

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
January 16, 2014**

The West Orange Zoning Board of Adjustment held a regular meeting on January 16, 2014 commencing 8:00 PM at 66 Main Street, West Orange, N.J. in Council Chambers.

Chairwoman Gabry 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 21, 2013 in accordance with the "Open Public Meetings Act."

Chairwoman Gabry asked everyone to stand for the Pledge of Allegiance.

Alice Beirne, Esq., Board Attorney, read the Opening Statement.

PRESENT: G. Bullock, D. Gabry, W. Merklinger, P. Neuer,
B. Quentzel, W. Steinhart, M. Sussman, A. Weiss

ABSENT: B. Buechler (excused absence)

ALSO PRESENT: Paul Grygiel, Consulting Planner
Board Attorney, Alice Beirne, Esq.
Board Secretary, Rose DeSena
H. Grossman, Public Advocate
D. Dillon, Audio-Digital Transcription Service

ANNOUNCEMENTS

Future Meetings: February 20, 2014 (Regular Meeting) – 8:00 PM
March 20, 2014 (Regular Meeting) – 8:00 PM
April 17, 2014 (Regular Meeting) – 8:00 PM

Chairwoman Gabry announced that application ZB-13-13/Alvarez, previously scheduled to be heard at this meeting, has requested to be carried to the next Zoning Board of Adjustment meeting held on February 20, 2014. She noted that the applicant did not notice in time for this meeting and that this Board does not have the jurisdiction to hear the application at this time.

Savino Russoniello, Esq., attorney for application ZB-13-11/Galvilanez scheduled to be heard at this meeting, approached the podium. Mr. Russoniello stated that he understands that this application requires another "D" variance for a second principal use on this property and that they did not notice properly. Applicant will amend the application and re-notice.

Chairwoman Gabry stated that if any member of the public is here for this application that it will not be heard tonight and it will be carried over to the February 20, 2014 regular meeting. She also noted that the applicant is required to re-notice for the February 20, 2014 meeting.

MINUTES

Adopt Minutes: December 19, 2013 (Regular Meeting)

Chairwoman Gabry asked for a motion to approve the minutes from the regular Zoning Board meeting held on December 19, 2013 as submitted to the Board members.

Mr. Neuer made a motion to approve the minutes; Mr. Sussman seconded the motion and all were in favor.

SWEARING IN

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

RESOLUTIONS.

1. **ZB-13-14/Nissel** **Approved 12/19/13**
40 Mayfair Drive
Block: 179.08; Lot: 12; Zone: R-5
“C” variance for the expansion of a bedroom into part of an existing garage.

Chairwoman Gabry asked if the Board reviewed this resolution and if any Member had any comments.

Ms. Beirne stated that Mr. Neuer submitted his comments to her for this resolution and that she accepted them.

Chairwoman Gabry asked for a motion to adopt the resolution with said revisions.

Mr. Neuer made a motion to adopt and Mr. Bullock seconded the motion.

The vote was as follows:

Buechler:	-	Steinhart:	Yes
Bullock:	Yes	Sussman:	Yes
Merklinger:	-	Weiss:	Yes
Neuer:	Yes	Chairwoman Gabry:	Yes
Quentzel:	-		

APPLICATION(S)

1. ZB-13-18/Schinman

Block: 104; Lot: 10; Zone: R-1

45 Mountain Avenue

Two "C" variances for the height of constructing an accessory structure to a primary residence.

EXHIBITS

A-1 – Rendered site plan with photographs of existing conditions

A-2 – Comparisons of height of old barn to proposed structure

A-3 – Elevations with picture depicting materials to be used for the proposed structure

A-4 – Rendering of the new structure

A-5 – Sheet A101 of the basement plan prepared by Kenneth Nadler dated 12/23/13

A-6 – Sheet A102 of the first floor plan prepared by Kenneth Nadler dated 12/23/13

A-7 – Sheet A103 of the second floor plan prepared by Kenneth Nadler dated 12/23/13

A-8 – Planning report (6 pages) prepared by Peter G. Steck

O-1 – Survey prepared by Casey and Keller dated 8/29/89

O-2 - Photo taken from Mountain Avenue of proposed site by objector Julie Day

O-4, 5, 6 – Photos of the original barn on the proposed site, taken by objector Julie Day, which was demolished by applicant

O-7 – Photo taken of the proposed site, by objector Julie Day, from her driveway

O-8 – Photo taken by objector Julie Day, from her driveway, of the fence around the outdoor tennis court on the applicant's property.

Mr. Neuer recused himself from hearing this application and left the dais.

Robert Williams, Esq., attorney for the applicant approached the podium and detailed the application. He said that the applicant is requesting two "C" variances for the height of an accessory structure being constructed in the rear of the home that sits on approximately ten (10) acres in Llewellyn Park.

Mr. Williams called his first witness.

Kenneth R. Nadler approached the podium and was sworn under oath. Mr. Nadler detailed his educational and professional background as a licensed architect in the State of New Jersey. Chairwoman Gabry asked Mr. Nadler if he has testified before Boards before for similar projects; he replied yes. Chairwoman Gabry accepted Mr. Nadler as an expert in Architecture.

Mr. Nadler presented a rendered site plan with photographs depicting the existing conditions. Chairwoman Gabry noted for the record that the photographs were pre-marked as Exhibit A-1 for identification only and asked Mr. Nadler if he took these photos; he replied no. She asked Mr. Nadler who took the photos; he said that the client took the photos.

Mr. Nadler referred to the photographs stating that the proposed structure can only be seen from the main house.

Mr. Nadler presented another set of photographs. Chairwoman Gabry stated for the record that the photographs were pre-marked as Exhibit A-2 for identification only. Mr. Nadler referred to the photographs stating that they show the proposed structure and the structure that was demolished. He said that the proposed structure will be approximately 18" higher than the structure that was demolished.

Mr. Williams also referred to the photographs and noted for the record that the proposed structure is the same distance from the next door neighbor's property as the old structure was.

Mr. Nadler presented the design plans for the proposed structure. Chairwoman Gabry noted for the record that the design plan for the proposed structure was pre-marked as Exhibit A-3 for identification. Mr. Nadler referred to the plan and detailed the design and what materials will be used.

Mr. Williams asked Mr. Nadler if they will be removing any trees; he replied no.

Mr. Nadler presented a three dimensional sketch of the proposed structure. Chairwoman Gabry noted for the record that the three dimensional rendering of the proposed structure was pre-marked as Exhibit A-4 for identification. Mr. Nadler referred to the rendering and began detailing it. He also noted that they are proposing to screen the existing outdoor tennis court as much as possible.

Mr. Nadler presented the basement floor plan for the proposed structure. Chairwoman Gabry noted for the record that the proposed basement floor plan was pre-marked as exhibit A-5 for identification. Mr. Nadler detailed the basement floor plan proposing an indoor basketball court, a two car garage and a golf simulator.

Mr. Nadler presented the first and second floor plans for the proposed structure. Chairwoman Gabry noted for the record that the proposed first floor plan was pre-marked as Exhibit A-6 and the proposed second floor plan was pre-marked as Exhibit A-7 for identification. Mr. Nadler referred to the first and second floor plans and detailed them.

Chairwoman Gabry asked if any members of the Board had any questions for Mr. Nadler.

Mr. Sussman asked Mr. Nadler the total square footage of all the floors; Mr. Nadler replied 9249 square feet.

Mr. Steinhart asked Mr. Nadler what construction materials will be used; Mr. Nadler said they are proposing a wood structure and an asphalt Camelot roof.

Mr. Grossman asked Mr. Nadler if the proposed structure is primarily recreational; he replied yes.

Mr. Grossman asked Mr. Nadler if eight proposed parking spaces will be adequate for the number of activities the structure is going to be used for; he replied yes. Mr. Nadler said that they could park fifty (50) cars on the property if need be.

Chairwoman Gabry asked if any other members of the Board or the Professionals had any questions for Mr. Nadler..

Chairwoman Gabry asked if there were any members of the public who had any questions for Mr. Nadler.

Anthony Rainone, Esq. approached the podium and stated that he is the attorney for an objector, Julie Day, who lives at 55 Mountain Avenue.

Mr. Rainone asked Mr. Nadler how many accessory structures are currently on the property; he replied four accessory structures and a swimming pool.

Mr. Rainone asked Mr. Nadler if there was a building to the left of the indoor tennis court; he replied no.

Mr. Rainone asked Mr. Nadler how many square feet the applicant's house is; he replied approximately 10,000 sq. feet.

Mr. Rainone referred to Exhibit A-4 and asked Mr. Nadler if the proposed structure looks like a house; he replied no. Mr. Nadler said that the proposed structure will look like a barn.

Mr. Rainone asked Mr. Nadler if there was a bathroom on that floor; he replied yes.

Mr. Rainone referred to Exhibit A-6 of the proposed first floor plan and asked Mr. Nadler what the dimensions of the exercise room will be; he replied 25' x 25'.

Mr. Rainone asked Mr. Nadler if there was a bathroom on the first floor; he replied yes. Mr. Rainone asked Mr. Nadler if there was a dressing room; he replied no. Mr. Rainone asked Mr. Nadler how big the bathroom will be on the first floor; he replied 14' x 15'.

Mr. Rainone referred to Exhibit A-7 of the proposed second floor plan and asked Mr. Nadler if there was going to be a refrigerator in the bar area; he replied possibly.

Mr. Rainone asked Mr. Nadler if there was going to be an office on the second floor; he replied yes.

Mr. Rainone asked Mr. Nadler if he thought the interior of the proposed structure looks like a home; he replied no.

Mr. Rainone asked Mr. Nadler if there will be any commercial activity in the proposed structure; he replied no.

Mr. Rainone asked Mr. Nadler if the indoor tennis court is used for commercial activity; he said that he did not know.

Mr. Rainone asked Mr. Nadler where guests park; he said that he expects that they will park in the driveway.

Mr. Rainone referred to Exhibit A-2 and asked Mr. Nadler the height of the cupola; he said that the cupola is 5' tall.

Mr. Rainone referred to Exhibit A-3 and asked Mr. Nadler if any excavation is being proposed; he replied yes.

Mr. Rainone asked Mr. Nadler if there is bedrock on the site; he said he did not know.

Mr. Rainone asked Mr. Nadler how they would get to the foundation if there was bedrock; he said that they would chip it out with a jackhammer and heavy machinery. Mr. Rainone asked Mr. Nadler if they would use dynamite; he replied no.

Mr. Rainone asked Mr. Nadler if he has seen any other barns in Llewellyn Park that look like the structure being proposed; he said that he has seen some that look similar. Mr. Rainone asked Mr. Nadler if they were the same size as the structure being proposed; he said he was not sure.

There were no further questions for Mr. Nadler from the members of the public.

Mr. Williams called his next witness.

Ryan Brett Schinman, applicant, approached the podium and was sworn under oath.

Mr. Williams asked Mr. Schinman when he purchased the property; he said he purchased the property in either 2001 or 2002.

Mr. Williams asked Mr. Schinman why he purchased this site. Mr. Schinman said that he grew up in West Orange and fell in love with Llewellyn Park. He said that he is a tennis player and this property had an indoor and an outdoor tennis court on site and this is why he purchased it.

Mr. Schinman detailed his participation as a resident in Llewellyn Park and noted the events that he has sponsored.

Mr. Schinman stated that he entertains a lot and that is the purpose of the proposed structure. He said that when he went to the Town with his plans, he was told that if he attached the structure to the main residence that he would not need a variance. Mr. Schinman said that he felt it was important to keep the structure separate because he felt it would be more in keeping with the look of the Park.

Mr. Schinman said that there are only five other houses on the street who would be able to see the proposed structure and that it can only be seen from his property once you turn into his driveway.

Mr. Schinman referred to Exhibit A-2 showing a photograph of the old barn that was located behind the residence. He said that the barn roof leaked and it was unusable so he decided to demolish it and build the new structure on the same site.

Chairwoman Gabry asked Mr. Schinman when the barn was demolished; he replied at the end of November, 2013.

Mr. Schinman said that his guests currently have to park on the street but once the structure is built they will be able to park on his property.

Mr. Merklinger asked Mr. Schinman if the original barn structure needed a variance to build it; he replied that he did not know.

There were no further questions for Mr. Schinman from the members of the Board or the Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Schinman.

Mr. Rainone approached the podium and asked Mr. Schinman if his testimony was that he had made repairs to the old barn and then demolished it; he replied yes.

Mr. Rainone referred to Exhibit A-2 and asked Mr. Schinman if the photograph was a view of the structure from the street; he replied no. He said that the view was from his front lawn.

Mr. Rainone asked Mr. Schinman to explain what is behind his house; Mr. Schinman said there are trees and shrubbery behind his house.

Mr. Rainone asked Mr. Schinman if his testimony was that if someone was standing on Mountain Avenue they could not see the proposed structure; he replied no. He said that on some parts of Mountain Avenue you cannot see the structure.

Mr Rainone asked Mr. Schinman what the dimensions of the indoor tennis court were; he replied 15,000 sq. feet.

Mr. Rainone asked Mr. Schinman what the square footage of his house is; he said approximately 10,000 sq. feet.

Mr. Rainone asked Mr. Schinman if they eliminated the indoor basketball court, would it eliminate the height of the structure; he replied maybe.

Mr. Rainone asked Mr. Schinman if the recreation center is for his family; he replied yes.

Mr. Rainone asked Mr. Schinman how many times a year he has guests stay overnight at his house; he replied 80 percent of the time.

Mr. Rainone asked Mr. Schinman what percentage of that time do non-family members stay overnight; he replied 30 percent of the time.

Mr. Rainone asked Mr. Schinman why he did not extend his home for the recreation center; he said that he did not like the look and the feel of it.

Mr. Rainone asked Mr. Schinman if he has clients stay at his home. Mr. Schinman said that some of his clients are friends and they have stayed at his house, he said that his clients do not stay at his house.

Mr. Rainone asked Mr. Schinman the indoor tennis court is used for personal gain; he replied no.

Mr. Rainone asked Mr. Schinman if he was suggesting in his testimony that he get different treatment because he donates to Llewellyn Park; he replied no.

Mr. Rainone asked Mr. Schinman if the proposed structure is a guest house; he replied no.

There were no further questions for Mr. Schinman.

Mr. Williams called his next witness.

Peter G. Steck approached the podium and was sworn under oath. Chairwoman Gabry asked Mr. Steck if he submitted a report with the application because she did not see one; he replied no. He said that he has prepared a hand out and asked if he could distribute it to the Board members. Chairwoman Gabry asked to have Mr. Steck's hand out marked as Exhibit A-8 for identification. Mr. Steck detailed his professional and educational background as a Professional Planner licensed in the State of New Jersey. Chairwoman Gabry accepted Mr. Steck as an expert in Professional Planning.

Mr. Steck referred to Exhibit A-8 and identified the two variances that the applicant is seeking. He said that the height of the proposed structure exceeds the 35' that is allowed by the Township ordinance and is technically a two story building when 1.5 stories are allowed.

Mr. Steck described the photos in Exhibit A-8 that shows the proposed structure site from all views. Chairwoman Gabry referred to photo #7 and asked Mr. Steck what house she is looking at in the photo; he replied the neighbor, Julie Day's house.

Mr. Steck stated that the very large property has 500 feet of frontage on Mountain Avenue with very steep slopes on the property. He said that the gentle slopes are closer to the street.

Mr. Steck stated that the applicant is proposing to build an accessory structure, not a dwelling, for his family and friends and detailed all of the setbacks that the Township's Ordinance allows for this property. He said that if the applicant chose to add this structure to the main building it

could be 77,000 square feet according to the code and would not require a variance. Mr. Steck also stated that he would have to put sprinklers in the main house if the proposed structure were attached.

Mr. Steck stated that this property is the largest privately owned property in Llewellyn Park and that the Edison property is the only other privately owned property in the Park. He said that the proposed structure is over 80 feet from the closest property line when it only has to be five feet according to the code. Mr. Steck said that if the structure was attached to the main house, then it would be more visible to people on Mountain Avenue. He said that the structure will be approximately 200 feet from the closest dwelling. Mr. Steck then detailed the negative and positive criteria stating that it is a unique property and the benefits outweigh the detriments.

Chairwoman Gabry called for a recess at 9:33 pm.

Chairwoman Gabry resumed the meeting at 9:45 pm.

Mr. Steck resumed his testimony and stated that there are only three recognized historic sites in Llewellyn Park and specified which properties they were. He said that this property is not designated locally as a historic site.

Chairwoman Gabry asked if any members of the Board had any questions for Mr. Steck.

Mr. Sussman referred to #13 on page six of his report and asked Mr. Steck to clarify that diagram. Mr. Steck said that if the proposed structure was attached to the main building it could be 35' tall and 70,000 square feet from a zoning point of view.

Ms. Weiss asked Mr. Steck how many square feet Glenmont is; he replied that he did not know.

There were no further questions for Mr. Steck from the Board of the Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Steck.

Mr. Rainone approached the podium and asked Mr. Steck if he toured Llewellyn Park; he replied yes.

Mr. Rainone asked Mr. Steck if he would compare the proposed accessory structure to any other accessory structure in the Park; he replied that the Edison property has one comparable to it.

Mr. Rainone asked Mr. Steck if his testimony was that the proposed structure is not a dwelling; he replied yes.

Mr. Rainone asked Mr. Steck if this structure has a place that someone could live in; he replied that it is not designed for that.

Mr. Rainone asked Mr. Steck if there is a place in the structure that you could put a bed; he replied yes.

Mr. Rainone asked Mr. Steck if there is a place in the structure that someone could sleep; he replied yes.

Mr. Rainone asked Mr. Steck if there is a place in the structure that someone could eat; he replied yes.

Mr. Rainone asked Mr. Steck if there is a place that someone could cook in the facility; he replied yes that there is a snack facility.

Mr. Rainone asked Mr. Steck if there is sanitation in the building; he replied yes.

Mr. Rainone asked Mr. Steck if he was familiar with the Township's Zoning Ordinance definition of what a "dwelling"; he replied yes. Mr. Steck said that there are no sleeping facilities in the proposed structure.

Mr. Grossman approached the podium and stated, for the record, that the proposed structure fits in architecturally and enhances the area. He said that he recommends that the Board approve this application.

Chairwoman Gabry asked if any members of the public had any comments.

Mr. Rainone approached the podium and called his client, Ms. Day, to testify.

Julie Day approached the podium and was sworn under oath.

Mr. Rainone asked Ms. Day how long she lived in Llewellyn Park; she replied all of her life. Ms. Day stated that she grew up in the Park and that Mr. Schinman's property was owned by her family at one time.

Mr. Rainone asked Ms. Day when the indoor tennis court was built; she replied in the 1920's.

Mr. Rainone presented a copy of a survey prepared by Casey and Keller dated 8/29/89. Chairwoman Gabry asked to have the survey marked as Exhibit O-1 for identification.

Ms. Day referred to the survey and detailed it.

Mr. Rainone asked Ms. Day if she can see the Schinman residence from her property; she replied yes.

Mr. Rainone asked Ms. Day where the barn is now; she replied that it was demolished. He asked her if she could see the barn from her property; she replied yes.

Mr. Rainone asked Ms. Day if she can see the proposed structure being built; she replied yes.

Mr. Rainone asked Ms. Day if the new structure will be bigger than the old barn; she replied yes.

Mr. Rainone presented two photographs. Chairwoman Gabry asked to have the photos marked as Exhibit O-2 for identification and asked who took the photos. Mr. Rainone said that he took the photos at approximately 9 am, January 16, 2014.

Mr. Rainone referred to Exhibit O-2 and asked Ms. Day to detail where the proposed structure will be in the photo. He asked Ms. Day if the structure could be seen from Mountain Avenue; she replied yes.

Mr. Rainone presented a photograph that was taken by a Mr. Davis with a superimposed structure in the photo. Mr. Williams objected to the photo and asked the Board not to consider it. Ms. Beirne said that she agrees with Mr. Williams and that the photo should not be considered.

Mr. Rainone presented three photographs. Chairwoman Gabry asked to have the three photographs marked as Exhibit O-4, O-5 and O-6 for identification and she asked who took the photographs. Ms. Day stated that she took the photographs in 1998 or 1999 before Mr. Schinman bought the property. She referred to the photographs and detailed what the barn used to look like before it was demolished. Chairwoman Gabry asked Ms. Day what the purpose of these photographs was; she replied that she wanted to show what the original barn looked like and how big the barn was.

Ms. Day stated that she is against the application because she is very involved in maintaining the beauty of the Park. She said that she has a problem with the size of the proposed structure and does not think that it fits in with the character of the Park. Ms. Day said that it will be a very large visible structure from her house and from the street and that she also felt that there will not be adequate parking for this facility.

Mr. Rainone presented a photograph. Chairwoman Gabry asked to have the photograph marked as Exhibit O-7 for identification and asked who took the photograph. Mr. Rainone stated that he took the photograph the morning of January 16, 2014, and stated it is a view of the proposed structure from Ms. Day's driveway.

Mr. Rainone asked Ms. Day if she had a personal grievance with Mr. Schinman; she replied no.

Chairwoman Gabry asked Ms. Day if she had any issues with parking; she replied that people visiting Mr. Schinman were parking at the end of her driveway and that she was told that people were taking tennis lessons there.

Mr. Bullock asked Ms. Day if there was any opposition regarding the indoor tennis court structure at the time when her grandparents built it; she replied that she did not know.

Mr. Merklinger referred to Exhibits O-4, O-5, and O-6 and asked Ms. Day how long ago the photographs were taken; she replied 20 or 30 years ago. Mr. Merklinger said that in comparison to the old barn the new structure looks good.

Mr. Rainone presented a photograph. Chairwoman Gabry asked to have the photograph marked as Exhibit O-8 for identification and asked who took the photograph. Ms. Day stated that she

took the photograph from her driveway and it shows the fence that surrounds the outdoor tennis court. She stated that the proposed structure will be higher than the fence.

Chairwoman Gabry asked Ms. Day if she will only be able to see part of the proposed structure and not the full structure; she replied yes.

Mr. Steinhart asked Ms. Day if there is anything the Schinman's could do to mitigate any of the problems that she envisions from her property, other than changing the height or the stories; she replied that changing the height would be acceptable to her. Ms. Day said that she is concerned about the view of the structure from Mountain Avenue and that it will have a negative impact from the street because of the mass of the building.

Ms. Weiss asked Ms. Day what year her family sold the property; she replied that they sold it in 1997. She said that her mother owned the nine acres surrounding her current house.

Ms. Weiss asked Ms. Day who decided to sell off the land; she replied that her brother and her cousin were the executors and sold the piece of property in 1997. Ms. Day said that she had no say in the distribution of the property.

Mr. Quentzel asked Ms. Day if she can see the indoor tennis court from her house; she replied yes.

Mr. Quentzel asked Ms. Day if her concern is that people are going to see a bigger structure from the street; she replied yes.

Mr. Williams referred to Exhibit O-1 and asked Ms. Day if she objected to the other house that was built on parcel A; she replied no.

Mr. Williams stated that Mr. Schinman could legally build the structure five (5) feet from Ms. Day's property and asked Ms. Day if she would prefer that; she replied that she hopes that he would not do that.

There were no further questions for Ms. Day from the Board Members or the Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Ms. Day; seeing none, Chairwoman Gabry asked if there were any comments from members of the public. Gerald Sweeney approached the podium and was sworn under oath. Mr. Sweeney stated that he lives at 24 Oak Bend in Llewellyn Park and is speaking on behalf of the Park as a community and the Committee of Managers of Llewellyn Park. He explained what the Committee of Managers is and stated that they manage the Park internally. Mr. Sweeney stated that the committee has no authority over Zoning and that they rely on the Township Zoning Ordinance to conform their buildings to the Master Plan and Zoning regulations. He said that he is here to report the findings of the Committee of Managers and said that they remain neutral, it is not one owner against another owner and that nothing personal is ever intended. Mr. Sweeney said that Mr. Schinman is a valuable member of the Park and that the Committee reviewed his plans and concluded that the scale of the proposed accessory structure was inappropriate; that it was out of character with

the surrounding area and that it was too large. He said that the Committee recommended that they oppose the variance. Mr. Sweeney said that the Committee's concern is preserving the Park, that the structure exceeded the height standard making it the largest accessory structure in the Park, that the structure would be visible from the road and have a looming effect to the site. He said that the Committee feels the scale of the structure can be adjusted by reducing the base and the height and that would be sufficient. Mr. Sweeney said that the Committee is also asking for a continuance of this hearing so that they can bring in their experts.

Brian Mann approached the podium and was sworn under oath. Mr. Mann said that he lives at 57 Mountain Avenue in Llewellyn Park. Mr. Mann said that he hopes that visitors' parking on Mountain Avenue will only be temporary because the hazard is that it is a hair pin turn and there has already been an accident there. He said that there are visitors coming and going all of the time now and that Mr. Schinman is going to need sufficient parking because there will be more people visiting. Mr. Mann said that he would suggest a landscape feature, as a condition, that would block the view of the structure from Ms. Day's property to Mr. Schinmans property.

There were no further comments from members of the public and Chairwoman Gabry declared the public hearing closed.

Chairwoman Gabry asked Mr. Rainone if he would like to sum up.

Mr. Rainone stated that there are two deficiencies in this application. The applicant's attorney signed the application rather than the applicant and that there was no explanation in the application regarding why they needed a variance.

Mr. Rainone said that the proposed structure will be an eyesore. He said that the applicant took away one non-conforming use and now he wants to build another non-conforming use but bigger.

Chairwoman Gabry told Mr. Rainone that he was testifying; not summing up. Mr. Rainone disagreed and said that he was summing up.

Mr. Rainone continued and stated that Mr. Schinman wants to build a recreation house; Chairwoman Gabry interrupted Mr. Rainone and told him that he was testifying.

Mr. Rainone objected and wanted the record to reflect that he was stopped from bringing up his legal summation.

Chairwoman Gabry asked Mr. Williams if he wanted to sum up.

Mr. Williams approached the podium and stated that the proposed structure will be an excellent compliment to the site given its size and is a recreation facility that he would love to have in his own back yard. He said that the benefits outweigh any detriments.

Mr. Merklinger said that he thinks the proposed structure is a beautiful building and that he will vote to approve the application.

Mr. Bullock said that he cannot dismiss the comments made by Mr. Sweeney regarding the objections to the size of the structure but thinks that it will bring value to the property.

Mr. Steinhart stated that the issue here is the height of the structure; not the size. He said that the size of the structure is not out of scale for a 9+ acre property and he is inclined to vote in favor of the application.

Mr. Sussman said that the size of the proposed structure is in keeping with the scale of the site and the residence. He said that he is sensitive to the concerns of Ms. Day and that Mr. Schinman may take steps to put additional screening from his property to the Day property. Mr. Sussman said that it is a good application and that he recommends that the Board vote in favor.

Mr. Quentzel said that 18" is not that great of a difference and the design of the structure continues with the look of the barn that was demolished. He said that the structure is far from the street and not much of it is visible to Ms. Day from her property. Mr. Quentzel said that Mr. Schinman could have built a 70,000 footprint on his property and chose not to. He said that this is a much better use of square footage and he is in favor of the application.

Ms. Weiss said that she agrees with the other Board members regarding the size in comparison to the property. She said that she feels for Ms. Day but this structure is aesthetically pleasing and looks much nicer than the large indoor tennis court. Ms. Weiss said that she is in favor of this application.

Chairwoman Gabry said that he heard no evidence that the Schinman's will use this structure for any type of living space. She said that she finds no standing regarding the Committee of Managers requesting an adjournment and makes a motion to approve with the following conditions:

- No living or sleeping in the structure.
- Excavation required must be done at reasonable hours of the day.
- Landscaping to be installed between the Schinman and Day properties to the satisfaction of the Township Planner.

Ms. Weiss seconded the motion to approve.

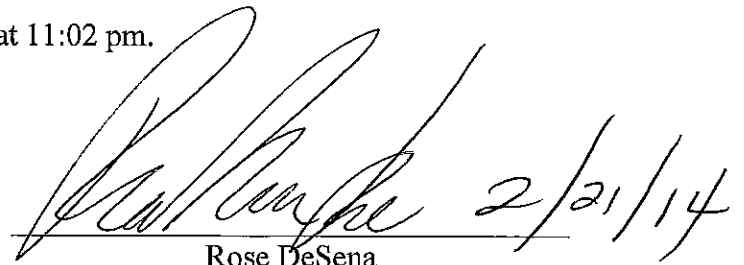
Mr. Williams stated that he will leave it up to the Township Planners to determine a simple landscape plan that will provide additional screening.

The vote was as follows:

Buechler:	-	Steinhart:	Yes
Bullock:	Yes	Sussman:	Yes
Merklinger:	Yes	Weiss:	Yes
Neuer:	Recused	Chairwoman Gabry:	Yes
Quentzel:	Yes		

The meeting was adjourned by Chairwoman Gabry at 11:02 pm.

Adopted: February 20, 2014

A handwritten signature in cursive script, followed by the date "2/21/14". The signature is written over a horizontal line.

Rose DeSena
Zoning Board Secretary