

**MINUTES
TOWNSHIP OF WEST ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
April 17, 2014**

The West Orange Zoning Board of Adjustment held a regular meeting on April 17, 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

ABSENT: B. Buechler (excused absence)
A. Weiss (excused absence)

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

ANNOUNCEMENTS

Future Meetings: April 24, 2014 (Special Meeting) – 8:00 PM
May 15, 2014 (Regular Meeting) – 8:00 PM
June 19, 2014 (Regular Meeting) – 8:00 PM
July 17, 2014 (Regular Meeting) – 8:00 PM

Chairwoman Gabry announced that applications ZB-13-16/Feld, ZB-14-00/Wang and ZB-14-02/E.G. Holdings Corp dba Total Wine and More were scheduled to be heard at this meeting but, due to the busy agenda, the applicants have requested to be carried over to the next regular Zoning Board Meeting held on May 15, 2014. She also announced, for the record, that no further notice will be required for these applications.

Chairwoman Gabry also announced that Zoning Board member, Phil Neuer, was named one of the "Super Lawyers" in New Jersey Monthly. Chairwoman Gabry, along with all the members of the Board, congratulated Mr. Neuer.

NEW BUSINESS

William Sullivan, Esq. approached the podium. He stated that he is representing Yury Patin who has filed an application with the Zoning Board of Adjustment under docket #ZB-14-04. Mr. Sullivan said that he is here this evening to request a special meeting on behalf of his client.

Chairwoman Gabry stated that the Zoning Board has a special meeting on April 24th for the Quick Chek application. She said that she would like to see how far the Board gets with this application at that time and if another special will have to be scheduled for them in May. Mr. Neuer said that this Board has scheduled two applicants for one special meeting in the past and they split the cost of the meeting. Chairwoman Gabry said that she is in agreement with that.

The Board members deliberated over special meeting dates in May; Mr. Sussman and Mr. Bullock stated that they are not available on May 22nd for a meeting; Mr. Neuer stated that he is not available on May 29th for a meeting. The Board agreed to hold a special meeting on June 5, 2014 for the ZB-14-04 Patin application.

MINUTES

Adopt the following minutes:

March 20, 2014 (Regular Meeting)

Chairwoman Gabry asked for a motion to approve the minutes from the regular Zoning Board meeting held on March 20, 2014 as submitted to the Board members.

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

March 27, 2014 (Special Meeting)

Chairwoman Gabry asked for a motion to approve the minutes from the special Zoning Board meeting held on March 27, 2014 as submitted to the Board members.

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

It was noted for the record that Chairwoman Gabry was present but did not vote on the minutes of the special meeting held on March 27, 2014.

SWEARING IN

Consulting Planner for the Township, Paul Grygiel and Consulting Engineer for the Township, Eric Keller were sworn under oath.

RESOLUTIONS

- 1. ZB-13-11/Gavilanez** **Denied 3/20/14**

Block: 89; Lots: 32, 33; Zone: OB-1
134 Main Street

Two "D" use variances and several bulk variances to convert the first floor of an existing three family dwelling to a hair salon

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

Mr. Neuer stated for the record that he feels that denying this application was a terrible mistake.

Ms. Beirne stated that Mr. Buechler and Chairwoman Gabry submitted their 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. Sussman made a motion to adopt and Mr. Steinhart seconded the motion.

The vote was as follows:

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

APPLICATION(S)

- 1. ZB-14-01/Communication Infrastructure Corp.** **Carried from 3/27/14**

Block: 111; Lot: 1.03; Zone: B-2
416 Eagle Rock Avenue

"D" use variance to install two microwave dishes on an existing tower

Chairwoman Gabry stated that she not present for the special meeting on March 27, 2014 and asked Mr. Neuer to preside over the meeting. Mr. Neuer assumed the role as Chairperson for this application.

James K. Pryor, Esq., attorney for Communication Infrastructure, approached the podium stating that the applicant appeared before this Board on 4/27/14 at a special Zoning Board meeting. He

said that the applicant was required to provide additional information before the Board would vote on the application. Mr. Pryor said that he did provide certification from the Zoning Manager of the property that authorized Communication Infrastructure to proceed with this application but said he was not able to get some of the other documentation for this meeting. He said that it will be up to the Board to vote tonight subject to the Engineer's data still being required.

Mr. Neuer asked Mr. Pryor if he wanted the Board to take a vote at this meeting because there are only five voting members present and he needs three affirmative votes.

Mr. Pryor consulted with his client and asked the Board if they could come back at the special Zoning Board meeting on April 24th after having a chance to speak to the Engineer.

Chairwoman Gabry stated that she disagreed with Mr. Pryor coming back at the special meeting on April 24th because it would not be fair to the applicant that is paying for the meeting. Mr. Neuer suggested that they could allow Mr. Pryor's client thirty minutes of that meeting after the break. Chairwoman Gabry reiterated how she felt about this applicant coming to the special meeting and said that she feels that is not the right thing to do.

Mr. Pryor said that he would ask the attorney who is representing the applicant who scheduled the special meeting on April 24th, if he could have thirty minutes of the meeting. He then asked the Board to have this application carried over to the special hearing date on April 24th or, if there was a problem, carried over to the next regular Zoning Board meeting on May 15th.

Mr. Neuer asked Mr. Pryor to state the name of the applicant; he replied Communication Infrastructure.

Mr. Neuer asked Mr. Pryor if Communication Infrastructure is licensed to operate the system; he said that they have an FCC license which allows them to operate between certain frequency bands.

Mr. Neuer stated for the record that Communication Infrastructure will be carried to the April 24th special Zoning Board meeting or that the attorney should check with the Board Secretary if there is a change. He said that no further notice will be necessary. Mr. Neuer stepped down and Ms. Gabry resumed her place as Chairperson.

2. ZB-13-13/Alvarez

Block: 170; Lot: 15; Zone: R-2

608 Mt. Pleasant Avenue

Bulk variances for building a single family house

Carried from 3/20/14

EXHIBITS

A-1 – Site plan, page C-1, with a revision date of 1/30/14

A-2 – First and second floor plans – 2 sheets.

Todd Drayton, Esq. approached the podium. Mr. Drayton stated that he is the attorney for applicant Jason Alvarez. He said that Mr. Alvarez is not able to attend the meeting this evening, but he is prepared to continue in his absence. Mr. Drayton detailed the application stating that his client is proposing to build a single family house on a vacant lot. He said that he is here appealing to this Board due to a hardship because the lot is undersized. Mr. Drayton said that the engineer will address the issues raised regarding the three variances that are being requested.

Mr. Drayton called his first witness.

Mark Chisvette approached the podium and was sworn under oath. Mr. Chisvette detailed his educational and professional background as a licensed professional engineer in the State of New Jersey.

Chairwoman Gabry accepted Mr. Chisvette as an expert in Professional Engineering.

Mr. Chisvette presented page C-1 of the site plan that was submitted to the Board with a revision date of January 30, 2014. Chairwoman Gabry asked to have page C-1 of the site plan marked as Exhibit A-1 for identification.

Mr. Chisvette referred to Exhibit A-1 and began detailing the lot. He said that the lot had a house on it at one time but it is now vacant land. Mr. Chisvette said that the lot is fairly steep and that the original dwelling was located very close to the road. He said that they are proposing to build a single family house on the lot but will be moving it back where the slope gets steeper. Mr. Chisvette said that they will also provide parking in the front of the house.

Mr. Chisvette said that there is an existing driveway and they will be using the same curb cut. He said that there are three variances associated with this application; one variance is for the disturbance of the steep slope of 25%, one for the height of the retaining wall, which will be five and a half (5.5) feet and the Township ordinance requires it to be no higher than four (4) feet and one variance for the minimum lot area because the lot is 24,560 sq. feet and the Township ordinance requires it to be 40,000 sq. feet.

Mr. Neuer asked if the height of the retaining wall includes the 3.5' pipe that they are proposing on top of the wall. Mr. Grygiel said that the fence is set back from the wall and is separate.

Mr. Chisvette said that the fence is a wrought iron fence and that the retaining wall is a standard non-mortar block wall. He said that the trees along the retaining wall will remain.

Mr. Neuer asked Mr. Chisvette if he has a license as a Professional Planner; he replied no.

Mr. Bullock asked Mr. Chisvette when the previous structure on the lot was demolished; he replied he did not know. He said that it was still there in an aerial photograph from 2007.

Mr. Drayton said the house was demolished approximately five (5) years ago.

Mr. Keller stated that the driveway use is grandfathered in because the driveway and curb cuts still exist.

Chairwoman Gabry asked Mr. Drayton if the applicant is going to occupy the property or rent it; he said he is going to occupy the property.

Mr. Chisvette stated that the variances are not a detriment to the neighborhood because they are minor.

Mr. Neuer asked Mr. Drayton if Mr. Chisvette will provide testimony regarding the parking spaces; he replied yes.

Mr. Chisvette referred to the site plan and detailed the location of the driveway on the plans and where three parking spaces are being proposed. Mr. Neuer said that if a two car garage is being proposed, only one parking space is needed outside of the garage. He said a variance for parking is not needed because you can park a car on the macadam.

Mr. Neuer questioned the fence on the applicant's property and asked if it creates a variance. Mr. Grygiel said that the fence is an existing condition. Mr. Keller said that the lot is small to begin with and that the wood fence encroaches seven or eight feet from the neighbor's property onto the applicant's property. He said that this is a question for the Township's Zoning Officer to see if they had the proper permits and not a Zoning Board matter.

Mr. Sussman said that the plans show the fence is going to be re-located by the adjacent homeowner.

Mr. Quentzel asked if the sewage will be pumping below grade level; Mr. Chisvette said that they will be installing a sewage pump and it will be shown on the construction plans.

Mr. Merklinger questioned the dash lines on the site plans and asked Mr. Chisvette if that was a fence; he said no they are the set-backs.

Mr. Keller stated that the area of the limits of disturbance was not identified on the plans. Mr. Chisvette said that the area of the limits of disturbance is shown on page C-2 of the site plan and that it is over 10,000 sq. feet. Mr. Keller said that they will need to file with the Hudson Essex Passaic Soil Conservation District. Mr. Neuer stated this will be a condition if the Board approves this application.

Mr. Neuer asked Mr. Chisvette if he saw the Township Forester's memo regarding tree removal; he replied yes. Mr. Neuer said that Mr. Linson recommends that they remove two additional white pine trees and asked Mr. Chisvette if there will be any issues in removing them; he replied no. Mr. Neuer stated that the Board will incorporate this as a condition approval of this application is granted.

Mr. Keller said that he has concerns with four other trees on the lot surviving construction. He said that one of the trees is along the retaining wall and the tree should either be removed or they should re-work the wall. Mr. Chisvette said that they will address that.

Mr. Neuer asked Mr. Keller if Mr. Linson mentions those trees in his report; he replied no.

Mr. Neuer said that the applicant can replace the trees with whatever trees of their choice. Mr. Keller asked Mr. Chisvette to address item #10 in his report regarding the amount of fill material that is required for the grading; he replied 205 cubic yards of fill are needed.

There were no further questions for Mr. Chisvette from the Board or its Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Chisvette; there were none.

Mr. Drayton called his next witness.

Margaret Petersen approached the podium and was sworn under oath. Ms. Petersen detailed her educational and professional background as a licensed architect in the State of New Jersey. Chairwoman Gabry accepted Ms. Petersen as an expert in Architecture.

Ms. Petersen presented the first and second floor architectural plans. Chairwoman Gabry asked to have the two sheets of the first and second floor architectural plans marked as Exhibit A-2 for identification.

Mr. Quentzel asked Ms. Petersen what the height of the basement will be; she replied 8'. Ms. Petersen said that the basement has windows but is not a walk out basement.

Mr. Quentzel asked Ms. Petersen if the applicant has any plans to finish the basement; she said she does not think so.

There were no further questions for Ms. Petersen from the Board of the Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Ms. Petersen; there were none.

Mr. Drayton summed up by stating that the relief is de minimus and that the hardship is due to the lot being undersized which is an existing condition. He said that the applicant is proposing a modest 3000 sq. foot structure that will not do any harm to the zoning plan or ordinance. Mr. Drayton said that he is requesting the Board to approve this application.

Chairwoman Gabry closed the hearing.

Mr. Quentzel stated that this will be a great addition to the town and he will vote to approve.

Mr. Neuer said that the applicant provided sufficient evidence for the three “C” variances and recommends that the Board approve this application.

Mr. Neuer said that he will offer a motion to approve this application with the following conditions:

- The applicant must file an application to and receive approval from the Hudson Essex Passaic Soil Conservation District.
- The applicant must comply with all the requirements in the Township Forester, John Linson’s memo.
- The 24” and 38” white pine trees shall be removed

Chairwoman Gabry seconded the motion to approve the application.

Mr. Merklinger said that he is hung up on the agreement with the neighbor regarding the fence and would like the applicant to get something in writing for the Board.

Mr. Neuer asked Mr. Keller if revised plans are required to be submitted; he said yes. Mr. Keller said that the plans should show the trees being removed.

Mr. Neuer advised Mr. Drayton to have the applicant get something in writing from the neighbor regarding moving the fence and submitting that to the Board Secretary when the revised plans are submitted.

The vote was as follows:

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

Chairwoman Gabry called for a recess at 9:17 pm.

Chairwoman Gabry resumed the meeting at 9:29 pm.

**3. ZB-13-19/ Amanuel Ethiopian Orthodox
Tewahedo Church**

Carried from 3/20/14

Block: 11; Lot: 17; Zone: R-M

15 Dean Street

“D” variance for conditional use and several “C” variances for the conversion of an existing commercial garage into a House of Worship

EXHIBITS

A-1 – Site plans (2 sheets) revision date of 12/3/13

- A-2 – Six photographs
- A-3 – Architectural plans (3 sheets) dated 11/12/13
- A-4 – Photo Board
- A-5 – Photoshop photo board
- A-6 – Sign Board

Joseph A Vena, Esq., attorney for the applicant, approached the podium. Mr. Vena detailed the application stating that the applicant is proposing to replace a truck depot with a House of Worship. He said that a House of Worship is a conditional use but there are a few conditions that they do not meet and it also requires a few bulk variances. Mr. Vena said that Mr. Ghebremicael will be testifying along with the Engineer, Architect and Planner of this project.

Mr. Vena called his first witness.

Teskeste Ghebremicael approached the podium and was sworn under oath. Mr. Vena asked Mr. Ghebremicael how long he has been associated with this church; he replied seven (7) years. He listed the different locations that the Church has been utilizing and stated that they have been looking for a permanent location for the past two years. Mr. Ghebremicael said that they were going to purchase a building on Meeker Street but the property was contaminated and they did not buy it. He said they are currently renting space in the basement of another church and need more space. Mr. Ghebremicael said that there are approximately 80-85 families in the Congregation and even more people attend services at the church on holidays.

Mr. Vena asked Mr. Ghebremicael where the members live; he said that most of the members live in West Orange and they want to remain in West Orange.

There were no questions for Mr. Ghebremicael from the Board or the Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Ghebremicael; there were none.

Mr. Vena called his next witness.

Anthony Marucci approached the podium and was sworn under oath. Mr. Marucci stated that he has testified before this Board many times as a licensed Engineer in the State of New Jersey. Chairwoman Gabry stated that the Board has heard his educational and professional background many times before and accepted him as an expert in Engineering.

Mr. Marucci said that he was hired by the applicant to survey the property and presented two sheets of the site plans that were submitted with the application. Chairwoman Gabry asked to have the two sheets of the site plans with the revision date of 12/3/13 marked as Exhibit A-1 for identification.

Mr. Marucci referred to Exhibit A-1 and detailed the property and the existing conditions.

Mr. Marucci presented photos and Chairwoman Gabry asked to have the photos marked as Exhibit A-2 for identification.

Chairwoman Gabry asked Mr. Marucci if he took the photos and do they accurately depict the property conditions on the date he took them; he replied yes.

Mr. Marucci referred to the photos and began detailing them. He said that the applicant will be re-stripping the spaces in the parking lot. Mr. Marucci said that the Township ordinance requires one parking space for every three seats and that the applicant has met that requirement. He said that they are also providing one handicap parking spot.

Mr. Marucci stated that the applicant is proposing a better circulation pattern, landscaping in the front of the building and replacing the fence along Dean Street and Valley Road with decorative fencing. He said that the site is 100% impervious.

Mr. Marucci said that a House of Worship is permitted as long as the conditions are met. He said they have not met the condition requirement for the size of the building, they cannot provide the 50' wide buffer adjacent to all the property lines and they cannot meet the landscaping requirement in the parking area because they will lose parking spaces.

Mr. Marucci referred to the Omland Engineering report, prepared by Mr. Keller, and addressed the twelve items in the report:

- #1 – depicting the set-backs on the plans; they will comply
- #2 – depicting the screening of the HVAC units on the plans; they will comply
- #3 – details of ADA parking signage published on the plans; they will comply
- #4 – they will work with Mr. Keller regarding moving the handicap space
- #5 – they cannot connect the sidewalk to the building because there will be a fence with a rolling gate in the front of the building for security reasons
- #6 – will be addressed by the architect
- #7 – will be addressed by the architect
- #8 – the use is basically on Sundays; less frequent than the current use.
- #9- they are not proposing the six trees that are required but they will plant one tree in each of the three aisles
- #10 – plans should publish proposed drive aisle widths within the parking area; they will comply
- #11 – will be addressed by the architect
- #12 – the existing water service is sufficient for the use

Mr. Merklinger asked Mr. Marucci if they considered angle parking in the corners of the parking lot; he said they considered it but they need that space for snow removal.

Chairwoman Gabry asked Mr. Keller if he is satisfied with the applicant planting three trees instead of six trees; he replied yes.

Mr. Quentzel stated that there are a lot more people coming to the site and asked if the water service is sufficient for the increased amount of people; he replied yes.

Mr. Neuer asked Mr. Marucci if they could put a couple of trees on the south side of the property; he said if there is some room they could.

Mr. Sussman asked Mr. Marucci if they will be paving the entire parking lot; he said that he did not know. Mr. Ghebremicael said that they will seal coat the parking lot instead of paving it, remove the weeds and stripe the parking spaces.

Mr. Keller said that the damaged areas of the parking lot need to be repaired especially the cracks pot holes.

Mr. Keller said that he will agree that the applicant will not extend the sidewalk to the site due to safety reasons.

There were no further questions for Mr. Marucci from the Board or its Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Marrucci; there were none.

Mr. Vena called his next witness.

Peter Ricci approached the podium and was sworn under oath. Mr. Ricci detailed his educational and professional background as a licensed Professional Planner and Architect in the State of New Jersey. He said that he is not testifying as a Planner but as an Architect. Chairwoman Gabry accepted Mr. Ricci as an expert in architecture.

Mr. Neuer stated that Mr. Ricci served nobly as a member of this Zoning Board for many years.

Mr. Ricci said that being involved in the process he has learned a lot about the Ethiopian culture and their Holy Days. He presented three (3) sheets of the architectural plans dated 11/12/13. Chairwoman Gabry asked to have the architectural plans dated 11/12/13 marked as Exhibit A-3 for identification.

Mr. Ricci referred to the architectural plans and detailed the demolition plan and the proposed floor plan. He said that the existing building has garages and offices and they are proposing to remove the interior walls of the garages to provide seating for 130 people. Mr. Ricci said that there will be a food preparation area in the back but there will not be any cooking done on the premises and there will not be a dishwasher.

Mr. Ricci detailed the exterior of the building and the side elevations. He said there are large overhead doors for trucks which will be filled in with bricks to match as closely as possible the front brick façade of the building.

Mr. Ricci presented a photo board of the existing building that was included in the application package. Chairwoman Gabry asked to have the photo board of the existing building marked as Exhibit A-4 for identification.

Mr. Ricci presented another photo board of the proposed building. He said that he took the original pictures and photo shopped them to show the proposed building. Chairwoman Gabry asked to have the photo board of the proposed building marked as Exhibit A-5 for identification.

Mr. Ricci referred to the photo board and detailed the existing building and the proposed building. He said they are proposing to install a black iron fence along the property line on Dean Street and Valley Road. Mr. Ricci said that they will install the landscaping to fit into the residential neighborhood and fill in the garage doors with brick.

Mr. Ricci presented a photo board of the signage that is being proposed. Chairwoman Gabry asked to have the photo board of the signage marked as Exhibit A-6 for identification.

Mr. Ricci referred to Exhibit A-6 stating that the sign will be located on the side of the building. He said that the sign will include the Church's name in its native tongue with green lettering on a yellow background with a red crucifix will be on the top. Mr. Ricci said that the sign will be in their traditional colors of red, green and yellow.

Chairwoman Gabry asked Mr. Ricci if the sign will include anything reflective; he replied no. He said that nothing on the sign will be lit.

Mr. Quentzel asked Mr. Ricci if the building would be more aesthetic if it had a window; he replied no. He said that a window will not work for a church's functions because that is where the altar will be located.

Chairwoman Gabry asked if they are proposing lighting outside of the building. Mr. Neuer asked if there is a lighting plan.

Mr. Marucci approached and said that there are existing lights on the outside of the building and they are sufficient. He said the site plans show the lights that are mounted on both sides of the building. Mr. Marucci said that, as a condition of approval, he will submit a lighting plan.

Mr. Neuer said that he wants to make sure there is no spillage onto the neighbor's property.

Mr. Ricci said he will address items #6, 7, and 11 in the Omland Engineering memo, prepared by Mr. Keller:

- #6 – regarding the Knox box ; they will comply
- #7 - placement of fire zones on site on the plans; they will comply with what the fire official wants
- #11 – There is only one floor drain and it will be capped and sealed to code

Mr. Ricci stated that two new HVAC units will be installed on the flat roof top; one air conditioning unit and one heating unit. He said that the Township ordinance requires a minimum of three feet of screening around the units. Mr. Ricci said that if they do put screening around the units, the screening will be more visible than the units without the screening.

Mr. Neuer asked Mr. Grygiel if that would be a variance or a waiver; Mr. Grygiel said that if it is in the ordinance then it will require a variance.

Mr. Vena said that he would like to amend the application to include the variance for the screening around the HVAC units. Chairperson Gabry accepted the amendment as a minor one.

Mr. Ricci stated that the sewer line is four inches and the current water line is one inch. He said that they expect it to be sufficient and if they need it to be bigger then they will comply.

Mr. Keller asked Mr. Ricci where people will enter the building; he referred to the architectural plans showing the primary entrance and the secondary means of ingress and egress. He said that there is a third means of ingress and egress through a room where the priests robe which will not be used by the public.

Mr. Ricci stated that Houses of Worship are exempt from ADA standards but the applicant will comply with the ADA requirements.

Mr. Keller asked Mr. Ricci where the handicap spaces will be located; he said on either side of the door adjacent to the building.

There were no further questions for Mr. Ricci from the Board or its Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Ricci; there were none.

Mr. Vena called his next witness.

George Wheatle Williams approached the podium and was sworn under oath. Mr. Williams detailed his educational and professional background as a Professional Planner licensed in the State of New Jersey.

Mr. Neuer asked Mr. Williams if he submitted the planner's report from the Nishuane Group; he replied yes.

Mr. Neuer asked Mr. Williams if he read the entire report into evidence would that be the basis of his testimony; he replied yes.

Chairwoman Gabry asked to have Mr. Williams report marked as Exhibit A-7 in evidence.

Mr. Vena said that he would like Mr. Williams to go directly to the variances.

Mr. Williams stated that this application requires bulk variances and a "D" variance. He said that the structure on the lot makes it impossible to meet the standard zoning requirements. Mr. Williams said that it is an irregularly shaped lot so they are not able to meet the front yard setbacks or the maximum lot coverage. He said that the applicant is also proposing to forego landscaping in favor of more parking. Mr. Williams said that there is no detriment to the public good and he detailed all of the improvements justifying the deviations.

Mr. Williams commented on the zoning requirement for the screening of the HVAC unit stating that this requirement was meant to screen larger units as not to create an eyesore.

Mr. Merklinger asked Mr. Williams where the ingress and egress to the site will be; he replied on Dean Street.

Mr. Merklinger said he is concerned about the traffic coming in and out of the site and asked the witness to identify the closest entrance to Valley Road.

Mr. Marucci approached the podium and said that the traffic will be mostly on Sundays and there is plenty of distance from Valley Road and the driveways. He said that there will be one way in and one way out.

There were no further questions for Mr. Williams from the Board or its Professionals.

Chairwoman Gabry asked if any members of the public had any questions for Mr. Williams; there were none.

Mr. Vena summed up, stating that he is happy with the comments and the testimony. He said that the burden of proof that they had to meet was satisfied and he asked the Board to give the application a positive vote.

Chairwoman Gabry closed the hearing.

Mr. Bullock said that he felt that this will benefit the neighborhood and transform Dean Street and that he is in favor of the application.

Mr. Neuer said that he is in favor of the application.

Mr. Quentzel said that this is a good application and that he is in favor of the application.

Mr. Steinhart said that he is in favor of the application.

Mr. Sussman said that this is an improvement to the property and that he is in favor of the application.

Chairwoman Gabry said that this is a great use for the property and that she is in favor.

Chairwoman Gabry asked for a motion.

Mr. Neuer offered a motion to approve the application with the following conditions:

- Applicant will comply with comments set forth in the memo from Omland Engineering dated 2/3/14 except for items #2 & 5.
- Applicant will comply with comment #9 in the memo from Omland Engineering dated 2/3/14 by planting three additional trees in each aisle instead of the required 6 trees.
- The variances granted are for the set-backs, the buffering and the landscaping in the parking lot.
- Variance for the screening of the HVAC units granted based on the commentary provided is granted.
- Applicant must remove the vegetation from the parking lot, fix the cracks, repair the pot holes, seal coat and install new striping.
- Applicant's Engineer must submit a lighting plan to the Board Secretary and Omland Engineering ten (10) days before the next Zoning Board meeting on May 15, 2014.
- Applicant must install an "entrance only" sign and an "exit only" sign in the driveways.

Mr. Neuer stated for the record that the Planners report submitted by Mr. Williams is one of the finest reports that has been submitted to this Board during Mr. Neuer's tenure. He said the commentaries and conclusions formed the sufficient basis that all requirements were met for the variances. The opinions rendered are based upon analysis of the facts and are not mere net opinions.

Mr. Keller recommended a condition, regarding item #5 in his report, that the applicant must connect the sidewalk to the site but not to the building. Mr. Neuer accepted this amendment to the proposed motion.

Mr. Neuer stated that the West Orange Downtown Alliance suggested merchant parking in the Church parking lot but he has a problem with public safety and insurance issues.

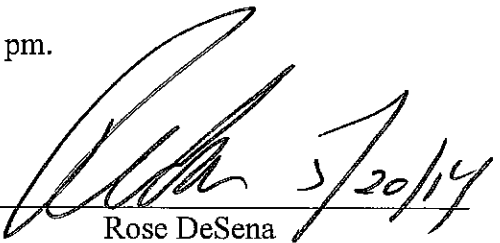
Chairwoman Gabry seconded the motion to approve.

The vote was as follows:

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

The meeting was adjourned by Chairwoman Gabry at 10:46 pm.

Adopted: May 15, 2014



Rose DeSena
Zoning Board Secretary