-ambulatory patients for the entire building are seen during one day; Dr. Abbassi stated approximately two patients per day need transportation.

Chairman Neuer asked Dr. Abbassi how many patients seek the services of the physicians at this location in one day. Dr. Abbassi stated that he is the busiest of all the physicians and he sees about 30 patients in one day. Chairman Neuer asked Dr. Abbassi how many regular patients are his; Dr. Abbassi stated that he has about 10,000 patients. There was some discussion about approximately how many patients Dr. Kadri, Dr. Deen, and Dr. Khan see in one day. Mr. Buechler asked if it would be fair to say that approximately 35-40 patients are seen in one day; Dr. Abbassi said yes.

Chairman Neuer asked Dr. Abbassi how many of the patients asked if they would install a pharmacy in the building; Dr. Abbassi said about 10 patients.

Chairman Neuer asked if they would be sub-contracting the pharmacy out to a licensed pharmacist; Mr. Vena said that they are leasing the space to a licensed pharmacist.

Chairman Neuer asked if they had discussed with this pharmacist how many patients they need to service in order to break even. Mr. Vena stated that the pharmacy they are leasing the space to is an established pharmacy, called E&M Pharmacy, and that they are located in Orange, New Jersey. The Applicant did not respond to the inquiry.

Chairman Neuer asked if E&M Pharmacy will be closing their present pharmacy; Mr. Vena said that he does not know. Mr. Vena said that they have already relocated to a larger facility in Orange and that the Valley Road location will be an accommodating location. Chairman Neuer asked how far E&M Pharmacy is from this location; Mr. Vena replied approximately a mile and a half.

Mr. Sussman asked Dr. Abbassi if he stated that he has 10,000 patients; Dr. Abbassi said yes. Mr. Sussman asked Dr. Abbassi how often he sees his regular patients; Dr. Abbassi said once every two years. Mr. Sussman asked Dr. Abbassi if only 10-15 patients asked him for a pharmacy after stating that he had 10,000 patients; Dr. Abbassi said yes.

Ms. Gabry asked Dr. Abbassi how many of the 10-15 patients who asked for a pharmacy were non-ambulatory; Dr. Abbassi said most of them were ambulatory but he cannot recall for sure. Ms. Gabry asked Dr. Abbassi what kind of Doctor he was; Dr. Abbassi said he is an internist and an allergist.

Chairman Neuer asked Dr. Abbassi how many employees will work at E&M Pharmacy; Dr. Abbassi said that he did not know. He said that Dr. Khan is in negotiations with the pharmacy.

Chairman Neuer asked Dr. Abbassi how many feet from the front door of the building to the pharmacy counter. Dr. Abbassi said approximately 15-20 feet. Chairman Neuer stated that, according to the plans, it appears to be longer. Dr. Abbassi said when you walk into the front door you go down 4 or 5 steps first. He also said that he could be wrong and that it could be longer.

Chairman Neuer asked Dr. Abbassi if the patients have to use stairs to enter the pharmacy; Dr. Abbassi said no. Chairman Neuer asked Dr. Abbassi if he was correct in stating that anyone

wanting to visit the pharmacy has to go down the stairs and then back up them to exit; Dr. Abbassi said yes.

There were no further questions for Dr. Abbassi.

Chairman Neuer asked Mr. Vena to call his next witness.

George Wheatle Williams approached the podium. Chairman Neuer stated that Mr. Williams was sworn under oath at last month's meeting and he will continue under oath. He asked Mr. Williams if he was still a licensed Professional Planner in the State of New Jersey; Mr. Williams replied yes.

Mr. Williams began by stating that he is here to provide testimony regarding the two principal uses and establishing a pharmacy not permitted in this zone. He detailed what he testified to at the last meeting, stating that he reviewed the Township's Master Plan, the 2005 re-examination plan, the site plan application and site plan. Mr. Williams stated that he also reviewed Ms. Borg's and Omland Engineering's reports.

Mr. Williams stated that the applicant is a long time business owner in Town and previously came before this Board to convert an old house of worship into a professional office building.

Mr. Williams said that the applicant has decided to purchase a residential single family home to increase parking for his property and improve the site layout. He said that the applicant is also seeking to take storage space in his building and make it a pharmacy.

Chairman Neuer asked if the clients proposal to acquire the property is contingent on granting approval for the pharmacy or will he increase the parking regardless. Mr. Vena said that the client has already purchased the property and the parking lot will be improved with or without the pharmacy approval.

Mr. Williams stated that when you enter the building there are four (4) steps and a lift that a patient can use instead of the stairs. He said that the applicant is proposing to remove the first floor storage area to make better use of it and establish a pharmacy which will provide a service to their patients.

Mr. Williams detailed the site, the surrounding area and the photos that he presented in his recent Planner's report dated 10/8/12.

Mr. Williams stated that, according to the Master Plan, the Township wishes to improve the Valley corridor area and that in his opinion this project advances this standard.

Mr. Williams stated that this project will also create two jobs and he noted that any number of jobs created is a plus.

Mr. Williams stated that, according to the Township's 2004 Master Plan, there are no inconsistencies with this project.

Mr. Grygiel stated that the Township has adopted a 2010 Master Plan and that the document that Mr. Williams is referring to is not the latest Plan. He said that there are no substantial changes to either plan regarding the Valley corridor.

Mr. Williams stated his opinion that the pharmacy will provide a one stop convenience for the patients visiting this site. He said that, if approved, the pharmacy design will focus on the patients visiting this site and they will be able to have their prescriptions filled before they leave the facility.

Mr. Buechler asked Mr. Williams if a stretcher can fit on the lift; Mr. Williams said that the lift is ideally suited just for a wheel chair.

Mr. Williams stated that once you enter the building, the physician's waiting room is on the left and there are lavatories on the right. He said that, if you go beyond the lavatories, there is an entrance to an existing storage area, where the pharmacy will be located, that is approximately 900 sq. feet.

Chairman Neuer stated that there is no scale to say how far the pharmacy is from the front door. Mr. Williams said that he is guessing that from the sidewalk to the front door is 95' and that the pharmacy is 60' from the front door.

Mr. Williams detailed the first floor layout.

Chairman Neuer asked if the pharmacy will be dispensing narcotics; Mr. Vena said possibly.

Chairman Neuer said that he does not see anything in the plans regarding security for the narcotics; Mr. Williams said that if the application is approved they will present those plans.

Mr. Williams detailed the positive criteria and stated that this project encourages development and is a convenience to its patrons.

Mr. Williams said that if the applicant had proposed a record store, for example, this would not advance the purpose but because the pharmacy is similar to the existing use as a medical office, it will advance the purpose.

Mr. Williams stated that the hours of operation for the pharmacy will be the same as the medical building during the week but it will be open on a Saturday by State law.

Mr. Williams stated that the applicant is proposing to add more parking for the site and said that there are no other suitable sites for the pharmacy.

Mr. Williams detailed the negative criteria. He stated that there will be no substantial detriment to the neighborhood; that the applicant's primary intent is to service the patients onsite; the signage will be minimal; there will be no impact on the Zone because they have already been approved for the bigger project and this one is much smaller and that there will be an additional ten (10) parking spaces onsite to accommodate the original approved use.

Mr. Williams stated that the approval of the pharmacy will not change the character of this section of Valley Road.

Ms. Weiss referred to Ms. Borg's report regarding the signage and asked Mr. Williams if they are going to take that into consideration. Mr. Vena stated that the applicant agreed to have the sign reduced, at the last meeting, as per Ms. Borg's recommendation.

Chairman Neuer stated that Mr. Williams report goes back and forth. He said that his original statement was that the pharmacy is for the benefit of the patients and the people in the neighborhood. Chairman Neuer said that Mr. Williams then stated that the original intent for the pharmacy was to serve the patients.

Chairman Neuer stated that Mr. Williams testified that did not meet with any of the other Doctors at that location; he just met with Dr. Kadri. He said that the only testimony given before this Board was from Dr. Abbassi stating that 10-15 patients wanted the pharmacy.

Chairman Neuer asked Mr. Williams how many medical offices in Town have pharmacies in their buildings; Mr. Williams said none that he knows of.

Chairman Neuer asked Mr. Williams how many mom and pop pharmacies have closed in the past years; Mr. Williams said that he did not know.

Chairman Neuer asked Mr. Williams approximately how far is the Rite Aid pharmacy from the medical building; Mr. Williams said he was not sure but approximated it at 5,000-10,000 ft.

There were no more questions for Mr. Williams.

Chairman Neuer called for a recess at 9:30 pm.

Chairman Neuer resumed the meeting at 9:42 pm.

Chairman Neuer advised Mr. Vena that there are only six Board members voting tonight and that the applicant will need five (5) affirmative votes. He asked Mr. Vena if he wants the vote taken by seven members; Mr. Vena said yes. The Chairman said that the Applicant would have to order the transcript from the last meeting on September 20<sup>th</sup> for Ms. Weiss to read. He told Mr. Vena to sum up tonight and that the Board will deliberate and vote on November 15, 2012.

Mr. Grossman said that he recommended that the Board approve this application. He said that the neighborhood will be improved when they eliminate the house. Mr. Grossman said that the pharmacy is not a retail pharmacy; just a small one to accommodate the patients. He said that the location will not have the traffic of a large pharmacy.

Chairman Neuer noted for the record to have Exhibit A-1 and Exhibit A-2 entered into evidence.

Mr. Vena summed up stating that the removal of the house will enhance the site and increase parking. He said that the sign is needed to perfect the commercial use and that the location of the sign is compatible with the area. Mr. Vena said that the applicant has agreed to reduce the size as recommended by Ms. Borg.

Mr. Vena stated that the pharmacy was requested by the patients and, if approved, it will benefit them. He said that the pharmacy will be located in a 685 sq. ft. area which is less than 10 percent of the size of the building. Mr. Vena stated that they will be limiting it to pharmaceutical and that will limit the walk-in's; He said that it will not be a mini store.

Mr. Vena stated that they have met the positive and negative criteria.

Chairman Neuer stated that this hearing is closed and it will continue on November 15, 2012.

## **APPLICATION**

2. **ZB-12-10/Bell**  
Block: 32; Lot: 176.24; Zone: R-5  
9 Stanford Court  
"C" variances for construction of retaining walls

**Carried from 9/20/12**

## **EXHIBITS**

- A-1 - Variance Plan sheet 1 of 2 with revision date of 7/12/12  
A-2 - Steep Slope Exhibit sheet 2 of 2 – dated 6/7/11  
A-3 – Photographs

Mr. Buechler recused himself and stepped down from the dais.

Mr. Vena, attorney for the Applicant, approached the podium; detailed the application and called his first witness.

J. Michael Petry approached the podium and was sworn under oath. Mr. Petry detailed his credentials and professional background. He stated that he is a Professional Engineer and Planner and licensed in the State of New Jersey. Mr. Petry stated that he has testified many times before Boards in this capacity. Chairman Neuer accepted his credentials as an expert Professional Planner and Engineer.

Chairman Neuer stated that there was a notification in the file, from the Township Tax Collector, that Mr. Bell's sewer taxes were delinquent; the Board Secretary stated that they have been paid since then.

Chairman Neuer stated that the retaining walls have already been installed. He said that in all cases such as this one he advises applicants that it is better to come before this Board and ask for permission rather than to request forgiveness after the fact.



Mr. Petry presented the variance plan, sheet 1 of 2 with a revision date of 7/12/12, and began detailing the variances that the applicant is seeking. Chairman Neuer asked to have it marked as Exhibit A-1.

Mr. Petry presented the steep slope exhibit, sheet 2 of 2 dated 6/7/11, and detailed the slopes on the property from east to west. Chairman Neuer asked to have it marked as Exhibit A-2.

Mr. Petry presented photos of the site. Chairman Neuer asked Mr. Petry when he visited the site; Mr. Petry said he visited the site in 4/11 and 6/11. Chairman Neuer asked Mr. Petry who took the photos and Mr. Petry said his client took the photos and that they accurately depicted the site conditions on those dates. Chairman Neuer asked to have the photos marked as Exhibit A-3.

Mr. Petry detailed the neighborhood and the site. He stated that the property is 25,792 sq. ft. Chairman Neuer stated that the application states that the property is 26,000 sq. ft. Mr. Vena asked to have the application amended to 25,792 sq. ft. The request for such amendment was granted by the Chairman.

Mr. Petry detailed where the retaining walls were on the site. He described the area as having a deck surrounding an above ground swimming pool and a hot tub.

Mr. Sussman questioned one of the photos of one of the retaining walls Mr. Petry presented in Exhibit A-3 and asked if there was a crack in that wall. Mr. Petry said no that it was a pen line that was drawn on the photo. He said that he can verify that there are no cracks on the wall and that he measured the wall and it was straight.

Mr. Petry detailed the fencing on top of the retaining wall and stated that it was installed for protection. He said that the applicant did not get the proper permits for the fence and that is why he is before this Board. Mr. Petry said that when the applicant applied for permits for other work, the building inspector advised the applicant that the fencing was installed without permits. Mr. Petry stated that the applicant signed documents with a contractor 5 or 6 years ago, when the walls were installed, and the contractor was responsible for getting the proper permits. Chairman Neuer said that he would like to see the contracts that the applicant allegedly signed.

Mr. Petry stated that the 12' wall with the 4' fence on top of it totals 16'. He said the total height of the wall requires a variance.

Chairman Neuer said that on page 2 of the application, the wall is 10'6" and the fence on top of the wall is 5'. He said that Mr. Petry testified that the wall is 12' and that the fence is 4'. Mr. Vena said, based on the plans submitted, the wall is 12' and the fence is 4' high. He said that whatever information he had was on the application when he submitted it. Chairman Neuer said that when this Board gets incorrect information it makes more work for them. Mr. Vena said that he will amend the application to include the correct measurements. Chairman Neuer told Mr. Vena to submit an amended application; Mr. Vena said that they will comply.

Mr. Petry stated that the tiered walls are separate structures and explained why the 4' fence on top of the wall was needed. He said that aesthetically, it does not affect the neighbors because only the applicant can see the wall.

Mr. Petry said that the rear of the property cannot be utilized without the walls there because the slopes are severe. He said that he based his testimony on the steep slopes criteria.

Mr. Petry stated that the impervious coverage they are proposing is 59.4 percent and 40 percent is allowed. He said this also requires a variance. Mr. Petry said that it is a hardship to limit the applicant to 4,000 sq. ft. of impervious coverage on a 25,000 sq. ft. piece of property.

Mr. Petry said that there does not appear to be any signs of drainage issues on the property; he said it can handle the run-off and there is no substantial detriment.

Ms. Zaolino stated that the property is barely compliant; pre or post pool installation. Mr. Petry stated that he was talking about the overall lot area; he said that because of the slopes it is reduced to barely compliant.

Mr. Bullock asked Mr. Petry if the applicant viewed any of the construction plans for the work done five years ago; Mr. Petry said that the applicant only viewed the finished product.

Ms. Gabry stated that the wall encroaches on the neighbor's property to the north. Mr. Vena stated that that the applicant has an agreement from that neighbor to get an easement if approved.

Chairman Neuer stated that he saw two encroachments of walls on the survey; one on the northerly side and one on the southerly side. Mr. Vena stated that the wall on the southerly side has since been removed according to the applicant. Chairman Neuer asked if there is anyone here to testify that it has been removed. Mr. Petry said that he did not see it but the applicant can testify to that.

Ms. Weiss stated that she visited the site and, although she was upset that the applicant did not get the proper permits, the property was very impressive. She said that the slope of the land is amazing and that the photos do not do it justice.

Chairman Neuer asked why the address for the client on the map is in Livingston. Mr. Bell said that is where he used to work; he said he lived in Warren at one time and worked in Livingston.

Chairman Neuer said that to comply with the steep slope ordinance, the area would have been designed different. Mr. Petry said that they would have had to design the wall different or come before the Board asking for a variance.

Chairman Neuer asked Mr. Petry what the purpose of raising the wall was; Mr. Petry said it was done for aesthetics. He said if you tiered the wall, as the ordinance allows, you would have three (3) 6' walls instead of one 12' wall. Chairman Neuer asked if three walls would have been more expensive; Mr. Petry said not necessarily but said that it is a little less expensive to build one wall.

Ms. Gabry asked Mr. Petry if they had tiered the wall would they have needed more space or run out of real estate; Mr. Petry said there was plenty of room to tier the wall. He said that in order to tier the wall it would be another 12' up the hill and they would have had to disturb more of the slope. Mr. Petry said that by constructing a single wall you are disturbing less of the slope.

Mr. Bullock asked Mr. Petry if he thinks the wall is solid; Mr. Petry said that he visually inspected it for plumbness and that he saw no bulges in the wall. He said that he believes the wall was constructed correctly.

Mr. Vena called his next witness, the Applicant, Harvey Bell.

Harvey Bell approached the podium and was sworn under oath. Mr. Vena asked Mr. Bell how he initiated the project. Mr. Bell stated that he has children and wanted a play area for them. He said contracted a local contractor, who did work for his neighbors, for the job.

Mr. Vena asked Mr. Bell if he had a signed contract with the Contractor; Mr. Bell said yes. He said that the Contractor, Ernest & Sons, said they would handle everything.

Mr. Vena asked Mr. Bell if he has a copy of the signed contracts; Mr. Bell said no. He said that he had a flood in his basement and everything was destroyed.

Mr. Bell said that when he hired another Contractor to do his sun room, he signed the same contract and got the legitimate permits for that work.

Mr. Bell stated, for the record, that he moved to West Orange nine (9) years ago and has developed many friends here.

There were no more questions for Mr. Bell.

Chairman Neuer asked to have Exhibits A-1, A- 2 and A-3 entered into evidence.

Ms. Zaolino recommends, as a condition to the resolution, that the applicant is required to get an easement from the neighbor.

Mr. Bullock stated that he feels there are several credibility issues and he is not prepared to vote tonight. He said there were issues with the plans and the permits not being obtained. Mr. Bullock said that, even knowing who the Contractor is, the applicant still could not obtain copies of the contracts and that there is no documentation.

Ms. Weiss asked Mr. Bullock if it is true that this Board has had a number of applications with the same situation come before them. Chairman Neuer stated that this Board does not cross examine one another.

Ms. Weiss said that she feels that the walls have already been built and that no one has ever complained about them. She said that if this Board votes against the application, the applicant

will be required to take them down. Ms. Weiss said that, whether the applicant was deceived or not, she rather see him do community service rather than having to do that.

Chairman Neuer stated that this Board is not an enforcement bureau and that they do not have the power to tell the applicant to take the walls down. He said that the applicant is asking for permission and not forgiveness. The Chairman stated that he visited the house and it is well maintained and attractive. He said that he is inclined not to have this Board punish the applicant anymore and recommends that they approve. Chairman Neuer said, however, they will not vote on the resolution until the proper easement from the neighbor on the northerly side is presented. Mr. Vena stated that, if approved, the Board will have the easement before the resolution is adopted.

Chairman Neuer said that evidence must also be presented that the other encroachment wall and solar panels are removed on the south side.

Mr. Bullock asked if they should have the Township Engineer inspect the wall. Chairman Neuer asked Mr. Grygiel if a C.O. was required for a wall; Mr. Grygiel said no because a wall is not an occupied space. The Chairman asked how many of the Board members want the Township Engineer to inspect the wall; two Board members voted yes. Chairman Neuer said that is not the majority so they will not require the wall being inspected.

Ms. Zaolino stated that if the wall is still plumb after five years, then it was built well.

Chairman Neuer made a motion to approve this application; Ms. Gabry seconded the motion.

The vote was as follows:

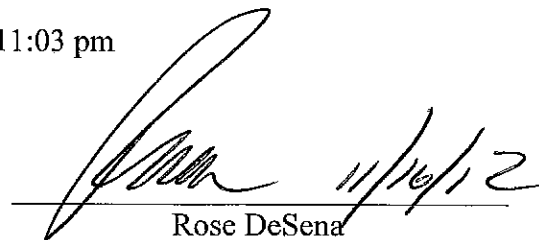
Buechler:	Recused	Sussman:	Yes
Bullock:	No	Weiss:	Yes
Gabry:	Yes	Zaolino:	Yes
Quentzel:	-	Chairman Neuer	Yes
Steinhart:	Yes		

Chairman Neuer announced that application ZB-12-15/Pappano that was scheduled to be heard at this meeting, by the applicant's request, has been carried over to the November 15, 2012 meeting. No further notice is required.

### **ADJOURNMENT**

The meeting was adjourned by Chairman Neuer at 11:03 pm

November 15, 2012

  
Rose DeSena  
Zoning Board Secretary